

Town of Lyndon Development Review Board Minutes

Thursday June 16, 2022 at 6:00PM

DRB Members: Chair Jon Prue
Curtis Carpenter
Amy Rast
Jeremiah Aiken
Craig Weston

Zoning Administrator: Erik Voegtlin

Public Officials: None

Press: None

Public: Ryan Grant
Andy Poigny
Judy Hughes
Brad Collins

Mr. Jon Prue opened the public hearing which was brought to order at 6:08 pm

1. **Agenda Changes:** Mr. Prue asked for agenda changes, there were none.
2. **Approval of minutes from June 2, 2022:** Mr. Prue called for a motion to approve the minutes of June 2, 2022, Motion made by Mr. Aiken and seconded by Mr. Weston, 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.

4. **2022-048:** Brad Collins is seeking approval for the installation of 1, 46 in X 160-foot fence sign and 1, 46in X 80-foot fence sign. The request requires approval of DRB in accordance with Section 16.13 of the Town Zoning Bylaws due to the total area of the signs. The property is located at 307 Lynburke Rd and is in the Commercial district.

Mr. Prue gave control over to Mr. Collins. Mr. Collins explained his application and gave his address and how he wanted to install a fence/ sign with his logo on it. Mr. Collins apologized for not filling out a permit ahead of time. Mr. Collins explained that people still are not aware that there is a gym on the property, so he wants to put up this fence/ sign so that it is more well known that there is a gym there by providing this visual aid to Lynburke Rd. Mr. Weston asked if the applicant is asking to put up an 80-foot fence that is at the south entrance. Mr. Collins explained that he installed snow fencing with his logo on the entire fence that repeats the logo every 6 feet. Mr. Weston asked if the applicant knew if this fence was out of the right of way on route 5. Mr. Collins explained that it was on private property. Mr. Prue asked how far up the road that the fence would be going. Mr. Collins said that it would be about 4 to 5 feet from the road. He also said it was about 36 feet from the center of the road roughly. Ms. Rast asked if anyone knew the right of way there. Ms. Rast added that Mr. Collins needed to check with the state to make sure that it is out of the right of way. Ms. Rast explained that any updates need to be legal and to check with the district 7 state maintenance office. Mr. Weston asked what the sign ordinance was in this district. The ZA explained that the applicant cannot exceed 100 square feet total for signage. Mr. Weston asked what the square feet would be, and Mr. Collins added that with the measurements it would be 240 square feet. Mr. Weston asked how big his logo was and Mr. Collins answered with 3 feet by 2.5 feet high. Mr. Prue asked about existing signage. Mr. Collins said he has a sign right in the front behind the road on the south side and it is 72X82. Mr. Weston asked what color the sign would be, and Mr. Collins said it was blue and Mr. Weston added that he is imagining a banner. Mr. Prue asked for a picture of the sign and Mr. Collins sent a picture to the ZA and was able to put it on the screen for all to see. Mr. Weston added that this would be 160 feet and Mr. Collins reiterated that the repeating cycle on the fence and sign that would go every 6 feet. Mr. Prue added that the issue that is coming up is that the sign being in the commercial district, and he is allowed to have 1 sign and one free standing sign, not to

exceed 100 square feet. Since the applicant already has 1, 24 square foot sign and the 1 allowable free-standing sign and with the fencing and if you only count the writing that would account for another 24 square feet. Mr. Prue added that you are way over the max allowable for signage. Mr. Collins asked why is there a restriction for someone to promote their business and Mr. Prue added that is a good question for the planning commission because they set the bylaws. Mr. Collins added that I am asking you because I want to figure this out so I can promote my business, he then added that effectively if you don't allow me to do this you are preventing me from making a living, I want you to be 100% aware of that. Mr. Prue answered that I am personally not doing anything to prevent you from making a living. Mr. Collins said that he is going far outside the bylaws and asked what the repercussions if he just put up the sign. Mr. Prue said they have not voted to approve or disapprove but if you decided to put the sign up then you would be in violation of an unknown fee and enforcement does not fall under the board, but it does for the ZA and the selectboard, but you would be asked to remove it if it is not approved. Mr. Collins said that he is getting an impression that it is not going to be approved. Mr. Prue said that it would be hard to approve due to the fact that the sign is over a hundred square feet over the max allowable signage requirements. Mr. Prue added that without going into deliberative session and not speaking for the board. Mr. Prue asked for anymore questions from the board. Ms. Rast added an explanation about why there are laws and the limits on everything within the town. Ms. Rast then apologized that this bit into Mr. Collins plans. Mr. Carpenter then explained that the signage bylaw is in the process of being rewritten but that the planning commission would be interested in comments and input. Ms. Rast explained that the planning commission is meeting next Wednesday at 6 if he wanted to attend. Mr. Prue asked for any questions or comments, there were none. Mr. Prue then called for a motion to close the public hearing. Motion made by Mr. Aiken and seconded by Mr. Carpenter. Passed unanimously.

2022-003: Judy Hughes is seeking final subdivision review of their property from 1 parcel to 2 parcels. Lot 1 will be 3.9 acres and lot 2 will be 32.9 acres. This will be their final subdivision plan. The plan requires DRB approval in accordance with Section 7.3 of the Town Zoning Bylaws. The property is in the Rural Residential district.

Mr. Prue gave control over to Mr. Poginy who was representing Judy Hughes in this matter. Mr. Weston asked about the stamped date and the ZA showed the date. Mr. Weston then asked about the description of the property pin corners. He then explained that this is a state statute and that it needed to show the height, description, and diameter for all pin corners. He explained that this is a state requirement, not a town requirement. Mr. Poginy explained that on the original survey submitted it is on there, but it did not get transferred to the new one. Mr. Prue asked for any questions from the public, there were none. Mr. Poginy asked if this needed to be rewritten and Mr. Prue said that it is possible, but we will discuss it during deliberative session. The ZA then explained the process of submission. Mr. Prue then called for a motion to close the public hearing, motion made by Mr. Aiken and seconded by Ms. Rast, passed unanimously.

5. Other Business:

2022-050: Ryan Grant is seeking a preliminary subdivision review of his property from 1 parcel to 2 parcels. This will be his preliminary subdivision plan. The plan requires DRB approval in accordance with Section 7.7 of the Town Zoning Bylaws. The property is located at 44 Northern Circle and is in the Industrial district.

Mr. Prue gave control over to Mr. Grant. Mr. Grant explained his application and his intentions. Mr. Grant said that he planned on building a house but wanted to start with the subdivision. He explained that his brother would own the property that bordered the property, and they would share a right of way. Mr. Prue asked about road frontage and a right of way. Mr. Grant said there would be a right of way and that he got along with his brother very well for a shared right of way. Mr. Prue said that they need to treat this as neighbors that do not know each other, a deeded right of way would be required for the subdivision. Mr. Prue explained the whole preliminary reasoning to try to save applicants a little money. Mr. Weston asked for a better picture and Mr. Prue explained about where route 5 is, regarding the proposed subdivision. Mr. Weston asked about location and that a 50 foot right of way was required. Mr. Carpenter asked if Northern Circle was a town road and Mr. Prue explained that it was a named driveway and considered a private road. Mr. Weston explained that the state requires 500 feet from the boundary and if they did not meet that then they would have to get a wastewater amendment. Mr. Weston explained about a back up system for wastewater which is a state requirement. Mr. Prue asked for any comments from the public, there were none.

2022-056: Stanley and Sylvia Langmaid are seeking a preliminary subdivision review of their property from 1 parcel to 5 parcels. Lot 1 will be 283 acres, Lot 2 will be 8.30 acres, lot 3 will be 10.55 acres, lot 4 will be 7.88 acres and lot 5 will be 10.47 acres. This will be their preliminary subdivision plan. The plan requires DRB approval in accordance with Section 7.7 of the Town Zoning Bylaws. The property is located at 231 Orleans Lane and is in the Rural Residential district.

Mr. Prue gave control over to the Langmaids, they were not present so Mr. Weston from the board spoke on their behalf. Mr. Weston explained the survey map and the intentions as per the application. Mr. Weston explained the overall map that was located on the left-hand side and how it is off Burrington bridge road. He also explained that there were houses all over the property. Mr. Prue asked how you get to the house on lot 2 and Mr. Weston said that it has not sketched in the driveway, yet which will be done on the final submission. Mr. Weston explained about the dimensions of the new subdivisions and that the Langmaids would be retaining the remaining land. Mr. Prue asked about the right of way that was not on the map yet and Mr. Weston added that they will get that clarified. Mr. Prue added that there needs to be a deeded right of ways for properties. Mr. Carpenter said that if you look at google maps you will see the right of way, but Mr. Weston added that it has just not been written in on the survey as of yet for this preliminary plan. Mr. Weston said that he would remind the Langmaids that they need to find out where the town road ends on the property. Mr. Weston added that there are power lines that go all through there. Mr. Prue asked for any comments from the public, there were none.

6. **Adjourn:** Mr. Prue called for a motion to adjourn. Motion made by Ms. Rast and seconded by Mr. Aiken, passed unanimously. The hearing adjourned at 7:19 PM.