

Shaftsbury Development Review Board
Shaftsbury Town Hall
Buck Hill Road
April 6, 2011

Members Present: Phylis Porio (Chair), Gary Burgess (Vice-Chair), Jake Jakubowski, Bob Holmes, Fritz Ludwig

Members Absent: Chris Ponessi, David Mance

Others Present: Arthur Whitman, Kathy Whitman, Adam Brimmer, Joseph Brimmer, Suzanne Bushee (Zoning Administrator), Robert Whitney (Recording Clerk)

1. Call to Order by Chair Phylis Porio at 7:02 p.m.
2. Conflict of Interest Statement: There are no conflicts.
3. **New Business: Development Review Board Organizational Meeting and Election of Officers:** New Business was originally set to be discussed after Old Business. However there was a motion made to start with election of officers first. **Motion made by Jake and seconded by Fritz. All in favor 5-0-0.** Nominations were opened for the positions of Chair and Vice Chair. Phylis Porio was nominated for the Chair Position and Gary Burgess was nominated for the position of Vice-Chair. **Motion was made to close the nominations by Jake and seconded by Bob. All in favor, 5-0-0. All members present voted in favor of the nominees, 5-0-0.**

4. **Old Business: Permit #10 89 88: Whitman Feed Store, proposed propane filling station, Property ID # 13 21 73. Full site plan review 3.5 Conditional Use Regulations**

Phylis disclosed that she had a prior conversation with Art Whitman concerning the full site plan review and notifying the neighbors. Two letters from a Mr. Cory were introduced pertaining to notification of the Whitman Feed Store's neighbors. Art submitted proof of neighbor notification to the Chair.

Art would like to have a propane filling station installed at the Whitman Feed Store. The station would be owned and maintained by John Ray & Sons. The proposed filling station meets federal standards. Art would like the 1,000 gallon tank installed on an existing slab of concrete with steel posts anchored in the ground at the corners. The tank will be situated 12 feet from the building and 16 feet from the retail space and 7 feet from a 45 foot trailer. The distance from the tank to center of road is 50 feet. Jake asked if the trailer could be considered a building and, if so, the distance would need to be 10 feet. Phylis asked if a chain link fence would enclose the tank. Art said no. Jake asked what the trailer was made of and Art replied that it had an aluminum skin with plywood inside. Art also said that the trailer could be moved to comply with the 10 foot distance required. The tank and service area is 4 feet wide. In answer to a question about fire extinguishers Art replied that there is an extinguisher in the utility room and at every door. The utility room is locked from the outside. Art proffered letters from the Shaftsbury and North Bennington Fire Departments. Phylis asked that a letter from the rescue squad also be procured. Jake inquired about bylaw 3.6 (conditional use) and explained the bylaw to Mr. Whitman. Gary asked about lighting and Art replied that there is lighting on the door and on side of building. Each dock has a flood light. Jake recommended increased lighting. Gary said that he feels Art has complied with 3.6. As there were no further questions, **Jake made a motion to close the hearing on this matter and Gary seconded. All in favor, 5-0-0. A motion was made to take this matter to deliberative session by Fritz and seconded by Jake. All in favor, 5-0-0.**

5. Curb Cut: Permit # 10 89 82: Adam Brimmer; parcel ID: 18 01 34.4

3.6 Site development plan

Gary explained that that an on-site viewing was made by members of the board. The sub-division plan shows the driveway. Jake mentioned that B71 of state road specifications be complied with. **Jake made a motion to approve, Fritz seconded.**

All in favor, 5-0-0. The Zoning Administrator will record and then give a copy to Mr. Brimmer.

6. Other Business:

A. Hogan Shed Extension: The Hogans have not taken down the shed extension as ordered by the Environmental Court. The Zoning Administrator received a letter from attorney Paul Gillies, dated March 30, 2011, asking that the Town of Shaftsbury enforce the Court's order. The Court ordered that the shed extension be demolished and the previously granted variance allowing the shed extension be rescinded. The Zoning Administrator will compose a letter to the Hogans about this matter.

B. Verizon Wireless Permit: Jake said that the antennas qualify as accessory structures. The permit is for taking down antennas and installing larger ones using new technology. There will still be the same number of antennas. Gary agrees that changes are *de minimis*. Verizon has to file a permit because of the change in size. Bylaw 9.17 (modification) applies.

7. Minutes: March 2, 2011 and March 16, 2011: The Minutes from March 2, 2011 had been approved at the March 16, 2011 meeting. Statements were added to the testimony on the Dailey site plan and to the deliberative session and adjournment sections.

8. Deliberative Session: A motion to enter into deliberative session at 9:02 p.m. was made by Bob and seconded by Gary. All in favor, 5-0-0. Deliberative session completed at ?

9. Adjournment: A motion was made to adjourn by ? and seconded by ? at ? p.m.

Respectfully submitted,
Bob Whitney