

Town of Lyndon Development Review Board Minutes

Thursday January 6, 2022 at 6:00PM

DRB Members:

Chair Jon Prue

Vice Chair Brandon Carpenter

Curtis Carpenter

Kevin McKeon

Amy Rast

Kevin Cole

Zoning Administrator:

Erik Voegtlin

Public Officials:

Nicole Gratton

Press:

Paul Hayes

Public:

Caleb Temple

Gerard Riendeau

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 December 16, 2021: Mr. Prue asked for a motion to approve the minutes of December 16, 2021 minutes. Motion made by Kevin Cole and seconded by Brandon Carpenter, passed unanimously.
3. Public Comment for Non-Agenda items: None.

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 or less 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.

- **2021-129** Caleb Temple and Gerard Riendeau is seeking a conditional use permit to build a lumber yard in the Industrial district under 3.5.2.8 and also seeking a variance under 4.4.3 application of district regulations to not meet setback requirements at the property located at Hemlock Lane.

Mr. Prue opened the public hearing and read the application. Mr. Prue gave control over to Caleb Temple and he went into detail about what he wanted to do with the property. He explained about storage areas and along the railroad driveway and the point of reference of the Simpson shop. Areas would be designated for trailer parking and truck parking. Mr. Prue asked for any questions from the board, Brandon Carpenter asked, if there would be spots for larger trucks and smaller trucks which was answered by Mr. Temple with a yes there would be. Brandon Carpenter asked if they had reached out to waste management about what the plan for traffic would be. Mr. Temple explained that some people would be moved down the private road a bit so the flow of traffic would be better. Brandon Carpenter added that it is a free for all down there on Saturdays and asked what the plan is to make the access road better. Brandon Carpenter asked if the proposal showed that big trucks would use Hemlock lane and smaller traffic would use church street, which was confirmed by Mr. Temple. Brandon Carpenter asked if the church street was a right of way, confirmed by Mr. Temple. Curtis Carpenter asked how wide the right of way was and Mr. Temple answered with 27 feet and part of the right of way was owned by Mike Wheeler and they have been given permission to make the right of way wider. Brandon Carpenter asked where the setback is that is too close on Hemlock lane, Mr. Temple answered with the bins at the railroad tracks that does not meet the setback requirements. Mr. Prue asked what is going to be in the bins and the answer with, blocks to make walls that would not be a permanent structure. Mr. Prue asked how close to the line they wanted to be, and Ms. Gratton the Planning director added that per the permit he would be 10 feet from the property line. She also added that the right of way on church street widths for waste management is 20 feet and south side of the lot is 50 feet, so it is just a 20 foot right of way for a total of 43 feet not accounted for parcel 4 which is only 14 feet wide. Brandon Carpenter asked about putting in lighting and there is no plan at this time. Mr. Prue asked what the hours of operation would be, and it would be 7-5 5 days a week. Curtis Carpenter asked if they needed an act 250 permit for this business and Mr. Temple responded saying that since it is under the acreage that the act 250 permit is not required.

Amy Rast asked if there was a sufficient turning radius for the entrance to Hemlock lane. Mr. Temple responded that there used to be a trucking business there and Amy Rast said that she is not certain but possibly that you would have to get something from the state stating that there is a sufficient turning radius. Mr. Temple added that they do not want trucks going in and out of Church street and said that he wont and then noted that if he can help it he wont have trucks going in and out of the church street right of way. Kevin Cole asked what they came up with for the total width for the right of way. Nicole Gratton added that there is only a 16-foot width at one point and then a 20 foot and then total would be 43 feet. Ms. Gratton noted that as per the bylaws that minimum width requirement for a road is 50 feet and at this point it would only be 43 feet total. Mr. Temple added that there is 100 feet at one point but not until you get farther into the facility. Mr. Temple added that they have talked to the Wheelers about getting access to their property to have a wider right of way and working with waste management for a bigger right of way. More talk about how busy the area in the vicinity of the waste management area is on the weekend especially on Saturdays. Mr. Temple added that they are writing up a quitclaim deed with the Wheelers for the right of way. Mr. Prue added that it would be nice to have a traffic pattern worked out with waste management and the Wheelers. Curtis Carpenter added it would be nice to have some lines on the ground. Mr. Prue asked if there were any more questions from the board. Kevin McKeon asked if the Temples had reached out to the railroad company about being so close to the tracks. Brandon Carpenter added that railroads are a bit finicky about setback requirements. It was then noted that Mr. Temple believes that there is a spot between the railroad and the parcel that is owned by Vtrans. Mr. Prue asked for any more questions from the board. Amy Rast asked if there were any talks with the adjoining property and the response was no. The Abutters were notified but nothing beyond mail. Mr. Prue added that if this is approved and if the railroad had a problem with it then it is out of the DRB's hands. He ended with buyer beware. Mr. Prue asked for any questions of comments from the public. Paul Hayes asked if the applicant owned this land and Nicole Gratton added that Mr. Temple owns that land. Mr. Prue asked for a motion to close the hearing, motion made by Brandon Carpenter and seconded by Kevin Cole, passed unanimously.

- **2021-130** Kevin Cole is seeking a conditional use permit to build 2 efficiency apartments above his barn on his property which requires DRB approval as per 3.1.2.20 any use substantially, materially, and outwardly similar to those set forth above in sections 3.1.1 and 3.1.2 located at 442 York Street.

Mr. Prue opened the public hearing and gave control over to Kevin Cole who recused himself from the board and he went into details as to what he wanted to do. Kevin Cole explained that he had already started construction and is making the back of his barn one apartment and then a bump out as another apartment. Mr. Prue asked for any questions from the board. Kevin Mckeon asked about his trailer that is already on the parcel. It was asked how far away it was from the main house. Kevin Mckeon asked if there was going to be 4 dwellings on 1 piece of property, Mr. Cole confirmed. Mr. Mckeon then asked if he could have 3 dwellings on 1 property, the only allowance is 2. Mr. Mckeon added that you nay have to subdivide to allow for the 3 buildings. Mr. Prue asked if there was a separate septic for the mobile home. Mr. Cole said that there is a separate septic for the mobile home and the house, and the barn is connected to city water and

wastewater. Kevin Cole stated that he believed that this would make it multifamily and Kevin Mckeon stated that would only count if it was 1 house not 3 different structures used for dwelling. Kevin Cole noted that in the past the previous owner had a double wide and was moved across the street and they put the new trailer and it is half on a foundation and on blocks and 8.3 in the bylaws allow 1 dwelling that needs to be on a foundation. Mr. Prue added that they have all the information that they need to make a decision. Brandon Carpenter stated that a little more research for deliberation would be a better idea and Kevin Mckeon said that is a great idea. Amy Rast read a definition that she found online of a foundation. It was noted by Jon Prue that that definition was not in the bylaws. Mr. Prue asked for a motion to close the public hearing. Motion made by Brandon Carpenter and seconded by Kevin Mckeon, passed unanimously.

- **2021-122** Amanda Phelps is seeking approval for the installation of a 2x8 sign and a 3' round sign. The request requires approval of DRB in accordance with Section 16.13 of the Town Zoning Bylaws due to the number of signs and the total area of the signs.

The zoning administrator added that it was not required that the applicant be present, and the board added that they were fine with postponing the hearing. The zoning administrator added that it would be too late to warn for the next meeting so it would have to be the following meeting. Jon Prue added that she is already in violation if the signs are out, the ZA added that she has not installed the new ones yet, so she is not in violation of the bylaws. Mr. Prue asked for a motion to postpone and add Amanda Phelps to other business. Motion made by Kevin Cole and seconded by Curtis Carpenter. Passed unanimously.

4. Other Business: None.

5. Adjourn: Mr. Prue called for a motion to adjourn, motion made by Brandon Carpenter and seconded by Curtis Carpenter and passed unanimously. Hearing adjourned at 7:09PM.