

DERBY PLANNING COMMISSION *MINUTES*** December 8, 2008 as amended**

MEMBERS PRESENT: Joe Profera, Richard Del Favero, Jim Bumps, Dave LaBelle, Cynthia Adams.

MEMBERS ABSENT: None.

OTHERS PRESENT: Gerry Coulombe, Rosemary Rowe, Clark Curtis, Charlie Elliott, Robin Smith, Laura Carpenter, ZA Bob Kelley.

7:00 p.m.: Chair Joe Profera called the meeting to order. Dave LaBelle made a motion to approve the minutes to the last meeting (Nov 24) as written. Seconded by Cynthia Adams. **Approved by a unanimous decision.**

Newport Planning Commission members Charlie Elliott, Gerry Coulombe, Rosemary Rowe, and Clark Curtis were present for their semi-annual meeting to discuss planning concerns between both communities. The commissions brought each other up to speed on the current happenings in their communities. In Derby there is no news on Wal-Mart, Lowes appears to be on the back burner, Tractor Supply is scheduled to open in February creating 30+ jobs, Border Patrol is considering a larger facility on Citizens Road, no news on the I91 Customs expansion, no news on the State's realignment of Crawford Road and Shattuck Hill, and no news on the traffic light at Rte 5/Quarry Road. In Newport the Tour Boat finally arrived, the Career Center expansion is completed, the Chamber of Commerce's new building is completed, Downtown Discount is going out of business, there have been layoffs at Columbia Forest Products, Gilman Housing's senior housing project on Main St is under construction, a new restaurant opened on the lake side of the State office building, and Needleman's is moving into the State office building. Both communities are working on new town plans. The American Institute of Architects has selected Newport for their Regional/Urban Design Assistance Team (R/UDAT) program. They will conduct a four-day workshop in Newport this spring, engaging all members of the community in creating a vision of the future.

The Derby Planning Commission thanked Newport of coming. The next joint meeting will be hosted by Newport.

Work on the Town Plan was tabled.

In other business, Mitch Wonson, representing Gosselin Enterprises Inc, has questioned why the 6-year time frame for this phase of the PUD discussed at the last meeting was not part of the Commission's decision. He submitted a letter and contacted each member. The Commission felt this was an over site on their part, as they were in agreement with the extended time frame. Dave LaBelle made a motion to amend site plan approval for application 08-121 by Gosselin Enterprises Inc for 20 multi-family units and related infrastructure to include the following condition: The expiration date for this permit is December 8, ~~2008~~ **2014**. See Planning Commission's attached written decision. Seconded by Jim Bumps. **Approved by a unanimous decision.**

There will be no meeting in 2 weeks due to the holidays. Rules of Procedure will be discussed at their first meeting in 2009.

8:50 p.m.: Upon a motion by Cynthia Adams and seconded by Jim Bumps, the meeting was adjourned.

The minutes were taken by Bob Kelley.

DERBY PLANNING COMMISSION ***MINUTES*** November 24, 2008

MEMBERS PRESENT: Richard Del Favero, Jim Bumps, Dave LaBelle, Cynthia Adams.

MEMBERS ABSENT: Joe Profera.

OTHERS PRESENT: Gary Powers, Marie Bonneau, Rod Ames, John Gobeil, Pat Daigle, Mike Gosselin, Mitch Wonson, ZA Bob Kelley.

7:00 p.m.: Acting Chair Richard Del Favero called the meeting to order. Dave LaBelle made a motion to approve the minutes to the last meeting (Nov 10) as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Acting Chair Richard Del Favero read the warning for application 08-119 by United Church of Derby, PIN NMSDC003F5.C, for site plan review for a 12 ft by 24 ft wood frame building to store wood pellets and a pellet boiler. This property is located at 3064 Route 5 and is in a Village Commercial/Derby Center zoning district. Rod Ames was present to explain the request. It was noted that this is a reapplication with a redesigned building. The building will be vinyl sided to match the church, the doors will be on the side facing the driveway, there will be no exterior lights, and the shrubs are still on the site plan and will be installed. There were no written or oral comments from the public. Dave LaBelle made a motion to close the hearing on application 08-119 by United Church of Derby. Seconded by Cynthia Adams. **Approved by a unanimous decision.** The applicant was informed that the Commission has 45 days to render a decision and they will be notified when a decision has been made.

Acting Chair Richard Del Favero read the warning for application 08-120 by Gary & Jennifer Powers, PIN TRD45059M5.T, for conceptual/final plat review for a 2-lot subdivision. This property is located at 3394 Salem Derby Road and is in both the Rural Residential and Special Lands zoning districts. Gary Powers was present to explain the request. Two 50 ft wide R.O.W.'s are being reserved to access the back lot, one along the existing driveway and the other along the westerly lot line. Both lots meet the minimum lot size for the zoning districts in which they are located. There were no written or oral comments from the public. Dave LaBelle made a motion to close the hearing on application 08-120 by Gary & Jennifer Powers. Seconded by Jim Bumps. **Approved by a unanimous decision.** The applicant was informed that the Commission has 45 days to render a decision and they will be notified when a decision has been made.

Acting Chair Richard Del Favero read the warning for application 08-121 by Gosselin Enterprises Inc, PIN RT005018E5.T, for site plan review for 20 multi-family units as part of a Planned Unit Development. This property is located at 2021 Route 5 and is in a Commercial zoning district. Mitch Wonson, Pat Daigle, John Gobeil, and Mike Gosselin were present to explain the request. Village water will be utilized and has been approved by the Village and the State. There will be 5 buildings with 4 units in each building. Three different building designs will be used for aesthetic reasons. 42 parking spaces are proposed, which is 2 more than is required by the bylaw. The dumpster will be screened. Landscaping includes numerous trees and shrubs. There will be lighting along the spur road and around the cul-de-sac. They are asking for a 6-year time frame to complete the buildings. Right now they are leaning towards having the units as rentals, but may decide in the future to convert them to condos. All units have 2 bedrooms. Marie Bonneau questioned the location and elevations of the buildings and roads relative to her property, which borders this project to the east. The applicant went over these concerns in detail. There were no further written or oral comments from the public. Cynthia Adams made a motion to close the hearing on application 08-121 by Gosselin

Enterprises Inc. Seconded by Dave LaBelle. **Approved by a unanimous decision.** The applicant was informed that the Commission has 45 days to render a decision and they will be notified when a decision has been made.

Acting Chair Richard Del Favero read the warning for application 08-122 by Roger Gosselin Inc, PIN NMSDC023F5.CR1, for site plan review for a 26 ft by 28 ft 2-story addition to an existing office building. This property is located at 139 Gosselin Drive and is in a Village Commercial/Derby Center zoning district. Mike Gosselin, John Gobeil, and Pat Daigle were present to explain the request. This is to add needed office space and will include a ½ bath. No new parking is proposed. There were no written or oral comments from the public. Dave LaBelle made a motion to close the hearing on application 08-122 by Roger Gosselin Inc. Seconded by Jim Bumps. **Approved by a unanimous decision.** The applicant was informed that the Commission has 45 days to render a decision and they will be notified when a decision has been made.

The Commission reviewed proposed rules of procedure and felt that the Chair should vote on all issues. Currently the proposed rules only allow the Chair to vote to break a tie or if needed for a quorum. ZA Bob Kelley will make the change for the Commission to review.

Their next meeting will include a joint meeting with the Newport City Planning Commission to discuss issues relative to both communities. Also on the agenda will be the review of the Town Plan.

8:02 p.m.: Dave LaBelle made a motion to enter into deliberative session to discuss closed applications. Seconded by Cynthia Adams. **Approved by a unanimous decision.**

8:37 p.m.: Dave LaBelle made a motion to exit deliberative session and go back into open session. Seconded by Cynthia Adams. **Approved by a unanimous decision.**

Dave LaBelle made a motion to grant site plan approval for application 08-119 by United Church of Derby as submitted. See Planning Commission's attached written decision. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Cynthia Adams made a motion to grant site plan approval for application 08-120 by Gary & Jennifer Powers as submitted. See Planning Commission's attached written decision. Seconded by Dave LaBelle. **Approved by a unanimous decision.**

Dave LaBelle made a motion to grant site plan approval for application 08-121 by Gosselin Enterprises Inc with the condition that the proposed access road must be paved for the first 30 feet from the edge of the pavement on Route 5. See Planning Commission's attached written decision. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Jim Bumps made a motion to grant site plan approval for application 08-122 by Roger Gosselin Inc as submitted. See Planning Commission's attached written decision. Seconded by Dave LaBelle. **Approved by a unanimous decision.**

8:46 p.m.: Upon a motion by Dave LaBelle and seconded by Jim Bumps, the meeting was adjourned.

The minutes were taken by Bob Kelley.

DERBY PLANNING COMMISSION *MINUTES*** November 10, 2008**

MEMBERS PRESENT: Joe Profera, Jim Bumps, Dave LaBelle, Cynthia Adams.

MEMBERS ABSENT: Richard Del Favero.

OTHERS PRESENT: Reginald Abbott, Scott Warthin, ZA Bob Kelley.

7:00 p.m.: Chair Joe Profera called the meeting to order. Dave LaBelle made a motion to approve the minutes to the last meeting (Oct 27) as written. Seconded by Cynthia Adams. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 08-113 by Reginald Abbott, PIN TRD53003J7.T, for final plat review for a 4-lot subdivision with three lots being served by a private 50 ft wide R.O.W. and one lot being accessed from Fontaine Road. This property is located at the intersection of Hayward Road and Fontaine Road and is in both the Rural Residential and Shoreland zoning districts. This application was tabled from the Commission's October 27, 2008 meeting. Reginald Abbott was present to explain the request. Mr. Abbott stated that the gravel for the road that has been built was brought in from off site because the quality of the gravel onsite was not good enough and the washouts along the access road are to be fixed. There were no other written or oral comments from the public. Dave LaBelle made a motion to close the hearing on application 08-113 by Reginald Abbott. Seconded by Cynthia Adams. **Approved by a unanimous decision.** The applicant was informed that the Commission has 45 days to render a decision and they will be notified when a decision has been made.

The Commission reviewed a draft for new Rules of Procedure. Some changes were made and the Commission will review the revised draft at their next meeting.

A draft of the 2010 Town Plan was reviewed and changes made in August were approved. The proposed 2009 Town Plan is still on track with the Selectboard's first public hearing scheduled for Dec 1st.

Joe Profera will be out of Town for the next meeting on Nov 24th. A joint meeting with the Newport Planning Commission will be on the agenda for Dec 8th to discuss issues relevant to both communities.

7:50 p.m.: Cynthia Adams made a motion to enter into deliberative session to discuss closed applications. Seconded by Dave LaBelle. **Approved by a unanimous decision.**

8:35 p.m.: Dave LaBelle made a motion to exit deliberative session and go back into open session. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Cynthia Adams made a motion to grant site plan approval for application 08-113 by Reginald Abbott with the condition that proper erosion control methods must be utilized to prevent sediment from entering the lake or the wetlands. See Planning Commission's attached written decision. Seconded by Dave LaBelle. **Approved by a unanimous decision.**

Dave LaBelle made a motion to approve application 08-088 by Derek Moore with the following conditions; 1) The proposed display area is limited to no more than four (4) items; 2) Items may only be displayed between May 1st and October 1st. See Planning Commission's attached written decision. Seconded by Jim Bumps. **Approved by a unanimous decision.**

8:50 p.m.: Upon a motion by Cynthia Adams and seconded by Dave LaBelle the meeting was adjourned.

The minutes were taken by Bob Kelley.

DERBY PLANNING COMMISSION ***MINUTES*** October 27, 2008

MEMBERS PRESENT: Joe Profera, Richard Del Favero, Jim Bumps, Dave LaBelle, Cynthia Adams.

MEMBERS ABSENT: None.

OTHERS PRESENT: David Driver, Lucille Driver, James Driver, Reginald Abbott, Laura Carpenter, Brian Smith, Laura Dolgin, ZA Bob Kelley.

7:00 p.m.: Chair Joe Profera called the meeting to order. The first order of business is a public hearing for public comments on the proposed Town Plan. Richard Del Favero made a motion to skip to the Abbott application to accommodate the people present at the meeting. Seconded by Dave LaBelle. **Approved by a unanimous decision.**

Chair Joe Profera opened the hearing for application 08-113 by Reginald Abbott, PIN TRD53003J7.T, for final plat review for a 4-lot subdivision with three lots being served by a private 50 ft wide R.O.W. and one lot being accessed from Fontaine Road. This property is located at the intersection of Hayward Road and Fontaine Road and is in both the Rural Residential and Shoreland zoning districts. Reginald Abbott was present to explain the request. The lot is 42 acres and is in the process of being surveyed. Lot #1 will be accessed from Fontaine Road and the other 3 lot will be accessed by a proposed 50 ft wide R.O.W. The property is located in two zoning districts with the minimum lot size for the Shoreland district being 15,000 sq ft and the minimum lot size for the Rural Residential district being 5 acres. Only lot 2 is less than 5 acres and it is entirely in the Shoreland District. There are no buildings on the property and the proposed access road has already been built. The floodplain, wetlands and erosion were briefly discussed. David Driver expressed concerns that an access to this property on the southeast side crossed his property. He stated that it was installed years ago when the property was logged and he wanted to make sure this did not become a permanent access for this property. This access is not depicted on the site plan and is not being proposed as an access point to the Abbott property. Jim Bumps stated that he has a conflict of interest with this application because he works for Blais Surveying and they will be surveying the property for Mr. Abbott. He feels that he will be able to act in an unbiased manner on this application. There were no objections to him continuing to participate on this application. The Commission felt that a site visit would be beneficial. The interested parties will be notified when the site visit will be conducted. Richard Del Favero made a motion to table application 08-113 by Reginald Abbott until 7:00 p.m. November 10, 2008 hear in the municipal building. Seconded by Dave LaBelle. **Approved by a unanimous decision.**

The meeting continued with the public hearing for public input on the proposed Town Plan. ZA Bob Kelley passed out a review of the plan done by NVDA. Their review pointed out that the required element on childcare has not been addressed in the plan. Bob suggested that the following could be added to the Goals and Objectives section that would satisfy this required element.

“Support affordable quality childcare. Many families lead lives that require full or at least part-time childcare outside of their homes and Derby recognizes that affordable, accessible, and quality childcare is a critical community need. Although the Town is not involved in providing childcare for local children, the Derby Elementary School does offer an after school program for grades 1 through 6. Most childcare needs are served by small, private childcare facilities that are scattered throughout the Town and neighboring communities. Small childcare services that care for six or fewer children are considered home occupations and larger facilities require more extensive permitting review.”

Selectboard members Brian Smith and Laura Dolgin were present and expressed their support for the plan. Cynthia Adams made a motion to close the public hearing. Seconded by Dave LaBelle. **Approved by a unanimous decision.**

Cynthia Adams made a motion to add the section on childcare at the end of the Goals and Objectives section as presented. Seconded by Dave LaBelle. **Approved by a unanimous decision.**

Dave LaBelle made a motion to approve the proposed Town Plan as amended for submittal to the Selectboard. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

Dave LaBelle made a motion to approve the minutes to the last meeting (Oct 13) as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

The Commission discussed when they could conduct the site visit for the Abbott application and it was decided that each member would view the property on their own sometime prior to their next meeting. They asked the ZA to contact the applicant and interest parties to inform them of this decision.

The Derek Moore application was discussed briefly. Cynthia Adams will be given a copy of the tape for the meeting that she missed so that she can participate in the decision.

Rules of Procedure were briefly discussed. Bob Kelley will modify the Zoning Board's rules for the Commission to review.

8:06 p.m.: Upon a motion by Cynthia Adams and seconded by Dave LaBelle, the meeting was adjourned.

The minutes were taken by Bob Kelley.

DERBY PLANNING COMMISSION ***MINUTES*** October 13, 2008

MEMBERS PRESENT: Joe Profera, Richard Del Favero, Jim Bumps, Dave LaBelle, Cynthia Adams.

MEMBERS ABSENT: None.

OTHERS PRESENT: Robert Gosselin, Caroline Lucas, Todd Willis, Cindy Willis, Rod Ames, ZA Bob Kelley.

6:30 p.m.: A site visit was conducted at the Derek Moore residence in regards to application #08-088. In attendance were Richard Del Favero, Jim Bumps, Dave LaBelle, Derek Moore, Bob Kelley.

7:00 p.m.: Chair Joe Profera called the meeting to order. Dave LaBelle made a motion to approve the minutes to the last meeting (Sept 29) with the spelling of LaBelle and Geoffrey corrected. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 08-104 by Robert & Jill Gosselin, PIN PTYDR001F2.T, for site plan approval for a 25 ft by 46 ft addition to an existing greenhouse. This property is located at 639 Prouty Drive and is in a Residential One Acre zoning district. Robert Gosselin was present to explain the request. The addition will be similar to the existing greenhouse and drainage is to the rear of the property. Caroline Lucas questioned the location of the structure, drainage, and use of the property. Mr. Gosselin explained the project in greater detail and Mrs. Lucas stated that she did not have any objections. There were no other written or oral comments from the public. Dave LaBelle made a motion to close the hearing on application 08-104 by Robert & Jill Gosselin. Seconded by Richard Del Favero. **Approved by a unanimous decision.** The applicant was informed that the Commission has 45 days to render a decision and they will be notified when a decision has been made.

The Commission skipped to other business. Todd and Cindy Willis discussed informally a concern with the Commission's recent decision for their used car lot that closed off the west side of the loop drive in front of the building. They discussed their need to access both parking lots without having to go onto Rte 5 and presented a solution that the Commission was in general agreement with. Mr. Willis also explained future plans to tear down 2/3 of the building and adding additional display area. He plans to submit an amended application for these changes. The Commission reminded him that a complete application with landscaping and lighting included would help in processing the application.

Rod Ames was present representing the United Church of Derby. The Church would like to submit an application for an alternate design for their proposed building to house their pellet boiler and pellets that he wanted to run by the Commission before submitting. The Commission was receptive to the new design, but questioned whether State regulations allow the pellet boiler that close to another building.

Richard Del Favero made a motion to recommend to the Selectboard that they waive the permit fee the reapplication by the nonprofit United Church of Derby for the redesigned building. Their first application was denied because of the design of the building. Seconded by Cynthia Adams. **Approved by a unanimous decision.**

The Commission reviewed a proposed planning grant submitted by Bob Kelley. The grant is to produce the required maps necessary for the new Town Plan, a Geographic Information System

linking permits, existing land uses and zoning districts with existing digital parcel maps, and GIS software. Richard Del Favero made a motion to recommend that the Town apply for the proposed grant. Seconded by Dave LaBelle. **Approved by a unanimous decision.**

The Commission decided to table discussion of the municipal plan tonight.

8:05 p.m.: Dave LaBelle made a motion to enter into deliberative session to discuss the closed applications. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

8:55 p.m.: Dave LaBelle made a motion to exit deliberative session and go back into open session. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

Dave LaBelle made a motion to grant site plan approval for application 08-104 by Robert & Jill Gosselin as submitted. See Planning Commission's attached written decision. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

Dave LaBelle made a motion to grant site plan approval for application 08-057 by Paula Crowe/AHA, Inc as submitted and to authorize the Chair to sign the written decision on behalf of the entire board. See Planning Commission's attached written decision. Seconded by Cynthia Adams. **Approved by a unanimous decision.**

9:00 p.m.: Upon a motion by Cynthia Adams and seconded by Jim Bumps, the meeting was adjourned.

The minutes were taken by Bob Kelley.

DERBY PLANNING COMMISSION *MINUTES*** September 29, 2008 as amended**

MEMBERS PRESENT: Joe Profera, Richard Del Favero, Jim Bumps, Dave ~~LaBelle~~ **LaBelle**.

MEMBERS ABSENT: Cynthia Adams.

OTHERS PRESENT: Randall Lyon, Derek Moore, Scott Warthin, Leslie Davis, Dolores Davis, Brian Smith, David Moore, Sam Ruggiano, Rachel ~~Geoffroy~~ **Geoffrey**, Peter Morse, ZA Bob Kelley.

6:30 p.m.: The Commission conducted a site visit at the United Church of Derby. Present at the site visit were Joe Profera, Richard Del Favero, Jim Bumps, Dave LaBelle, Bob Kelley.

7:00 p.m.: Chair Joe Profera called the meeting to order. Dave LaBelle made a motion to approve the minutes to the last meeting (Sept 15) as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 08-095 by Randall Lyon, PIN RT005016E5.T, for site plan approval to change the shed roof to a gable roof. This property is located at 2409 Rte 5 and is in a Commercial zoning district. Randall Lyon was present to explain the request. This is only to change the pitch of the roof. Parking, landscaping, drainage, etc... are not affected. There were no written or oral comments from the public. Dave LaBelle made a motion to close the hearing on application 08-095 by Randall Lyon. Seconded by Richard Del Favero. **Approved by a unanimous decision.** The applicant was informed that the Commission has 45 days to render a decision and they will be notified when a decision has been made.

Chair Joe Profera read the warning for application 08-088 by Derek Moore, PIN RT111079H7.T, for site plan approval for a Residential Business to display and sell docks and boat lift systems. This property is located at 2067 Rte 111 and is in a Rural Residential zoning district. Derek Moore was present to explain the request. ZA Bob Kelley stated that the bylaws are not clear on if this application requires site plan review and asked the Commission to make a ruling on this before proceeding. After discussion and review of the bylaw Richard Del Favero made a motion that this application does require site plan approval from the Planning Commission. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Mr. Moore explained the business he is proposing. He typically has a boat lift and 2 or more docks on display in his front yard near the road. He has a very small building that is exempt from zoning, there is not lighting, he store material in his garage and beside his garage, he has one small sign that meets the bylaw, and business is basically by appointment. Rachel ~~Geoffroy~~ **Geoffrey** read and submitted a letter with her concerns with how the proposed residential business is not good for the neighborhood (decrease of property values, view, potential for traffic accidents). Leslie Davis his concerns with the adverse impact this project would have on the neighborhood and submitted a letter. His concerns were similar to Rachel ~~Geoffroy's~~ **Geoffrey's** and he also brought up that Mr. Moore has also sold trucks and boat on his front yard in the past. Dolores Davis spoke about similar concerns as her husband. Richard Del Favero made a motion to close the hearing on application 08-088 by Derek Moore. Seconded by Dave LaBelle. **Approved by a unanimous decision.** The applicant was informed that the Commission has 45 days to render a decision and they will be notified when a decision has been made.

Chair Joe Profera read the warning for application 08-093 by Derby Self Storage LLC, PIN NDRT5026G3.T2, for site plan approval to modify the expansion of the existing self storage facility and to include an office into an existing storage building. This property is located at 5029 Rte 5 and is in a Commercial zoning district. Peter Morse, owner of Derby Self Storage

and his engineer, Sam Ruggiano were present to explain the request. Revised site plans were submitted with 2 changes. The size of the covered entry to the office was added and a small portion of the access drive was redesigned to maintain the required 10 ft setback to the property line. This application is to scale back a previous expansion plan due to the cost associated with stormwater management. Three of the previously approved storage buildings are being eliminated. Amendments to his state permits are needed and they are working on them. There is no change to the existing landscaping and all exterior lighting is mounted on the buildings. There were no written or oral comments from the public. Dave LaBelle made a motion to close the hearing on application 08-093 by Derby Self Storage LLC. Seconded by Richard Del Favero. **Approved by a unanimous decision.** The applicant was informed that the Commission has 45 days to render a decision and they will be notified when a decision has been made.

In other business the Commission briefly discussed the schedule for readopting the Town Plan.

7:40 p.m.: Dave LaBelle made a motion to enter into deliberative session to discuss the closed applications. Seconded by Jim Bumps. **Approved by a unanimous decision.**

8:45 p.m.: Dave LaBelle made a motion to exit deliberative session and go back into open session. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Dave LaBelle made a motion to grant site plan approval for application 07-107 by Todd & Cindy Willis dba Lake Salem Holdings LLC to expand the existing campground as approved by the Zoning Board of Adjustment during Conditional Use review. See Planning Commission's attached written decision. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Dave LaBelle made a motion to grant site plan approval for application 08-095 by Randall Lyon as submitted. See Planning Commission's attached written decision. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

Dave LaBelle made a motion to grant site plan approval for application 08-093 by Derby Self Storage LLC as submitted. See Planning Commission's attached written decision. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

Dave LaBelle made a motion to conduct a site visit for application 08-088 by Derek Moore. The Commission will meet at the Moore property 2067 Rte 111 at 6:30 p.m. on Monday, October 13, 2008. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Dave LaBelle made a motion to grant site plan approval for application 08-068 by Todd & Cindy Willis with the following conditions:

- 1. A minimum 10 ft wide greenstrip is required along the easterly lot line from the front lot line back.**
- 2. The easterly access drive must be redesigned to be a maximum of 25 ft in width and must remain clear to provide adequate access to the rear dwelling. The maximum width of the westerly access drive is 25 ft.**
- 3. A minimum 10 ft wide greenstrip along the front lot line is required between the easterly access drive and the westerly access drive and also from the westerly access drive to the westerly lot line. Note this is in addition to any existing grassed area that is located within the Rte 5 R.O.W.**
- 4. The western end of the paved loop in front of the building must be removed and grassed from the westerly access drive to a line extending from the western side of the building to the road.**
- 5. No parking is allowed on any grassed or landscaped areas in the front or side yards.**

6. **Greenstrips must be either curbed or landscaped to prevent the passage of vehicles as per §210.1(D).**
7. **Minimum landscaping must be installed that conforms to §210.1(A), which states “For every twenty-five linear feet of street frontage commercial landscape plans shall include a minimum of one deciduous tree of a minimum trunk diameter of two and one half to three inches or one coniferous tree of five to six feet in height, four deciduous shrubs two to three gallon pots and two evergreen shrubs two to three gallon pots.”**
8. **Light pole bases are to be landscaped with plantings sufficient to screen pole bases.**
9. **Existing exterior lighting shall be shielded in such a manner as to conceal light sources and reflector surfaces from view beyond the perimeter of the area to be illuminated.**

See Planning Commission’s attached written decision. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Dave LaBelle made a motion to deny application 08-079 by United Church of Derby without prejudice for the following reasons:

1. **The design of the structure for the location proposed would have an adverse impact on the neighborhood.**
2. **The proposed landscaping was not adequate to mitigate the adverse impact the design of the structure would have on the neighborhood.**

See Planning Commission’s attached written decision. Seconded by Jim Bumps. **Approved by a unanimous decision.**

9:10 p.m.: Upon a motion by Jim Bumps and seconded by Dave LaBelle, the meeting was adjourned.

The minutes were taken by Bob Kelley.

DERBY PLANNING COMMISSION *MINUTES*** September 15, 2008**

MEMBERS PRESENT: Joe Profera, Jim Bumps, Dave LaBelle, Cynthia Adams.

MEMBERS ABSENT: Richard Del Favero.

OTHERS PRESENT: ZA Bob Kelley, William Slaiby, Scott Warthin, Roger Stoddard, Paula Crowe, Rod Ames, Todd Willis, Cindy Willis, Laura Carpenter, Richard Giroux.

7:00 p.m.: Chair Joe Profera called the meeting to order. Dave LaBelle made a motion to approve the minutes to the last meeting (Aug 18) as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 08-057 by Paula Crowe/AHA, Inc, PIN NDRT5084F5.C, for site plan review to change the use of a portion of the building to office. This property is located at 3197 VT Rte 5 and is in a Village Commercial/Derby Center zoning district. Paula Crowe was present to explain the request. Parking was discussed and the requirement for office is the same as for retail, one space for every 250 sq ft. No changes to the exterior, the chamber of commerce would like to rent one room, the library would like to store books in the rear of the building, no change proposed to the parking, lighting, or landscaping. Green space was discussed. There were no written or oral comments from the public. Dave LaBelle made a motion to close the hearing on application 08-057 by Paula Crowe/AHA, Inc. Seconded by Cynthia Adams. **Approved by a unanimous decision.** The applicant was informed that the Commission has 45 days to render a decision and they will be notified when a decision has been made.

Chair Joe Profera read the warning for application 07-107 by Todd & Cindy Willis dba Lake Salem Holdings LLC, PIN TRD50001J7.T, for site plan review to expand the Char-Bo campground. This property is located 347 Hayward Road and is in the Rural Residential and Shoreland zoning districts. The application was tabled from their 12/10/2007 meeting. Todd & Cindy Willis were present to explain the request. It was noted by the Commission that the warning incorrectly stated the application was tabled from their 12/10/08 meeting, when in fact it was tabled from their 12/10/07 meeting. The Commission reviewed the revised site plans to confirm that the requested changes were made. The ZBA has granted conditional use approval. The applicant and Mr. Slaiby worked out a landscaping plan that both parties agreed to and was approved by the ZBA. Campers parked in undesignated areas were discussed. Lighting, landscaping, playgrounds, parking, and events areas were reviewed. William Slaiby participated in the discussions. Cynthia Adams made a motion to close the hearing on application 07-107 by Todd & Cindy Willis dba Lake Salem Holdings LLC. Seconded by Dave LaBelle. **Approved by a unanimous decision.** The applicant was informed that the Commission has 45 days to render a decision and they will be notified when a decision has been made.

Chair Joe Profera read the warning for application 08-073 by Derby Fish & Game Club, PIN RT005052C6.T, for site plan review to build 2 shelters 12 ft by 32 ft each to cover their shooting benches. This property is located at 84 Fish & Game Road and is in a Residential 2 Acre zoning district. Roger Stoddard was present to explain the request. The shelters are approx 20 to 30 yards apart and they hope to pour the slabs this fall and complete construction next summer. There is no change to the shooting range except to cover the shooting benches. Scott Warthen questioned about a proposed ATV path in the area. Mr. Stoddard informed him that it is not on the Fish & Game Club property. The Commission felt that the ATV path was not relevant to this application and directed discussion back to issues relevant to this application. There were no further written or oral comments from the public. Dave LaBelle made a motion to close the hearing on application 08-073 by Derby Fish & Game Club. Seconded by Jim Bumps. **Approved by a unanimous decision.** The applicant was informed that the Commission has 45 days to render a decision and they will be notified when a decision has been made.

Chair Joe Profera read the warning for application 08-079 by United Church of Derby, PIN NMSDC003F5.C, for site plan review for a 10 ft by 40 ft steel structure to store wood pellets and a pellet boiler. This property is located at 3064 Rte 5 and is in a Village Commercial/Derby Center zoning district. Rod Ames was present to explain the request. The proposed building is a steel roll-off container, the boiler is going inside the container and will be vented thru the roof. The container will be placed on a crushed stone base, the large doors will be facing the road and will be used to load pellets into the container. A small door will be built in the rear for access to feed the pellets into the boiler. It is proposed to paint the container white to help it blend in with the church building. 4 cedar trees are proposed between the container and the road. Emissions were discussed and the pellet boiler appears to be very clean burning. There were no written or oral comments from the public. Dave LaBelle made a motion to close the hearing on application 08-079 by United Church of Derby. Seconded by Cynthia Adams. **Approved by a unanimous decision.** The applicant was informed that the Commission has 45 days to render a decision and they will be notified when a decision has been made.

Other Business: Richard Giroux was present to discuss potential changes to his permit for auto sales. It was determined that the graveling of his display area in the front was approved by the PC at a prior meeting, however he has graveled beyond what was approved and into the greenstrip area. Items that Mr. Giroux may want to amend is the width of the greenstrip along Rte 5 and Joseph St., substitute fencing for trees on the south side of the lot, constructing a new garage or an addition to the existing garage, and using the existing building as a residence and office. The Commission suggested that he submit an application for changes and they will consider it.

The Town Plan was discussed. Bob Kelley informed the Commission that Selectboard Chair Brian Smith had called him and suggest that the Commission simply readopt the old Town Plan. The Commission discussed the pros and cons of this proposal. Scott Warthen felt that the Commission was so close to finishing the rewrite that it made more sense to finish it. He did not want to see all the effort that has gone into the rewrite go to waste. The Commission pointed out that readopting the old plan would just be a temporary measure, that the rewrite would continue, and that they would amend the plan when the rewrite was completed. From all the input to date the Commission felt that there may be some controversial issues with the final draft that could delay the adoption process and they felt it was important for the Town to have an approved Plan sooner rather than later. Several out of date items in the old Plan (the Rte 105 bridge, the intersection of the Beebe Rd and Rte 5, IROC, the Workforce Development Center, needing additional vault space in the municipal building) were brought to the attention of the Commission by Bob Kelley and he suggested that they be deleted from the Plan. A motion was made by Dave LaBelle to proceed with the readopting of the old plan with the deletion of the items suggested by Bob Kelley. Seconded by Cynthia Adams. **Approved by a unanimous decision.**

8:55 p.m.: Dave LaBelle made a motion to enter into deliberative session to discuss the closed applications. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Upon returning from deliberative session the Commission announced that they will conduct a site visit on September 29, 2008 at 6:30 p.m. of the United Church of Derby.

Cynthia Adams made a motion to grant site plan approval for application 08-073 by Derby Fish & Game Club as submitted (see attached written decision). Seconded by Dave LaBelle. **Approved by a unanimous decision.**

9:25 p.m.: Upon a motion by Cynthia Adams and seconded by Jim Bumps, the meeting was adjourned.

The minutes were taken by Bob Kelley.

DERBY PLANNING COMMISSION *MINUTES*** August 18, 2008**

MEMBERS PRESENT: Joe Profera, Richard Del Favero, Jim Bumps, Dave LaBelle, Cynthia Adams.

MEMBERS ABSENT: None.

OTHERS PRESENT: Monique Hunt, Judith Johnson Penney, Stuart Penney, Todd Willis, Cindy Willis, Lois Major, Scott Warthin, ZA Bob Kelley.

7:00 p.m.: Chair Joe Profera called the meeting to order. Dave LaBelle made a motion to approve the minutes to the last meeting (Aug 4) as written. Seconded by Jim Bumps. **APPROVED BY UNANIMOUS DECISION.**

Chair Joe Profera read application 08-067 by Heritage Operating, PIN TRD44026J2.T, for site plan approval to add a 30,000-gallon above ground propane storage tank and to relocate their existing propane tank fill station. This property is located at 72 Citizens Road and is in a Commercial/Industrial zoning district. Monique Hunt was present and explained the application. This is to consolidate their operations onto one site. The large tank will not have signage painted on it and will be set on a crushed stone base. There will be a fence around the tanks and the fill station. There were no written or oral comments from the public. Dave LaBelle made a motion to close the hearing on application 08-067 by Heritage Operating. Seconded by Cynthia Adams. **APPROVED BY UNANIMOUS DECISION.**

Chair Joe Profera read application 08-068 by Todd & Cindy Willis, PIN NDRT5055F4.C, for site plan approval to expand their existing car lot. This property is located at 3760/3762 US Route 5 and is in a Commercial zoning district. Cindy and Todd Willis were present and explained the application. Frontage is very important because of the exposure for the business. They are requesting 122 total spaces for auto display nine of which are to be parked on grassed areas. Currently they have approx 90 cars on the lot for sale. The Commission reviewed their decision for application 08-009 (the Willis' original application for auto sales on the lot). Landscaping and lighting were discussed. The Willis' Act 250 permit was discussed and they realize that they will have to amend it if this application is granted. There were no written or oral comments from the public. Cynthia Adams made a motion to close the hearing on application 08-068 by Todd & Cindy Willis. Seconded by Dave LaBelle. **APPROVED BY UNANIMOUS DECISION.**

Discussion began on the Town Plan. The Commission received suggested revisions for multiple sections of the Plan from the Commercial Development Committee, suggested revisions to 3 pages from IROC, and suggested goals to be added to the Education section from the Open Lands Committee. The Commission decided to review these proposals at a later date and continued with their review starting at page 27 where they left off at their last meeting. Changes were approved to the Housing section and portions of the Transportation section. They completed review thru page 29 and will continue from there at a later date.

8:35 p.m.: Dave LaBelle made a motion to enter into deliberative session to discuss the 2 applications reviewed tonight. Seconded by Cynthia Adams. **APPROVED BY A UNANIMOUS DECISION.**

9:30 p.m.: On a motion from Cynthia Adams and seconded by Dave LaBelle the Commission came out of deliberative session.

Cynthia Adams made a motion to grant site plan approval for application 08-067 by Heritage Operating as submitted. Seconded by Dave LaBelle. **APPROVED BY A UNANIMOUS DECISION.** (see attached decision)

No decision was reached on application 08-068 by Todd & Cindy Willis.

9:35 p.m.: Upon a motion by Richard Del Favero and seconded by Jim Bumps the meeting was adjourned.

The minutes were taken by Bob Kelley.

DERBY PLANNING COMMISSION *MINUTES*** August 4, 2008**

MEMBERS PRESENT: Joe Profera, Richard Del Favero, Jim Bumps, Dave LaBelle.

MEMBERS ABSENT: Cynthia Adams.

OTHERS PRESENT: Scott Warthin, ZA Bob Kelley.

7:00 p.m.: Chair Joe Profera called the meeting to order. Dave LaBelle made a motion to approve the minutes to the last meeting (Jul 7) with the correction that Bill Crenshaw was present not Butch Crandall. Seconded by Jim Bumps. **APPROVED BY UNANIMOUS DECISION.**

Discussion began on the Town Plan. Bob Kelley was brought up to speed on the progress to date on the plan. The most recent working draft was last modified on 4/1/08 and this should reflect changes suggested by the Select Board. The Commission began review of this draft to ensure all the markups from the previous draft have been properly incorporated and they completed the review thru page 27. Minor changes were made on pages 5, 9, & 11 and BK will check to see if #4 on page 11 is still relevant. On page 20 the shoreland district needs to be split out and added after the "Town of Derby Rural Districts" on page 19. The remaining Riparian District section on page 20 will have to be rewritten.

The Commission will continue their review from page 27 at their next meeting. The Commission recognized the need for a Communications sections and the Education section need some finishing touches. The Housing and Utilities/Facilities sections need to be reviewed and possibly updated. The last item that needs to be addressed is the required maps.

There was speculation that the Select Board has made additional edits to the draft plan. If they have the Commission needs this information as soon as possible in order to complete the plan in a timely manner.

9:20 p.m.: Upon a motion by Dave LaBelle, seconded by Jim Bumps, the meeting was adjourned. **APPROVED BY A UNANIMOUS DECISION.**

The minutes were taken by Bob Kelley.

These minutes were approved by the Planning Commission on August 18,2008.

TOWN OF DERBY
DERBY, VERMONT

Planning Commission

June 23, 2008

Meeting called to order: 7:07 p.m.

Members present: Joe Profera, Dave LaBelle, Jim Bumps, Cynthia Adams
Others present: Aaron Waterman, Butch Crandall

DL made motion, seconded by JB to accept minutes of June 9th with corrections. Motion passed unanimously.

No agenda printed. Discussed if we should discuss Town Plan. PC is unsure what parts to work on. Has Selectboard approved the parts of the plan the PC has completed.

JP informed PC that the selectboard has a meeting on June 30, 2008 to negotiate with ZA candidate.

Discussed Char-Bo - JP will talk to BK, interim ZA to get on agenda for 7/21/08.

Reviewed mail. Thank you letter from ZA applicant.

Site work has started on Tractor Supply lot. BC explained that Vtrans wanted retention pond location changed from behind Rite Aid to behind Super 8. The PC feels the change does not significantly alter the site plan. DL made motion to accept the changes that are mandated by Vtrans. CA seconded. Motion passed unanimously.

AW asked how NEKLS can get on the agenda. They have given the town a check for a permit. Septic is ok. JP will speak to BK about where this application should go - to PC or ZB.

DL motion to adjourn, JB second. Motion passed unanimously.

Meeting closed at 8 p.m.

TOWN OF DERBY
DERBY, VERMONT

Planning Commission

June 9, 2008

Meeting called to order: 6:12 p.m.

Members present: Joe Profera, Dave LaBelle, Jim Bumps, Richard Del Favero, Cynthia Adams

Others present: Bill Crenshaw, Aaron Waterman, Chris Brimmer, Bob Kelley.

Purpose of meeting to interview candidates for position of Zoning Administrator.

Went into executive session to interview

Came out of executive session at 7 p.m.

DL motion and seconded by JB to accept minutes of May 12. Motion passes unanimously.

RD motion and seconded by JB to accept minutes of June 3. Motion passed unanimously.

Informal discussion with Bill Crenshaw, Chris Brimmer, Aaron Waterman, and Bob Kelley concerning proposal from NEKLS for a Bylaw or Map Amendment.

BC explained price of land or buildings, NEKLS cannot afford to buy and modify. Property is located on Roy Street behind Elks Club.

Lot does not abut commercial zone - road and lot in between.

CB explained map changes and 4 different possible options.

JP asked about wastewater permit from state.

Discussed how to move the project forward.

Should there be a public hearing.

BC explained what NEKLS oversees - management and fiscal services. They pay taxes.

Planning Commission will discuss at next meeting, but it could be a 2-3 month process.

Went into executive session at 7:48 p.m. to interview.

Came out of executive session at 8:10 p.m.

PC discussed with BK Char-Bo campground. We will put them on agenda for next meeting.

Discussed public hearing or options for NEKLS.

Went into executive session at 8:35 p.m. to deliberate on candidates for Zoning Administrator.

Came out of executive session at 9 p.m.

DL made a motion, seconded by JB. PC will unanimously and highly recommend the only qualified candidate (Candidate C) to the Selectboard. PC will strongly advise Selectboard to offer salary and financial benefits consistent with his experience in order to get this candidate employed by the Town of Derby.

Motion to adjourn - JB, seconded by RD - meeting adjourned 9:05 p.m.

TOWN OF DERBY
DERBY, VERMONT

Planning Commission

June 3, 2008

Meeting called to order: 6:30 p.m.

Members present: Joe Profera, Dave Labelle, Jim Bumps, Richard Delfavero, Cynthia Adams

Reviewed job description of Zoning Administrator and suggested reference check questions.

Reviewed applicants letters.

Set interview date and times for Zoning Administrator position.

6:15 Candidate A

6:30 Candidate B

7:30 Candidate C

Motion to adjourn - JB, seconded by RD - meeting adjourned 7:30 p.m.

TOWN OF DERBY
DERBY, VERMONT

Planning Commission

May 12, 2008

Meeting called to order: 7:35 p.m.

Members present: Joe Profera, Dave Labelle, Jim Bumps, Cynthia Adams

Others present: Bill Crenshaw, Aaron Waterman, Laura Carpenter

Joe explained posting for Public Hearings.

Cannot discuss map change as it is not on agenda.

Copies of map change were given to Planning Commission members by Aaron Waterman and Bill Crenshaw.

Commission opened mail. Will turn over land use permits and letters from Natural Resource Board to interim Zoning Administrator.

Motion to adjourn - DL, seconded by JB - meeting adjourned 8:40 p.m.

Derby Planning Commission Minutes
Meeting Date March 17, 2008

Present at the meeting were Planning Commission members Cynthia Adams (CA), Jim Bumps (JB), Dave LaBelle (DL), Richard Del Favero (RDF) and Planning Commission Chair Joe Profera (JP), also present was Zoning Administrator JC Brimmer (ZA), applicants Todd Willis (TW) and Cindy Willis (CW), members of citizens committee Andy Major, Walter Medwid (WM), Ruth Place, Lois Major and Scott Warthin (SW).

JP called meeting to order at 7:00 pm.

DL motion to approve minutes of February 18, 2008 as submitted, seconded by RDF and approved by acclamation.

Correspondence reviewed; Bartley and Vtrans dragged to the table by District 7; minutes of the Commercial Development Committee meeting reviewed and discussed, ZA would like to dump economic development language in their lap but it looks like the committee may not be that active; Act 250 FYI on the signage for Commerce Center, ZA stated that it meets the local bylaw criteria and that a permit would be issued administratively.

JP opened public hearing 08-009 at 7:15 pm, TW and CW applicants and property owners, site plan review for commercial use of increased intensity, addition of used car sales to an existing commercial building. TW presenting, add motor vehicle sales to the existing commercial buildings as an additional use. ZA ran the bylaw, permitted use in the zone, setbacks meet the minimums, parking counts meet bylaw guidelines, PC has no jurisdiction on access and Vtrans has made a notice of appearance, further Act 250 traffic on landscaping, proposal is 7 red maples, lighting light pole base and the signage. TW stated that the basement was daylighted for additional office space, parking for 96 cars specified to keep impervious area below 1 acre to prevent trigger of stormwater permitting. CA asked about the proposed signage and the existing signage for the building, TW stated that the signage would be on the building over the new office space. JP asked about illumination, CW down lit exterior lighting. Wide apron toward the Elks to be retained but Vtrans retains jurisdiction if an Elks Club application triggers review. Discussion of the lots that make up the parcel, two deeded lots that were billed on three different tax bills. Discussion of state licensing requirements for office space and shop space. JP nailed down the lighting details, dark sky compliant, down lit, light specifications entered into the application record. Discussion of the lot security lighting, pole mounts double fixture dark sky compliant, 20' height. Design addition of canopies over the windows and office entry. JP wanted to make sure that glare was not an issue. CA asked about hours of operation, TW 8-6 maybe 8-8 during the long summer days. Discussion of the building signage, ZA stated that the signs will require administrative permitting and that building signs are limited to 10% of façade area unless approved by PC for a larger sign, proposed signage within the 10% limit. JP asked if that number of spots for display really needed? ZA stated that in all fairness the applicants were advised to come in looking for the max and if it is trimmed back so be it, JP thinks that the number of cars requested will require more landscaping than is called for in the submitted materials. DL reviewed the proposed plan; there was a discussion of the species that would be appropriate for softening the lot but allowing visibility of displayed cars. ZA asked about district 7 requirements, District Coordinator was not specific, just said that the Board would require a greater amount of landscape. JP opened hearing to the floor, SW commented for the record that red maples were not salt tolerant and should not be specified along drives and road frontages. WM asked about the lighting being on all night long and concerns about light pollution, ZA explained that the town carries over the state requirements for shielded, down lit, dark sky compliant fixtures, if installed properly there should not be an issue and Act 250 will retain

enforcement jurisdiction. Motion to close hearing by RDF at 7:45 pm, seconded by DL and approved by acclamation.

Quick discussion of joint PC/PC meeting schedule with Newport, suggestion that NVDA attend so that the regional plan is considered. Consensus that the Town Plan should be put to bed before the next meeting and ZA directed to discuss regional representation by NVDA.

PC moved to Town Plan review and discussion with citizens committee. Language reviewed from the beginning, all new text in bold italics, unfortunately struck language dropped but the original text is on the website. WM asked for clarification of RCT planning, the main issues would be an upgrade of runs and scheduling between Derby Line and Jay Peak for employment commuting and a seasonal spur to the beach house and camp on Lake Salem. Ed section discussed, SW would like some specific goals inserted concerning the libraries and life long learning. Discussion of the career center and the master gardener, horticulture and landscape program at the greenhouse as a source of goal language for both adult and HS programs. Discussion and consensus that the web address for the town and zoning office phone number be inserted on the cover. SW put a good government proposal on the table for insertion, discussion that the text has merit and should be in the Town charter but that its inclusion in the Town Plan should be proposed to the Select Board next Monday. Discussion of the crime statistics, some push back as to whether they should be included at all. ZA explained that the recommended planning course be a professional need assessment and that any law enforcement expansion be phased as triggered by established thresholds rather than some emotional response to some specific event. RP asked where the stats came from, DJ uniform crime statistics. RP stated that there is some specific data available through the VT Department of Safety. Consensus that citations for tables should be clearer. ZA will make agreed changes and post them to the website at the conclusion of the meeting.

ZA made brief report: SB meeting of 3/10 reviewed, officers carried over from last year; Ryder Hill permit approved with a \$1,000 kick in by the association to help defray law enforcement expenses; merger committee looking for a mandate, language is circulating that would require equal village/town representation; Conservation Commission issues discussed along with prime Ag soil issues; road dedication issues discussed, ZA confirmed that the Town is not required to accept roads whether built to state standard or not, Road Commissioner stated that he could not recommend that the Town accept any road at this time considering the current situation with state road aid and department budgeting.

PC went into closed deliberative session at 9:11 pm and came out at 9:16 pm, site visit for application 08-009 scheduled for 6:30 pm on 3/31/2008 prior to next scheduled meeting.

ZA directed to make changes to the Town Plan text for posting and circulation as discussed.

JB motion to close meeting at 9:19 pm, seconded by DL and approved by acclamation.
Prepared and submitted by JC Brimmer

Derby Planning Commission Minutes
Meeting Date February 18, 2008

Present at the meeting were Planning Commission members Jim Bumps (JB), Dave LaBelle (DL), Richard Del Favero (RDF) and Planning Commission Chair Joe Profera (JP), also present was Zoning Administrator JC Brimmer (ZA), applicants Robert Gosselin (RG) and Valerie Gosselin, representing Gosselin Enterprises Inc. Mitch Wonson (MW) and John Gobeil, members of citizens committee Becky Jacobs, Walter Medwid, Ruth Place, Lois Major and Scott Warthin.

JP called meeting to order at 7:00 pm.

DL motion to approve minutes of February 4, 2008 as submitted, seconded by JB and approved by acclamation.

ZA gave report. Select Board meeting of 2/11/08 reviewed; Ryder Hill again an issue because of traffic and speed issues, questions about increased police patrolling and land use issues, after a lengthy discussion the SB tabled the decision pending more info on the financials of the motocross org and the ability to pay for police services; Town Plan issues were discussed, ZA thought he had a directive to insert language and make edits, such a directive is not reflected in the minutes and the ZA feels exposed to shifting positions by the SB; SB moved to delay the Town Plan public hearing until March 24th; JP noted for the record that changes by the SB are not reviewed and recommended by the PC and that the Commission feels no responsibility for changes made without their advice and consent. The joint Vtrans/District 7 meeting was canceled after Vtrans backed out before a public posting, Kirsten extends her apologies and will try to reschedule. Update on Lowe's, application for partial findings on prime ag soils is sought, ZA is unable to explain to his satisfaction why the application specifies on site sewage disposal but an engineer working on the project stated that it was an attempt to appease the CLF. ZA attended a planning forum which featured a workshop on the regulation of adult oriented businesses; the main point repeatedly was that once application is made it is too late to begin regulation, ZA directed to copy the workshop materials for commission members.

JP opened public hearing 08-006 at 7:15 pm, MW presenting for Gosselin Enterprises, approval of Phase 1A of PUD granted under 07-093. MW reviewed the detail for Phase 1A, renewal of permitting for an existing gravel pit and detailed the state permit work completed to this point, VHCB will allow off site mitigation of ag soils, gravel to be extracted for in house use for Gosselin projects. Access to be revised to the concept configuration, submitted phase plan includes reclamation, grading and erosion control detail and the operational details were reviewed, the site will also be used as a contractor yard which will be screened by the topsoil piles, eighteen year life expected for the pit at current extraction rates. JP asked about the access, would a paved apron be installed? MW replied that it would be and 30' radii included in the paving detail. DL motion to close hearing at 7:23 pm, second by RDF and approved by acclamation.

JP opened public hearing 08-007 at 7:24 pm, RG applicant presenting request for a zoning district change and map amendment from R-1 to IND. RG presented the case that his two parcels were originally zoned Industrial, that the property meets the bylaw requirements for the rezoning. ZA stated that the minutes do not reflect a lot of discussion over the rezoning, that the use at the time was logging yard and that the R-1 zone was compatible with that use, he wished to caution the applicant that a single rezoning was a relatively easy thing but to rezone again was not and to please be sure that of the three zones that the property could be classified was the one that worked. RG stated that the Industrial zone was the one he needed and preferred; that there is

Act 250 issues involved that required the industrial zoning. ZA ran the requirements for the rezone and stated that the application met the criteria. JP asked if there were compatibility issues with the church property next door and it was arrived at that the uses would occur at different times. DL motion to close the hearing at 7:35 pm, second by RDF and approved by acclamation.

PC moved to Town Plan discussion with citizens committee. Conservation Commission language discussed, charge and mandate would give approval powers to the Select Board while the commission could still raise money under its own authority. The committee sees a role for identification of ancient roads and trails, education and recreation tie-ins, mapping functions, community garden organizing etc. Some discussion of the recommended nine-member size, concerns over the amount of manpower required for the amount of work to be done, PC is concerned about dictating a nuts and bolts solution in a concept document. Discussion of merger issues, two articles on the town meeting day ballot for separate merger committees for each of the villages. Consensus that with the rescheduled hearing date of March 24th for public hearings that a vote on merger committees will be held before language must be inserted that the language and discussion should be tabled until after Town Meeting Day vote. DL motion to change language for conservation commission membership numbers to 3-9 from 9, seconded by JB, motion passed by a 3-1 vote with DL in dissent.

DL motion to approve application 08-006 with standard conditions, as cited with deadline under 07-093, seconded by JB and approved by acclamation.

DL motion to recommend map change from R-1 to IND per application 08-007, seconded by RDF and approved by acclamation.

JB motion to adjourn meeting at 9:05 pm, seconded by DL and approved by acclamation.
Prepared and submitted by JC Brimmer

Derby Planning Commission Minutes
Meeting Date February 4, 2008

Present at the meeting were Planning Commission members Jim Bumps (JB), Dave LaBelle (DL) and Planning Commission Chair Joe Profera (JP), also present was Zoning Administrator JC Brimmer (ZA), members of citizens committee Ruth Place, Lois Major, Scott Warthin and Andrew Major.

JP called meeting to order at 7:10 pm.

DL motion to approve minutes of January 21, 2008 as submitted, seconded by JB and approved by acclamation.

ZA gave report. Select Board meeting of 1/28/08 reviewed; SB signed an open letter complaining about the transfer of transportation funds to other purposes and the lack of funding to NEK projects generally; budget numbers were set with an increase in leased police services to 20 hours a week; Town Plan issues taken up after discovery that village center designation cannot be renewed without it. Some town plan issues have been resolved for now, but the document may have some confirmation issues. Joint Vtrans/District 7 site visit and public hearing for Quarry Rd./Rte 5 intersection, site visit at 6pm, hearing at 7pm; District 7 trying to build a fire under Vtrans for some idea what the plans in the can will be. Executive from Wal-Mart to visit the proposed JL Davis site on 2/13, probably a make or break for the project.

Discussion of Village Center designation and town plan issues connected to overweight trucking and the Port of Entry project. Discussion of the fire department issues with insurance ratings and looming equipment issues.

JP opened discussion of Town Plan issues, put merger on the table. Issues and language is tricky but a section on merger gives sanction to the committee effort. Discussion of the section, why merge? Expected benefits of merger? The need for the effort should be justified in plan language; rationalize sewer and water provision, reduce redundancies in government services. Villages are to be treated as separate articles for authorization of merger committees so that failure of one does not mean the failure of the other. A directive to merge is not the product but the authority to investigate for both villages and to report to the voters on the issues.

Roundtable discussion with the citizens conservation committee created from the community visit program. Discussion of the committee charge and the feeling that mission creep has set in and what should be the core goal of the committee. Discussion has revolved around waste management and recycling, sustainable harvest practices and local farmer markets and small agriculture economic development. Concern that these efforts should be linked with an education component and economic development tie-ins. Discussions of committee issue, should it seek official sanction or remain independent? One solution was to create an official body drawn from an independent citizens group. JP asked what are the goals of the committee? Looking for the insertion of some real preservation goals and some accountability in the town plan text, current text considered inadequate for the task. JP suggested that the committee should draft language to set goals and objectives to be inserted in the plan text. ZA can lend assistance.

DL motion to adjourn meeting at 8:40 pm, seconded by JB and approved by acclamation.

Prepared and submitted by JC Brimmer

Derby Planning Commission Minutes
Meeting Date January 21, 2008

Present at the meeting were Planning Commission members Richard Del Favero (RDF), Cynthia Adams (CA), Jim Bumps (JB), Dave LaBelle (DL) and Planning Commission Chair Joe Profera (JP), also present was Zoning Administrator JC Brimmer (ZA), representing applicant Dwight Abbott (DA).

JP called meeting to order at 7:00 pm.

DL motion to approve minutes of January 7, 2008 as submitted, seconded by CA and approved by acclamation.

Discussion of changing warning time for public hearings to an earlier time in the meeting. After some discussion consensus to leave time at 7:15 pm.

ZA gave report: Select Board meeting of 1/14 reviewed; several small parcels on the Clyde to be transferred from Great Bay to the State then to the Town, this is not the 40 acre transfer that had been proposed and then backed out of by Great Bay; village center designation problems because of town plan delays, this issue will be discussed in more depth after the hearing; merger committees were discussed and separate enabling articles for each village will go on the ballot; the RFP for the Port of Entry has been released, actual construction to begin in 2009, side street blocking to be handled on the Canadian side; a public hearing between Vtrans and District 7 to be held on 2/5, site visit at 6 pm, hearing at 7 pm.

JP opened public hearing 08-002 at 7:15 pm, Stephen Abbott property owner and applicant for a two lot plat review, DA presenting the application. DA 6 acre parcel to subdivide into two 3-acre lots. ZA stated that its located in R-1 zone both lots meet minimums for the zone without line averaging, and lots have received state WWD&PWS approval per EC-7-0145-1 and WW-7-2438, proposed lot line will not create setback issues with existing dwelling. CA asked about access, both lots have public road frontage with an existing paved driveway for the existing single family dwelling, ZA recommends that permit be conditioned on the installation of a 25' paved apron for any new access to the approved lot. Fire Chief has signed off on the subdivision. DL motion to close public hearing at 7:20 pm seconded by CA and approved by acclamation.

Discussion of the building and the heating system issues and water on the floor, ZA reported a bucket had been hung and now overflowed.

DL motion to approve plat application 08-002 conditioned on the installation of a 25' paved apron on new access to the approved lot, seconded by RDF and approved by acclamation.

Town Plan and village center issues discussed. Text has been in front of Select Board for months, but PC has follow on sections to handle. PC would like to see the Select Board more involved with the process and some sign that it is taking the planning process seriously. JB brought up the subject of alternates. ZA directed to discuss the option of alternates with the Select Board at the next meeting.

CA motion to adjourn meeting at 8:00 pm, seconded by JB and approved by acclamation.

Prepared and submitted by JC Brimmer

Derby Planning Commission Minutes
Meeting Date January 7, 2008

Present at the meeting were Planning Commission members Cynthia Adams (CA), Jim Bumps (JB), Dave LaBelle (DL) and Planning Commission Chair Joe Profera (JP), also present was Zoning Administrator JC Brimmer (ZA), parties to application 07-158 certified land surveyor George Rumery (GR), Merle Wheeler (MW) and Ercil Davis (ED); parties to application 07-159 Peter Cross PE (PC), Derek Woolridge (DW), and Frank Alexander (FA); party to application 07-161 Butch Crandall Director of Business Development Mulkin Corporation (BC) and public attendee Michael Sheets.

JP called meeting to order at 7:00 pm.

DL motion to approve minutes of December 10, 2007 as submitted, seconded by JB and approved by acclamation.

DL inquired about the FYI traffic on the Quarry Road/Rte 5 signalization. ZA reviewed the history of permitting and conditions concerning property owner contributions to the intersection upgrade, state is supposed to move this summer but have taken any opportunity to delay on this and other route 5 projects.

ZA gave report: budget proposal for 2008 detailed, this information superceded by the passage of a proposed budget by the Select Board on Jan 5; zoning and permit report for 2007 reviewed, housing starts down 40% in line with national trends, however commercial activity has continued at historical rates; Act 250 hearing for Char-Bo reviewed, district commission seemed to approve of local conditions and will probably give them Act 250 teeth; ZA reported that the grant work for the monument project was completed and submitted well in advance of deadlines. Discussion of Price Chopper plaza, Rent a Center and China Moon buffet will just about fill the development, possibly one space left open.

Discussion of member terms, DL and CA are up this town meeting day. CA to re-up, possibly DL.

JP opened public hearing 07-158 at 7:15 pm, plat review Ercil and Alice Davis property owners and applicants. ZA reviewed WW and PWS permit, house lot approved for existing system, 19-acre lot approved with a notice of requirements, lots meet minimums for the R-1 zone and lots to be served by a compliant ROW. GW stated subdividing the house lot from the sugarbush, DL asked about the ROW access, Davis would keep the existing small lot on the Derby Pond Rd. frontage. MW and ED detailed who is to possess which pieces, MW explained that the ROW is designed to maintain the existing layouts of the gravity feed system and locations of existing maple trees. CA motion to close hearing at 7:23 pm, seconded by DL and approved by acclamation.

JP opened hearing 07-161 at 7:25 pm, BC presenting for James and Mary Ann Mulkin and Fredrick Oeschger, plat review. Proposal for a loop road between Quarry Road and Rte 5, between Super 8 and Rite Aid on the south end and coming out lined up with the north access of Price Chopper on the Quarry Rd end, Developer complied with the recommendations of the Rte 5 corridor study to provide secondary roads and development in depth away from the US highway, intention to build to town B-71 standards and dedicate the road to the town, sewer and water infrastructure is to be installed parallel with the road construction, JP asked for clarification, all lots class 1 with allocation? BC yes the development has allocation for the proposed lots. The plat would create 5 commercial lots with Tractor Supply on lot 1; the plan is

for smaller retail buildings in the 20-30,000 sq ft range. JP asked if the loop road was a part of the subdivision proposal, BC yes, JP asked about the time frame, BC break ground May 1st, DL so you're going to build a complete road? BC that's right, we have to do the sewer and water at the same time. JP asked if the Fire Chief has cleared this, BC yes met on site and agreed on the location of hydrants, initially wanted three but with a looped main two were considered adequate, Tractor Supply will be sprinkled. DL asked about road frontage, BC all on the loop road no direct access onto Quarry Road, access is at existing curb cuts, DL will the curb cuts need to be widened? No just the ROW width for purposes of dedication, 28' travel lanes and shoulders. JB commented that it was unfortunate that Shaw's would not permit interior access. Discussion of the Stormwater retention area, possibly to be dedicated as well, stormwater permit dependant on the flows maintained at pre-development rates. CA motion to close hearing at 7:40 pm, seconded by DL and approved by acclamation.

JP opened hearing 07-159 at 7:41 pm, DW presenting for Primax Properties LLC, site plan review for commercial construction and use. FA gave an overview of Tractor Supply operations and product lines, they don't sell tractors, customer tends to be the hobby farmer, horse folks, supplies for working outdoors, clothing, water pumps, lawn tractor accessories and equipment, "stuff you need out here". DW presented the site plan, two entrances off the proposed Commerce Way, 19,000 sq ft store and 17,000 sq ft outdoor display area; utility trailers will be displayed in the parking lot. Delivery traffic can pull in and out without backing into public roads. Stormwater detailed, will have its own facility independent of the subdivision, roof to drain directly into the pond. Standpipe and hydrants detailed and fire lane was approved away from the building. Landscape detailed, screening for propane tanks and street trees. Lighting for building and lot detailed, all dark sky down lit, signage details reviewed. CA asked about Rte 5 signage, BC stated that a marquee sign for commerce center for all five proposed sites. CA asked about the VT look on building elevation, FA stated that the original corp. design is boxy; Act 250 wanted a softer look and earth tone, so a gable end was added and a dove gray color specified. JP asked about parking, 87 spaces specified 5 ADA and 3 truck with trailer pull though, 76 spaces required, front in parking is allowed under state fire code, there will be wide sidewalks across the front. CA asked about staffing, FA 8-9 full time with 15 total including part timers, they try to put experienced people on staff, a welder, farmer, someone with horse experience. BC stated that a goal of the development is to stem the retail leakage from the area. DL asked about the relationship between Primax and Tractor Supply, FA stated they build and maintain to suit, hand keys to the client and collect the rent; they work for other retails in a similar capacity. JB asked about the orientation of the building, toward rte 5 and lined up with the façade of Shaw's. Walls are foam filled cinder block with high R. CA motion to close hearing at 8:10 pm, seconded by JB and approved by acclamation.

DL motion to approve plat application 07-158 as submitted with standard conditions, seconded by CA and approved by acclamation.

CA motion to approve 07-161 as submitted conditioned on the completion of the paved loop road before certified occupancy of approved lots, seconded by DL and approved by acclamation.

CA motion to approve 07-159 as submitted with standard conditions, seconded by DL and approved by acclamation.

Discussion of traffic on Rte. 5 and coming second set of lights at Quarry Rd. Lights need to be timed or could create more problems than they solve. Discussion of failure of state to finish the Crawford Rd. alignment.

CA motion to adjourn meeting at 8:40 pm, seconded by JB and approved by acclamation.

Prepared and submitted by JC Brimmer

