

## Lyndon Development & Review Board

June 4, 2015 Minutes

<b>Members</b>	<b>Public Official</b>	<b>Press</b>	<b>Public</b>
Craig Weston Pauline Harris Peter Morrissette Dave Keenan	Laurie Willey Kaela Gray		Jennifer Bachand Jelena Gervais Alan Brink Kevin Moore Madelene Antonucci

Mr. Morrissette called the meeting to order at 7:03 PM and advised there were 3 warned items on the agenda.

Mr. Morrissette 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. Morrissette 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. Morrissette 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.

Mr. Morrissette explained to the applicants the DRB is a 7 member board with only 4 members present. Applicants would need to have four affirmative votes to have their application approved. It is the board's procedure to allow the applicants if they choose to postpone their application until the next meeting with more board members present.

2015-028: Greg & Jelena Gervais are proposing to add a garage bay to Greg's Auto located at 724 Broad Street. The application requires approval as an expansion of a Conditional Use in the Commercial District 3.6.2.7 of the by-laws, and site plan approval under section 9.1.

Ms. Gervais was present and explained to the board they would like to add a third bay to the existing garage. The foot print of the building would not be changed. All changes would be internal with a third garage door being added to match the existing two.

Hearing no questions from the board or public Mr. Morrissette moved on to the next warned item.

2015-034: Kevin & Deborah Moore are proposing to sub-divide a 3 acre portion of their 34 acre property to be transferred to an adjoining 118 acre parcel also owned by the applicant. The

application requires final plat approval for a minor sub-division in the Rural Residential District under section 7.6 of the by-laws.

Mr. Moore was present and explained to the board the 3 acre portion to be transferred to an adjoining 118 acres piece as a request from the buyer of the property as well as to secure a ROW to property Mr. Moore will be retaining.

2015-035: Alan Brink, Jr. is applying for a permit for an above ground pool at his property on 76 White Pine Lane. The pool does not meet the minimum setbacks and is seeking approval as a Conditional Use under section 4.4.3 of the by-laws and site plan approval under section 9.1 of the by-laws.

Mr. Brink presented to the board pictures of his original above ground pool and pictures of the one he replaced it with. Mr. Brink noted the existing pool is not any closer to the property line than the previous pool. Mr. Brink noted there were other structures in the area that also were close to property lines.

Madelene Antonucci adjoining land owner was present and noted the pool was only 4” from the property line, not 4’ as Mr. Brink has stated. Ms. Antonucci voiced concerns with it being so close to her fence if someone was to fall into her fence and be hurt she would be responsible.

At this time Mr. Morrisette noted it was not this board’s intention to get into a property dispute between neighbors. Mr. Morrisette noted the original permit was denied and needed to be substantially different. Mr. Morrisette explained it is the board’s responsibility to stay within the zoning by-laws and decide if a variance is needed or can the pool be moved.

At this time the board moved on to old business.

Application Number 2015-026: Chris and Jennifer Bachand’s postponed application from the previous meeting. Ms. Bachand noted that although the number of members present was the same as the previous meeting she would like to move forward.

Pauline Harris asked the number of chickens and Ms. Bachand answered 5. Craig Weston asked if the chickens would be totally enclosed and if she would have a rooster. Ms. Bachand answered the chickens would be enclosed and no rooster.

Hearing no further question from the board a motion to go into deliberative session at 7:30 PM with Kaela Gray present was made by Dave Keenan, seconded by Pauline Harris and the vote carried 4-0.

A motion to come out of deliberative session at 8:09 PM was made by Dave Keenan, seconded by Craig Weston and the vote carried 4-0.

2015-028: A motion to approve the Greg and Jelena Gervais application as presented was made by Pauline Harris, seconded by Dave Keenan and the vote carried 4-0.

2015-034: A motion to approve the Kevin and Deborah Moore application as presented with one condition was made by Dave Keenan, seconded by Pauline Harris and the vote carried 4-0.

1. The three acre portion to sub-divided must be sold to buyer, and the right of way must be described in the property deed.

2015-35: A motion to approve the Alan Brink application as presented was made by Craig Weston, seconded by Dave Keenan and the application was denied 0-4.

At this time the board moved on to other business.

2015-026: A motion to approve the Chris and Jennifer Bachand application with the following conditions was made by Craig Weston, seconded by Pauline Harris and the vote carried 4-0.

1. Chickens will always be enclosed
2. Grain and feed will be enclosed
3. No roosters

A motion to approve the Stuart Guy & River Run LLC Notice of Decision as presented was made by Dave Keenan, seconded by Pauline Harris the vote carried 3-0-1 with Jon Prue voting via email.

A motion to approve the May 21, 2015 minutes was made by Craig Weston, seconded by Pauline Harris and the vote carried 3-0-1 with Jon Prue voting via email.

At this time Kaela Gray presented a site plan waiver for the fairgrounds application to add a small addition to an existing building. A motion was made by Pauline Harris, seconded by Dave Keenan to grant the site plan waiver and the vote carried 4-0.

The board discussed the Kurt Holmes property and noted he was still in violation of his existing permit. A motion was made by Craig Weston, seconded by Dave Keenan to ask the Selectboard to issue Mr. Holmes a letter noting his violation and the board would be retro-activating his fine.

A motion to adjourn was made by Dave Keenan, seconded by Craig Weston and the vote carried 4-0.

The meeting adjourned at 8:27 PM.