

Shaftsbury Development Review Board

December 2, 2020

Call to order

The meeting came to order at 6:05 p.m. Present were board members Tom Huncharek (chair), Mike Day, and Tedd Habberfield. Board member Lon McClintock arrived at 6:12 pm. Also present were Chris Ponessi (representing applicant Slavin), Art Coons (applicant), and zoning administrator Shelly Stiles.

Conflicts

No one reported a conflict of interest with any item on the agenda.

Minutes

Mr. Huncharek moved to approve the November 18 2020 minutes. Mr. Day seconded the motion. Upon roll call vote, the motion was approved 3-0-0.

Final plat approval, application #20-0092, subdivision, Parcel 15 21 20, owners Mike, Lisa, and Mariah Slavin, to subdivide a 16.8+ acre parcel into two lots, lot 1 at 13.57 acres and lot 2 at 3.23 acres.

Mr. Ponessi presented the proposal. He pointed out changes made to the plat in response to conditions specified at the November 18 hearing on the preliminary plat. He said all five conditions were complied with. He reminded the board that before the previous meeting, he had crafted and shared a maintenance agreement between Moriah Slavin on the one hand and Lisa and Mike Slavin on the other, in which each assumed fifty percent of the responsibility for future maintenance of the shared right of way.

Mr. Huncharek moved to close the hearing on the final plat. Mr. Habberfield seconded the motion, which, upon roll call vote, passed 4-0-0.

Continuation of hearing recessed on November 18, 2020: application #20-0095, Parcel 01 01 38, 1046 Shaftsbury Hollow Road, owner Art Coons, request for a permit for a home occupation -- selling and repairing firearms.

Mr. Coons presented a list of items he proposed to sell, as requested at the November 18 2020 meeting. He said the list was exhaustive.

Mr. Habberfield asked if a limit could be imposed on the amount of ammunition he could have available and sell. Mr. Coons suggested the limitation could be "no bulk ammunition could be sold, and sales to individuals are to be limited to two boxes each." Mr. Coons described how hard it would be to impose limits by rounds per box, as they are highly variable according to the weapon and the target. On a question by Mr. Huncharek, Mr. Coons said there is no limit on how much ammunition any individual may store at home. He reminded the board that ammunition is potentially an explosion hazard only when stored in an airtight container. Mr. Day suggested as a condition language reading "limited quantities of boxes of ammunition. No bulk."

Mr. Coons reminded the board that securing approval from the Town is the first step in a months-long approval process also involving the state and USATF. He said he will let the board know what the ATF's decision is.

Mr. Huncharek moved to close the hearing. Mr. McClintock seconded the motion. Upon roll call, it passed by a vote of 4-0-0.

Deliberative sessions

Mr. Huncharek moved to enter private deliberative session on each application in turn. Mr. McClintock seconded the motion, which, upon roll call, passed 4-0-0. The board members discussed each application.

Mr. Huncharek moved to leave deliberative session. Mr. McClintock seconded the motion, which, upon roll call vote, passed 4-0-0.

Final plat approval, application #20-0092, subdivision, Parcel 15 21 20, owners Slavins

Mr. Huncharek moved to approve the final plat for application #20-0092. Mr. Habberfield seconded the motion, which, upon roll call, passed 4-0-0.

Conditions, application #20-0095, Parcel 01 01 38, 1046 Shaftsbury Hollow Road, owner Art Coons, request for a permit for a home occupation -- selling and repairing firearms.

While the consensus was affirmative, the board agreed to postpone approving Mr. Coons's application until it had a chance to review the many and significant conditions it discussed in private deliberative session. Ms. Stiles will draft a permit document for review and discussion at the December 16, 2020 meeting.

Review of proposed revision to bylaw and subdivision regulations: dog kennels and boundary line adjustments

Mr. Huncharek explained to the board that at its November 24, 2020 meeting, the Planning Commission (PC) heard comments from Mr. Carl Korman and discussed his proposed revisions to their proposed dog kennel bylaw. The PC agreed it would reconsider its original language and essentially go back to the drawing board. The changes would go before the voters at the 2022 Town meeting at the earliest.

Mr. Huncharek said the PC did not discuss proposed changes to the boundary line adjustment section of the subdivision regulations so he had nothing new to report on that front.

Review of Rules of Procedure

Mr. Habberfield said he'd sent out a cleaner copy of the Rules as edited to date earlier that day. He said he and Mr. McClintock will continue revising them – he taking a more specific point of view, Mr. McClintock a more global approach. Mr. McClintock said he hoped to treat separately all the different "guests" the DRB hosts, e.g applicants, applicant/appellants, and appellants. He hopes he and Mr. Habberfield can make the document accessible to people of all educational backgrounds.

Other business

It was agreed the board will consider the Coons conditions document and the Bennington College subdivision permit language at the December 15 2020 meeting.

Mr. Huncharek moved to adjourn at 7:30 p.m. Mr. McClintock seconded the motion.

Notes by ZA Stiles.