

## DRB Radicioni Hearing minutes 6-11-19 FINAL

Present: Ira Clark, Peter Anderson, Sue Sellow, Paul Kristensen, AO Geo Honigford, applicant Walter Radicioni representing Down River Investments, LLC

6:45 The site visit convened at 2911 VT Rte. 14 in Sharon as scheduled.

Peter asked if RVs are permitted in the flood zone. Geo stated that they are permitted under the Flood Hazard Bylaw.

The boundaries within which Walter is planning on parking the cars was established; on the gravel in front of the garage and in the area by the railroad tracks. Walter stated he only wants things of value on the property and it wouldn't be a junkyard. It will be organized.

Walter said he is looking for a permit for up to 5 unregistered vehicles per business on his property. He considers each of the three bays in the garage to be a separate business though only one is currently occupied. Walter stated that he did not include his business as one of those and holds open the possibility of more businesses that would also be able to have 5 unregistered vehicles each. Walter stated that the town bylaw says 5 cars. Geo stated that the bylaws do not mention a number of cars.

Geo stated that in his application Walter asked for 5 cars for 4 businesses and the ability to have additional cars for additional businesses.

Sue asked about people that live on the site. There is a family in the apartment and another person in another apartment. Sometimes people stay in the camper by the garage. There are two RVs nearer the river for seasonal use.

Peter noted a previous storage of logs at the site and asked if it was permitted. Walter stated they were temporary and Geo stated the bylaws permit silviculture. However, it becomes a gray area if it becomes a permanent log yard. Peter noted that stored logs on this site could present a hazard to properties downstream during a future flood event.

7:00 Group adjourned to the Town Offices

7:08 Ira called the conditional use permit hearing to order.

Additional parties present: Margy Becker, Kevin Davis, Joe Ronan, Victoria Littlefield

-Ira recapped the reason for the hearing and what was discussed at the site.

-Walter restated he is looking for 5 unregistered vehicles for each of 3 businesses with the possibility of more businesses, his own included.

-Ira clarified and Walter agreed that he is looking for a permit for 3 businesses, 5 unregistered cars each, with the possibility of more businesses each being able to have 5 unregistered cars.

-The issue of unregistered RVs came up and Geo stated that the settlement agreement between the Town and Walter did not limit RVs in the Special Flood Hazard Area. However, one might view them as junk if they were not operable.

-Walter stated that the bylaws allow for 5 cars. Geo stated that the bylaws do not mention a number of cars.

-Paul stated that he assumed that the property had grandfathered status as a garage. Geo stated that is only true if the property had been operating continuously as a garage with no breaks of a year or more.

-Peter stated that it will be difficult for Geo to enforce a permit because of the open nature of how many businesses Walter can establish on the site and the issue will end up coming back before the board.

-Joe stated that the settlement agreement between the Town and Walter was a compromise, something the Town saw as being livable and enforceable. Though not perfect for the Town, it will allow Walter more flexibility.

-Sue asked Joe how this will affect other properties in town. Joe stated that it will set a precedent.

-Geo read a letter from an abutter who was unable to attend the hearing. The Nature Conservancy stated they are against the issuance of a permit and fear floods washing cars and hazardous fluids onto their ecologically sensitive site downriver.

-Peter stated that the 5 unregistered vehicles might trip the junkyard provision in state statute. Joe stated that he thought 5 unregistered cars would trip state statute and explained that the Town has no bylaw on junkyards, but the state does, and explained how they define and enforce it.

-Joe stated that the Town expects that the owner is planning to return this site's unregistered vehicles to working condition.

-Walter stated that some of the cars are brought to the site and determined to be not fixable and then parts are taken off of them.

-Peter stated there is no way of knowing how long vehicles are at the site and this is too hard to track. Ira stated that a clear maximum number in the permit would help.

-Peter asked that Walter submit a new permit clarifying the number of businesses and vehicles and proposed that the board should not accept this application. Geo stated

that he had already accepted the application and that the DRB has the authority to rule on the application as written. It does not have to approve the application. It has the authority to stipulate its own conditions.

7:38 hearing adjourned. The DRB will deliberate on 6/20/19 at 7:00 PM