

**Lyndon Development & Review Board  
July 03, 2014 Minutes**

<b>Members</b>	<b>Public Official</b>	<b>Press</b>	<b>Public</b>
Sherb Lang Jon Prue Jen Gould in @ 7:15 Peter Morrissette Sara Simpson Pauline Harris	Laurie Willey Justin Smith		Justin Tanner Nedah Warstler Barry Richwien Ben Warstler Roni Leach Matt Bryant Wesley Lau

Mr. Morrissette called the meeting to order at 7:02 PM and advised there were 2 warned items and a postponed appeal 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 noted anyone present seeking interested party status would need to be sworn in as well as applicants.

At this time Mr. Morrissette changed the order of applications to be heard to wait for additional board member to arrive.

2014-51: Ben Warstler is proposing to operate his fitness facility in a portion of the building located at 763 Broad Street which is currently owned by Justin & Laura Tanner. The proposed use requires site plan approval under Section 9.1 of the zoning by-laws.

Ben Warstler presented a proposal to all members explaining the nature of his business. Mr. Warstler explained they currently rent space on a second floor and have been seeking a first floor space for some time. At this time Mr. Warstler would like to move his current business to the first floor space owned by Justin Tanner located at 763 Broad Street.

Mr. Warstler noted there were 14 parking spaces available, as well as additional parking (9-10 spaces) provided across the street on the property owned by Ron Barrett. Mr. Barrett sent a letter to Zoning Administrator stating permission for Mr. Warstler's clients to use the space as needed.

Jon Prue inquired as to signage and Nedah Warstler answered it would be an average sign with the possibility of decals on a large window that they are planning to install on the front (east) side of the building.

Jen Gould asked who would be responsible for snow plowing and Mr. Tanner owner of the building answered he would.

Pauline Harris asked if there would be outside lighting and Mr. Tanner noted there was currently a pole with two lights and they could use one.

Hearing no further questions Mr. Morrisette moved on to the next application, recusing him and Pauline Harris. Mr. Morrisette explained to applicants that the number of members available to vote was down to four and they would need four affirmative for approval. Applicants were given opportunity to postpone until more members were present but they declined and asked to proceed.

At this time Jon Prue became acting chair.

2014-49: Roni Leach & Mathew Bryant are proposing to convert the single family home located at 311 Back Center Road into two, one bedroom apartments. The application requires conditional use approval under section 8.1.1 and site plan approval under 9.1 of the by-laws.

Matt Bryant explained to the board they would like to change the existing three bedroom house into two one bedroom rental units. One unit upstairs and one down using the third bedroom space for a kitchen. Mr. Bryant noted the footprint would not be changed; all work would be done inside.

Justin Smith brought to the attention of the board this lot pre-dated Zoning By-laws, noting single and two family homes are allowed in residential neighborhoods.

Jen Gould asked about snow removal and Mr. Bryant answered they would snow-blow or remove as necessary.

Mr. Bryant noted there would be four parking spaces available, allowing two per unit and that would be stated in their lease.

Sara Simpson asked if there were two separate entrances and Mr. Bryant answered yes.

Hearing no further questions from the board Mr. Morrisette once again became the Chair of the meeting and moved on to Barry Richwien's postponed appeal to the Zoning Administrator.

Mr. Morrisette noted at this time Mr. Richwien does not feel he needs to have permit to own four chickens.

Zoning Administrator Justin Smith explained his view of the situation, stating state law requires that an individual get an Ag. permit from the State when the threshold of farm animals exceeds certain limits. For Chickens a State permit is required when an individual has 100 or more laying hens or 250 broilers. Once an individual reaches these numbers a State permit is required, and the use is

exempt from municipal zoning. Municipal zoning has jurisdiction if the State does not recognize the use as an Ag use (i.e. less than 100 laying hens or 250 broilers).

Justin Smith explained Lyndon's by-laws were changed to allow Ag uses in most districts as a conditional use, therefore needing a permit. He added that prior to this change, Ag uses were not allowed in Residential Neighborhood Districts.

Mr. Richwien proceeded to read a letter he sent to Justin Smith and asked that it be added to the minutes for the record.

At this time Mr. Morrissette again asked Mr. Richwien what he proposed to do, noting that he understood that a permit is needed. Mr. Morrissette stated Mr. Richwien should meet with Justin and request a permit.

Hearing no further questions from the board or public, a motion to go into deliberative session with Justin Smith present was made by Jon Prue, seconded by Jen Gould and the vote carried 6-0.

2014-49: A motion to approve the Roni Leach & Mathew Bryant application as presented was made by Jen Gould, seconded by Sara Simpson with the following conditions and the vote carried 4-0-2 with Peter Morrissette and Pauline Harris abstaining.

1. 2 cars per unit total
2. Make contact with Brad Charron

2014-51: A motion to approve the Ben Warstler application as presented with the following conditions was made by Jon Prue, seconded by Jen Gould and the vote carried 6-0.

1. Employees from both businesses will make arrangements to park off site
2. Maximum class size is limited to the number of spaces on site (14)
3. ½ hour gap required between class times whenever the number of participants combined in back to back classes will exceed 14 total.

A motion to come out of deliberative session at 8:35 PM was made by Jon Gould, seconded by Jen Gould and the vote carried 6-0.

At this time the board moved on to other business.

A motion to approve the Kathleen Nichols Preliminary subdivision was made by Jon Prue, seconded by Jen Gould and the vote carried 6-0.

A motion to approve the Limoges Notice of Decision was made by Jon Prue, seconded by Jen Gould and the vote carried 6-0.

A motion to approve the Covered Bridge Notice of Decision was made by Jen Gould, seconded by Jon Prue and the vote carried 4-0.

A motion to approve the June 19, 2014 minutes was made by Jon Prue, seconded by Jen Gould and the vote carried 4-0.

Justin Smith updated the board of an issue with Alan Brink and the placement of his pool without a permit and the board voted on a motion made by Sherb Lang, seconded by Jen Gould to send Mr. Brink a violation letter.

Justin Smith noted that Aldona Baldwin had received his letter and would be acting on it by removing camper.

A motion to adjourn was made by Jon Prue, seconded by Jen Gould and the vote carried 4-0.

The meeting adjourned at 8:57 PM.