

## Shaftsbury Planning Commission

November 10, 2020

The meeting **came to order** remotely via Zoom at 6:02 p.m. Present were commissioners Chris Williams (chair), Mike Cichanowski, Mike Foley, Martha Cornwell, and Naomi Miller. Also present were zoning administrator Shelly Stiles and citizens David Rosner, Tom Huncharek (also chairman of the Development Review Board or DRB) and Jeri Schoof.

Mr. Cichanowski moved to approve the October 27, 2020 **minutes**. Mr. Williams seconded the motion, which passed 5-0-0.

The group turned to a discussion of the **abandonment of nonconforming uses**.

Mr. Williams, referring to the discussion at the last meeting regarding what kind of nonconforming use may succeed one abandoned, read parts of bylaw Section 8.1.1 and said that they clarified that issue.

Ms. Miller said she was concerned about the absence of objectivity they implied, as the bylaw uses words such as “objectionable” and “nuisance.”

Mr. Foley said the method used by Williston, in which businesses grouped together in the North American Industry Classification System are considered similar, introduces that objectivity. Ms. Miller observed that Williston permits uses in certain zones that might not be suitable in Shaftsbury.

Mr. Williams said the greatest degree of nonconformity is in camps converted to full-year residences in the Forest and Rec zone. He thought the issue should be addressed concomitant with commercial nonconformity. Ms. Stiles noted that such residences don't have professionally designed and permit wastewater systems. Most involved in the ensuing discussion considered such residences illegal, not nonconforming. The issue was not resolved. On the suggestion of Ms. Miller and Ms. Schoof, the commission turned to a review of commercial nonconforming uses, which the Select Board had originally charged the PC with considering.

What should be the grandfathering period for such uses? Mr. Huncharek suggested three years. He said the most important reason for three years was that it could take that long to arrange for the sale of a business to a new owner.

Ms. Miller suggested eighteen months.

Mr. Foley said he needed to know what existing nonconforming commercial uses might be objectionable before he could make a decision as to the most appropriate grandfathering period. The Brownell auto salvage yard on White Creek Road was suggested, although it is permitted by the State.

Ms. Stiles agreed to try to build a database of existing nonconforming uses in town.

The Development Review Board has asked that **the boundary line adjustment section of the subdivision regulations** be rewritten.

Mr. Huncharek noted that, at present, the regulations regarding what elements are to be illustrated on the boundary line adjustment plat reference the requirements for preliminary plats for subdivisions. Most of those elements have no relevance to a boundary line adjustment, yet the regulations offer no provision for waiving them. He said this should be addressed.

Mr. Foley said the requirements for boundary line adjustments should be separated altogether from those for subdivisions. Mr. Huncharek agreed.

Because the DRB will be reviewing these matters at its November 18 meeting, the discussion was tabled until DRB comments could be incorporated.

## Other business

Mr. Williams reported that an **Act 250 action is underway for Poulin Grain**, which wishes to expand its hours of operation to 4 am to 11 pm. Ms. Stiles said these had been de facto hours for many years, and that the matter was one of not only neighbor complaints but of farmer needs as well. Several commissioners expressed an interest in a site visit and in learning more about the proposal. Mr. Williams will forward the Act 250 emails along to the commission members.

Mr. Williams moved to **adjourn** at 7:30 pm. Mr. Foley seconded the motion.

Notes by ZA Stiles.