

# Town of Lyndon Development Review Board Minutes

## Thursday January 20, 2022 at 6:00PM

DRB Members:

- Chair Jon Prue
- Curtis Carpenter
- Kevin McKeon
- Amy Rast
- Craig Weston

Zoning Administrator: Erik Voegtlin

Public Officials: None

Press: Paul Hayes

Public:

- Katie Prue
- Marc Carcio
- Judy Hughes
- Andy Poginy
- Dana Utley

Mr. Prue opened the public hearing which was brought to order at 6:04 pm

1. Agenda Changes: Mr. Prue asked for agenda changes, Agenda changes consisted of adding Robert Setaro, Thomas Williamson, Shawn Tester for subdivision sketch plan review and Amanda Phelps for approval of signage that exceeds the square footage requirements into other business.

2. Approval of minutes from January 6, 2022: Mr. Prue asked for a motion to approve the minutes of January 6, 2022 minutes. Motion made by Kevin McKeon and seconded by Curtis 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.

- **2022-002:** Marc Carcio is seeking a Conditional use permit for light industry to use his property as a dealership/ repair shop. This requires Development Review board approval per the Lyndon Zoning bylaws 3.1.2.4. The property is located at 253 Airport Rd

Mr. Prue opened the public hearing and read the application. Mr. Prue gave control over to Mr. Carcio. Mr. Carcio explained what he wanted to do and how to do what he wants; he needs to register through the state as a dealership so that he can transfer titles and registrations. Mr. Prue asked how many vans do you want to have at one time? Mr. Carcio responded with 6 a year. Mr. Prue asked how many vans would be in the yard at one time and Mr. Carcio responded with 2 or 3. Mr. Carcio said that he can only work on one at a time. Mr. Prue asked how many employees would he have? Mr. Carcio responded with Jenn Watkins and himself. Mr. Prue asked about signage on the property and the response was as little signage as possible and nothing crazy. Mr. Prue explained the sign process requirement. Mr. Carpenter asked if there would be an issue if the decision would be that no more than 3 vans on the property and Mr. Carcio said no. Mr. Carcio then showed a number of pictures of products and explained that it takes about 6 months to complete a van. Craig Weston asked about waste disposal and how much there would be and what the plan was for the waste removal? Mr. Carcio responded with that they have not gotten into a situation where the waste was so much that they needed a dumpster, but they take all waste to the Lyndon waste management. Mr. Weston asked about hazardous materials that included paint products. Mr. Carcio responded that there would be minimal paint disposal but that they follow are required disposal methods that were necessary. Mr. Prue asked for any further questions from the board and there was none. Mr. Prue then asked if there were any questions from the public and there was none. Mr. Prue called for a motion to close the public hearing, motion made by Curtis Carpenter and seconded by Kevin McKeon, passed unanimously.

- **2022-003:** Judy Hughes is seeking a sketch plan review from the Development Review Board to split 37.7-acre parcel into 2 separate parcels. This hearing is required as per the Lyndon zoning bylaws article VII subdivision regulations 7.3 and 7.6.4. The property is located at 2164 Red Village Rd.

Mr. Prue gave control over to Mr. Poginy who was representing Judy Hughes in the matter of a sketch plan review for the matter of a subdivision. Mr. Poginy explained what he wanted to do and his plan for the subdivision. Mr. Poginy explained that Ms. Hughes had 36.8 acres and he wanted to subdivide a sliver of 800x600x400 and that he planned to later purchase from Ms. Hughes Mr. Poginy explained that there was a big embankment there and was well aware that it was in a flood plain area and a river corridor and had not intention of building on it and just wanted to extend his property a bit. Mr. Prue asked if there were any building on the piece in question? Mr. Poginy explained that there were not any buildings on the proposed subdivision. Curtis Carpenter asked if he wanted to later build on the parcel due to its size, Mr. Prue answered that it was more than big enough. Mr. Prue explained that they had a minimum lot size for building that this parcel far exceeded that requirement and it was in the bylaws to ensure building requirements meet setback requirements. Mr. Prue asked for any questions from the board and there were none. Mr. Prue then explained about the preliminary hearing process and that after they decided that they would need to come back with an official survey for the final approval. Mr. Prue asked for any questions from the public and there were none.

#### 4. Other Business:

- **2022-005:** Robert Setaro is seeking a sketch plan review from the development review board to subdivide his 1 lot into 2 lots. One consisting of 22.6 acres and the other to 3.05 acres.

Mr. Prue gave control over to Mr. Setaro. Mr. Setaro explained that they have 25 acres and they would like to subdivide to build a house. Mr. Prue asked if there were any buildings on the 3.05-acre area and Mr. Setaro said no. Craig Weston said that he worked on the plan for this plat, so he is familiar with the project. Mr. Prue asked if there were any questions from the board and there were none. Mr. Prue asked if there were any questions from the public and there was none. Mrs. Setaro asked what the next step was going to be. Mr. Prue explained that the board would discuss it during deliberations and if they approve, the applicant would come back with the official application and final survey for approval to make it an official subdivision. The zoning administrator explained to the applicants that they would receive all required information later and the already submitted building application would be reviewed for approval later. The ZA also explained to the applicants that the board has up to 45 days to decide to either approve or disapprove the subdivision permit application.

- **2022-004:** Thomas Williamson is seeking a sketch plan review from the development review board to subdivide his 1 lot into 3 lots. Lot 1 consisting of 1.3 acres, lot 2 consisting of 1.2 acres, and lot 3 consisting of 2.47 acres.

Mr. Prue gave control over to Mr. Williamson who was representing Mr. Fong in this hearing. Mr. Williamson explained that Mr. Fong, the owner of the property wants to subdivide his one lot into 3 and that is basically it. Craig Weston added that he also worked on this plan and gave a brief history on the project. Mr. Prue asked about lot 3 and if it would have a 50 foot right of way and Mr. Weston confirmed with a yes. Mr. Weston also added that they have a wastewater amendment. Mr. Prue asked if there were any questions from the board and then asked for any questions from the public and there were none. Mr. Prue explained that if they wanted to build, they would have to come in for a building permit and if this subdivision is approved that they would need a final subdivision plat approval.

- **2022-006:** Shawn Tester is seeking a sketch plan review from the development review board to subdivide his 1 lot into 2 lots. Lot 1 would consist of 7.1 acres, and lot 2 would consist of 114.5 acres.

Mr. Prue gave control over to Mr. Tester. Mr. Tester explained that he wants to carve off a little over 7 acres from his lot to make 2 lots and he will be giving that 7 acres to his sister. Mr. Tester is hoping that the board will get away with letting him use the survey from 2006. The map shows 4 lots, but it is just 2 lots. Craig Weston asked if the layout from 2006 was for a potential 4 lot subdivision which was confirmed by Mr. Tester that they never went through with the 4-lot subdivision. Craig Carpenter asked if this was just a plan and that I was not reported in the land records. The ZA confirmed that at this point it is just one lot and lots 2,3,4 even though it is on the map it is not split up as per the land records. The survey provided are just plans with no follow through. Kevin McKeon asked how many years ago this was done, and Mr. Tester answered with, the survey was done in 2006 which is also confirmed on the map during the meeting. Craig Weston said that the plan would need to be upgraded due to this map not being accurate with the abutters and the lines that are shown. Mr. Weston also added that it needed to be updated. Mr. McKeon added that this is not accurate so a new survey and map would need to be done due to the fact that all the lines are not accurate. The new map would need to show an accurate survey. Mr. Prue said that this was sufficient for the preliminary hearing, but a final plat would need to have all the appropriate requirements. Mr. Prue asked for any questions from the board and there was none. Mr. Prue asked for any questions from the public and there was none.

- **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.

Mr. Prue opened the public hearing and read the application. Mr. Prue gave control over to Ms. Phelps. Ms. Phelps explained that she wanted to put up a couple more visible signs in addition to all the decals that she has on the windows. Mr. Prue asked if there were any questions from the board? Curtis Carpenter asked the Zoning Administrator why this is going to the board. The ZA said that she is over the square footage for signage and needs to get approval from the DRB. Kevin McKeon asked how much square footage she was over, and the ZA explained that she was allowed 60 square feet and she is over by 6 feet. Kevin McKeon recommended if she could

shrink the other signs to comply. Ms. Phelps said that should not be a problem. Amy Rast commented that she liked that idea because it can be a slippery slope when it comes to signs. Curtis Carpenter added that the planning commission was looking to rewrite the signage requirement in the next 6 months. Mr. Prue asked if Ms. Phelps was aware of that to which she replied no. Kevin McKeon asked Mr. Carpenter when the finalized proposal for all the previous changes were to occur. Mr. Carpenter said that they are going through their final hearing soon. Mr. Prue asked if there were any additional questions from the board and there were none. Mr. Prue asked if there were any questions from the public and there were none. Mr. Prue called for a motion to close the public hearing, motion made by Kevin McKeon and seconded by Craig Weston, passed unanimously.

5. Adjourn: Mr. Prue called for a motion to adjourn, motion made by Curtis Carpenter and seconded by Craig Weston and passed unanimously. Hearing adjourned at 7:04PM.