

## Shaftsbury Planning Commission

November 17, 2020

The special meeting came to order via the teleplatform Zoom at 6:02 p.m. Present were commissioners Chris Williams (chair), Naomi Miller, Mike Foley, Mike Cichanowski, and Martha Cornwell. Also present was zoning administrator Shelly Stiles and citizen Carl Korman.

At issue was an application by Poulin Grain to the Natural Resources Board to change the hours of operation in its Act 250 permit from 7a to 7p to 4a to 11 p. Attendees took turns commenting on the application.

Ms. Stiles described her early role in bringing a resident's complaint about long hours to the District Commission coordinator. She said, while researching the original Act 250 permit, she had been told by a reliable source that the company's drivers had been working very early and very late for many years, going back to well before the company was sold to Poulin, and that the application therefore does not represent a new condition.

Mr. Williams gave an overview of some of the more salient points: the company wishes to expand; it serves farms all over the region; it is located in a residential, not an industrial or commercial zone; it is a large local business that employs many local residents.

Ms. Miller said she requested the special meeting because she thought it the commission's duty to review the application. She noted the PC would have to claim party status no later than November 19. She said she thought Poulin was trying to make use of a carrot/stick approach. The stick? They would consider closing if the longer hours weren't granted.

Ms. Cornwell wondered if first, it would be 4a to 11p, then a twenty-four hour operation. She wondered what it meant that they admitted they didn't need such long hours every day. She observed it could be a potential burden for the nearby Shires Housing apartments.

Mr. Foley said it seemed the company went to a lot of trouble just to serve a few forgetful farmers. He wondered if Poulin would pursue other tasks during the longer hours. Were they milling for a satellite location, for example?

Mr. Cichanowski had no initial comments.

Mr. Williams asked the Commissioners whether they wished to pursue party status and participate in the proceedings. He recused himself, saying he is secretary of Shires Housing, and Shires intends to oppose the application. He said it was his understanding that the role of parties to Act 250 actions is to provide evidence for the District Commissioners to consider. Which of the ten criteria should the PC present evidence on? What can we tell them that they wouldn't know otherwise? He said we need to marshal our evidence according to the ten review criteria.

Mr. Korman cautioned that if the PC offered evidence in favor of the application, there is a chance the Town could be seen as colluding in a regulatory taking. Mr. Williams disputed this interpretation of the Act 250 process.

Mr. Foley thought the PC could play an important role by calling the District Commission's attention to the large role a small number of forgetful farmers play in the matter. He said the applicant has not explained why those few farmers should weigh so heavily in the balance.

Ms. Cornwell commented that a possible alternative to longer hours is a larger staff; Poulin's could hire more drivers and so be more nimble during regular business hours.

Mr. Cichanowski said he thought the PC should not claim party status. He noted that Shaftsbury resident Rick Kobick is the longest serving District Commissioner in the state, and is certain to have things well in hand.

It was agreed that a future workshop on the Act 250 process would be a useful training exercise.

Mr. Foley said he liked the idea of participating, as much as the District Commission would allow.

Mr. Williams summarized the sentiment of the group as: individual PC members will attend the December hearing as they see fit and will present whatever they wish as long as it is relevant to the discussion. The Commission as a whole takes no stand on the application.

He asked if there were any further comments and summarily declared the meeting adjourned at 7 p.m.

Notes by ZA Stiles