

## **Shaftsbury Planning Commission**

December 8, 2020

The meeting **came to order** at 6:02 p.m. remotely via the Zoom platform. Present were commissioners Chris Williams (chair), Mike Cichanowski, Mike Foley, Martha Cornwell, and Naomi Miller. Also present was zoning administrator Shelly Stiles.

Mr. Foley moved to approve the November 24 minutes. Ms. Miller seconded the motion, which passed 5-0-0.

### **Solar proposals**

Mr. Williams led the commission through a review of the Waite Cemetery proposal in the context of the Regional Energy Plan's list of constraints on solar development (referenced in the Town Plan). He noted that the site was almost entirely underlain by prime agricultural soils. There were no other constraints. It was noted that the developer has not requested a "preferred site" letter from the Planning Commission, but rather that the PC share any recommendations before the end of the 45-day notice period. The commission agreed to make a visit to the site on Sunday December 13 at 10 a.m. Ms. Stiles will warn the meeting.

The PC received a request from Norwich Solar Technologies, which has taken over the project formerly proposed by Green Lantern at Sally Gannon and Murphy Hill Roads, for a preferred site letter. The new developer proposes no changes to the earlier proposal. Ms. Miller moved to sign a preferred site letter for the new developer. Mr. Foley seconded the motion, which passed 4-0-1, with Ms. Cornwell abstaining.

### **Kennels**

The PC discussed Carl Korman's recommended language. Among the matters that came up:

- Is 5 acres large enough?
- Could a business be built on a maximum of six canine lodgers?
- What about the owner's animals – would they count in that maximum?
- 500' setbacks could make some 5-acre parcels "un-kennelable."
- Isn't 1000' from residences unnecessarily distant?
- An onsite caretaker is necessary.
- Ms. Miller thought setbacks and lot size are irrelevant. It is the number of dogs and how they are handled – in or out at night? – that matters.
- Mr. Korman's proposal incorporates conditions that might otherwise be imposed by the DRB.
- The animal control officer cannot do inspections, and may not be able to respond to complaints when the issue is a violation of the bylaw, not some animal control law.
- The penalties Mr. Korman suggests are extremely punitive.
- They are very similar to existing penalties for zoning bylaw violations.
- As for penalties, what about a three-strikes-you're out arrangement?
- What are we trying to achieve?

### **Boundary Line Adjustments**

Mr. Williams suggested sending the draft to the town attorney for review. Ms. Stiles will do so.

### **Abandonment/grandfathering term**

Ms. Stiles was unable to build a list of nonconforming uses in town.

Mr. Williams said grandfathering applies to residential as well as commercial uses. Mr. Foley argued that residential oddities such as camps in the FR zone turned into year-round residences aren't nonconforming, they are illegal and not covered by the grandfathering clause.

Ms. Cornwell defined "commercial" as "services for money."

Ms. Miller moved to amend 8.1.1.ff as follows (changes in italics)

iii. no Nonconforming *Commercial* Use of a building or lot which has been discontinued or abandoned for a period of *two years* shall thereafter be resumed. *No other nonconforming use of a building or lot which has been discontinued or abandoned for a period of one year shall thereafter be resumed.* Mr. Williams seconded the motion, which passed 3-2-0. Mr. Williams will send a memo regarding this proposed change to Mr. Scoggins and the Select Board.

Board members discussed who intended to participate and in what capacity in a **remote Act 250 meeting** to be held on December 11.

The December 22 meeting was cancelled. The **next meeting will be held January 12.**

The meeting **adjourned** by acclamation at 8 p.m.

Notes by ZA Stiles