

Shaftsbury Development Review Board
August 3, 2016

The meeting came to order at 7 pm. Present were board members Tom Huncharek (chair), Mike Day, Chris Ponessi, and alternate Jay Palmer. Zoning Administrator Shelly Stiles was also present.

The members reported no conflicts of interest.

Sign in sheets were passed around and completed by citizens.

Mr. Huncharek moved to approve the July 6, 2016 minutes. Mr. Palmer seconded. The motion passed 3-0-1, with Mr. Ponessi abstaining.

Application 16-9731.

Michael Greene explained that he hoped to open a fuel oil and plumbing office in the building owned by the Billows on Route 7A. He described the proposed layout of parking and activities inside the buildings. He said a 2800-gallon fuel oil truck, which at times may be full of fuel, will be parked at night parallel to the western property line. That space will be open for customers' parking during the work day. The office will contain two desks. The safe in the western end of the building will be used to store spare parts. Mr. Greene said didn't expect more than 3-4 cars there at any one time. Large items will be delivered directly to the job site most of the time, though an F.W. Webb truck may occasionally make deliveries to the Route 7A location. The Greene family is interested in purchasing the now-Billow property in part because state law requires that fuel trucks be parked only in commercially zoned areas.

Public comments:

Andrea Quigley, who lives opposite the proposed office, objected to the parking of a fuel oil truck. It is not an appropriate location for it, she said; she and her husband, she reported, do not want to look out her window at a fuel truck, nor have to listen to it come and go. She asked if the truck could be parked off site. Mr. Greene indicated that would be an additional expense.

Mr. Greene said the truck was a used truck with a new tank, that it is now being built in PA. He thinks it is about 10' wide and 22' long.

Valerie Shemeth, who owns property across Route 7A from the proposed office, asked if the truck could be parked behind the building.

The Board addressed the bylaw sections relevant to the application.

It agreed that the proposed use, a professional or business office, is a conditional use in the VC 2 zone.

The board asked Mr. Greene, the applicant, to respond to the requirements of bylaw section 3.5.

- He said there will be no effect on air quality as the tank will be a sealed one.
- He said they would create no more noise than Route 7A traffic already creates. The office's hours will be approximately 7a-4:30p.
- He said soil and water resources will be protected. Should there be any leaks, he can contain them with portable "dikes." He has a list of emergency numbers to call always at hand. He will maintain a dry clean up kit. He doesn't know the state's requirements re the parking of fuel oil trucks.
- The board agreed landscaping was not applicable.

- Mr. Greene said there will be no visual impacts; he doesn't propose any changes to the building except perhaps a new roof. Lighting was discussed. Mr. Greene said they hadn't thought about that item yet.
- Re safety, Mr. Ponessi suggested Mr. Greene get a letter from the Fire Department regarding their assessment of the proposed project on services they provide.
- There will be no impact on water resources.
- Re wastes, they will not be installing an outside dumpster.
- Re health hazards, Mr. Palmer asked that Mr. Greene provide information about state regulations regarding fuel oil trucks. Mr. Greene Sr. said that if the truck leaked, it would be pulled off the road.
- Re hazardous wastes, there will be none beyond some oily wastes Mr. Greene stores in a 5-gallon bucket in his van.
- The storm drainage section of the bylaw is not applicable, nor are the energy or education sections.
- Regarding municipal services, it was agreed the applicant will confer with the Fire Department regarding any "burden" the proposed project will place on the Department.
- There will be no noticeable impact on traffic.
- Re parking, the applicant noted that the oil truck will back into its space along the western edge of the property from Underpass Road. It will not back into the state highway.
- Regarding the remaining items in section 3.5, it was noted that any new lighting other than motion sensor-controlled security lighting must be approved by the DRB.

Concluding public comments

Ms. Quigley reiterated her request to somehow screen the truck behind the building or trees.

Mr. John Billow reported that the building was built in 1880 as a barbershop and public bath house, that the Town Clerk's office had once been housed in it as well as a frozen foods distributor and real estate offices.

Mr. Ponessi moved to close the hearing. The motion was seconded by Mr. Huncharek. It passed 4-0. Mr. Ponessi described the board's decision-making process and timetable.

Other business

ZA Stiles reported that a subdivision hearing is scheduled for the August 17 meeting.

Mr. Ponessi moved to enter private deliberative session. Mr. Huncharek seconded the motion, which passed 4-0. After discussion, Mr. Day moved to leave deliberative session. Mr. Ponessi seconded the motion, which passed 4-0.

Mr. Ponessi moved to approve the application 16-9731 as presented with the following conditions:

- The applicant will provide the Board with information regarding State regulations on the parking of fuel oil trucks.
- The applicant will provide the Board with letters from the Fire Department and the State Police regarding the project's impacts on services they provide.
- Parking will be as presented in the site plan. Only one fuel oil truck may be parked on the site.
- No outside dumpster will be installed.
- No additional or changed lighting, except motion sensor-controlled security lighting, will be permitted.

- Access to the parking space for the fuel oil truck will be via Underpass Road and by backing into the space only. No backing of the vehicle onto Route 7A will be permitted.
- An emergency dry clean-up kit must be kept on site.
- Hours of operation will be approximately 7a-4:30p.

Mr. Day volunteered to write the findings of fact.

The meeting adjourned at 8:45 pm.

Notes by ZA Stiles.