

Town of Shaftsbury Development Review Board (DRB)

November 1, 2023

In person at Cole Hall and remotely via Zoom

As amended

1. Call to order

The meeting came to order at 6:03 p.m. Present were board members Mike Day (chair), Zoe Contros Kearn, Sarah Costin, Tedd Habberfield, and Denny Browe. Also present was zoning administrator Shelly Stiles

2. Conflict of interest

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

3. Sign in sheets

Sign in sheets were passed around.

4. September 6 minutes

Two errors were corrected: a duplicate numeral 6 and the absence of a needed colon. Mr. Habberfield moved to approve the amended minutes. Ms. Costin seconded the motion, which passed 5-0-0.

5. Application 23-0086, parcel 13 21 08, address 19 Dunham Avenue, Apt. A, owner Sherri Trafton, applicant Steven DeTeso: home occupation, home-based bagel bakery.

Mr. DeTeso said he and his partner Lauren met in a restaurant in 2021. He recently bought her a sourdough starter. They now routinely make breads and bagels at home. They hope to expand the hobby into a business and to eventually open a shop in North Bennington.

They live in a multifamily home and have a very large kitchen with many new appliances provided by their landlord Sherri Trafton. Bagels don't require a lot of labor, but rather time.

They hope to build a brand. They won't be baking every day. They will deliver to clients around the area.

They have been inspected by the Health Department and have arranged to buy bulk flour from Bennington Market. They have received a home bakery license, have incorporated, and have registered with the State.

The DRB reviewed the requirement of bylaw section 6.2.2, items "a" through "h." They found the application to be in conformance with all requirements. Under questioning, the applicants elaborated that bagels would be delivered to different clients on different days; that signs are not under consideration now; that there will be no waste which might attract the neighborhood bear; and the apartment is on Bennington's wastewater system and North Bennington water.

Mr. Habberfield moved to close the hearing. Ms. Contros Kearn seconded the motion, which passed 5-0-0. Mr. Day explained to the applicants the process to follow – the 45-day period in which a decision must be made or the application automatically approved; the 15-day appeals period (he noted there were no "interested parties" present at the hearing); and that the zoning administrator would advise the applicants of the decision.

Mr. DeTeso submitted the necessary application elements, including a site plan, a letter from his landlord approving the application, and an abutters statement.

6. Other business

Continuation, hearing on Application 23-0053, parcel 17 22 05, address 972 VT Route 7, owners Williams & Company LLC: conditional use permit for retail store.

Owner Lilli Williams and store manager Amelia Agnew appeared before the DRB. Ms. Williams submitted a copy of a contract between her company and the lessee of parcel on the southwest corner of Church and Route 7A, an auto repair shop, in which the lessee agreed to sublease to Ms. Williams a space equivalent to about eight or nine parking spaces for use by customers of the Country Store. The owner, Trevor Mance, has left it up to the lessee whether to install barriers delineating the parking area. Ms. Williams will put up a sign in front of the Country Store inviting customers to also park in the auto repair lot or in the Cole Hall lot. She hopes to turn customers around in five to ten minutes.

Ms. Williams also presented a Health Department "passed" inspection document and a document attesting that the fire alarm system is in order. She said she has contracted for monthly visits from a pest inspection company.

She said she was unable to secure a letter from Vermont State Police regarding their ability to respond to needs at the store, though she pursued many different avenues. She spoke with the county sheriff, who declined to submit such a letter as his services are controlled by the Town.

She said she would provide a table for coffee drinkers to hang out around.

She intends to serve signature sandwiches, specials, and soups of the day.

She has hired someone to help her with her accounting.

Ms. Contros Kearl moved to close the hearing. Mr. Habberfield seconded the motion, which passed 5-0-0. Mr. Day explained the process to follow, the timeline for decision and appeals, and that conditions could be imposed on the permit.

Mr. Habberfield move to enter deliberative session on application 23-0086 by Mr. DeTeso. Mr. Browe seconded the motion, which passed 5-0-0. Ms. Contros Kearl moved to leave deliberative session. Ms. Costin seconded the motion, which passed 5-0-0. Mr. Habberfield moved to approve application 23-0086 without conditions. Mr. Browe seconded the motion, which passed 5-0-0.

Mr. Habberfield move to enter deliberative session on application 23-0053 by Ms. Williams et. al. Ms. Costin seconded the motion, which passed 5-0-0. Mr. Habberfield moved to leave deliberative session. Ms. Contros Kearl seconded the motion, which passed 5-0-0. Mr. Habberfield move to approve application 23-0086 without conditions. Mr. Browe seconded the motion, which passed 5-0-0. Mr. Habberfield moved to approve application 23-0053 with the condition that a sign should be erected on the auto repair lot indicating "Additional parking for Shaftsbury Country Store" and that the parking area should be clearly delineated. Ms. Costin seconded the motion, which passed 5-0-0.

Ms. Contros Kearl moved to adjourn at 7:15p.m. Mr. Day seconded the motion, which passed unanimously.

Notes by ZA Stiles