

**Selectboard Meeting Minutes July 13, 2023 Zoom Teleconference 4:30 pm**

**Call to Order:** Bob Manners called the meeting to order at 4:30 pm. Others present: Selectboard member Rick LaPierre, and Town Administrator Terry Narkewicz.

**End of Year Budget Transfers** – The Finance Committee had met and approved the transfer of fund from various accounts that had excess to accounts that were a bit short. A motion was put forth by Rick to approve the budget transfers as itemized. This was seconded by Bob. Roll call vote: Bob – yes; Rick – yes. Motion passed 2-0-0.

**Request to Buy Back Vacation Time** – A motion was made by Rick to allow employees, who are in jeopardy of losing vacation time, to buy back up to 80 hours of time. This was seconded by Bob. Roll call vote: Bob – yes; Rick – yes. Motion passed 2-0-0.

**Appointments:**

**4:30 pm Town Counsel Donna MacNicol RE: Route 2 Businesses** (Building Inspectors Jim Hawkins and Jeff Gougeon, ZBA Chair Joe Palmeri, Atty John Richardson) – Todd Gerry Jr, who owns the Duck Pond, currently has an antique store and a food truck. Shelburne Zoning bylaws allow more than one principal use if a property is in the commercial district and meets dimensional requirements. It is assumed that those requirements have been met at the Duck Pond. It was Donna's opinion that the food truck could fall under the category of "food service other." She said, with a Special Permit from Zoning, the food truck could operate. Joe said the woman who operates the food truck had applied for a Special Permit but it had not been accepted as it was lacking a lot of information. She said she would reapply, but has not done so. Catamount Traders, owned by Mike Skalski, has a two-family dwelling, which is grandfathered, retail is by right in that location, and he has a Special Permit for a restaurant. Joe said the restaurant permit had been issued to Jim Bragdon and it was never used. It has now expired. Based on what other businesses have done, retailers only sell outdoors in conjunction with special events such as Moonlight Magic. Sometimes retailers display items outside their stores as advertising to draw people in. Donna said there was a big difference between having a few items displayed outside and setting up a tent with tables and selling spaces to others. Atty Richardson said Mike has a promoters' license. Donna said he would still need to abide by town bylaws. Atty Richardson felt Mike was doing the same thing outside as he does inside. Donna said additional uses were allowed, but if a use is not in the zoning bylaws, it is not allowed. Her question was, does the town want to allow these types of outdoor vendor uses and if so, will the bylaws be changed to allow the town to have some sort of control over them. Joe thought it might make more sense to create a general town bylaw rather than a zoning bylaw. Donna suggested a special event section in the zoning bylaws but the Selectboard could be the entity issuing the permits. Terry suggested that an application for such events require review by the police. The consensus was that while everyone wanted the events to be able to happen, a bylaw is needed. Bob asked what should happen in the meantime, while a bylaw is being created. Donna said the Building Inspector should write a letter to the two businesses explaining what they should do. As long as the businesses are willing to work with the town, there is no need to try to shut them down, said Donna.

Terry had shared the Town of Brimfield's flea market bylaw, which is a general bylaw. Donna said zoning would still need to be involved if the flea markets were a second principal use of a

property. She said for special events, it would make sense for permits to come from the Selectboard. She suggested that the Selectboard, ZBA, and Planning Board discuss who should be the issuing body. Terry will recirculate the Brimfield bylaw and ask for input and editing before another meeting of this group.

Joe brought up another subject, that of trailers on the former Swan lot, which is in the village commercial district. Donna said “food service, other” was allowed by right in that district. One trailer might be allowed but now there are two trailers and a shed on the property. Discussion followed on the status of the lot. If there is a building on a non-conforming lot, it can be removed and replaced if done within three years. Once that deadline has passed the lot becomes illegal, non-conforming. The building on the Swan lot has been gone for more than 10 years. Joe would like to see the Planning Board make a bylaw regarding food trucks/trailers. The owner of the Swan lot will be sent a letter from the Building Inspector. She should have gotten permission for the first trailer, which was not done.

**Public Comment:** None

**Adjournment:** At 5:50 a motion was made by Rick to adjourn the meeting. This was seconded by Bob. Roll call vote: Bob – yes; Rick – yes. Motion passed 2-0-0.

Respectfully submitted,  
Faye Whitney, Recording Secretary