

Lyndon Development & Review Board

Jan. 21, 2016 Minutes

| Members | Public Official | Press | Public |
|-------------------|------------------------|--------------|-------------------------|
| Pauline Harris | Laurie Willey | Amy Nixon | Pete & Carrie Tomczyk |
| Jon Prue | Kaela Gray | | Patricia & Dana Emery |
| Eric Paris | | | Bill & Joan Fallon |
| Brandon Carpenter | | | Colleen Dacoupg |
| Sarah Simpson | | | Carroll Mitchell |
| Dave Keenan | | | Tom & Hilary DeCarlo |
| | | | Rebecca Lowe |
| | | | Jim O'Reilly |
| | | | Barb & John Irwin |
| | | | Catherine & David Dwyer |
| | | | Keenan Chenail |
| | | | Matt Mendrala |
| | | | Chris Hibshman |
| | | | James Pim |

Mr. Prue called the meeting to order at 7:04 PM and advised there were 3 warned items on the agenda and an application from Krystal Zaun that had been postponed from a previous meeting.

Mr. Prue gave a brief explanation of the process to the forum by explaining they would hear the presentation by the applicant, and questions would be asked by board members, as well as members of the public. Mr. Prue advised after all comments and questions were finished, the board would discuss and make the final decision in deliberative session. The applicant could choose to stay and wait outside the Conference Room to hear the decision or wait to contact the Zoning Administrator the next morning. Mr. Prue advised if the application was approved, there would be a 30-day appeal period, and if the applicant proceeded with their project before the 30-days were up, they would do so at their own risk.

At this time Mr. Prue noted that Krystal Zaun was not present, therefore application was tabled again.

2015-115: Dana Emery is proposing to convert existing retail space into two additional apartments located at 230 Main Street. The application is an expansion of a Conditional Use in the Main Street district and requires approval under section 3.8.2.1 and/or 4.2.2 and site plan approval under section 9.1 of the Lyndon Zoning Bylaws.

Dana Emery was present and explained to the board they would like to convert the office space on the first floor into two apartments. Mr. Emery noted their 2009 application was approved for 4 apartments, and then had it amended for commercial space. They are simply asking to convert back to 2 apartments making it a total of 4 apartments. Parking conditions added to the 2009 application were discussed, including limiting parking to 1 space per apartment.

Hearing no questions the board moved on to the next warned item.

2015-116: Rebecca Lowe is proposing to open a mobile pizza trailer on the property owned by DOR Associates at 2059 Darling Hill Road. The application requires Conditional Use approval in the rural residential district as "other" under sections 3.1.2.20 and/or 4.2.2 and site plan approval under section 9.1 of the bylaws.

Rebecca Lowe was present along with Tom DeCarlo and shared their vision of serving good food to the Kingdom Riders in a mobile wood fired oven. Mr. DeCarlo went on to explain the location would be north of the proposed renovated sport shop on the ridge. Mr. DeCarlo explained the unit is 8' X 16' and is housed on a trailer. They plan to operate from May 1st. thru October 31st. Hours of operation will be 11:00 AM - 5:00 PM.

Mr. DeCarlo noted that Jim O'Reilly offered 8 parking spaces, but that most traffic would arrive by bike and leave by bike.

Mr. DeCarlo shared they intend to have an A-frame sign on the edge of the road and will be taken down at the close of each day. There will also be a sign on the side of the unit.

Mr. DeCarlo expressed they feel this unit fits nicely together to help grow a stronger Kingdom Trail system.

Sarah Simpson asked how many days they intend to be open. Mr. DeCarlo answered Wednesday thru Sunday during the busy season. They will leave the unit on site closed and locked when not open and until season ends.

Zoning Administrator Kaela Gray asked about seating, and Mr. DeCarlo answered there will be sixteen outside seats for them and a couple of picnic tables.

At this time Mr. DeCarlo explained they are actively going thru the Act 250 process.

Hearing no further questions from the board, the floor was opened up to questions from interested parties and the public.

Bill Fallon asked if the seating was in addition to the sport shop seating. Mr. DeCarlo answered no.

Barb Irwin expressed concerns for herself and other property owners in the area this application would set a precedent and more possibilities of other little food booths of different types would want to come. Ms. Irwin felt this possibility could give the neighborhood the look of a carnival.

Barb Irwin asked if the board could limit this application to be the only food truck allowed on the property and Mr. Prue answered there were no limits, but there are stipulations pertaining to zoning areas. Any future trucks would also need to obtain separate permitting from this one.

Pauline Harris inquired about the 8 parking spaces being provided by Mr. O'Reilly, were they being taken away from his required amount.

Kaela Gray responded with a color coded parking plan presented by Ms. Tomczyk showing all the existing and proposed parking spaces. Noting there were more spaces available than what was required.

At this time it was noted that both this application, and the next warned item on the agenda presented the same concerns to the adjoining property owners and that any further questions would better be served after hearing the presentation of application 2016-001.

2016-001: Carrie & Peter Tomczyk are proposing to open a bar operating from, and shared with the space currently housing their bike shop on the property owned by DOR Associates at 2059 Darling Hill Road. The application requires Conditional Use approval in the rural residential district as "other" under sections 3.1.2.20 and/or 4.2.2 and site plan approval under section 9.1 of the bylaws.

Ms. Tomczyk was present and read her entire plan, noting this will be a year round business.

Ms. Tomczyk explained this was a venture including herself, husband Pete and brother Chris. Ms. Tomczyk noted they had already received a zoning permit to renovate the barn and now would like to add the opportunity to serve beer and espresso as an amenity. Ms. Tomczk noted this was a growing trend in bike shops around the country. The counter would be in the back with 2-4 beer taps and an espresso machine. There will be 4 seats at the counter and 20 seats outside in a fenced in area.

Ms. Tomczyk noted the bike shop is first and foremost and this would only be a side amenity.

Chris Hibshman also expressed the bike shop is the focus and this would only offer an amenity to riders while they rest a waiting for their bikes to be serviced.

Eric Paris asked the hours of operation. Ms. Tomczyk answered the bike shop is open 7 days a week, the beer would be sold from noon to 1 hour after bike shop closed, noting they were permitted until 8:00 PM. Ms. Tomczyk stated that beer would not be served passed 8:00PM.

At this time Pete Tomczyk wanted it understood this was not to be associated as a bar.

Zoning Administrator asked where the Act 250 permit stood.

Ms. Tomczyk noted it was pending as well as the designing for the leach field and WW permit.

Keenan Chenail representative for Kingdom Trails noted this area is a Nordic seasonal operation only, and does not pertain to them during the summer months. We do not participate April thru November in this area. Mr. Chenail hoped they will be able to work with VSS in the future.

At this time adjoining property owners, Joan & Bill Fallon, Catherine & David Dwyer, and Barb & John Irwin expressed the following items as issues of collective concern for the adjoiners:

1. Traffic safety, roadside safety for walkers, runners, children
2. Success could continue to breed future business to the area
3. Parking overflowing beyond the designated area.
4. Interfacing biking with agricultural enterprises in the area.
5. Act 250 permitting has not been applied for either application yet
6. Promoting use of alcohol when on the trails--drinking & riding
7. Preserving the beautiful scenery and character of the area.
8. Liability

Mr. Prue responded to concerns, by stating the point of having a zoning board was to have a say on the growth of the community. Applications are permitted for a very specific permit. If those are not met they can be monitored, and enforced.

Carol Mitchell, although not an adjoining property owner was concerned with the possibility of bands and noise. Ms. Tomczyk answered there would be no bands or outside music.

Hearing no further questions from the board a motion to go into deliberative session at 8:37 PM with Kaela Gray present was made by Dave Keenan, seconded by Brandon Carpenter and the vote carried 6-0.

A motion to come out of deliberative session at 10:15 PM was made by Eric Paris, seconded by Pauline Harris with the following decisions being made, and the vote carried 6-0.

A motion to approve the Dana Emery application (2015-115) as presented with the following condition was made by Dave Keenan, seconded by Brandon Carpenter and the vote carried 6-0.

1. All future leases will include a stipulation in the lease that allow only one vehicle per unit for parking on-site.

A motion to approve the Rebecca Lowe application (2015-116) as presented with the following conditions was made by Dave Keenan, seconded by Sarah Simpson and the vote carried 6-0.

1. Act 250 requirements and state permits met
2. No parking will occur on the road
3. Meet the requirements for the parking lot
4. Trailer can only be on the property during approve season May 1st.-Oct. 31st.

A motion to table application 2016-001 upon a request from the board for further information was made by Eric Paris, seconded by Pauline Harris and the vote carried 6-0. The board's request for more information included:

- A. What the building capacity is from the fire marshal, and how that will break down between the two uses.
- B. What is the final number of patrons you would like to have for the bar?

- C. Signage, the bike shop is using 35 of the allowed 36 feet of signage on the property.
Are you requesting any additional signage for the bar.
- D. Will people with beer be allowed to walk around the bike shop?
- E. Clearly define the alcohol service area in the site plan.
- F. A new & improved site plan depicting all applicable requirements of section 9.1

A motion to approve the December 17, 2015 minutes was made by Dave Keenan, seconded by Brandon Carpenter and the vote carried 3-0 with Dave Cobb voting via email.

A motion to approve the Temple Notice of Decision was made by Dave Keenan, seconded by Brandon Carpenter and the vote carried 3-0 with Dave Cobb voting via email.

A motion to adjourn was made by Dave Keenan, seconded by Brandon Carpenter and the vote carried 6-0.

The meeting adjourned at 10:16 PM.