

Shaftsbury
Development Review Board
Shaftsbury Town Hall
Buck Hill Rd
July 6, 2011

Members Present: Bob Holmes, Phylis Porio (Chair), Fritz Ludwig, Gary Burgess (Vice-Chair), David Mance, Chris Ponessi

Members Absent: Jake Jakubowski

Others Present: Michael Mahar, Steven Peckham, Jason Dolmetsch, Robert Geneslaw, Mike Foley, Jay Palmer, Mitchell Race. Plus other as listed on attendance sheet on file in the town clerk's office.

1. Call to Order: By Chair Phylis Porio at 7:05 p.m.
2. Conflict of Interest Statement: David Mance has a conflict on item 4a.
3. Old Business:
 - a. **Permit # 09 87 66: Laurel Zinn, Owner, Property ID: 07 20 52, Conditional use 3.5 of the Towns Bylaws. Permit usage of garage with bedroom/bath/kitchen. Review of waste water permit. This property is located at 320 Hidden Valley Road.** Laurel Zinn was not present so this issue will be continued at a future meeting.
 - b. **Permit # 11 91 00: Michael Mahar, Owner, Property ID: 17 21 58, Request for Village Residential 4.2.3.1 home occupation, rental of catering equipment, generating ice sculptures, pulled sugar or food centerpieces. Review of waste water permit. This property is located at 480 Cleveland Ave.** Michael Mahar testifying. He has withdrawn his request for a permit as to rental of catering equipment. Michael read a statement outlining his difficulties with state and local authorities since February 2011. Michael feels that he has been treated poorly and that governmental agencies he has dealt with are negligent. He is now applying for a permit to build a structure, a garage to include a half bathroom and sink. Michael talked with two individuals at the State level and gotten different

answers to the same question. Phyllis told Michael that the problem with the State needs to be resolved before the Development Review Board can take action. Michael needs to get a solid answer from a State authority and get written proof of that answer as to whether a wastewater permit is required or not. When that is received the Shaftsbury Zoning Administrator can take proper action.

c. Permit # 11 91 08: Chris Bucknall, current Owner; Steven Peckham, buyer, Property ID: 18 02 07.1, Conditional use 3.5 and 4.1 Rural Residence of the Towns Bylaws. Permit usage of acreage for a beagle club. This property is located at 1988 East Road.

Steven Peckham testifying. Steve handed a non-profit incorporation letter, effective May 24, 2011, to Chair Phyllis Porio. Since the club is a non-profit, bylaw 4.1 has been complied with. Steve agreed that the club must stay 50' back from any wetland area. A bridge over a stream will be needed. Phyllis said that in order to get site plan approval the wetlands and stream crossing need to be noted on the site plan. The proposed fence should be constructed outside the 50' wetland buffer. The fence and stream crossing also need to be noted on the site plan. Phyllis asked that the parking lot, entrance, individual parking spaces and handicap parking space also be noted on the map. Once a site plan is approved a curb cut can be considered. In addition, the width of the bridge over the stream crossing and the bridge's weight limit need to be noted on site plan. Bylaw 3.5 conditional use questions were then gone over.

Air quality – no impact.

Noise – Sporadic use of a blank pistol.

Pollutants – no impact.

Landscape – No modification other than parking lot entrance. There will be a hedgerow along road.

Safety or fire hazard – No impact.

Storm drainage – No impact.

Educational or other services – No impact.

Traffic – Handicap parking to be indicated on site plan.

Transportation – No impact.

Parking on and off street – A parking space for each of twenty members of club, spaces of 10' x 20' to be indicated on map. Fence will be 6' tall and location of fence gates to be noted. There were no other questions from the board. The public in attendance had no questions or comments. Summary of map notations are stream and stream crossing, wetlands, parking area and spaces, handicap parking space, type of bridge, width of bridge and weight limit, fence gates.

Fritz made a motion to continue the hearing on this matter to a future meeting and Chris Ponessi seconded. All in favor, 6-0-0 .

4. New Business:

a. **Permit # 11 91 28: Robin Tichnor, Owner, Property ID: 08 20 34, Site development Plan/Sketch plan 3.6 of the Towns Bylaws. Subdivision of 12.18 acres. This property is located at 453 West Mountain Road. David Mance recused himself and left the area.** Jason Dolmerscot testifying. This is a proposal to subdivide the property into three lots utilizing the existing driveway to access each lot. **Fritz Ludwig is an abutting landowner, recused himself, and left the area.** The existing house will be on lot 1, lot 2 is the berry farm and lot 3 will be the barn and remaining area. Class 2 wetlands are on the property. There is no intent to disturb that area. The parcel is RR-80. Lot 3 will not have a front yard. Jason was advised that the septic shields need to be noted on the plan. Chris said that deferral language needs to be noted on the plan. A letter from fire and police are needed for road waiver. Existing overhead utilities are noted on the plan.

Chris made a motion to classify this as a minor subdivision and Gary seconded. Approved 4-0-2. Jason will warn all neighbors.

David Mance and Fritz Ludwig rejoined the Development Review Board.

5. Curb Cut: Parcel #11 91 08, 1988 East Road

This matter is part of item 3c and 3c needs to be concluded prior to consideration of this curb cut.

6. **Other Business:** Zoning Administrator Suzanne Bushee is leaving.
7. **Minutes: June 15, 2011.** Four members of the public - Robert Geneslaw, Mike Foley, Jay Palmer and Mitchell Race asked that the Minutes of the June 15, 2011 meeting be amended. Chair Phylis Porio agreed. Board members also had changes. The June 15, 2011 Minutes will be considered for approval at the July 20, 2011 meeting.

Phylis also indicated that memos from Jay Palmer and Robert Geneslaw be included in these Minutes. Facsimiles of the two memos are reproduced here. David Mance requested that another definition of industry be included here as well.

*Robert Geneslaw
145 White Farm Lane
Shaftsbury, Vermont 05262*

July 6, 2011

*Phylis Porio, Chair and the Development Review Board
Shaftsbury Town Hall
Buck Hill Road
Shaftsbury, VT 05262*

Re: Clarification of DRB Meeting Minutes 6/15/11

Dear Ms. Porio and the Development Review Board

I attended the June 15, 2011 DRB Meeting and would like the spelling of my name corrected...Geneslaw, additionally I would like the minutes to be amended to reflect the intent of my comments, which are not reflected in the draft minutes and to include the definition of Industry taken from the Shaftsbury By-Laws which I read into the minutes:

Current Minutes:

Robert Genesaw - Offered that various agencies have different definitions and terms. The DRB should limit itself to page 59 of the Zoning Bylaws.

Amended Minutes:

Robert Geneslaw - Offered that various agencies have different definitions and terms. Where there is a question of whether a use is permitted in a particular Zoning District, the DRB should first refer to the By-Laws of Shaftsbury. He then said the

definition on page 59 of the Shaftsbury By-Laws fits the definition of the Composting operation proposed: *Industry: Any process whereby the nature, size, or shape of articles or raw materials are changed or where articles are assembled, packaged or mailed. He then said that the first part of this definition fits the proposal for a composting facility.*

I would also request that the written testimony provided to the DRB that was read into the minutes be affixed to the meeting minutes and available for the public to review.

Sincerely,

[Signed}

Robert Geneslaw

July 6, 2011

Shaftsbury, Vermont

Development Review Board) (Sic)

Shaftsbury Town Hall

I, Jay T. Palmer, request that the following changes be made to the minutes of the June 15, 2011 Development Review Board (DRB) meeting.

- 1. Please change my name to Jay Palmer instead of the Jim Palmer as recorded in the minutes. REASON: Obvious.*
- 2. In the second full paragraph of Permit #11 91 24 where it says "Trevor held an informational session on his plans prior to the meeting. He videotaped that session and asked if he could submit it to the board" please change to the following: "The State Agency of natural Resource Solid Waste division held an informational meeting at the request of the Town of Shaftsbury. The State taped that meeting." REASON: As stated in the minutes it implies that Trevor called for the meeting as he did not. The implication also exists that the tape was testimony by Trevor and could be admitted as evidence which is also not factual.*
- 3. Also in the second full paragraph of Permit # 11 91 24 after where "Mitch Gardner suggested that the High Fields portion of the power point presentation be accepted if Trevor certifies it" please add the following: "Jay Palmer objected to the submission of the High Fields presentation as it would not include rebuttal by the attendees at the presentation". (Sic) REASON: The DRB must be able to judge both sides in making their decision on a permit. By accepting evidence without the opportunity to question the*

presenter and not hearing rebuttal, the DRB only hears what the applicant wants them to hear.

I request that if these changes to the minutes of this DRB meeting are not accepted, that this request be attached to the minutes with an explanation by the DRB for their refusal.

Sincerely,

Jay T. Palmer

5529 Vermont Route 7A

Shaftsbury, Vermont 052628.

8. Decisions to be signed: None.

9. Adjournment: Fritz made a motion to adjourn at 9 p.m. Gary seconded the motion. All in favor, 6-0-0.

Respectfully submitted,
Bob Whitney