

## Town of Shaftsbury Development Review Board

April 21, 2021

### Call to order

The meeting came to order at 6:05 pm. Present were board members Tom Huncharek (chair), Mike Day, and Tedd Habberfield. Lon McClintock arrived at 6:10 pm. Also present were zoning administrator Shelly Stiles, applicant Sophia Miskel and her husband Michael, abutter Michelle Mazzola, and via phone abutters Howard and Janet Salan.

### Conflict of interest

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

Mr. Huncharek **introduced** the board members and asked others attending to introduce themselves. Mr. McClintock asked that all be **sworn in**. He recited the oath – “the information I give will be the truth and the whole truth” – and attendees swore to the oath in turn, Ms. Miskel, Mr. and Mrs. Salan, and Ms. Mazzola.

### Application #21-0019 hearing

Mr. Huncharek opened the hearing on application 21-0019, parcel 09 20 21, 2629 Route 7A, owner Polin Inc. (DBA Hillbrook Motel): change of use from existing transient lodging to a nine-unit housing facility, with one unit permanently reserved for affordable housing.

Sophia Miskel said she bought the property about five years ago. She is the former owner of the Governor’s Rock Motel. She said running a motel is too difficult at this time in her life and prefers instead to manage an apartment complex. She said her architect has designed nine apartment units. They are waiting for the wastewater permit.

They depend on well water. There are two septic systems, one for the house on the property and one for the motel.

They have not decided what to do about the existing 20’ x 40’ pool. She didn’t know how many gallons it holds. Mr. McClintock noted that the zoning bylaw only requires that pools be 20’ from property lines.

Ms. Miskel and her husband now live in the house. The wastewater permit plan indicates they may to turn it into apartments, but Ms. Miskel said that will come later. She understands that she will have to apply for a permit for that renovation.

Upon questions from board members, it was stated that

- The zone is RC
- There will be two studio apartments, one two bedroom apartment, and six one bedroom apartments in the new complex.
- All apartments will be rentals.
- The owner will manage the complex.
- The owner didn’t know how the affordability covenant would be enforced. Mr. McClintock suggested Ms. Miskel ask her attorney for advice on that matter.
- Construction drawings have been submitted to Fire Safety.
- Ms. Miskel isn’t certain but believes apartment 4 will be designated affordable.

The board began to review the plans submitted to confirm they meet the requirements of bylaw section 3.5.2, Site Plan Requirements. It became clear that there were several omissions or errors, including

- Total lot area needs to be shown.

- Abutting properties and their owners' names need to be shown.
- Myers Road and ditching along it need to be illustrated.

Mr. Huncharek asked Ms. Miskel to ask her team to revisit the site plan and ensure that it meets the requirements of bylaw 3.5.2.

Mr. Huncharek wondered whether assessments of the impacts from police, sheriff, and fire departments might be needed. Mr. McClintock said he thought the impact on municipal services would be much smaller than those posed by an active motel, but thought it would be a good idea to seek a statement from the Fire Chief.

Mr. Huncharek turned to bylaw section 3.4.1, and asked that landscaping (existing and proposed) and lighting (proposed) be shown on the site plan.

Mr. Huncharek asked that all proposed parking spaces, including those for guests, be shown on the site plan. Parking must comply with 8.3.3 of the bylaw.

Mr. Huncharek asked that information regarding the new sign be offered.

Mr. Habberfield asked that access for emergency vehicles be show.

Ms. Miskel said the rentals will be a mix of short term and long term. Some apartments may be furnished, to serve travelling professionals such as nurses. **Will AirBNB be used?**

Mr. Day asked for more information about the visual elements of the renovation. What kind of surfaces will be used? What about landscaping?

Show the driveway and parking for the house.

Illustrate how snow removal will be handled.

At 7:02 p.m. Mr. Huncharek opened the discussion to the public.

Howard and Janet Salan said they bought the property to the west last year and intend to retire there. This proposal poses several unknowns. What will be impacts on property values, on safety and security, on peace and quiet? They don't claim that this proposal is a bad thing; they just don't know.

Mr. Huncharek entered into the minutes by reference emails sent by Mr. Salan to the zoning administrator on April 18, 2021. [They can be found below.]

Mr. Salan asked that housekeeping items such as dumpsters be illustrated on the site plans.

The hearing was continued to May 5, 2021. Ms. Miskel will ask her team to prepare and submit the revised documents by April 26, 2021 as required by the DRB's Rules and Procedures.

### **Revision, Rules and Procedures document**

Mr. McClintock explained that he and Mr. Habberfield met and came up with a rough outline of the new document, which places information for the public in the front and guidelines for the DRB in the back. Mr. Habberfield has edited that version, and it is now Mr. McClintock's turn to review it. He noted that he thinks several "terms of art" such as "survey plat", "site plan" and many others should be defined for the public. He would like the final document to be shorter than the present document.

Both he and Mr. Habberfield said they thought the document should serve two purposes: to guide the public as to what to expect and how to prepare for a hearing; and to make clear for Board members how the DRB is to be organized and function. Mr. McClintock noted that the bylaws have been put together piece meal. This revised document will summarize how DRB and the public are to interact i in a user-friendly manner.

### **Boundary Line Adjustment bylaw revision**

The discussion was tabled to the next meeting.

### **Other business**

- Mr. Huncharek said the Planning Commission adopted a proposed kennel bylaw which he thinks is adequate and specific enough.

- The next meeting will be held May 5, 2021.
- Mr. Habberfield will be in Colorado for the May 19 meeting, but will try to log in.

### **Adjournment**

Mr. Huncharek moved to adjourn at 7:45 p.m. Mr. McClintock seconded the motion, which passed unanimously.

*Emails from Howard Salan sent to [zoning@shaftsbury.gov](mailto:zoning@shaftsbury.gov) on April 18, 2021.*

Hi Shelly,

The previous owners of our property just now sent us the public hearing letter regarding the Hillbrook Motel change of use. Our property overlooks and abuts the Hillbrook Motel. Our address is 150 Myers Road.

This letter came as quite the shock. We are actually coming up from Maryland for a long weekend and will be driving during the 6 pm meeting this Wednesday. Although we'll try to call in, we're not even sure what to say.

This change of use directly impacts our quality of life. Maybe. I say maybe because there is no way to know is there? Here in the Baltimore-Washington area, "affordable housing" assures drugs and violence. While we hope in Shaftsbury, it translates into starving artist, none of us can know. So, based upon our experience in our area, our vote for affordable housing abutting our property is a resounding no. We are of the live and let live set as long as people are quiet and respectful. None of us can know if this will be the case with the tenants of this apartment property. To say, well, let's see how it goes, is silly. Once it is done, it's done forever.

I think it's logical to assume affordable housing is typically more "in town". Closer to amenities also. There seem to be several unoccupied properties in town that would be well suited for this, better suited in our mind than abutting an 800,000-dollar home. The row of pine trees between us serves as a visual separation, but one storm could take them down. Our biggest concern is possible noise and unwanted activity, and the deleterious effect on property value of course. We will now need to install fencing of some sort to keep people from wandering onto our property. What about barking dogs? Could there be 9 residents with dogs that need to walk them? Without a fence, our property will be beckoning them.

Is the white house adjacent to the Hillbrook Motel, the owner/caretaker's home? If so, and they live there full time, maybe that will provide some control.

While we understand the need for affordable housing and have nothing against people that need financial assistance, please understand our trepidation at the prospect of our retirement home losing what we dreamed of and paid dearly for. Peace and quiet and respectful neighbors. I'm sorry, but we have to assume the worst, don't we? Based upon our life experiences.

Please send us what you have regarding any information about this. I'd like to know why this is the first I am hearing about it. Literally three days before the hearing. It will be hard to hire an attorney before

Wednesday to inform us of our rights in this matter. If we are not able to call in because we'll be driving, or cannot get through, we are locked out of any future appeal as per your letter. Would it be possible to postpone this hearing for a few months to allow us to get representation?

I appreciate any suggestions you may have.

Kind regards,

Howard & Janet Salan  
150 Myers Road  
Shaftsbury, VT 05262

Shelly,

I've been told I may be overreacting to this. It has certainly caught me by surprise and maybe that's part of it. With 3 days' notice and by pure chance that the previous owner copied and emailed me the letter, it caught me as being rushed through before any research or thought on my part was possible. I have a very bad feeling about this and will still attempt to call in for the hearing, but I have no idea if we will have cell signal. I'm not legally versed in such matters but doubt seriously my opinion means anything. That said, if it was any consideration to postpone the hearing until I could hire counsel, let's not. I feel this is a foregone conclusion anyway, just a formality. I would like more information however so whatever you can email me would be most appreciated. Just seems like a courteous thing for Hillbrook to do would have been to let the abutting neighbor know of these plans.

Sorry if my tone seems like I am raining on your Monday. Was not my intention at all. We have so little control in our lives anymore, I think feeling like you have just a wee bit about your own home is paramount. They nip at our heels all day at work; it's important to come home to peace and quiet, for me anyway. I'm as easy-going as the day is long but this one caught me right between the eyes.

Thank you,

Best regards,

Howard Salan  
150 Myers Road