

TOWN OF LYNDON
DEVELOPMENT REVIEW BOARD

September 1, 2016

Approved 9/28

Members

Kevin McKeon
Jon Prue
Brandon Carpenter
Jen Gould-left @ 7:34
Dave Keenan
Craig Weston
Dave Cobb

Public Official

Annie Geratowski

Press

Public

David Rainey

Mr. Prue called the meeting to order at 7:04 PM and advised there was 1 warned item 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 applicant.

2016-75: David Rainey is seeking retroactive approval for the construction of an existing 24' x 36' barn on his property located at 627 Old Coach Rd. that does not meet the minimum required front setback in the Rural Residential 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. Rainey was present and explained to the board that the road had been widened somewhat since 2011 when the barn was built and that it was now closer to the road than the required setback. Zoning Administrator, Annie Geratowski stated Mr. Rainey originally received a permit to build the barn in 2011, however the permit application represented the location of the barn to be farther back from the road than the existing house which meets the required minimum 40' setback. The 2011 permit application also stated N/A for the front setback presumably because the house met the front setback requirement. The barn is actually 36' from the road at the closest point and the Applicant never obtained a certificate of occupancy. The property across Old Coach Road from the Applicant's barn has a shed approximately 25' from the road.

Hearing no questions from the board, a motion was made by Jen Gould, seconded by Craig Weston to go into deliberative session at 7:10 PM and the vote carried 7-0.

A motion was made by Jen Gould, seconded by Kevin McKeon to come out of deliberative session at 7:47 PM with the following decisions being made and the vote carried 7-0.

2016-75: A motion to approve the David Rainey application as presented was made by Brandon Carpenter, seconded by Jen Gould and the vote carried 7-0.

At this time a motion was made by Dave Cobb, seconded by Brandon Carpenter to set a fine of \$150.00 per day for a zoning violation at 534 Dune Way (Janette Colan and Duane Stetson) to start Tuesday, September 6, 2016 and the vote carried 7-0.¹

At this time Zoning Administrator, Annie Geratowski presented to the board a request for preliminary approval for The Robert Doyon Trust minor subdivision. Ms. Geratowski noted the 2-lot sub-division was on the Calendar Brook Road on the Lyndon/Burke town line. Annie further explained the applicant is proposing to subdivide a 2.6 acre parcel from an existing 40 acre parcel.

Craig Weston noted that there is an existing right-of-way through the proposed 2.6 acre parcel that will need to be depicted on the survey plat.

A motion to approve the request for The Robert Doyon Trust minor subdivision with the following condition was made by Brandon Carpenter, seconded by Dave Keenan and the vote carried 7-0.

1. The Mylar shall comply with all requirements of State Statute and section 7.7 of the Town Zoning Bylaws, including a metes and bounds description of the right-of-way through the proposed 2.63 acre lot.

At this time Jen Gould left the meeting and the board moved on to other business.

A motion to approve the August 18, 2016 minutes was made by Brandon Carpenter, seconded by Kevin McKeon and the vote carried 5-0-1 with Jon Prue abstaining.

A motion to approve the DeAngelis Notice of Decision was made by Kevin McKeon, seconded by Dave Keenan and the vote carried 5-0-1 with Jon Prue abstaining.

A motion to approve the Riverside School Notice of Decision was made by Craig Weston, seconded by Dave Keenan and the vote carried 5-0-1 with Jon Prue abstaining.

A motion to approve the Simpson/O'Neill Notice of Decision was made by Dave Keenan, seconded by Dave Cobb and the vote carried 5-0-1 with Jon Prue abstaining.

A motion to approve the Walker Notice of Decision was made by Dave Cobb, seconded by Dave Keenan and the vote carried 5-0-1 with Jon Prue abstaining.

A motion to approve the ABFB Corporation Notice of Decision was made by Kevin McKeon, seconded by Craig Weston and the vote carried 5-0-1 with Jon Prue abstaining.

A motion to adjourn was made by Dave Keenan, seconded by Kevin McKeon and the vote carried 6-0.
The meeting adjourned at 8:01 PM

¹ It was subsequently determined that DRB does not have the statutory authority to set fine amounts per 24 V.S.A. § 4460, thus this action is nonbinding.