

Town of Lyndon Development Review Board Minutes

Thursday February 17, 2022 at 6:00PM

DRB Members:	Chair Jon Prue Curtis Carpenter Kevin McKeon Kevin Cole Amy Rast Craig Weston
Zoning Administrator:	Erik Voegtlind
Public Officials:	None
Press:	Paul Hayes
Public:	Tom Williamson Shawntel Schvist Katy Tascrello Peter Hopkins Tonja Jardino Peggie Parker Larry Lyford Beth Quimby Andre Poginy Larry Willey Mark Kwiecienski

Kathy Gray

Robert Setaro

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

1. **Agenda Changes:** Mr. Prue asked for agenda changes, agenda changes consisted of removing the Shawn Tester application and Lance Brigham application and adding a preliminary subdivision application for Peggy Parker.
2. **Approval of minutes from January 20, 2022:** Mr. Prue asked for a motion to approve the minutes of January 20, 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 gave 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.

- **2022-003:** Judy Hughes is seeking final subdivision review of her 37.6 acre property located in the Rural Residential District at 2164 Red Village Road in East Lyndon into 2 parcels. Lot 1 will be 5.5 acres and lot 2 will be 32.1 acres. The 5.5-acre lot is intended to be sold to Andre and Teresa Poginy. This will be Ms. Hughes’ final subdivision plan. The plan requires DRB approval in accordance with Section 7.7 of the Town Zoning Bylaws which requires DRB review of minor subdivisions.

Mr. Prue opened the public hearing and read the application. Mr. Prue gave control over to Mr. Poginy. Mr. Poginy was not aware that he needed to have something prepared and planned to have a survey done this spring. Mr. Prue gave an explanation of the process and said that a survey would need to be done for a final approval. Mr. Prue explained that he had 180 days to get final approval from the date that the preliminary subdivision was approved. The ZA explained to Mr. Poginy about what was going on with the rest of the property and due to the property being in a river corridor that there were more state requirements. The

board discussed leaving the hearing open at this time to get the correct paperwork submitted. Mr. Prue asked for a motion to leave the public hearing open until a survey was submitted. A motion was made by Mr. Cole and seconded by Mr. McKeon, and passed unanimously.

- **2022-004:** Thomas Williamson is seeking final subdivision review of his property from 1 parcel to 3 parcels. Lot 1 will be 1.3 acres, lot 2 will be 1.2 acres and lot 3 will be 2.47 acres. This will be his final subdivision plan. The plan requires DRB approval in accordance with Section 7.7 of the Town Zoning Bylaws which requires DRB review of minor subdivisions. The property is in the Rural Residential district.

Mr. Prue opened the public hearing and read the application. Mr. Prue gave control over to Mr. Williamson. Mr. Williamson explained that he is presenting the same survey as he did during the preliminary hearing. Two members of the public asked to look at the wastewater survey and the map survey. One member of the public was concerned that the wastewater would be close to the border properties well and as long as it was protected, he had no concerns. Mr. Prue asked for a motion to close the public hearing, motion made by Mr. McKeon and seconded by Mr. Carpenter.

- **2022-005:** Robert Setaro is seeking final subdivision review of his 26.1 acre property from 1 parcel to 2 parcels. Lot 1 will be 22.6 acres and lot 2 will be 3.05 acres. This will be his final subdivision plan. The plan requires DRB approval in accordance with Section 7.7 of the Town Zoning Bylaws which requires DRB review of minor subdivisions. The property is in the Rural Residential district.

Mr. Prue opened the public hearing and read the application. Mr. Prue gave control over to Mr. Setaro. Mr. Setaro explained that they are subdividing so they can build a home. Mr. Weston commented that they cannot get their wastewater permit from the state until they get approval of the subdivision from the town. Kathy Gray spoke saying that she is an interested person due to her being a neighbor of the property. Mr. Willey, a member of the public asked how long an applicant had to submit a Mylar to the town. Mr. Prue explained that they had 180 days to submit and if they didn't then the DRB review process starts over. Mr. Setaro asked what a Mylar was, and Mr. Prue explained what it was and that they would have 180 days to get it to the town. The ZA explained how the applicant would be notified and that the Mylar would be added to the land records. Mr. Setaro asked about his application for his home and the board explained that this hearing needs to approve his subdivision first and then the applicant will go through that process with the ZA to permit the construction of the house, which can be done administratively. The ZA then explained that all information needed to be given to the state via the applicant. Mr. Prue asked for a motion to close the public hearing, which was made by Mr. Cole and seconded by Mr. McKeon, and passed unanimously.

- **2021-125:** Seven Gates Meadows LLC is seeking final subdivision review of their 37.7 acre property from 1 parcel to 3 parcels. This will be their final subdivision plan. Lot 1 will be 19.3 acres and lot 2 will be 9 acres and lot 3 will be 9.4 acres. The plan requires DRB approval in accordance with Section 7.7 of the Town Zoning Bylaws which

requires DRB review of minor subdivisions. The property is in the Rural Residential district.

Mr. Prue opened the public hearing and read the application. Mr. Prue gave control over to the applicant and landowner, Mr. Kwiecienski. Mr. Kwiecienski gave a brief history of the property and showed his final subdivision plot. Mr. Willey, a member of the public asked to see the final plot plan and received it from Mr. Kwiecienski. Mr. Prue asked about lot 3 saying that there was some sort of structure and Mr. Kwiecienski explained that it was an old barn. Mr. Kwiecienski asked if there were no questions what does that mean? Mr. Prue explained about the subdivision process and why there were not questions due to the first hearing that took place. All survey changes were made as per the request from the board. Mr. Carpenter explained why there is a two-step process for a subdivision. Mr. Prue asked for a motion to close the public hearing which was made by Mr. Cole and seconded by Mr. Carpenter, and passed unanimously.

- **2022-010:** LTFD LLC is seeking a change of use permit to establish a medical clinic/veterinary hospital at (address) under 3.6.2.26, which states that a conditional use determination is required for any use substantially, materially, and outwardly similar to those set forth above in Sections 3.6.1 and 3.6.2. This proposed development closely resembles a medical clinic. The plan requires DRB approval in accordance with Section 9.1 and 4.4.5 of the Town Zoning Bylaws because.... The property is located in the Commercial district.

Mr. Prue opened the public hearing and read the application. Mr. Prue gave control over to the applicant, Ms. Quimby. Ms. Quimby explained that they would like to open a veterinary clinic. Mr. Weston asked about hours of operation and the answer was 8-5 Monday through Friday. Mr. Weston asked if there would be any after-hour services to include emergency services. Ms. Quimby explained that at this time they had no plans to provide any after-hour services. Ms. Rast asked if it was just small animals and Ms. Quimby responded that it would just be cats and dogs. Ms. Rast asked if there was going to be any boarding at the facility and the answer was no. Mr. Carpenter added that the property previously was used as a golf cart dealer. Mr. Weston asked if this was going to a day clinic, and whether there would be any overnight stays for pets? Ms. Quimby explained that there would not be any overnight boarding at the proposed facility. Mr. Prue added that site plan approval would be needed in this application for a business, and that they generally like to see a traffic flow. Mr. Prue also added that a parking space would be needed for every 250 square feet of building space. Mr. McKeon did the math and indicated that due to the building's square footage, and as per their plan, they had sufficient parking spaces for their business. Mr. Weston pointed out that per their plan they had 12 parking spaces allocated, Mr. Prue added that was sufficient, and was more spaces than what was required by the bylaws. Ms. Rast asked if they would need to change the septic requirements and the answer was no. Mr. Prue then read 4.4.5 for the knowledge of the applicants, which states ...?. Mr. Prue also added that if they have any outside lighting that it would need to be down cast lighting. Ms. Cartright a member of the public, added that all her questions were answered. Mr. Prue added again that they would like to see a traffic pattern demonstrating where cars would come in and cars coming out. Mr. Prue asked the board if they would like to postpone a decision on the proposal due to the

site plan not having a traffic pattern? Mr. Weston compared this site plan to a previous one stating that this is a much simpler pattern compared to others. Ms. Rast added that due to the requirements of the bylaws that they ought to come back. Mr. Prue asked if it would be possible to leave the hearing open and request that the applicant submit a revised plan including traffic flow electronically for the ZA to provide to the DRB for a later vote. The board agreed that would be sufficient and that they would wait to hear back from the ZA. Mr. Prue asked that the applicant make sure that the sign would not be so close to the road so that it would not block the vision of oncoming traffic. Ms. Rast indicated that the sign is required to be out of the State ROW, which she believed would place it far enough out of the line of site. Mr. Prue added to get with the planner and submit the new proposal. Mr. Prue asked for a motion to leave the public hearing open until an amended site plan was submitted. The motion was made by Mr. Cole and seconded by Mr. Carpenter, and passed unanimously.

Other Business:

- **2022-014:** Peggy Parker is seeking approval for a proposed preliminary 2-lot subdivision of a 6-acre lot located at 73 Brown Farm Road (parcel #14-1751). The plan requires DRB approval in accordance with Section 7.3 of the Town Zoning Bylaws which requires DRB review of minor subdivisions. The property is located in the Commercial district.

Mr. Prue gave control over to Ms. Parker. Ms. Parker explained her plan to subdivide 1 lot and making it into 2 lots. Lot 1 would be 4.85 acres and lot 2 would be 1.15 acres. Mr. Cole asked about the right of way for Cardinals Nest to ensure that there was sufficient access. Mr. Prue explained that if they planned on building a house that a new permit would be required. Mr. Weston explained that the cardinal's nest would be combined with lot 1 so the existing right of way accessing lot 2 through lot 1 would disappear. Mr. Prue explained that they will deliberate under 7.7 of the bylaws if this is approved and that they would be coming back closer to the end of March if this gets through the preliminary part. Mr. Weston commented that they would need a wastewater amendment when the applicant gets to that point.

4. **Adjourn:** Mr. Prue called for a motion to adjourn, which was made by Mr. Carpenter and seconded by Mr. McKeon, and passed unanimously. The hearing was adjourned at 7:02PM.