

Shaftsbury Development Review Board
To be held at the Shaftsbury Town Hall
Buck Hill Rd at 7:00 pm
DRAFT Minutes for the Regular Meeting
12/7/11

Members Present: Phylis Porio (Chair), Bob Holmes, William Jakubowski, Fritz Ludwig, Chris Ponessi

Members Absent: Gary Burgess (Vice-Chair), David Mance

Others Present: Jennifer Viereck (Zoning Administrator), Sandra Mangsen (Recording Clerk), Darlene Bombard, Trey Dobson, Alyson Grzyb, Christian Heins, Rich Hollander, Charles T. Jenn, Martin Luloff, Jay T. Palmer, Brent Peacock, Carol Ann Peacock, Joanne M. Race, Mitchell Race, Gina Shaler, Amelia Silver, Suzy Yucht

1. Chair Phylis Porio called the meeting to order at 7:00 p.m.

2. Conflict of Interest Statement

William Jakubowski stated that he had a conflict with item 4A.

3. Old Business

A. Preliminary/Final Plat Review for Permits # 11 91 89 and 11 91 90: 2 minor subdivisions of 2 adjacent lots to 4 lots per Bylaw Section 3.6 and Subdivision Regulations 5.06 and 5.07. Virginia Berstene, Owner, Property ID: Lots 03 02 09 and 03 02 23, located at 5673 East Rd. Zone type Rural Residential 80, per Bylaw Section 4.1.

Christian Heins of Woodland Services distributed copies of the plan for the proposed minor subdivision, and reported that items requested for the preliminary permit had been added to show all structures, two subdivisions rather than one (owing to the Town Road already dividing the parcels), and a slight reduction in the acreage in question (no change of lot numbers). Neighboring property owners have been informed by first-class mail (as of Nov 18).

Several items will be needed before final approval:

- i. soils report;
- ii. inclusion of a requirement that future developer or owner obtain a construction storm water permit 9020;
- iii. letter from Rebecca Chalmers re Wetlands for future crossing;
- iv. language of Subdivision Regulation 5.06 no. 7 should be included in plat;
- v. permit numbers are to be shown on plat;
- vi. if development exceeds one acre of impervious areas (gravel, roads, drives, buildings, etc.), then a storm water operational permit 3015 will be required;
- vii. letters from Fire Department, State Police, Rescue Squad, and School administrator.

(Note that items vi and vii were added after the deliberative session. See motion below.)

Chair Phylis Porio asked if anyone in the audience had any questions or comments.

Regina Shaler asked about the location of the driveway and was informed that it would be at the top of the hill.

William Jakubowski made a motion to close the hearing; Bob Holmes seconded. Carried 5-0-0.

Chris Ponessi made a motion to take the matter into deliberative session for discussion of the project and conditions to be attached. Fritz Ludwig seconded. Carried 5-0-0.

4. **New Business:**

William Jakubowski left the table.

A. Change of Conditional Use Review for Permit # 11 91 97 for the conversion of commercial storage space in a mixed use building to a studio apartment, per Bylaw Section 3.5. Brent and Carol Peacock, owners. Property ID: 15 21 31, located at 123 Airport Road. Zoning District: Roadside Commercial, Bylaw Section 6.2.

Brent Peacock and Christian Heins reviewed the history of permits and usage of the property in question. It was approved as a mixed-use building (1995), which now has one two-bedroom apartment and storage areas (storage usage was approved c. 2007).

DRB will require several items prior to final approval:

- i. agreement that there will be no more than five full-time employees;
- ii. assurance that no parking changes will be needed;
- iii. acquisition of a new wastewater permit (for the additional bathroom);
- iv. letters from Fire Department and the State Police indicating that they have been informed of the additional housing unit in the building.

There was some discussion of the current zoning; Jennifer Viereck will determine the zoning that is now in place.

Chair Phylis Porio asked if anyone in the audience had any questions or comments. There were none.

Bob Holmes made a motion to close the hearing, seconded by Fritz Ludwig. Carried 4-0-0.

Bob Holmes made a motion to take the matter into deliberative session for further discussion, seconded by Fritz Ludwig. Carried 4-0-0.

William Jakubowski returned to the table.

B. Informal review via Memorandum of Understanding: possible Conditional Use as Early Childhood Learning Center, Bylaw Section 3.5. Kevin & Sarah Wright, Owners. Property ID 09 20 10, located at 3063 Route 7A. Zoning District: Roadside Commercial, Bylaw Section 6.2.

Darlene Bombard described the location history of the Bennington Early Childhood Center and their hope to purchase new property as a permanent location for the

business. She envisions renovating the current barn to house two classrooms, gathering and storage space, consistent with state requirements.

DRB members offered advice as to how she should proceed with a formal permit application, including attention to waste water permit, traffic implications of the change of use, parking, a clear site plan, consultations with Fire Department, State Police, and the Bennington Rescue Squad. Zoning bylaw items 3.5 and 3.6 are relevant. The Board assured itself that child care would be allowed as a conditional use under the current zoning (roadside commercial).

5. Curb Cut:

Fritz Ludwig recused himself and left the table.

A. Permit # 11 91 93: Robin Tichnor, Property ID: 08 20 34

Jennifer Viereck provided information relevant to these curb cuts and the following restrictions were added to the permit:

- i. the curb cut is for agricultural purposes only;
- ii. post-construction inspection and approval will be required.

Chris Ponessi made a motion that the curb cut be approved as restricted. William Jakubowski seconded. Carried 4-0-0.

Fritz Ludwig returned to the table.

B. Permits 11 91 80 and 11 91 81: Berstene, related to subdivision in #3.

Chris Ponessi made a motion to approve curb cut (Permit # 11 91 80) for Lot 1 (the west lot) per the road foreman's conditions. Fritz Ludwig seconded the motion. Carried 5-0-0.

William Jakubowski made a motion to approve curb cut (Permit # 11 91 81) for Lot 2. Chris Ponessi seconded. Carried 5-0-0.

6. Other Business:

Chris Ponessi reported that an individual is interested in joining the DRB. She will be advised to send a letter of interest to Jennifer Viereck, who will then invite her to the next meeting for an interview.

7. **Minutes**: none were approved.

8. Decisions to be signed:

A. Permit # 09 87 66: Laurel Zinn, Owner, Property ID: 07 20 52.
Gary Burgess will be asked to sign the permit.

B. Permit # 11 91 28: Robin Tichnor, Owner, Property ID: 08 20 34, Minor subdivision of 12.18 acres. Decision was signed.

9. Deliberative Session:

Bob Holmes made a motion to go into deliberative session for discussion of application from Bernstene, seconded by William Jakubowski. Carried 5-0-0.

Chris Ponessi made a motion at 9:05 to come out of deliberative session. William Jakubowski seconded it. Carried 5-0-0.

Chris Ponessi made a motion to approve the Berstene subdivision (Permits # 11 91 89 and # 11 91 90) as conditioned earlier in the meeting with the addition of the following conditions:

- i. If development within the total development exceeds more than 1 acre of impervious areas (gravel parking, roads, drives, building, pools, etc), then a storm water operational permit 3015 will be required.
- ii. Letters of approval from fire, police, rescue squad and school.

Bob Holmes seconded the motion. Carried 5-0-0.

Chris Ponessi made a motion at 9:08 to go into deliberative session for the Peacock matter. William Jakubowski recused himself and left the building. Carried 4-0-0.

Chris Ponessi made a motion at 9:12 to come out of deliberative session. Frtiz Ludwig seconded. Carried 4-0-0.

Bob Holmes made a motion at 9:14 to approve permit 11 91 97 for the conditional use of the mixed use building to include a studio apartment with the following conditions

- i. Receipt of a new waste water permit for the additional bathroom
- ii. Receipt of letters of approval from the Fire Department and State Police
The above are to be provided within 30 days.
- iii. No parking changes are required.
- iv. The building shall be limited to 5 full time employees.

The motion was seconded by Chris Ponessi. Carried 4-0-0.

10. Adjournment:

Bob Holmes made a motion to adjourn at 9:18. Chris seconded. Motion passed 4-0-0.

Respectfully submitted,

Sandra Mangsen