

# Town of Lyndon Development Review Board Minutes

## Thursday December 2, 2021 at 6:00PM

DRB Members:

Chair Jon Prue

Vice Chair Brandon Carpenter

Curtis Carpenter

Kevin McKeon

Jeremiah Aiken

Zoning Administrator:

Erik Voegtlin

Public Officials:

Nicole Gratton

Christian Thompson

Press:

Paul Hayes

Public:

Dan Jones

Justin Jones

Danielle Blanco

Nick Blanco

Louis Buzzi

Mr. Prue opened the public hearing which was brought to order at 6:00 pm

1. Agenda Changes: Mr. Prue asked for agenda changes, there were no changes or additions.
2. Approval of minutes from November 4, 2021 and September 16, 2021: Mr. Prue asked for a motion to approve the minutes of November 4, 2021 and September 16, 2021

minutes. Motion made by Brandon Carpenter and seconded by Curtis Carpenter, unanimously approved.

3. Public Comment for Non-Agenda items:

Mr. Prue provided an explanation of “interested persons’ and their ability to appeal a decision issued by the Board. Mr. Prue then swore in anyone wishing to provide testimony. Mr. Prue gives a brief explanation of the development review process; each item will be opened and then there will be disclosures of conflict of interest. The Board hears presentations by the applicant(s), asks questions of the applicant(s), and then opens the floor to public comment or written comment. Once the Board has received all relevant information the public hearing is closed, and the Board has up to 45 days to deliberate prior to issuing a written decision on an application. Applicants and all interested persons are notified of the decision by the Zoning Administrator and all decisions by the Board are subject to a 30-day appeal period. Mr. Prue reminds applicants that when there are 5 DRB members in attendance, the applicant can choose to postpone their hearing to another date when there may be more DRB members present to hear the application.

- **2021-120** Nick Blanco is seeking to construct an accessory structure within the setback distances on the property located at 276 York Street. The application requires approval for a variance under section 4.6 of the Town Zoning Bylaws.

Mr. Prue opened the public hearing and read his application. Mr. Prue turned explanation to Danielle and Nick Blanco to explain their intentions. Nick Blanco explained that his intentions were to put a woodshed within the setback requirements to make it easier to carry wood into the house. Brandon Carpenter asked how close to the property line would the intended shed be located, Nick Blanco responded with, 5 feet from the property line. Nicole Gratton shared some photos of the Blanco’s home that were taken earlier that day, Ms. Gratton explained that there is quite a slope for the sheds intended location. She also explained that this was not on the map. Mr. Prue then asked the board if they had any questions. Mr. Dan Jones then interjected asking if the shed would be where the parking would be. Mr. Blanco explained that it would be located where one of the cars are in the pictures provided. Mr. Prue asked if he would be giving up parking for the shed and the response was that they could still fit both vehicles there even with the new shed location. Mr. Prue asked for any additional comments or questions. Mr. Prue then asked for a motion to close out the hearing. Motion made by Brandan Carpenter and seconded by Curtis Carpenter, passed unanimously.

- **2021-121** Chad and Kristina Roy are appealing the October 26<sup>th</sup>, 2021 Notice of Violation issued by the Zoning Administrator for the lack of a valid certificate of occupancy for their multi-household dwelling unit at 4992 Memorial Drive. This appeal requires DRB review in accordance with section 13.11 of the Town Zoning Bylaws.

Mr. Prue read the appeal notice and explained the process of an appeal vs. a normal hearing, also explained that the board has 45 days to make a decision. Ms. Gratton then read the notice of

violation that she wrote to Ms. Roy. Mr. Prue then turned it over to Ms. Roy for any and all explanations. Ms. Roy asked the board if they had read her appeal letter and the board unanimously said yes. Ms. Roy explained that they have been trying to work while people were currently residing there. She then went on to explain that she has 11 units being utilized and she could have rented out all 22 units if she wished. She noted that the fire Marshall made a visit and he confirmed that 11 units were being occupied. Ms. Roy then added that she hopes that the board will issue an allowance to utilize all 11 units at tonight's meeting. Mr. Prue then asked for any questions from the board. Brandon Carpenter then pointed out that Ms. Roy said that she could have rented out all 22 units and Mr. Carpenter added no, you could not have, the core issue being that there were no permits in place before you occupy a place. Mr. Carpenter added that it was disheartening that the policy is not sinking in. Ms. Roy added that she was not aware that she needed to apply for a permit from short term to long term occupancy and that was when she changed her units from 22 to 11. Ms. Roy then added that she thought that the permit was good for 2 years and that she had not changed the use during that time frame for the permit use. Mr. Carpenter then asked when did you change the use from a hotel to apartment units? Ms. Roy answered with it was the summer of 2019. Mr. Carpenter added that a permit was not submitted till Oct of that year. Ms. Roy then answered that no work was being done in the time frame and Mr. Carpenter added but the use had changed, and Ms. Roy confirmed that. Mr. Carpenter noted that is what the problem is because of the change of use and that was never done. Application submitted in Sep then approved in November and then a conditional certificate of occupancy was issued and effective of February 2020, Mr. Carpenter asked if you are asking for that again and he followed up with that we need an escape hatch because we are right back where we started. Ms. Roy then said we are asking for another conditional certificate of occupancy so that they could continue the work while people lived there. Curtis Carpenter then asked about the wastewater permit, Nicole Gratton answered that they have a permit for 11 units, and they were waiting from the wastewater investigation due to a question from Tim Angel saying that there was in fact 60 occupants. Ms. Roy said that is the normal capacity and not units but occupants. Ms. Roy added that the work being completed is only making a door between rooms and that it was not complicated. Mr. Carpenter asked if it is not complicated then why has it taken two years to get to this point? Ms. Roy answered that they have completed 4 units and they are almost finished and said that it would be a couple of months to process the additional units. Curtis Carpenter asked what the certificate of occupancy process and Ms. Gratton explained the entire process to the board. If there is an issue it gets referred to the health officer and Curtis Carpenter explained to Ms. Roy that we have a process so that we remain in compliance and in this case it is not in compliance and not following the process due to people being in the units that need to be worked on and not up to housing code. Curtis Carpenter added that we can't assume that just because it was a hotel before and up to code that it meets the same code for an apartment complex. Brandon Carpenter asked how many units were completed and Ms. Roy answered that 4 had been completed. Brandon Carpenter asked when the permit came through asked if 4 were already completed and Ms. Roy answered that no work had been completed prior to the permit application being submitted. Mr. Prue added that the question on the table is to grant another certificate of occupancy and now the board is being put into a situation where it is up to them to put people on the street due to the winter and it is unfair to be put in that situation.

Keven McKeon added that we are not doing this they are doing this. Mr. Prue asked who was doing the work on the units and Ms. Roy said that they were working on it with 1 additional worker. Mr. Prue asked what her long-term plan and her response was doing a leapfrog with the tenants from in the facility by moving people around so that they can do work while allowing everyone to still reside there. Mr. Prue asked had the occupants been informed of what the moving plan is and Ms. Roy confirmed that and noted that all the occupants were eager to move, Kevin McKeon asked when was the last time she had a new tenant and she said before COVID and noted that there was 1 eviction during that time. Mr. Prue asked for any questions or comments from the public and the board. Mr. Prue then asked for a motion to close the hearing, motion made by Branden Carpenter and seconded by Curtis Carpenter, passed unanimously.

4. Other Business: Nicole Gratton stated that there was a Mylar upstairs that needed to be signed by the DRB chair from the Calkins subdivision that was already approved, and it just needed their signature. DRB Chair Jon Prue signed the Mylar
5. Adjourn: Mr. Prue called for a motion to adjourn, motion made by Branden Carpenter and seconded by Curtis Carpenter and passed unanimously. Hearing adjourned at 6:38PM.