

Lyndon Development & Review Board

Feb. 4, 2016 Minutes

Members	Public Official	Press	Public
Dave Keenan Craig Weston Dave Cobb Eric Paris Brandon Carpenter	Laurie Willey Kaela Gray		Pete & Carrie Tomczyk George Lowe Bill & Joan Fallon Charlie McQuade Kathy McQuade Tom & Hilary DeCarlo Catherine & David Dwyer Jim O'Reilly Barb Irwin

Dave Keenan acting Chair called the meeting to order at 7:08 PM and advised there was 1 warned item on the agenda and application 2016-001 postponed from the Jan. 21, 2016 meeting.

Mr. Keenan 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. Keenan 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. Keenan 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. Keenan explained to the forum the DRB was a 7 member board, with only 5 members present at this meeting. Mr. Keenan noted in order for an application to pass, applicants would need 4 affirmative votes. The board offers each applicant the opportunity to postpone their application until they next warned meeting with more board members present.

2016-002: Kathy and Charlie McQuade are proposing to sub-divide 4.8 acres of the abutting property owned by The Parker Family Irrevocable Trust located at 256 Lily Pond Road to be combined with their existing 1.87 acre parcel as a boundary line adjustment between the two parcels. The Application requires final plat approval for a minor sub-division under section 7.6 of the zoning bylaws.

Mr. McQuade was present and explained the purpose of the 4.8 acre addition as a boundary line adjustment was to prevent the possibility of the property being developed in the future.

Hearing no questions the board moved on to application 2016-001: postponed from the previous meeting.

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.

Mr. Keenan noted the board had provided Ms. Tomczyk with a list of questions to be answered Ms. Tomczyk provided the board with answers as follows.

- What the building capacity is and how it will break down between the bike shop and bar: 85% will be the shop and the bar & restroom area 15%
- Final number of patrons for the bar: 4 seats inside, 20 outside in the fenced in area.
- Signage: 36’ of allowed signage would be used by the shop, the bar would not have a sign.
- New & improved site-plan: Ms. Tomczyk provided one to the board
- Outside lighting: 6 total lights downward facing, goose neck style

At this time Ms. Tomczyk noted their Act 250 permit had been filed, and the review could take up to 45 days.

Catherine Dwyer asked if the fenced in area would have a locked gate, and Ms. Tomczyk yes and it would remain unlocked.

Ms. Dwyer noted she still had concerns with traffic and the historical integrity of the barn. Ms. Tomczyk answered they would maintain the historical integrity of the barn, and traffic concerns could be addressed by the Act 250 board. Ms. Tomczyk noted that the increase in traffic in the area will likely not come from her proposed development but from the 80,000 trail users who visited Kingdom Trails last year.

Mr. Fallon noted he continued to have concerns the neighborhood would lose its rural charm. The board advised these issues of community identity non-specific to this application could be addressed to the Planning Commission with a request to consider re-zoning or specifically identifying the goals for the Darling Hill area given its unique characteristics in the Town Plan up-date, which happens every 7 years.

At this time George Lowe noted the bike shop business was already there just moving across the road.

Dave Dwyer noted he spoke with Police Chief Harris about the speed of the traffic.

Joan Fallon noted she continues to have concerns about the safety of drinking and riding, and the number of taps in the bar and the brand of beer. Noting, if the beer is a popular brand, people will seek it out.

Hearing no further questions a motion to go into deliberative session at 7:47 PM with Kaela Gray present was made by Brandon Carpenter, seconded by Craig Weston and the vote carried 5-0.

A motion to come out of deliberative session at 9:09 PM was made by Brandon Carpenter, seconded by Craig Weston and the vote carried 5-0.

A motion to approve the McQuade application as presented was made by Brandon Carpenter, seconded by Eric Paris and the vote carried 5-0.

A motion to approve the Carrie & Peter Tomczyk application as presented with the following conditions was made by Craig Weston, seconded by Dave Cobb and was approved 4-1 with Brandon Carpenter opposing.

1. Any music will be internal to the building with no outside speakers
2. Downcast lighting
3. Lighting turned off 1 hour after closing
4. No parking on the road
5. Parking area revision to meet current bylaw regulations
6. 16 bar patrons May 1-Oct 31st
7-8 bar patrons Nov. 1-April 30th

A motion to ask the Planning Commission to review the zoning district for Darling Hill area was made by Dave Cobb, seconded by Brandon Carpenter and the vote carried 5-0.

A motion to approve the Jan. 21, 2016 minutes was made by Brandon Carpenter, seconded by Eric Paris and the vote carried 4-0 with Jon Prue voting via email.

A motion to approve the amendment to the Temple-Simpson Notice of Decision was made by Craig Weston, seconded by Brandon Carpenter and the vote carried 4-0.

A motion to approve the Emery Notice of Decision was made by Brandon Carpenter, seconded by Eric Paris and the vote carried 4-0 with Jon Prue voting via email.

A motion to approve the Lowe Notice of Decision was made by Eric Paris, seconded by Brandon Carpenter and the vote carried 4-0 with Jon Prue voting via email.

A motion to adjourn was made by Craig Weston, seconded by Dave Cobb and the vote carried 5-0.

The meeting adjourned at 9:20 PM.