

Town of Lyndon Development Review Board Minutes

Thursday March 3, 2022 at 6:00PM

DRB Members: Chair Jon Prue
Curtis Carpenter
Amy Rast
Dave Keenan

Zoning Administrator: Erik Voegtlin

Public Officials: None

Press: Paul Hayes

Public: Lance Brigham
Danielle Brigham
Matt Young
Larry Ruggles

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 none.
2. **Approval of minutes from February 17, 2022:** Mr. Prue asked for a motion to extend the approval of the minutes due to most members not being at the meeting, motion made by Mr. Carpenter and seconded by Mr. Keenan, 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.

- **2022-011:** Matt young is seeking a change of use permit from retail store to hard seltzer brewery with tasting area. The plan requires a conditional use permit and can only be approved by the DRB in accordance with Section 4.4.5 performance standards, site plan approval under 9.1 and 3.6.2.26 any use substantially, materially, and outwardly similar to those set forth above in Sections 3.6.1 and 3.6.2. This plan is outwardly similar to a bar in Section 3.6.1.4. The property is located on 37 Pleasant St and is in the Commercial District. The lot size is 0.4 acres.

Mr. Prue opened the public hearing and read the application. Mr. Prue gave control over to Mr. Young. Mr. Young explained that he and Bud Simpson want to open a seltzer brewery. They would like to do wholesale distribution and sell to local businesses in and out of town. They would also like to have a tasting room where people can stop in during their travels and taste the product and take some home or up to Jay, and they would like it for locals as well. Mr. Keenan asked if there would be food served. Mr. Young explained that there would be some type of food as is required when serving alcohol. They do not want to be open all hours of the night and their plan is to have food catered from either local businesses or food trucks. Mr. Prue asked what the hours of operations would be. Mr. Young explained that they would be open 12pm to 9pm and that they would be doing work inside that would be quiet during non-business hours. Mr. Prue asked the hours would be 7am to 9 pm and Mr. Young agreed. Ms. Rast asked if they had any plans for entertainment and Mr. Young responded that there may be a small one-person band that would not be loud, and they would be done early. Mr. Keenan asked if there would be any other requirements for a waste water permit. Mr. Young explained that he talked with someone from the Town Wastewater office who he said that he was very familiar with the process and indicated that they would follow all filtration requirements. Another option would be to take the byproduct and tank it at the facility and then send it out to local farmers so that they can spread it out on their fields as a fertilizer. They have a much simpler process from traditional breweries because of the lack of barley, there will not be nearly as much waste, and they will have cleaning agents utilized. Mr. Prue asked about State permitting and Mr. Young explained that the State and Federal requirements will need fire and building inspections. Ms. Rast asked about traffic and signage on the plan. Mr. Prue explained about 9.1 in the bylaws and what they generally like to see on their plan and that includes a traffic flow and parking spaces. Mr. Young explained that they were looking at 12 to 14 spaces and 2 more behind the Brooks property. For deliveries there

is a garage door on the side of the property. He does not anticipate 18 wheelers but small vans for deliveries. Mr. Prue said that at an earlier meeting they had an incomplete site plan and left the hearing open so that the new site plan could be submitted without the need for the applicant to make a second appearance before the DRB. He then asked Mr. Young if he would be willing to add some more details and resubmit electronically. Mr. Young said that he was willing but time is of the essence. Mr. Prue said that turn around on applications are generally pretty quick. After discussions, the board decided to keep the hearing open to allow time for the applicant to add some changes to the site plan. Mr. Young added that he was excited to make this a successful business. Mr. Prue asked how many employees and Mr. Young answered with just him and his partner for now.

- **2022-008:** Lance and Danielle Brigham are seeking a conditional use permit under 4.4.3 with performance standards under 4.4.5 and site plan approval under 9.1, to add a garage to their single-family home. The property is located at 1932 Lily Pond Road in the Rural Residential District. The lot size is 0.4 acres.

Mr. Prue opened the public hearing and read the application. Mr. Prue gave control over to Mr. Brigham. Mr. Brigham explained that they were thinking of selling but decided to expand and add a garage with a living space above the garage due to the fact that they have 3 boys living there. The required setback is 25 feet but as there is not really a way to put it the garage in a different location, Mr. Brigham has requested a conditional use for a 14-foot setback. Mr. Carpenter asked about what site configurations and setbacks exist in the area. The ZA used the CAI software to show the board all the other properties with reduced setbacks from property lines, showing at least 3 properties in the area. Mr. Carpenter said that this request for a reduced setback was consistent with development in the rest of the neighborhood. Mr. Prue asked if the neighbor knew about this proposed construction and Mr. Brigham explained that he had a conversation with the neighbor who did not have a problem with the proposal and who indicated that he planned on building a privacy fence. Mr. Brigham indicated that he and his neighbor have a good relationship. The ZA asked if he spoke to Justin Smith, the Municipal Administrator, and Mr. Brigham explained that his first phone call was with Justin to see what his options were. Mr. Prue asked for a motion to close the public hearing. A motion made by Mr. Carpenter, was seconded by Ms. Rast, and passed unanimously.

- **2022-013:** Ruggco INC. is seeking a change of use permit from a single-family dwelling to a multi-family dwelling. The plan requires a conditional use permit and can only be approved by the DRB in accordance with Section 3.3.2.1, 4.4.5 performance standards and site plan approval under 9.1. of the Town Zoning Bylaws. The property is located on 564 Main St and is in the Village Commercial District. The lot size is 0.2 acres.

Mr. Prue opened the public hearing and read the application. Mr. Prue gave control over to Mr. Ruggles. Mr. Ruggles explained that the building was owned by David McGrath. Mr. Ruggles gave a brief history of the building and how it used to be a vet office with an apartment. There are two apartments there now and they want to add a third apartment. Mr. Prue asked if he wanted to add another structure and Mr. Ruggles said no just adding another fire wall and separating one of the apartments right down the middle. Mr. Prue explained that the provided site

plan is confusing and asked Mr. Ruggles if he could give an explanation of it. Mr. Ruggles explained that he pulled the site plan from the Town tax maps on file and he would explain more of what it means. Mr. Carpenter asked if there was going to be 1 apartment in the front building and another 2 in the back building, and Mr. Ruggles confirmed this information. Mr. Ruggles asked if he just needed to put a line through one of the diagrams. Mr. Prue explained that section 9.1 of the town zoning bylaws provides guidance on what they want and need for a site plan. Mr. Prue explained the submitted plan was insufficient and the board needed more information. Mr. Carpenter explained that they need a sketch of the proposed parking area and Mr. Ruggles explained that the parking requirements for the proposed use are less than what was required for the current use, and that the proposed use will cut the sewer load by 3 connections. The parking area is going to be for 3 tenants only. Mr. Prue explained that water and waste water does not fall under zoning but he understands the information about the usage. Mr. Prue explained more about Section 9.1 and that the site plans should show parking, adjacent landowners, and traffic flow. Ms. Rast asked if he could at least orient it the building to the street on the updated site plan, and Mr. Ruggles answered, “absolutely”. Mr. Prue asked the board if they were good with leaving the hearing open to allow the applicant to resubmit the site plan, and then to deliberate electronically. The board agreed. Mr. Prue then asked Mr. Ruggles to talk more with the ZA about a new site plan. Mr. Ruggles explained that the owner is retaining the housing so that he can provide affordable housing for his employees.

4. **Other Business:** None

5. **Adjourn:** Mr. Prue called for a motion to adjourn, which was made by Ms. Rast and seconded by Mr. Keenan, and passed unanimously. The hearing was adjourned at 6:44 PM.