

Shaftsbury
Development Review Board
Shaftsbury Town Hall Buck Hill Rd
May 18, 2011

Members Present: Phyllis Porio (Chair), Gary Burgess (Vice-chair), Jake Jakubowski, Bob Holmes, David Mance

Members Absent: Fritz Ludwig, Chris Ponessi

Others Present: Michael Mahar, Laurel Zinn, Jean Zinn, Steven Peckham, Tom "Duffy" Atwater, Perry Baush, Jim Harwood, Owen Bouchet, Neil Hogan, Suzanne Bushee (Zoning Administrator), Bob Whitney (Recording Clerk)

1. **Call to Order:** Chair Phyllis Porio called the Development Review Board meeting to order at 7:00 p.m.
2. **Conflict of Interest Statement:** There are no conflicts of interest.
3. **Old Business:**
 - A. **Permit # 11 91 00: Michael Mahar, Owner, Property ID 17 21 58, Request for Villiage Residential 4.2.3.1 home occupation, rental of catering equipment, generating ice sculptures, pulled sugar or food centerpieces. This property is located at 480 Cleveland Ave.**

Michael Mahar testifying. Michael has discovered new information and would like to rescind his request for a permit for a dishwashing machine and limit the application to a half bathroom and sink. Mike spoke to Mr. Swift from the State of Vermont who referred him to Rick Auberkirche and four others including Larry Parks who opined that if Mike's proposed structure is within 50 feet of the original building that a permit is not required. Mr. Auberkirche said that a waste water permit is required. Mike will get in touch with the DRB when he acquires further information. There were no comments from the public present. **David Mance moved that the DRB table this application for up to three months until Mr. Mahar is heard from. Jake seconded. Motion passed 5-0-0.**

B. Permit # 09 87 66: Laurel Zinn, Owner, Property ID: 07 20 52, Rural Residential Conditional use 3.5 and 4.1.1.2 Accessory uses of the Towns Bylaws. Permit usage of garage with bedroom/bath/kitchen. This property is located at 320 Hidden Valley Road.

Laurel and Jean Zinn testifying. Phyllis related that in deliberative session the DRB decided that the garage with bedroom/bath/kitchen cannot exceed in size more than

30% of the habitable floor area of the original home but at least 400 square feet in size. Possible alternatives include tearing out the kitchen and reducing the size of the living space to 550 square feet. Second option is to enlarge the original house and apply to make it a two family house. Along with enlarging the house goes increasing the size of the septic system. Laurel Zinn said the option of enlarging the original house appealed to her. Phylis asked that an accurate drawing of house indicating living space be supplied to the DRB indicating dimensions of new unit and original house so the Board can see that the new unit livable space is not larger than 30% of the livable space of the original house. David Mance asked the Zinns to contact Ray Dean to re-write the waste water permit to reflect a bedroom, kitchen and bath. Phylis asked the Zinns to contact the assessors to look at the town tax records so livable space of the original home can be determined. The assessors can send a memo to Suzanne indicating the livable space. There were no comments from the public. **David Moved that the application be tabled for up to three months and until the Zinns return with the requested information. Gary seconded. All in favor 5-0-0.**

4. New Business:

A. Permit # 11 91 08: Chris Bucknall, current Owner; Steven Peckham, buyer, Property ID: 18 02 07.1, Conditional use 3.5 and 4.1 Rural Residence of the Towns Bylaws. Permit usage of acreage for a beagle club. This property is located at 1988 East Road.

Steven Peckham testifying. The property is adjacent to 1988 East Road and comprises 62 acres in size. There will be no structures built on the acreage. Steven desires to put in fence around the high ground, or in other words, the area that is not wetland. Two fences, one for a front pen and one for a back pen. The fences will be 6' in height of rubber coated heavy gauge wire with metal posts. The pens will be used to train and condition dogs and perhaps hold field trials. Hours of operation will be the same as hunting hours, ½ hour before sunrise to ½ hour after sunset. There will be no dogs staying overnight. Steven testified that John Hall from State Fish and Wildlife said there are no regulations prohibiting the proposed use. The acreage will be opened up but not cleared. The Southern Vermont beagle Club has just formed as a Limited Liability Corporation (L.L.C.). Steven said that the club is not a business but a non-profit. The area will be for member use only. There will be approximately 1 rabbit per acre on the land and provisions for feeding them. The Board said that under the bylaws for site plan approval the application will be rejected if the club is an L.L.C. The club needs to be a non-profit entity to be favorably considered.

Jake opined that parking is not clear on the site plan. A driveway and 10' by 20" parking spaces need to be delineated on the site plan. A driveway permit is also required, David Mance said.

Comments from the public present: Tom "Duffy" Atwater had a question about the LLC status of the club. Tom would like the application to continue being considered and now understands a non-profit club status is needed for this to happen.

Tom Daley inquired about non-profit status. He was told there is not a definition of non-profit but that the club needs to comply with State requirements.

Perry Baush lives across East Road and does not have any problem with the proposed use.

Jim Harwood testified in favor of the club and proposed use for the acreage. He has a 25 acre property in a neighboring community used in the same manner and has never experienced any problems.

Owen Bouchet testified that he lived next to Hale Mountain for many years and feels the best use for this property is to be a beagle club. Owen feels that the club will be a credit to the neighborhood and the town.

David made a motion to table the application for up to three months until the applicant returns with the requested information. Seconded by Bob Holmes. All in favor 5-0-0.

Neil Hogan asked if a longer period of time could be allowed. David replied that if the applicant was having difficulty in getting the requested information than the applicant can request more time. David asked that access points to the property and the stream be noted on the site plan as well.

6. Other Business:

A. The Development Review Board requested copies of current proposals being considered by the Planning Commission.

B. TAM may be coming in with an application for a composting facility. The solid waste bylaws will apply. Suzanne can warn the application as a solid waste facility.

7. Minutes: April 6, 2011 and May 4, 2011

Jake made a motion to accept the April 6, 2011 Minutes and Gary seconded.

Approved 4-0-1 (David not being present at that meeting abstained). Jake made a motion to accept the May 4, 2011 Minutes as amended. Bob seconded. Minutes accepted as amended, 5-0-0

8. Decisions to be signed: None.

9. Adjournment: Jake made a motion to adjourn and Bob seconded. Motion passed. Meeting adjourned at 9:00 p.m.

Respectfully submitted,

Bob Whitney

