

## Lyndon Development & Review Board

### June 16, 2016 Minutes

| <b>Members</b>                                                                            | <b>Public Official</b>      | <b>Press</b> | <b>Public</b>                                                                                                                            |
|-------------------------------------------------------------------------------------------|-----------------------------|--------------|------------------------------------------------------------------------------------------------------------------------------------------|
| Kevin McKeon<br>Dave Cobb<br>Jon Prue<br>Dave Keenan<br>Brandon Carpenter<br>Craig Weston | Laurie Willey<br>Kaela Gray |              | Sharon F. Noel<br>Robert & Mary Hubbard<br>Clifton & Lynette Carter<br>Betsy Bailey<br>Sidney Nurenberg<br>Mark Nurenberg<br>Kurt Holmes |

Mr. Prue called the meeting to order at 7:03 PM and advised there were 5 warned items on the agenda.

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 swore in the applicants.

2016-46: Clifton Carter is proposing to site a 24FT above ground pool and construct a 9FT by 18FT deck attached to the pool on his property at 56 Hickory Lane. The pool and deck do not meet the minimum required side setback in this Commercial Zoning District. The application requires Conditional Use approval under Section 4.4.3 and site plan approval under Section 9.1 of the by-laws.

Mr. Carter was present and explained to the board he had set up a pool 3 years ago not knowing it required a permit until requesting one to add on a deck. Mr. Carter stated he set the pool in the natural flat spot of his property which does not meet the minimum side setback.

Mr. Carter presented a letter from adjoining property owner Harold Wilkins for the record stating they did not have any problem with the pool being set to close to the property line.

Mr. Carter stated that there is an alternate place on the parcel that the pool could be moved to in order to meet the setbacks by placing the pool where their existing garden is.

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

2016-47: Robert Hubbard Sr. is proposing to sub-divide two parcels, measuring 2.45 acres, and 2.13 acres from the existing 21.5 acre parcel located at 97 Crosier Lane. The Application requires final plat approval for a minor sub-division under section 7.6 of the zoning bylaws.

Mr. Hubbard was present requesting final approval of his sub-division.

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

2016-48: Kurt J. Holmes is proposing to sell pellets from his property located at 538 Back Center Road. This application requires site plan approval for a home occupation under Section 3.2.1.3, or Conditional Use approval as a change of a non-conforming use in a Residential Neighborhood Zoning District under Section 5.4 of the bylaws.

Mr. Holmes was present and went on record stating the board knew why he was there, been doing pellets for 5-6 years and would like to continue doing the same. Mr. Holmes noted he keeps pellets out of sight 99% of the time.

Craig Weston asked how often he would receive deliveries and Mr. Holmes noted he picks the pellets up, and unloads them completely in the yard.

Kaela Gray asked about signage. Mr. Holmes answered he has Professional signs made locally at Sign Depot.

Jon Prue asked the size of the loads. Mr. Holmes answered he picks up 34-36 ton at a time on pallets wrapped in plastic.

Craig Weston asked hours of operation and Mr. Holmes answered pick-up or delivery is done mostly on weekends by appointment.

At this time Mr. Prue moved on to the next warned item.

2016-49: Sidney Nurenberg is proposing to rebuild the garage located at 28 Broad Street on the existing footprint. This application requires approval to rebuild a non-conforming use under Section 5.3 of the bylaws and Site Plan approval under Section 9.1.

Mr. Sid Nurenberg presented to the board a diagram of the building, noting what section he intends to tear down.

Mr. Nurenberg noted he received a report that the building was environmentally free to be removed.

Mr. Nurenberg noted he intends to re-build a 40' X 60' building using the existing cement footprint.

Discussion followed concerning the existing sheds out-back and Mr. Nurenberg noted at this time he was not planning on removing them.

Hearing no questions from the board, Sharon Noel Vice President of Passumpsic Savings Bank adjoining property owner, noted the bank has concerns with the line of sight for traffic leaving the bank when cars park out front and snowbanks.

Kaela Gray Zoning Administrator read for the record a letter from Fred Oscheler, adjoining property owner, speaking specifically the need to rebuild is the neglect of the property owner.

Hearing no further questions or comments the board moved on to the final warned item.

2016-51: Betsy Bailey is proposing to construct a front porch measuring 6ft by 40ft on her property located at 96 Eastern Avenue. The porch does not meet the minimum required front setback in this Residential Neighborhood and requires approval as Conditional Use under Section 4.4.3 of the bylaws and site plan approval under Section 9.1

Ms. Bailey was present requesting approval to add a 6' X 40' farmer's porch to her home. Ms. Bailey stated that there are several other non-conforming setbacks in the neighborhood including the existing garage on this parcel, the adjoining property to the west, and the neighboring property directly across Eastern Avenue.

Hearing no further questions from the board a motion to go into deliberative session at 7:45 PM with Kaela Gray present was made by Craig Weston, seconded by Brandon Carpenter and the vote carried 6-0.

A motion to come out of deliberative session at 8:53 PM was made by Craig Weston, seconded by Brandon Carpenter and the vote carried 6-0.

A motion to approve the Carter application as presented was made by Dave Keenan, seconded by Craig Weston and the application was denied 0-6.

A motion to approve the Hubbard sub-division as presented with the following condition was made by Dave Cobb, seconded by Brandon Carpenter and the vote carried 6-0.

1. Abutting landowner's book & page must be included in the mylar

A motion to approve the Holmes application as presented with the following conditions was made by Craig Weston, seconded by Kevin McKeon and the vote carried 6-0.

1. All pellets must be stored inside
2. All loading and unloading must take place off Back Center Road
3. Pellets picked up by appointment

#### 4. Signage meets bylaws for residential neighborhood

A motion to approve the Nurenberg application as presented with the following condition was made by Kevin McKeon, seconded by Brandon Carpenter and the vote carried 6-0.

1. Building must meet the 40' front setback, for parking, traffic, safety and snow removal

A motion to approve the Bailey application as presented was made by Dave Cobb, seconded by Brandon Carpenter and the vote carried 6-0.

A motion to approve the May 19, 2016 minutes was made by Craig Weston, seconded by Brandon Carpenter and the vote carried 5-0.

A motion to approve the Royer Notice of Decision was made by Kevin McKeon, seconded by Dave Cobb and the vote carried 5-0.

A motion to approve the Market Cafe Notice of Decision was made by Brandon Carpenter, seconded by Kevin McKeon and the vote carried 5-0.

A motion to approve the Berry Notice of Decision was made by Dave Cobb, seconded by Craig Weston and the vote carried 5-0.

A motion to approve a Site Plan Waiver for Mitchell was made by Craig Weston, seconded by Brandon Carpenter and the vote carried 6-0.

A motion to approve a preliminary sub-division for Bill Walker was made by Dave Cobb, seconded by Kevin McKeon and the vote carried 6-0.

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

The meeting adjourned at 9:07 PM.