

Shaftsbury Development Review Board
November 20, 2019

The meeting came to order at 6 p.m. Present were board members Tom Huncharek (chair), Chris Ponessi, Mike Day, and Lon McClintock. Also present was zoning administrator Shelly Stiles.

No one reported a conflict of interest with any item on the agenda.

Sign in sheets were passed around among those in the audience.

Mr. Huncharek moved to approve the October 16 minutes. Mr. Day seconded the motion, which passed 4-0-0.

Application #19-10132, parcel 09 20 27, 289 North Road, owner Vergil Martin: request for a home occupation permit for Ferncroft Property Service, a company offering property services such as lawn mowing, landscaping, excavating, and snow plowing.

Mr. Vergil Martin presented his application. His family purchased the property in September 2019, taking over a business already present on the site. He described the equipment he deploys and compared it to the equipment the former owner kept on site. He said he purchased a ten-ton excavator, a skid loader, and a tandem axle dump truck. Other pieces of equipment were sold to other buyers. Mr. Martin has since also purchased another dump truck and a pickup truck. The former owner stored all his equipment on the property purchased by Mr. Martin. The storage area is screened from North Road by the slope of the land. A new earthen berm screens the equipment parking area from the north. There are rows of trees on both the west and east side of the property, thicker on the west.

Mr. Martin presented his certificate of service to the abutters.

The company has one employee and desires no more. Mr. Martin said they want it to be a family business.

His family occupies the existing house. There are also a pole shed and two small sheds on the property. Only the pole shed is used by the business, although not entirely so. About 20% of the 1536 s.f. is used for family needs such as a freezer, a refrigerator, bikes, and household storage. Less than 64 s.f. is dedicated business space in the house, where a desk, chair, and filing cabinet are located.

It was noted that the bylaw does not include space dedicated to the storage of equipment in the 1500 s.f. maximum allowed.

They sell nothing from on site. The one employee parks in the graveled area shared with the company's equipment. There is a sign on the pole barn but it is not visible from the road. A letter from neighbor Brandy Forthwin recommended the business to the board. They are typically open 8a-5p. They occasionally work on Saturdays, but not on Sundays, except for snowplowing. The only exterior light is an entrance lamp on the pole barn. The company does not store gasoline or diesel on site, but uses a 50-gallon transfer tank to move fuel to the trailered excavators. They purchase fuel at Paulin's. Used oil is delivered to O'Reilly's. He does not service hydraulic systems on site.

Mr. Ponessi noted that in the past the DRB had required that all truck traffic exist North Road via Airport Road. Mr. Martin agreed that was a wise requirement.

Mr. Robert Eastman, an abutting neighbor, spoke. He said screening is not an issue; the equipment can't be seen from North Road. He asked if "home occupation" is really the appropriate permit for such activity and was reassured that it is. He remarked that the speed and frequency of truck goings-and-comings is disturbing. The drivers drive too fast and gun it up the driveway. Mr. Martin apologized and said he would speak with his drivers. He admitted the old white dump truck is noisy.

Mr. Huncharek moved to close the hearing at 6:50 pm. Mr. Day seconded the motion, which passed 4-0-0.

Mr. Huncharek explained to Mr. Martin the usual process the board follows: the deliberative session, the 45 day period, the 15 day appeal period, the possibility of conditions.

Mr. McClintock said he had not had a chance to look further at the Procedures document. The review was postponed to a later meeting.

In other business, the board vociferously requested a clock in the room.

It discussed whether to schedule a meeting for Jan 1, and decided to cancel if no applications have come into the office by Dec. 11. December meetings will be canceled unless timely applications or sketch plans are submitted.

Mr. Huncharek announced he would be away all of January 2020.

Mr. Huncharek moved to enter private deliberative session at 7 p.m. Mr. Ponessi seconded the motion, which passed 4-0-0.

Mr. Huncharek moved to leave deliberative session at 7:15 p.m. Mr. McClintock seconded the motion, which passed 4-0-0.

Mr. Huncharek moved to approve application #19-10132 with conditions as follows:

- 1) The hours of operation shall be 7a.m. to 6 p.m., Monday through Saturday, except for snowplowing.
- 2) No heavy trucks or trailers shall exist westerly to Route 7A but shall instead use Airport Road.
- 3) No new exterior lighting shall be added.
- 4) Repair of company equipment shall take place only during company business hours.
- 5) It is recommended that employees be cautioned about the possibility of excessive noise and speed on North Road and on the company's private driveway.

Mr. Ponessi seconded the motion, which passed 4-0-0.

At Mr. McClintock's request, a sentence will be added to the findings document template: "If it appears conditions will change, the applicant is required to notify the zoning administrator."

The meeting adjourned by acclamation at 7:20 p.m.

Notes by ZA Stiles