

TOWN OF LYNDON
DEVELOPMENT REVIEW BOARD
June 3, 2021
Minutes

Members

Jon Prue
Kevin McKeon
Curtis Carpenter
Craig Weston
David Keenan (7:00pm)

Public Officials

Nicole Gratton

Press

Paul Hayes

Public

Megan Matthers
Matt Wheeler
Clayton Bailey
Nick Durocher
Dave Shorter
Kathleen Murphy
Ken Mason
Travis Glodgett
Keith Johnson
Cynthia Johnson

Brandon Carpenter chaired the meeting which was brought to order at 6:00 pm.

Mr. Carpenter asks for agenda changes. Nicole Gratton notes that 2021_058 Clayton Bailey does not need site plan approval. Mr. Carpenter makes a motion to move 2021_045, Kathleen Murphy, to the last item to be reviewed. Seconded by Kevin McKeon. All in favor. Motion carries.

Approval of old meetings: Existing 1st and 2nd on 2/4, 3/18. 4/1, 4/15. All in favor. Motion carries.
The February 18th minutes were tabled until the next meeting.

Public Comment on Non-Agenda Items:

Travis Glodgett notes a considerable amount of development up on Cornerstone Lane. Neighbors attended the Lister's meeting earlier in the day and felt that the representative from NKHS did not give accurate representation on what is happening. Keith Johnson also notes that there is considerable activity occurring at the site of 133, 142, 188 Cornerstone Lane. Mr. B. Carpenter notes that the board has not had any applications. The DRB will take this on as an action item and initiate contact and compliance. Mr. Glodgett asks what happens if someone does work without a permit. Nicole Gratton reviews the procedure for a violation. Mr. Glodgett asks where the Town stands on violations of use. Jon Prue notes that in the past sometimes people do not know they need a permit and that after the fact permits are common. There are no zoning police. The public can help to inform the zoning administrator so that the process can begin. Mr. Glodgett wants everyone to be aware of what is going on. Mr. Johnson notes that NKHS may have done this sort of thing in other towns and in this town and feels like NKHS should have known that they need a permit. Carpenter reiterates that the Town, via AO, will act. Mr. Glodgett notes a fire marshal permitted use at 15 persons.

Brandon Carpenter gave a brief explanation of the development review process, explaining that the Board hears presentations by the applicant(s), asks questions of the applicant(s), and then opens the floor to public comment. Once the Board has received all relevant information the public hearing is closed, and the Board has up to 45 days to deliberate prior to issuing a written decision on an application. Applicants and all interested persons are notified of the decision by the Zoning Administrator and all decisions by the Board are subject to a 30-day appeal period. Mr. Carpenter then provided an explanation of "interested persons" and their ability to appeal a decision issued by the Board. Mr. Carpenter then swore in anyone wishing to provide testimony.

Mr. Carpenter opened the public hearing on **2021-054**: Megan Matthers is seeking approval to subdivide 174+/- acres owned by Vermont State College and located 762 College Road into 2 lots. The application requires final plat approval for a minor subdivision in a Rural Residential District under section 7.7 of the Town Zoning Bylaws and site plan approval under section 9.1. Ms. Matthers shares a quick overview of her project. She is opening a new business at 762 College Road (herbal apothecary studio and classroom space). She is purchasing the lot to house her business. There were no questions or comments from the board or the public.

Motion to close 2021_054. Jon Prue made the motion, seconded by Amy Rast. All in favor. Motion carried.

Mr. Carpenter opened the public hearing on **2021-055**: Matt Wheeler, of Wheeler Revocable Living Trust, is seeking approval to subdivide a 6+/- acre lot located at 98 Darling Hill Road into 3 lots. The application requires final plat approval for a minor subdivision in the Rural Residential District under section 7.7 of the Town Zoning Bylaws and site plan approval under section 9.1. Mr. Wheeler shares a quick overview of the subdivision project. The 6+ acres are being subdivided, 1.54 acres will stay with the homesite, Lot #2 will be 2.78 acres and Lot #3 would be 1.78 acres. There are no proposals to build anything. There were no questions or comments from the board or the public.

Motion to close 2021_055. Curtis Carpenter made the motion, seconded by Jon Prue. All in favor. Motion carried.

Mr. Carpenter opened the public hearing on **2021-058**: Clayton Bailey is seeking approval to subdivide 47.8 +/- acres on Lily Pond Road into 2 lots. The application requires final plat approval for a minor subdivision in the Institutional District under section 7.7 of the Town Zoning Bylaws. Mr. Prue notes that at the preliminary there was discussion about a right-of-way or the required frontage. Mr. Bailey noted that the lot was redrawn to provide the required 125+ feet of road frontage on Lily Pond Road. Mr. Bailey shared that the roadway on the retained portion of the parcel is maintained so that the test wells can be accessed. There were no comments from the public.

Motion to close 2021_058. Kevin McKeon made the motion, seconded by Jon Prue. All in favor. Motion carried.

Mr. Carpenter opened the public hearing on **2021-046**: Kathleen Murphy is seeking approval to redevelop 1738 Red Village Road which is in a Special Flood Hazards Area and River Corridor. The application requires conditional use approval under section 11.4.D, 11.5.A, and 11.5.C. Ms. Murphy shares that the small house on the lot is to be torn down, the cellar will be filled, a pad will be put in place, the well will stay the same, and the septic will stay the same with a new septic tank. Mr. Carpenter shares that the board reviewed the comments from Sacha Pealer, the WW permit exemption from Pete Kopsco, and information from VELCO about a 250' easement across the lot. Jon Prue asks if the proposal is a "tiny house" or "recreational vehicle"? Ms. Murphy clarifies that it is a tiny house but classified as an RV, it will be road-ready with plates. Mr. Carpenter suggests that the board look at the SFHA first and then the River Corridor. Mr. Carpenter notes that the LOMA for the existing property notes that the dwelling is above the Base Flood Elevation level. The board agrees that the building is outside of the SFHA at this time, due to the LOMA. Mr. Carpenter asks for an "as built" to come to the DRB to confirm that the project stayed above the BFE. Nicole Gratton notes that the lister's office considers an RV on a site for over 180 days to be considered a structure and will be taxed that way. Mr. Prue notes the past issues with "seasonal use" with campers in campgrounds. With regards to the river corridor, the building will not be moving closer to the river, so the recreational vehicle and the project meet the requirements for the river corridor. Jon Prue reminds the applicant that permitting for wastewater will need to be met as the conditions of the RV change over time, if at all.

Motion to close 2021_046. Jon Prue made the motion, seconded by Kevin McKeon. All in favor. Motion carried.

Mr. Carpenter opens the public hearing for the preliminary sketch review on the Park and Ride for the Town of Lyndon. Nicole Gratton shares the proposal to apply for a VTrans grant to develop a park and ride at the south access from I-91 on a municipally owned lot. Ken Mason, public member, and Curtis Carpenter note that the site was removed from the river corridor, determined during the flood hazard regulation writings. The DRB sees this

project as outside of the SFHA and outside of the River Corridor. The project is good to go from the DRB perspective. The permit can be administered administratively as a municipal use in a commercial zoning district.

Next meeting is scheduled for August 5th, 2021.

Mr. Carpenter seeks a motion to adjourn the meeting. First by Jon Prue, second by Kevin McKeon. All in favor. Motion carried. Meeting adjourned 6:43pm

Respectfully submitted by: NGRATTON