

Lyndon Development & Review Board

July 21, 2016 Minutes

Members	Public Official	Press	Public
Kevin McKeon Dave Cobb Jon Prue Dave Keenan Wilder Simpson Craig Weston	Laurie Willey		David Rainey Kent Hall Paula Laplant Allen Young Steve Young George Kapoukranidis Brian Bona Alan Brink Jr. Alan Brink Sr. Derek Limoges Bill/Bobbie Walker

Mr. Prue called the meeting to order at 7:03 PM and advised there were 2 warned items on the agenda, and 5 postponed items.

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.

2016-63: David Rainey is proposing to sub-divide 3.0 acres of land from the existing 63.53 acre parcel located on Airport Road as a boundary line adjustment. The Application requires final plat approval for a minor sub-division under section 7.6 of the zoning bylaws in this Rural Residential Zoning District.

Mr. Rainey was present and noted the sub-division was a property line adjustment between family members.

2016-65: William & Roberta Walker are proposing to sub-divide two parcel from their existing parcel located at 328 Walker Ridge Road. The proposed lots are: 1.18 acres, 2.76 acres and the remaining land. This application requires final plat approval for a minor sub-division under section 7.6 of the zoning bylaws in this Rural Residential Zoning District.

Mr. Walker was present and submitted to the board survey maps noting where sub-division lines were to be to change boundary lines. Mr. Walker explained they intend to sell what is known as the Watson homestead and retain the other parcels.

At this time the board had questions concerning the survey lines.

2016-09: Kingdom Auto Brokers is proposing to construct a two-bay garage measuring 28' X 32' On the property located at 217 Broad Street. The application requires Conditional Use approval under Section 4.2.2 of the bylaws as an expansion of an existing Conditional use identified as under Section 2.6.2.26 in this Commercial district, and site plan approval under Section 9.1.

Derek Limoges was present and noted as requested from the board he had provided an improved site plan waiver. Mr. Limoges stated he did not need a state permit to wash cars only. Mr. Limoges presented to the board a document that he thinks supports this request.

Mr. Limoges noted he would be adding security lighting and it would be on a motion sensor.

Hearing no questions the board moved on to the next item on the agenda.

2016-35: Easy Auto LLC is applying for a permit to open the garage located at 298 Broad Street to the public as an auto repair facility. The Application requires Conditional Use approval for an automobile repair facility in the Commercial District under section 3.6.2.7 of the zoning bylaws and site plan approval under Section 9.1. This permit is being applied for after the fact.

Alan Brink, Jr. was present and explained he needed to be a repair facility as well as selling cars. Mr. Brink noted he had been repairing cars and doing inspections at this location. Mr. Brink added he would like to secure a permit giving him the ability to continue performing these services.

Mr. Brink added he will be adding a new internally lit sign and additional lights on the building.

Mr. Brink noted hours of operation would be Monday-Friday 8:00 AM- 5:00 PM and Saturday 8:00 AM - 1:00 PM. Mr. Brink noted he would employ 4 employees with a maximum of 5.

Mr. Brink presented to the board his previous Notice of Decision asking that several of the conditions be removed.

At this time Steve Young asked to speak on behalf of his Mother Ester Young who owns the adjoining property at 244 Broad St.

Mr. Young noted Mrs. Young had a survey noting the property line and 10' buffer was not being adhered to. Mr. Young explained according to their survey Easy Auto is parking cars, and plowing snow on Mrs. Young's property. Mr. Young provided pictures noting where the property line needs to be enforced. Mr. Young offered a possible solution would be to install a fence or hedgerow.

At this time Mr. Alan Young explained his Mother gave him permission to read a letter voicing her concerns. It is noted this letter will be attached to these minutes for the record.

Mr. George Kapoukranidis owner of the property noted the measurements he used for the building of the garage came from the town. At this time Wilder Simpson noted tax maps provided to land owners from the town records are not legal documents.

Mr. Prue noted the board does not get involved with property line disputes.

Hearing no further questions Mr. Prue moved on to the next application.

2016-53: Glenn LaPlant is proposing to construct a deck measuring 8FT by 40FT on his property at 251 Lyndon Heights Drive. The deck does not meet the minimum required side setback in this Residential Neighborhood 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.

Paula LaPlant noted her brother Glenn LaPlant was not able to attend the meeting and asked Paula to present a map to the board explaining the proposed deck.

Ms. LaPlant explained other neighbors in the area also have non-conforming properties.

2016-55: Kent Hall is proposing to raise chickens for personal use at his home located at 154 Mountain View Ave. The Application requires conditional use approval for agriculture within this Residential Neighborhood District under Section 3.2.2.10 of the bylaws, and site plan approval under section 9.1.

Mr. Hall was present and explained when he first started raising chickens he allowed them to free-range. Upon the request of adjoining neighbors the chickens are contained in a portable coop with a fenced in chicken yard.

2016-028: ABFB Corp. is proposing to add an additional one-bedroom apartment to the property located at 154 Main Street. The property currently contains five units. The application requires Conditional Use approval as an expansion of a multi-family dwelling in the Main Street zoning district under section 3.8.2.1 of the by-laws, and site plan approval under section 9.1 of the by-laws.

Brian Bona, owner of ABFB Corp. was present and explained he currently has six units located at 154 Main St. and would like to add a 7th.

Mr. Bona noted he meets and exceeds the necessary 2 parking spots for each tenant.

At this time Mr. Prue reads an email dated June 24, 2016 from the Department of Health asking the town to postpone approval of Mr. Bona's application until ABFB, Corp submits required letter they have requested. It is noted a copy of this email is attached to these minutes for review.

Hearing no further questions a motion to go into deliberative session at 8:20 PM with Laurie Willey present was made by Dave Cobb, seconded by Craig Weston and the vote carried 6-0.

A motion to come out of deliberative session at 10:52 PM was made by Craig Weston, seconded by Kevin McKeon and the vote carried 6-0.

A motion to approve the David Rainey pre-liminary sub-division application to transfer 3.0 acres of land was made by Dave Keenan, seconded by Kevin McKeon and the vote carried 6-0.

A motion to approve the David Rainey sub-division with the following condition was made by Dave Keenan, seconded by Kevin McKeon and the vote carried 6-0.

1. Application must meet 7.6 and 7.7 of the by-laws.

A motion to postpone the William & Roberta Walker application as presented was made by Craig Weston, seconded by Kevin McKeon for a clarification of overall plan of entire property and how sub-divisions relate to over-all Walker property, having a master plan including all state permits have been met and the vote carried 6-0.

A motion to approve the kingdom Auto Brokers application as presented with the following conditions was made by Dave Keenan, seconded by Kevin McKeon and the vote carried 6-0.

1. All lighting must be downcast
2. Applicant submits a letter from the state to DRB that he meets state wastewater discharge requirements
3. Business practice will conform to the guidelines set by wash water discharges from vehicle washing as per Dept. of Environmental Conservation

A motion to approve the Easy Auto LLC application as presented with the following conditions was made by Craig Weston, seconded by Dave Keenan and the vote carried 6-0.

1. Hours of operation: Monday-Friday 8:00 AM- 5:00 PM; Saturday 8:00 AM- Noon
2. Resolve boundary and buffer requirements as stated in permit
3. Board will remove #28 from previous Notice of Decision
4. Board will remove #29 from previous Notice of Decision
5. Board will remove #30 from previous Notice of Decision
6. Board will remove #36 from previous Notice of Decision.....SEE ATTACHED copy of NOD
7. Additional lighting must be downcast
8. Number of cars will remain at 25; board willing to revisit once property lines are determined
9. Maintain all state requirements for Auto Repair & State Inspection site and proper removal of tires and hazardous materials and fluids

A motion to approve the Glenn LaPlant application as presented was made by Craig Weston, seconded by Dave Keenan and the vote carried 6-0.

A motion to approve the Kent Hall application as presented with the following conditions was made by Dave Keenan, seconded by Dave Cobb and the vote carried 6-0.

1. Coop meets setbacks
2. Food stored in sealed containers
3. No roosters
4. Chickens are to be fenced in at all times, and not free-ranged

A motion to approve the ABFB Corp. application as presented was made by Craig Weston, seconded by Wilder Simpson and the vote was defeated 0-6 until applicant meets request from (Vermont Dept. of Health) at files a Lead Law Compliance Statement) as per email from Christopher Kinnick of the Department of Health.

At this time a motion was made by Craig Weston, seconded by Kevin McKeon to postpone the ABFB Corp. application until the Aug. 18th meeting and compliance statement is received.

A motion to approve the Demers/Allard preliminary sub-division with the following conditions was made by Craig Weston, seconded by Dave Keenan and the vote carried 6-0.

1. Meet all minimum setbacks
2. State wastewater permits must be granted as per Justin Smith's letter
3. Metes & Bounds recorded of right of Way
4. Final plot review meets 7.7 of by-laws (should it apply)

A motion to approve the DeAngelis preliminary sub-division was made by Craig Weston, seconded by Kevin McKeon with the following conditions and the vote carried 6-0.

1. Show road frontage distance
2. Final plot review meets 7.7 of by-laws (should it apply)

A motion to approve the Youkeles site plan Waiver as presented was made by Craig Weston, seconded by Dave Cobb and the vote carried 5-0.

A motion to approve the June 16, 2016 minutes was made by Craig Weston, seconded by Dave Cobb and the vote carried 5-0.

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

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

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

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

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

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

The meeting adjourned at 10:55 PM.