

Lyndon Development & Review Board

Oct. 16, 2014 Minutes

Members	Public Official	Press	Public
Sherb Lang	Laurie Willey		Morris Hubbard
Jon Prue	Justin Smith		Ronald Sherburne
Jen Gould departed at 7:40			David Lussier
Peter Morrissette			Robert Montminy
Dave Keenan			Jeremiah Little
Craig Weston			Chip Aubin
			Fred Allard

Mr. Morrissette called the meeting to order at 7:02 PM and advised there was 1 warned 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.

2014-96: MAG Enterprise, Inc., dba. B & B Towing & Recovery is proposing to open an office and auto repair facility with an impound yard on Donald Beattie's property located at 160 Commercial Lane. The application requires conditional use approval under sections 3.5.2.17 and 3.5.2.26, as well as site plan approval under section 9.1 of the by-laws.

Bob Montminy, owner of B & B Towing & Recovery was present along with David Lussier to discuss the application. Mr. Montminy plans to operate his business and expand the current building at the 160 Commercial Lane property. The addition will be an area for 18 wheeler repairs.

Mr. Montminy explained they would be storing and servicing his wreckers, as well as 18 wheelers from his trucking business. Currently he is planning to store six 18 wheelers inside the fenced area. His business has 14 wreckers, five of which will be located at 160 Commercial Lane. Mr. Montminy noted the existing storage yard is fenced in with a 6' high chain link fence. The proposed sign will be an unlit 2' X 20' on the side of the existing building.

The general hours of operation will be Monday-Friday 8AM -5PM with 24 hour service for towing. There will be 5 employees out of the location, but not working all at once. There will not be any customer car repairs on site. The plan for all waste oil and fluids will be to remove them to Mr. Montminy's other site that is a licensed haz mat location. The only security lighting will be the lighting that currently exists at the site. The Applicant intends to have Efficiency Vermont look at the site which could lead to the existing lighting getting upgraded.

Hearing no further questions from the board, Mr. Morrisette asked if there was anyone in the audience that had questions or comments.

Mr. Fred Allard asked if he had state approval, and Mr. Jeremiah Little asked if a phase 1 study had been done. At this time Mr. Morrisette noted there were two letters of concern addressing the possibility of junk cars and Mr. Montminy noted he was not interested in keeping cars, but needs to follow abandonment rules. The Applicant did note that he has one bus that he uses for fire department trainings that is not operational.

Mr. Allard went on record, noting he doesn't think it's fair to add another towing company in town., Mr. Morrisette responded by explaining it was not this board's job to decide on how many companies should be in an area.

At this time it was noted that Mr. Ronald Sherburne, Mr. Morris Hubbard, and Mr. Chip Aubin voiced concerns over Carrol Mitchell's preliminary sub-division. Concerns for the well head protection area and how to protect their water system. Mr. Morrisette noted they would need to deal with other agencies to protect their water system, advising them to check with ANR.

Hearing no further questions from the board a motion to go into deliberative session at 7:45 PM was made by Jon Prue, seconded by Sherb Lang and the vote carried 5-0.

A motion to come out of deliberative session was made by Dave Keenan, seconded by Jon Prue and the vote carried 5-0.

A motion to approve the MAG Enterprise, Inc., dba B & B Towing & Recovery as presented with the following conditions was made by Jon Prue, seconded by Dave Keenan and the carried 5-0.

1. (6) 18 wheelers, 5 tow trucks
2. 5 employees
3. 90 days or less for non-operational vehicles, with the exception of the training bus.
4. There will be one 2' X 20' unlit sign on existing building with downcast security lighting
5. The general hours of operation will be 8 AM-5PM, with 24 hour towing service

At this time the board moved on to other business.

A motion to approve a site plan waiver for Jin Li Chen was made by Sherb Lang, seconded by Jon Prue and the vote carried 5-0.

A motion to approve the August 7, 2014 minutes was made by Dave Keenan, seconded by Sherb Lang and the vote carried 4-0-2 with Jen Gould via email with Jon Prue and Craig Weston abstaining.

A motion to approve the Sept. 18, 2014 minutes was made by Sherb Lang, seconded by Craig Weston and the vote carried 6-0-2 with Eric Paris, Jen Gould, and Pauline Harris 2 approving them by e-mail. Peter Morrisette and Dave Keenan abstained.

The notice of decision for Ben Warstler was approved and signed.

A motion to approve David Rainey's preliminary sub-division for a 5.1 acre lot was made by Craig Weston, seconded by Dave Keenan and the vote carried 4-0-1 with Peter Morrisette abstaining.

A motion to approve David Rainey's preliminary sub-division for a 42.37 acre lot was made by Craig Weston,

seconded by Dave Keenan and the vote carried 4-0-1 with Peter Morrissette abstaining.

A motion to postpone the Carrol Mitchell preliminary sub-division until the next hearing date on 11-6-14 was made by Jon Prue, seconded by Sherb Lang and the vote carried 4-0-1 with Craig Weston abstaining.

A motion to forward the Alan Brink, Jr. zoning violation to the select board was made by Sherb Lang, seconded by Jon Prue and the vote carried 5-0.

Justin Smith presented plans from Dave Williams, Lyndon Institute to extract earth from the faculty parking lot to create more parking spaces. The material would be moved to lower campus on another piece of land owned by Lyndon Institute. The board agreed it requires a permit with full reclamation plan.

A motion to adjourn was made by Jon Prue, seconded by Dave Keenan and the vote carried 5-0.

The meeting adjourned at 8:28 PM.