

TOWN OF LYNDON
DEVELOPMENT REVIEW BOARD

April 4, 2019 Minutes
Approved May 2, 2019

Members

Jon Prue
Brandon Carpenter
Curtis Carpenter
Kevin McKeon
Pauline Harris

Public Officials

Annie McLean
Laurie Willey

Press

Amy Nixon

Public

Larry Willey
Kathleen Walsh
James Hathaway
Ernest Hastings, Sr.
Madeline Hastings
Samantha Davis Lescoult
Sean O'Reilly
Zoe Gascon
Mary Jane Miller
Barbara Irwin
William Fallon
Joan Fallon
Ken Mason
Abby Long
David Snedeker
Martha Elmes

Mr. Prue called the meeting to order at 6:00 PM and advised there were three warned items on the agenda.

Mr. Prue noted a motion to move the nominations of 2019 Officers would be moved to the end of the meeting. A motion to move the appointment of 2019 Officers to the end of the meeting was made by Brandon Carpenter, seconded by Kevin McKeon and the vote carried 5-0.

Mr. Prue proceeded noting there were not any other agenda changes.

Mr. Prue also noted there were not any Public Comments for Non-Agenda Items.

A motion to approve the March 7, 2019 minutes was made by Brandon Carpenter, seconded by Curtis Carpenter and the vote carried 5-0.

Mr. Prue explained to the applicants the DRB was a 7-member board with only 4 members present. Applications would require 4 affirmative votes in order to pass. Applicants are given the opportunity to postpone their application until a future meeting with more DRB members present.

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 the applications in deliberative session. Mr. Prue advised the applicants, the board had up to 45 days to complete their decision, at which time applicants would be notified by Zoning Administrator of their findings and decision. Mr. Prue advised if the application was approved, there would be a 30-day appeal period which starts when

written decision is received from the board. 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 explained interested persons would need to be sworn in as well as the applicants, and a detailed explanation of an interested party was on the table at the back of the room.

Mr. Prue continued by reading in its entirety the rules and regulations expected to be followed by applicants and members of the public.

At this time the board moved on to the first warned item on the agenda.

2019-003: Northeastern Vermont Development Association (NVDA) is seeking approval to subdivide a 50.2-acre parcel located in the St. Johnsbury – Lyndon Industrial Park into two (2) lots. The application requires final plat approval for a minor subdivision in the Industrial District under section 7.7 of the Town Zoning Bylaws and site plan approval under section 9.1.

David Snedeker, Director of NVDA was present and explained NVDA has a buyer for the proposed lot subdivision. Mr. Snedeker noted they were waiting on approval of act 250 permits.

Hearing no questions from the board or public, a motion to close the hearing was made by Brandon Carpenter, seconded by Pauline Harris and the vote carried 5-0.

The board proceeded to the next warned application.

2019-004: DOR Associates is seeking approval to subdivide 290 +/- acres located on Darling Hill Rd. into a 14.72-acre lot and 275 +/- acres of remaining land containing the existing structures. The application requires final plat approval for a major subdivision in the Rural Residential District under section 7.9 of the Town Zoning Bylaws and site plan approval under section 9.1.

Sean O'Reilly was present representing DOR Associates. At this time Annie McLean, Zoning Administrator explained to the board and public the warned item was incorrect due to the research she conducted back to a 2010 permit. Ms. Mclean noted that the proposed subdivision actually pertained to a 22-acre lot, resulting from prior subdivisions of the Applicant's land (2010-067, 2013-086, 2014-010), i.e. the 22-acre parcel and the Applicant's land on the West side of Darling Hill Rd. are not currently considered the same lot as described in the legal warning. The Applicant is proposing to subdivide the 22-acre lot into 2 lots consisting of a 7.39 acre and 14.73-acre lot. Ms. McLean noted both lots meet the required road frontage and that DOR was currently seeking act 250 approval.

Hearing no questions from the board, Mr. Prue asked if any members of the public had any questions or concerns.

Kathleen Walsh noted she had concerns for the water table, and Ms. McLean answered water and wastewater permitting was done by the State.

Mary Jane Miller asked what the difference was between a major and minor sub-division. Ms. McLean explained how they differ.

Hearing no further questions a motion to close the public hearing was made by Brandon Carpenter, seconded by Curtis Carpenter and the vote carried 5-0.

At this time the board moved on to the final warned item on the agenda.

2019-005: Hanus Realty LLC is requesting an amendment to conditional use and site plan approval 2018-008 for the addition of an outdoor recreation use, including seasonal parking, restroom facilities [port-a-lets], and a food truck on lots #1 and #2 at 1563 Darling Hill Road. The application requires conditional use approval under section 3.1.2.3 of the Town Zoning Bylaws for outdoor recreation and structures necessary and incidental thereto in the Rural Residential District and site plan approval under 9.1.

Susan Hanus was present and with the assistance of Ms. McLean showed the board and public her proposal using the map on the large screen.

Ms. Hanus noted it was her intent to have seasonal parking in the field to the north. Ms. Hanus is still waiting on the approval of her Act 250 permit. Ms. Hanus continued, explaining the food truck was just a possibility, and she intends to plant a buffer of lilacs as needed.

Brandon Carpenter asked if the area intended for parking is grass. Ms. Hanus answered yes, and she intends to keep it grass.

Curtis Carpenter asked where the access for the parking would be, and Ms. Hanus answered, it would be the same access as the Spa.

Brandon Carpenter asked what the hours of operation would be and Ms. Hanus noted, she would close at dark.

Jon Prue asked if the food truck would have lights and Ms. Hanus answered no the truck would only operate during daylight hours.

Pauline Harris asked if alcohol would be sold from the food truck, and Ms. Hanus answered no.

Hearing no further questions from the board, the public was given the opportunity to ask questions.

Martha Elmes and Barbara Irwin asked that a letter submitted by David and Catherine Dwyer be read to the board as they have many questions. Jon Prue noted the board would address the questions of the letter along with questions members of the public might have.

It is noted at this time letters from David and Catherine Dwyer, John Irwin and an email from Mary Jane Miller would be acknowledged and filed on record with these minutes.

Discussion followed concerning the questions of the letters and the public. The board will address the questions that are relevant to the Town of Lyndon Zoning By-Laws.

Ms. McLean explained the board is not responsible to answer complaints made to the Zoning office. Ms. McLean noted she would need to be contacted to review enforcement of applications.

Zoe Gason asked to be on record that she shares the concerns of the neighbors.

Mary Jane Miller noted she felt additional parking in the area presented safety concerns and did not want to see the area become commercial.

Kathleen Walsh, noted Kingdom Trails already runs a shuttle from other parking lots.

Larry Willey noted a permitted food truck on Kingdom Trails behind the pavilion has set a precedent.

Barb Irwin voiced concerns about the pastoral views, the changing character of the area, noise and traffic.

Mr. Hathaway and Mr. Fallon noted they also had concerns with the views.

At this time the board determined there were no further new questions or concerns, therefore a motion to close the hearing was made by Kevin McKeon, seconded by Curtis Carpenter and the vote carried 5-0.

The board moved on to other business:

Sketch Plan Review - Aubin: 3-lot subdivision on Calendar Brook Road

Ms. Mclean presented a survey map noting where Chip Aubin was requesting a preliminary sub-division of 2 1-acre lots from the exiting lot with a 50' ROW.

A motion to approve the Sketch Plan Review was made by Brandon Carpenter, seconded by Pauline Harris and the vote carried 5-0.

At this time the board agreed to move the start time of the DRB meetings to 7:00 PM for summer hours.

The board moved on to the election of 2019 officers.

A motion to elect Jon Prue as Chairman was made by Brandon Carpenter, seconded by Curtis Carpenter and the vote carried 5-0.

A motion to elect Brandon Carpenter as Vice-Chairman was made by Jon Prue, seconded by Kevin McKeon and the vote carried 5-0.

A motion to close the meeting was made by Brandon Carpenter, seconded by Kevin McKeon and the vote carried 5-0.

The meeting adjourned at 7:26 PM.