

DEVELOPMENT REVIEW BOARD
TOWN OF SHAFTSBURY
DRAFT MINUTES
OCTOBER 29, 2014

Members present: Mr. Huncharek (Chair), Mr. Mance, Mr. Bidy, Mr. Ponessi, Ms. Donckers

Others: Mr. Day, Mr. Palmer, TA David Kiernan, Selectman Tim Scoggins, Selectman Ken Harrington, Road Foreman Terry Stacy, Ms. Shanda Bodenstab, Mr. Peter Cross, Ms. Chelsey Bodenstab, Mr. Orin Bodenstab, Mr. Michael Foley

1. Special meeting called to order at 7:00 pm by the Chair. A quorum was present.
2. Conflict of interest: Mr. Palmer, an alternate who is not sitting on the Board at this meeting and is seated in the audience, stated that he did go to the Selectboard meetings in which this topic was discussed. No other conflicts of interest.
3. Sign-in sheets: Mr. Huncharek asked those attending to sign the sign-in sheets. There are two: one for those in the audience and one for those testifying in the hearing. Those who signed in are: Ms. Shanda Bodenstab, Mr. Peter Cross, Ms. Chelsey Bodenstab, Mr. Orin Bodenstab, and Mr. Michael Foley.
Mr. Huncharek asked if there are any questions. Both the Board and the public answered no.
4. Review of minutes, September 17, 2014: Mr. Bidy moves to approve, seconded by Mr. Mance. Discussion: Mr. Mance stated that Mr. King's name is listed once as "Gerald" and once as "Gerard." Mr. Mance suggested to check the attendance sheet and correct. Mr. Huncharek moves to approve the minutes after Mr. King's name is corrected, seconded by Mr. Mance. Mr. Ponessi and Ms. Donckers abstained (neither were present at the September 17 meeting). Motion carried 3-0.
5. Application #14-9510, variance requested for extension of salt shed, per Zoning Bylaw 4.2.1.3.3 and 4.2.2. Applicant: Town of Shaftsbury. Location: 61 Buck Hill Rd., Shaftsbury, VT. Tax map # 17-22-09. Property owner: Town of Shaftsbury. Mr. Huncharek read a statement from Town Attorney Rob Woolmington outlining the applicable law on reviewing a permit submitted by the Town: 24 V.S.A. § 4413. Limitations on municipal bylaws:

§ 4413. Limitations on municipal bylaws

(a) The following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:

- (1) State- or community-owned and operated institutions and facilities

After reading the statute, Mr. Huncharek stated, "In essence the DRB cannot deny a town permit. However, the DRB can regulate the permitting process with regard to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements. And only to the scope at looking at those outlined in the statute."

Ms. Shanda Bodenstab asked: does that include contamination in the ground,

Mr. Mance stated that it (the statute) states impact, but that's traffic.

Mr. Huncharek stated we can look at the structure itself. Mr. Bidy asked to reread the Town Attorney's statement. After rereading the statement, Mr. Huncharek asked the Board and audience if they had any questions; The response was no.

TA David Kiernan presented on behalf of the Town that they are asking for an extension of the pre-existing, decades-old salt shed because there is a projected region-wide salt shortage and this would extend the life of the (salt supply) pile. The location is basically on the property line. The new floor would be asphalt. The roofline would be extended to a maximum height of 22 feet to prevent trucks from hitting it. The current salt shed holds 60 tons of salt. The extension would allow for about 120 tons. Road Foreman Terry Stacy stated that 596 tons of salt were used last year; the budget is for 600 tons a year. Mr. Mance stated, "You want to double your capacity, which is still 20–30% of what you use." Mr. Kiernan added that if the average (of salt usage) came up lower, it is not going to be hundreds of tons lower. Communities further away from the source are now ordering salt because of weather change and the supply has not grown. Mr. Mance stated that Dailey's was the supplier for salt and does not supply salt now. Mr. Bidy asked if any nearby properties have private wells (for water supply). He believes there are issues with the current structure. Mr. Stacy stated that to his knowledge, everyone is on town water. Mr. Kiernan stated there are current EPA standards for a salt shed. Mr. Bidy stated that some salt comes out between the cracks of the current salt shed. Mr. Stacy stated that they (the Road Department) can silicone them. Mr. Mance asked if there is a fence; Mr. Stacy answered yes. The fence is owned by the neighbors and its height is uncertain. The road department will do the construction of the structure. Mr. Kiernan stated that application is out of a sense of immediacy. Mr. Bidy asked if there have been issues of having the salt shed there. Selectman Ken Harrington answered that the shed was built in the '60s and he never heard of any incidences. Mr. Oren Bodenstab asked on which side of the building would the addition be extended: the front side or the back side. Mr. Kiernan answered the west side. Mr. Bodenstab asked how long the addition would be. Mr. Kiernan answered 16 feet. Mr. Stacy stated that the addition would extend 58 feet to the west side of the driveway. Ms. Shanda Bodenstab stated that her driveway is blocked by the trucks. Mr. Stacy explained that the trucks are tri-axle not tractor trailers; these are small trucks. Mr. Michael Foley asked what is out in the open area and what is in the shed. Mr. Stacy explained that there is salt in the shed and a mix of sand and salt with a small ratio of salt in the pile outside. Ms. Shanda Bodenstab stated that there is a lot of noise from the trucks loading. Mr. Ponessi stated that only a new location for the garage would stop the noise. Mr. Huncharek asked if the Board is satisfied with the dimensions. Mr. Bidy stated that the building should be shown on the tax map. Ms. Donckers stated that the map should be drawn to scale and on graph paper. Ms. Donckers asked if the variance is because it is close to the property line. Mr. Kiernan explains that it is 3 feet from the property line; seven feet short. Mr. Huncharek clarifies that it should be 10 feet from the property line. Mr. Huncharek expressed concern on loading facilities. Mr. Kiernan explained that the operation would be the same: loading, traffic, noise, lighting, and landscaping and screening would remain the same and there would be no additional easements or rights of way. Mr. Huncharek asked Mr. Kiernan for a copy of the recommendations for the record. Mr. Kiernan stated that there would be no additional burden on safety in regard to police and fire. Mr. Palmer asked if proof was submitted that the abutters were notified. Mr. Huncharek stated that the Zoning Administrator (not

present at this meeting) submitted this. Ms. Shanda Bodenstab asked if there will be asphalt under the existing shed. Mr. Stacy replied that there already is.

Mr. Huncharek moved to close the hearing, seconded by Ms. Donckers. Motion carried 5-0. The hearing is closed and there will be a decision within 45 days.

6. Mr. Ponessi commented on an email received regarding Subdivision Sketch Plans 5.2. There is no formal application for a sketch plan. His business partner was told this would have to be a warned hearing on 12/3. Mr. Huncharek clarified that a Sketch Plan does not have to be on the agenda.
7. At 8:10 pm, Mr. Huncharek moved to private deliberative session on the salt shed, seconded by Mr. Ponessi.
8. At 8:23 pm, Mr. Huncharek moved to end deliberative session, seconded by Ms. Donckers. Motion carried 5-0.
9. At 8:23 pm, meeting is adjourned.

Submitted by Jennifer McGean