

*** Unapproved ***

DERBY PLANNING COMMISSION *MINUTES*** December 16, 2013**

MEMBERS PRESENT: Joe Profera, Jim Bumps, Brian Fisher.

MEMBERS ABSENT: Dave LaBelle, Richard Del Favero.

OTHERS PRESENT: ZA Bob Kelley.

7:00 p.m.: Chair Joe Profera called the meeting to order. Brian Fisher made a motion to approve the minutes to the Dec 2 meeting as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

The commission reviewed a proposed amendment to add “Office” as a permitted use in the Village Commercial Derby Line (VCDL) zoning district on both street level and above street level. The Derby Line Village Trustees are in favor of the amendment. Bob Kelley handed out a draft report for the amendment. The Commission approved the amendment and report and will schedule a Public Hearing for their first meeting in January.

The Commission reviewed their mail.

The Commission decided to cancel their next meeting scheduled for December 30th because there are no permits pending.

7:35 p.m.: On a motion by Brian Fisher and seconded by Jim Bumps, the meeting was adjourned. ***The minutes were taken by Bob Kelley.***

DERBY PLANNING COMMISSION *MINUTES*** December 2, 2013**

MEMBERS PRESENT: Dave LaBelle, Jim Bumps, Richard Del Favero, Brian Fisher.

MEMBERS ABSENT: Joe Profera.

OTHERS PRESENT: Betsy Bumps, Brian Smith, Richard Creaser, Daniel Lewis, Vicky Lewis, Grant Spates, Laura Carpenter, Karen Jenne, ZA Bob Kelley.

7:00 p.m.: Vice-Chair Dave LaBelle called the meeting to order. Brian Fisher made a motion to approve the minutes to the Oct 21 meeting as written. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

The commission recessed the meeting to go into a Public Hearing for public comment on the Proposed Town Plan.

Vice-Chair Dave LaBelle explained that this Public Hearing is to hear comments from the public on the Proposed Town Plan and then opened the floor for comments.

Brian Smith said the Select Board had some concerns with the plan and have submitted them to the Commission in writing.

Karen Jenne suggested that we send the proposed plan to the Village of Stanstead, Quebec.

Bob Kelley said that NVDA has submitted comments to the Commission in writing and that because of the comments he has suggested some changes to the plan in writing for the Commission to consider.

Brian Smith said that Maureen Fountain wanted him to let the Commission know that she is not in favor of having a medical marijuana dispensary in Derby.

Karen Jenne thinks that Wal-Mart's name should be taken out on page 25 in reference to a town vote.

Vicky Lewis is not in favor of advertisement for any business and agrees with Karen that the wording on page 25 should be changed to not include Wal-Mart.

7:10 p.m.: Brian Fisher made a motion to close the public hearing. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

The Commission began deliberation on the Proposed Town Plan. They decide to include all the proposed changes from the Select Board, except for one sentence in the Recreation section, and all the changes Bob Kelley suggested due to NDVA's comments. A motion was made by Jim Bumps to approve the Proposed Town Plan as amended for submittal to the Select Board. Seconded by Richard Del Favero. **Ayes – Jim Bumps, Richard Del Favero, Dave LaBelle. Nays – Brian Fisher. Approved by a majority decision.**

The Commission discussed the proposed amendments submitted by the Derby Line Trustees. A report is needed to proceed with the amendment. Bob Kelley will draft a report stating that there is no adverse affect on the 3 required criteria for the report. Brian Fisher made a motion for either the Chair or Vice-Chair to review and approve the report on behalf of the Commission. Seconded by Jim Bumps. **Approved by a unanimous decision.**

The Commission reviewed minor lighting changed to the approved site plan for WEV USA LLC (Louis Garneau) and determined that the changes do not warrant a new hearing. Bob will add a copy of the revised lighting plan to the application with a note that the change does not require a new permit.

The Commission reviewed their mail.

On a motion by Jim Bumps and seconded by Brian Fisher, the meeting was adjourned.

The minutes were taken by Bob Kelley.

DERBY PLANNING COMMISSION *MINUTES*** October 21, 2013**

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Betsy Bumps, 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 Oct 7 meeting as written. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

The commission finished review of the Town Plan. Minor changes were made to various sections. The plan is now ready for the adoption process. Dave LaBelle made a motion to schedule the Commission's required public hearing on the Town Plan for Dec 2nd. Seconded by Brian Fisher. **Approved by a unanimous decision.**

Bob Kelley pointed out that they are on a very tight schedule to get the required hearings in and have is on the ballot for Town Meeting in March.

The Commission reviewed their mail.

The Commission decided to cancel their next meeting scheduled for Nov 4th because there are no permits pending.

9:00 p.m.: On 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*** October 7, 2013**

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Vicky Lewis, Dan Lewis, 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 Sept 23 meeting as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 13-093 by Daniel Lewis, PIN #TRD23010C8T, for site plan approval for an automotive repair shop as a residential business. This property is located at 391 Whittier Road and is in the Rural Residential (RR) zoning district. Dan & Vicky Lewis were present to explain the request. There was a site visit earlier tonight with Dave LaBelle, Jim Bumps and Brian Fisher in attendance. Joe Profera and Richard Del Favero had visited the property on an earlier date. It is noted that this application was tabled from the last meeting. At the last meeting the application was not discussed, so all members may participate in this application. There will be a couple of residential type of exterior lights by the entrances to the garage. All repair work will be done inside the garage. All waste fluids will be properly disposed of. The applicant has been running a mobile repair business for years. Signage was discussed and an 8 sq ft max sign is allowed. There were no comments from interested parties. Jim Bumps made a motion to close application 13-093 by Daniel Lewis. Seconded by Richard Del Favero. **Approved by a unanimous decision.** The applicant was informed that they have 45 days to make a decision.

In other business Vicky Lewis discussed the need for impact fees.

The commission continued review of the Town Plan. Bob Kelley informed them that without holding special meeting they need to have the plan completed by their next meeting in order to have it on the ballot for Town meeting day. Wording was added to the plan to reflect the overwhelming town wide support for a Wal-Mart super center. The plan was review thru page 40 with a few minor changes being made. Review next meeting will start with the section on Ambulance Services.

After deliberations Jim Bumps made a motion to grant site plan approval for application 13-093 by Daniel Lewis as submitted (see attached written decision). Seconded by Richard Del Favero. **Approved by a unanimous decision.**

8:45 p.m.: On 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 23, 2013**

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

MEMBERS ABSENT: Richard Del Favero, Brian Fisher.

OTHERS PRESENT: Vicky Lewis, Dan Lewis, Robin Smith, Paul Prue, 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 Sept 9 meeting as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 13-093 by Daniel Lewis, PIN #TRD23010C8T, for site plan approval for an automotive repair shop as a residential business. This property is located at 391 Whittier Road and is in the Rural Residential (RR) zoning district. Dan & Vicky Lewis were present to explain the request. The need for a site visit was discussed and because only three members were present tonight the commission thought it would be a good idea to table the application until their next meeting so that the other commission members would be able to participate. The commission briefly reviewed the adequacy of the submittals. Dave LaBelle made a motion to table application 13-093 by Daniel Lewis for a site visit at 6:00 p.m. Monday October 7, 2013 and to reconvene the hearing at 7:00 p.m. October 7, 2013. Seconded by Jim Bumps. **Approved by a unanimous decision.** The commission will meet at the site for the site visit and the public is welcome.

With only 3 members present the Commission decided to skip the review of the Town Plan. Bob will calculate the date that the plan needs to be completed by to have it ready for the Town to vote on at Town Meeting in March. Bob reported that the wording for the vote supporting Wal-Mart was "DO THE VOTERS OF THE TOWN OF DERBY, VERMONT SUPPORT A DISCOUNT STORE SUPER CENTER (WAL-MART) LOCATED ADJACENT TO THE NEWPORT DERBY ROAD IN THE TOWN OF DERBY?".

The Commission reviewed their mail.

7:15 p.m.: On 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 9, 2013**

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Maureen Fountain, Vicky Lewis, Dan Lewis, 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 Aug 26 meeting with the correction that Richard Del Favero made the motion to adjourn the meeting, not Jim Bumps. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

The Commission reviewed the Town Plan including pages 16-18 and 24-28. A few minor changes were made. Bob Kelley proposed adding on page 24, the section on "Development Trends and Impact on Adjacent Towns", the results of the 2010 Town vote supporting a discount super center. He felt that it was important to have this development goal clear in the plan. Joe Profera stated that he is not against Wal-Mart, but he didn't think that the voters knew what they were voting for. He didn't think that the Town Plan should mention Discount Super Center. The Commission wants to see what the actual ballot says before adding something to the plan. Bob will get a copy of the ballot for their next meeting. The aviation section on page 27 needs to be updated. Next section to be reviewed is "Local Transportation Facilities" on page 28.

The Commission reviewed their mail.

8:25 p.m.: On 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*** August 26, 2013 as amended**

MEMBERS PRESENT: Joe Profera, Richard Del Favero, Brian Fisher, Dave LaBelle.

MEMBERS ABSENT: Jim Bumps.

OTHERS PRESENT: Maureen Fountain, Mark Bettenhausen, Matt Daly, Dave Fenstermacher, Tim Burke, Paul Prue, 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 Aug 12 meeting as written. Seconded by Brian Fisher. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 13-082 by Derby Outlots LLC, PIN #NDRT5031G3T, for site plan approval for a 13,225 sq ft CVS Pharmacy. This property is located at 4584 US Route 5 and is in the Commercial (COM) zoning district. Dave Fenstermacher & Matt Daly were present to explain the request. Richard Del Favero stated that he would be recusing himself from this application due to a conflict of interest. The project was explained in detail and questions from the Commission were answered. There were no comments from interested parties. Dave LaBelle made a motion to close application 13-082 by Derby Outlots LLC. Seconded by Brian Fisher. **Approved by a unanimous decision.** The applicant was informed that they have 45 days to make a decision.

The Commission reviewed the Town Plan starting with the Riparian District section on page 18 and ended with the Conservation Commission section on page 23. A couple of minor changes were made to the Recreation & Conservation sections. The plan is to continue review at their next meeting starting on page 24. Maureen Fountain suggested that Medical Marijuana Dispensaries be addressed in the Town Plan to prohibit them. She said Newport, Rutland and Stowe prohibit them.

The Commission deliberated on the Derby Outlots application and after deliberations, Dave LaBelle made a motion to grant site plan approval for application 13-082 by Derby Outlots LLC as submitted with 2 conditions: 1) The project shall be completed, operated and maintained in accordance with the information and exhibits on file with the Town; and 2) A Certificate of Occupancy from the Town is required prior to opening for business (see attached written decision). Seconded by Brian Fisher. **Approved by a unanimous decision.**

The Commission reviewed their mail.

8:40 p.m.: On a motion by ~~Jim Bumps~~ Richard Del Favero and seconded by Dave LaBelle, the meeting was adjourned.

The minutes were taken by Bob Kelley.

DERBY PLANNING COMMISSION *MINUTES*** August 12, 2013**

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

MEMBERS ABSENT: Richard Del Favero, Brian Fisher.

OTHERS PRESENT: Andrew DeLaBruere, Tracey Royea, Paul Prue, Tom Strunjo, Kris Bullock, Jeff Lamphere, Paul Lussier, 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 July 29 meeting as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 13-073 by Andrew & Kathy DeLaBruere, PIN #TRD59009E4T, for preliminary and final plat review for a 2 lot subdivision. This property is located at 848 Palin Farm Road and is in the Residential 2-Acre (R2) zoning district. Andres DeLaBruere was present to explain the request. Jim Bumps stated that he did some work on this project for his employer, but he feels he can still act objectively as a planning commission member. Mr. DeLaBruere explained that he is splitting off the house lot and all wastewater permits are in place. There were no comments from interested parties. Dave LaBelle made a motion to close application 13-073 by Andrew & Kathy DeLaBruere. Seconded by Jim Bumps. **Approved by a unanimous decision.** The applicant was informed that they have 45 days to make a decision.

Chair Joe Profera read the warning for application 13-074 by Bernard Royea, PIN #NDRT5061F4C, for preliminary and final plat review for a 2 lot subdivision. This property is located at 3588 Route 5 and is in the Commercial (COM) zoning district. Tracey Royea & Andrew Nadeau were present to explain the request. Jim Bumps stated that he did some work on this project for his employer, but he feels he can still act objectively as a planning commission member. Lot #1 is to be sold to Pepin and they will continue to use it for storage. There were no comments from interested parties. Dave LaBelle made a motion to close application 13-074 by Bernard Royea. Seconded by Jim Bumps. **Approved by a unanimous decision.** The applicant was informed that they have 45 days to make a decision.

Chair Joe Profera read the warning for application 13-075 by BB & L LLC, PIN #TRD27012F3T, for site plan approval to change the use of the former IROC building to a Retail Home Center & Building Supplies and to add a 20 ft by 16 ft covered front entry with a 12 ft by 40 ft porch on both sides of the entry. This property is located at 400 Quarry Road and is in the Commercial (COM) zoning district. Kris Bullock & Jeff Lamphere were present to explain the request. They will be changing the main entrance to the front, the rink area will be cold storage, the rest will be retail area, 2nd floor will be a kitchen/bath/window/door showroom, the parking lot in front will be paved and striped, and there will be no change to the existing parking lot lighting. There were no comments from interested parties. Dave LaBelle made a motion to close application 13-075 by BB & L LLC. Seconded by Jim Bumps. **Approved by a unanimous decision.** The applicant was informed that they have 45 days to make a decision.

The Commission reviewed a draft report for proposed bylaw amendments by the Village of Derby Line to eliminate Auto Service Station/Mini Mart has a conditional use in the Village Commercial Derby Line (VCDL) zoning district and to prohibit businesses with drive-thru windows in the VCDL zone. Dave LaBelle made a motion to approve the report as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

After deliberations, Dave LaBelle made a motion to grant final plat approval for application 13-073 by Andrew & Kathy DeLaBruere as submitted with the following condition: A mylar of the approve plat must be filed with the Town Clerk within 180 days of this decision (see attached written decision). Seconded by Jim Bumps. **Approved by a unanimous decision.**

Dave LaBelle made a motion to grant final plat approval for application 13-074 by Bernard

Royea as submitted with the following conditions: 1) A mylar of the approve plat must be filed with the Town Clerk within 180 days of this decision; 2) On-site wastewater disposal is not permitted on lot #1 (see attached written decision). Seconded by Jim Bumps. **Approved by a unanimous decision.**

Dave LaBelle made a motion to grant site plan approval for application 13-075 by BB & L LLC as submitted (see attached written decision). Seconded by Jim Bumps. **Approved by a unanimous decision.**

The Commission reviewed their mail.

Joe Profera briefed the Commission on a Lakeshore Protection Workshop he attended last week. Essentially the State wants a 50 ft natural buffer around lakes. Joe thought it would be a few years before the State would approve any regulations.

8:10 p.m.: On 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*** July 29, 2013

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Ryan Moore, Christine Fortin, Keith Beadle, Roland Roy, Robin Smith, 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 July 15 meeting as written. Seconded by Brian Fisher. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 13-064 by Anne & David Moore, PIN #SMSDC033G5C, for site plan review to remove the existing rear porch and replace it with a 14 ft by 14 ft 2-story addition for storage and formal entry. This property is located at 346 Main Street, Derby Center and is in the Village Residential Derby Center (VRDC) zoning district. Ryan Moore was present to explain the request. Mr. Moore explained the reason for the addition was for additional storage, to move the underground tank into the building, and to fix a drainage issue by the rear entrance. Lighting in the rear will remain as is with a motion sensor light by the back door. There were no comments from interested parties. Dave LaBelle made a motion to close application 13-064 by Anne & David Moore. Seconded by Jim Bumps. **Approved by a unanimous decision.** The applicant was informed that they have 45 days to make a decision.

Chair Joe Profera read the warning for application 13-066 by Robert & Christine Fortin, PIN #TRD18031A7T, for preliminary and final plat review for a 2 lot subdivision. Lot 1A1 is 46.93 ac and lot 1A2 is 19.76 ac. This property is located at 1214 Herrick Road and is in the Rural Residential (RR) and Residential One-Acre (R1) zoning districts. Christine Fortin was present to explain the request. Jim Bumps stated that he did some work on this project for his employer, but he feels he can still act objectively as a planning commission member. One lot has frontage on Herrick Road and the other is accessed from a private R.O.W. There were no comments from interested parties. Dave LaBelle made a motion to close application 13-066 by Robert & Christine Fortin. Seconded by Richard Del Favero. **Approved by a unanimous decision.** The applicant was informed that they have 45 days to make a decision.

Keith Beadle and Roland Roy were present to explain the request by the Village of Derby Line for a zoning change to eliminate Auto Service Station/Mini Mart has a conditional use in the Village Commercial Derby Line (VCDL) zoning district and to prohibit restaurants with drive-thru windows in the VCDL zone. The Commission asked about other business with drive-thru windows and it was decided to eliminate all drive-thru windows from the zone. The Commission agreed to proceed with the amendment request and asked the ZA to draft a report for the 2 proposed amendments for their next meeting.

After deliberations Dave LaBelle made a motion to grant site plan approval for application 13-064 by Anne & David Moore as submitted (see attached written decision). Seconded by Richard Del Favero. **Approved by a unanimous decision.**

Richard Del Favero made a motion to grant final plat approval for application 13-066 by Robert & Christine Fortin as submitted with the following condition: A mylar of the approve plat must be filed with the Town Clerk within 180 days of this decision (see attached written decision). Seconded by Dave LaBelle. **Approved by a unanimous decision.**

The Commission reviewed their mail.

8:00 p.m.: On 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*** July 15, 2013

MEMBERS PRESENT: Joe Profera, Jim Bumps, Dave LaBelle, Brian Fisher.

MEMBERS ABSENT: Richard Del Favero.

OTHERS PRESENT: Kevin Paquet, Brian Smith, Paul Dreher, Woodman Page, Roger Gosselin, Jennifer Black, Daniel Gosselin, Clark Curtis, Glenda Nye, Karen Jenne, Jen Cleveland, 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 July 1 meeting as written. Seconded by Brian Fisher. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 13-056 by RG Gosselin Inc, PIN #NMSDC023F5CR2, for preliminary and final plat review for a 2 lot subdivision. This property is located at 193 Gosselin Drive and is in the Village Commercial/Derby Center (VCDC) zoning district. Roger Gosselin was present to explain the request. Jim Bumps stated that he did some work on this project for his employer, but he feels he can still act objectively as a planning commission member. Both lots are accessed from a private R.O.W. This subdivision is to create separate lots for an existing house and the existing business. A small shed is located on the proposed property line that will have to be moved. Karen Jenne was concerned that the Village of Derby Center was not sent a copy of the application. As a courtesy the villages are usually sent copies of applications within their respective villages. ZA Bob Kelley stated that he forgot to send this one to Derby Center. Dave LaBelle made a motion to close application 13-056 by RG Gosselin Inc. Seconded by Brian Fisher. **Approved by a unanimous decision.** The applicant was informed that they have 45 days to make a decision.

The Commission skipped to other business. Glenda Nye was asking about the proposed bylaw change of the Nelson/Choquette property along Quarry Road. She had concerns about water and sewer. It was explained that this was a State issue. They the ones responsible for permitting potable water and waste water systems.

Discussion with the Newport City Planning Commission began. Newport Commission members Clark Curtis, Woodman Page and Jennifer Black along with zoning administrator Paul Dreher were present. Discussion centered on recent large develop within the communities and proposed future developments. In Newport all the projects Bill Stenger is working on are still going forward. The Biotech and window company are proceeding fastest. Bob Miller is permitted to redevelop the old hospital building on Highland Ave into 70 living units. Jim Mulkin has finished the office building for the North Country Supervisory Union on Duchess Ave. Newport mentioned that their parking requirement seems a bit extreme. The building was required to have 90 parking spaces when in reality they only need about 45. The Renaissance Corp is trying to work a deal with the State to lease the Waterfront boardwalk area to make better use of it. The Tasting Center on Main Street is about to open in a few weeks and should be a good draw to downtown. It is hoped the long bridge reconstruction will be finished before September. Bond Auto is moving out of the City, consolidating their operations in Derby. In Derby Louis Garneau had their ground breaking ceremony last week and should beginning construction shortly. Walmart has not started the permitting process yet. Another pharmacy is talking about building on the former Amerigas lot. Neither community has implemented impact fees, the consensus is that it would be detrimental to attracting development. Water/sewer capacity should not be an issue in Newport for the foreseeable future, whereas Derby Center has limited sewer capacity available. The 2 commissions would like to meet again this winter.

After deliberations Dave LaBelle made a motion to grant final plat approval for application 13-056 by RG Gosselin Inc as submitted with the following 2 conditions: 1) A mylar of the approve

plat must be filed with the Town Clerk within 180 days of this decision; 2) The existing shed must be moved to a location a minimum of 10 ft from the proposed lot line (see attached written decision). Seconded by Jim Bumps. **Approved by a unanimous decision.**

The Commission reviewed their mail.

8:20 p.m.: On a motion by Brian Fisher and seconded by Jim Bumps, the meeting was adjourned. *The minutes were taken by Bob Kelley.*

DERBY PLANNING COMMISSION *MINUTES*** July 1, 2013**

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Pat Hunt, Perry Hunt, Bruce Lippens, Wayne McKinnon, Allen Yale, Ryan Moore, ZA Bob Kelley.

7:00 p.m.: Chair Joe Profera called the meeting to order. Brian Fisher made a motion to approve the minutes to the June 3 meeting as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Dave LaBelle made a motion to approve the minutes to the June 17 meeting as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 13-047 by Bruce & Ruth Lippens, PIN #TRD30014G4T & TRD30014G4C, for preliminary and final plat review for a 5 lot subdivision. This property is located at 609 West Street and is in the Commercial (COM) and Village Residential Derby Center (VRDC) zoning districts. Bruce Lippens, Pat Hunt & Perry Hunt were present to explain the request. All the lots have frontage on West Street. They would like to change the zoning district for lot #5 to Commercial as some point. They will discuss this at a later date with the Commission. Allen Yale had a concern with the deer wintering yard down by the river. The applicant knew about this and they have no plans to disturb this area. The plan on continuing to allow the VAST trail across the property. Dave LaBelle made a motion to close application 13-047 by Bruce & Ruth Lippens. Seconded by Brian Fisher. **Approved by a unanimous decision.** The applicant was informed that they have 45 days to make a decision.

After deliberations Dave LaBelle made a motion to grant final plat approval for application 13-047 by Bruce & Ruth Lippens as submitted with the following 2 conditions: 1) A mylar of the approve plat must be filed with the Town Clerk within 180 days of this decision; 2) All new curbs cuts must have a 25 ft minimum paved apron onto West Street (see attached written decision). Seconded by Jim Bumps. **Approved by a unanimous decision.**

The Commission reviewed their mail. The town plan was not discussed. Nonconforming uses were briefly discussed.

7:30 p.m.: On 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*** June 17, 2013

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

MEMBERS ABSENT: Brian Fisher, Richard Del Favero.

OTHERS PRESENT: James Crowe, Maureen Fountain, Jennifer Prevost, Tealla Rodrigue, Thomas Prevost, 2 others, names unreadable.

7:00 p.m.: Chair Joe Profera called the meeting to order. Dave LaBelle made a motion to table approve the minutes to the June 3 meeting. Seconded by Jim Bumps. **Approved by a unanimous decision.**

The meeting was recessed and the Public hearing on the bylaw amendments was started.

No negative comments were made regarding the zoning change of the Conley property.

Jim Crowe noted that there were a lot of junk cars on the Barrup property that abuts the Choquette/Nelson property. It was question what this change would do to property values.

After all public input, Dave LaBelle made a motion to close the public hearing. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Jim Bumps made a motion to recommend that the Select Board approve the proposed changes to the bylaw.

1. To change a 14.37 acre parcel owned by Michael Conley and Jaclyn Young, PIN #NDRT5068F4C from Village Residential Multi-Family Derby Center (VRMFDC) to Commercial (COM).
2. To change approximately 72 acres of a 119.8 acre parcel owned by Omer Choquette and Douglas Nelson, PIN #NDRT5033G3T from Commercial (COM) to Residential One Acre (R1).

Seconded by Dave LaBelle. **Approved by a unanimous decision.**

The Commission decided not to review the town plan because there were only 3 members present.

On a motion by Jim Bumps and seconded by Dave LaBelle, the meeting was adjourned.

The minutes were taken by Dave LaBelle.

DERBY PLANNING COMMISSION *MINUTES*** June 3, 2013**

MEMBERS PRESENT: Joe Profera, Jim Bumps, Brian Fisher.

MEMBERS ABSENT: Dave LaBelle, Richard Del Favero.

OTHERS PRESENT: Paul Prue, Bob Kelley.

7:00 p.m.: Chair Joe Profera called the meeting to order. It was noted that the 2nd to last paragraph on the first page of the May 20th minutes should be deleted. Brian Fisher made a motion to approve the minutes to the May 20 with the above mentioned paragraph deleted. Seconded by Jim Bumps. **Approved by a unanimous decision.**

The Commission reviewed the Town Plan thru page 15. Minor changes were made to pages 8, 9, and 14. Dave LaBelle and Richard Del Favero were not present and they may have additional recommendations on these pages.

The commission reviewed their mail.

The Commission would like to set up a joint meeting with the Newport Planning Commission in July. Suggested dates were July 15th or 29th.

8:10 p.m.: On a motion by Jim Bumps and seconded by Brian Fisher, the meeting was adjourned. *The minutes were written by Bob Kelley.*

DERBY PLANNING COMMISSION *MINUTES*** May 20, 2013 – as amended**

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Christina Nadeau, Floyd Kelley, Omer Choquette, 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 May 6. Seconded by Brian Fisher. **Approved by a unanimous decision.**

Dave LaBelle made a motion to remove application 13-023 from the table. Seconded by Brian Fisher. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 13-023 by Christina Nadeau, PIN #TRD41039J2T, for site plan approval for a general automotive repair shop as a residential business. This property is located at 1030 Pine Hill Road and is in the Residential 2-Acre (R2) zoning district.

Note: this application was table from the May 6 meeting and a site visit was conducted at 6:15 pm prior to tonight's meeting. Dave LaBelle, Jim Bumps, Bob Kelley, Floyd Kelley and Christina Nadeau were present at the site visit. Christina Nadeau and Floyd Kelley were present to explain the request. Joe Profera and Richard Del Favero visited the site separately, since the last meeting. Joe noted that the property looked like a junkyard when they visited it. The property has been cleaned up since Joe and Richard visited it. The applicant noted that they own 8 registered vehicles on the lot. The house and garage are not visible from Pine Hill Road. From a portion of the Kingdom Go property it is visible. The 2 ft addition to the building was built when the building was originally constructed. There was no testimony from interested parties. Dave LaBelle made a motion to close application 13-023 by Christina Nadeau. Seconded by Richard Del Favero. **Approved by a unanimous decision.** The applicant was informed that they have 45 days to make a decision.

~~The Commission discussed a proposed bylaw amendment by Doug Nelson and Omer Choquette to change the zoning on a portion of their property on Quarry Road from Commercial (COM) to Residential 1-Acre (R1). Doug Nelson and Omer Choquette were present to explain their request. They explained that the 72 acres proposed to be changed to R1 has topography and drainage issues that made it unsuitable for commercial uses. This property borders the Residential High Density (RHD) district to the west, Residential 2 Acre (R2) district to the north and Residential 1 Acre (R1) & Industrial (IND) districts to the east. The commission was generally in favor of the request, but would like to take a look at the site before continuing with the amendment. Rather than conducting a group site visit, members will check out the property individually before their next meeting. Dave LaBelle made a motion to table this amendment request until their next meeting at 7:00 p.m. on May 20th here in the municipal building. Seconded by Richard Del Favero. **Approved by a unanimous decision.** The applicant was informed that they have 45 days to make a decision.~~

The Commission continued discussion on a proposed bylaw amendment by Doug Nelson and Omer Choquette to change the zoning on a portion of their property on Quarry Road from Commercial (COM) to Residential 1-Acre (R1). Omer Choquette was present to explain their request. Since the last meeting all the commission members have taken a look at the property. It was noted that the slopes were not quite as severe as the owners described. The wet areas appear to be the biggest hurdle in developing the land. Everyone was in favor of moving the amendment forward. A draft report was reviewed by the commission and a minor change was made. Dave LaBelle made a motion to approve the amended report. Seconded by Brian Fisher. **Approved by a unanimous decision.**

A draft report of the proposed Conley amendment was reviewed. Dave LaBelle made a motion to approve the report. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

Bob Kelley was directed to warn a Planning Commission hearing on the 2 amendments as soon as possible. The earliest possible date will be 4 – 6 weeks from tonight.

The Commission deliberated on closed applications.

Brian Fisher made a motion the grant final plat approval for application 13-010 by Martin & Lori Before as submitted with the following conditions – 1) a mylar of the approved plat must be filed with the Town Clerk within 180 days of this decision, 2) the proposed access road must have a minimum 25 ft paved apron from the edge of Darling Hill Road, and 3) the proposed access road must be built to Town Specifications, including Vermont Agency of Transportation Standard A-76 for Town & Development Roads and Standard B-71 for Residential and Commercial Drives (see attached written decision). Seconded by Dave LaBelle. **Approved by a unanimous decision.**

Dave LaBelle made a motion to grant site plan approval for 13-023 by Christina Nadeau as submitted with the condition that the project must comply with §405 of the Derby Bylaw which states:

§405 Open Storage

In the case of open storage of materials, inventory for sale or motor vehicles the following shall apply:

405.1 In all districts, the open storage of material or vehicles of any kind in association with a permitted or conditional use may be allowed if adequate screening under the provisions of 210.1 is provided;

405.2 Motor vehicle repair facilities, motor vehicle sales/repair facilities and small engine sales/service facilities shall not store dismantled vehicles, equipment or parts thereof outside the facility. All dismantled vehicles, equipment or parts thereof shall be stored within a building and all repair work shall be performed within the building.

(see attached decision). Seconded by Jim Bumps. **Ayes – Dave LaBelle, Jim Bumps, Brian Fisher. Nays – Richard Del Favero. Abstentions – Joe Profera. Approved by a majority decision.**

The commission reviewed their mail.

Because it was getting late the Commission skipped review of the Town Plan. Review of the town plan thru page 25 is on their agenda for next meeting.

8:30 p.m.: On a motion by Dave LaBelle and seconded by Brian Fisher, the meeting was adjourned.

The minutes were written by Bob Kelley.

DERBY PLANNING COMMISSION *MINUTES*** May 6, 2013**

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Christina Nadeau, Floyd Kelley, Stephen Abbott, Omer Choquette, Richard Jones, Michele Jones, Doug Nelson, Robin Smith, Paul Prue, 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 April 8th and April 22nd meetings with the correction that David Lawes was not present at the April 8th meeting. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

Dave LaBelle made a motion to remove application 13-015 from the table. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 13-015 by Abbott Equities, PIN #NDRT5035G3T, for site plan approval to raise the height of the roof on the rear portion of the building. This property is located at 4584 US Route 5 and is in the Commercial (COM) zoning district. This application was tabled from the April 22nd meeting. Stephen Abbott was present to explain the request. The footprint of the building will not be changing. They will be increasing the height of the rear portion of the building 2 – 5 ft. It will end up being about a foot higher than the front portion. Final height will be about 37 ft and the maximum height for the district is 75 ft. There was no testimony from interested parties. Dave LaBelle made a motion to close application 13-015 by Abbott Equities. Seconded by Brian Fisher. **Approved by a unanimous decision.** The applicant was informed that they have 45 days to make a decision.

Dave LaBelle made a motion to remove application 13-021 from the table. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 13-021 by Richard & Michele Jones, PIN #TRD03028C5T, for preliminary and final plat approval for a 3 lot subdivision. This property is located at 1150 Beebe Road and is in the Residential 2 Acre (R2) zoning district. This application was tabled from the April 22nd meeting. Richard and Michele Jones were present to explain the request. This is the same subdivision that the commission granted last year, but because the Jones failed to record the mylar within the required 180 days the permit was voided. There was no testimony from interested parties. Dave LaBelle made a motion to close application 13-021 by Richard & Michele Jones. Seconded by Richard Del Favero. **Approved by a unanimous decision.** The applicant was informed that they have 45 days to make a decision.

Chair Joe Profera read the warning for application 13-023 by Christina Nadeau, PIN #TRD41039J2T, for site plan approval for a general automotive repair shop as a residential business. This property is located at 1030 Pine Hill Road and is in the Residential 2-Acre (R2) zoning district. Christina Nadeau and Floyd Kelley were present to explain the request. This property is just past the Kingdom Go gravel pit entrance on Pine Hill. The property is access by a 50 ft wide private R.O.W. and is set back about 500 ft from Pine Hill Road. They will be servicing both cars and trucks. The door to the garage is 10 x 12 and the ceiling in the garage is 14 ft. The State regulates the disposal of waste fluids from the vehicles. The commission felt it would be a good idea to conduct a site visit. There was no testimony from interested parties. Richard Del Favero made a motion to recess application 13-023 by Christina Nadeau for a site visit at 6:15 p.m. on May 20th and then to reconvene the meeting here in the municipal building at 7:00 p.m. May 20th. Seconded by Dave LaBelle. **Approved by a unanimous decision.**

The Commission discussed a proposed bylaw amendment by Doug Nelson and Omer Choquette

to change the zoning on a portion of their property on Quarry Road from Commercial (COM) to Residential 1-Acre (R1). Doug Nelson and Omer Choquette were present to explain their request. They explained that the 72 acres proposed to be changed to R1 has topography and drainage issues that made it unsuitable for commercial uses. This property borders the Residential High Density (RHD) district to the west, Residential 2-Acre (R2) district to the north and Residential 1-Acre (R1) & Industrial (IND) districts to the east. The commission was generally in favor of the request, but would like to take a look at the site before continuing with the amendment. Rather than conducting a group site visit, members will check out the property individually before their next meeting. Dave LaBelle made a motion to table this amendment request until their next meeting at 7:00 p.m. on May 20th here in the municipal; building. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

The Commission went into deliberative session to discuss closed applications.

Upon returning for deliberations Dave LaBelle made a motion the grant final plat approval for application 13-021 by Richard & Michele Jones as submitted with the condition that a mylar of the approved plat must be filed with the Town Clerk within 180 days of this decision (see attached written decision). Seconded by Brian Fisher. **Approved by a unanimous decision.**

Dave LaBelle made a motion to grant site plan approval for 13-015 by Abbott Equities as submitted (see attached decision). Seconded by Jim Bumps. **Approved by a unanimous decision.**

Concerning subdivision application 13-010 by Martin & Lori Before, there appears to be an error of the dimensions along Darling Hill Road. The commission asked Bob to contact the applicant for a clarification prior to their next meeting and that the centerline of the proposed access road be staked out according to the corrected dimensions.

The commission reviewed their mail.

Review of the town plan thru page 25 is on their agenda for next meeting.

8:15 p.m.: On a motion by Jim Bumps and seconded by Dave LaBelle, the meeting was adjourned.

The minutes were written by Bob Kelley.

DERBY PLANNING COMMISSION *MINUTES*** April 22, 2013**

MEMBERS PRESENT: Jim Bumps, Dave LaBelle.

MEMBERS ABSENT: Joe Profera, Richard Del Favero, Brian Fisher.

OTHERS PRESENT: Steven Abbott, Richard Jones, Michele Jones, Bob Kelley.

7:00 p.m.: Vice Chair Dave LaBelle called the meeting to order.

Because there was not a quorum present the only thing they are allowed to do is table items on the agenda.

Jim Bumps made a motion to table both applications (13-025 by Abbott Equities and 13-021 by Richard & Michele Jones) until 7:00 p.m. April 6, 2013 here in the municipal building. Seconded by Dave LaBelle. **Approved by a unanimous decision.**

7:02 p.m.: The meeting was adjourned.

The minutes were written by Bob Kelley.

DERBY PLANNING COMMISSION *MINUTES*** April 8, 2013 as amended**

MEMBERS PRESENT: Jim Bumps, Dave LaBelle, Richard Del Favero, Brian Fisher.

MEMBERS ABSENT: Joe Profera.

OTHERS PRESENT: Russ Ingalls, Deb McCormick, Martin Before, Lori Before, Dan Lewis, Vicky Lewis.

7:00 p.m.: Vice Chair Dave LaBelle called the meeting to order. Brian Fisher made a motion to approve the minutes to the last meeting (Mar 25) as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Vice Chair Dave LaBelle read the warning for application 13-010 by Martin & Lori Before, PIN #TRD56025B4T, for preliminary and final plat approval for a 5 lot subdivision. Lots 1 – 4 are 5+ acres each and lot 5 is the remaining 210+ acres. This property is located off Darling Hill Road and is in the Rural Residential (RR) zoning district. This application was tabled from the March 25th meeting for a site visit. A motion was made by Richard Del Favero to remove this application from the table. Seconded by Brian Fisher. **Approved by a unanimous decision.**

Martin & Lori Before ~~and David Lawes~~ were present to explain the request. It was noted that the Commission had a site visit prior to tonight's meeting with Dave LaBelle, Jim Bumps, Richard Del Favero, Brian Fisher, Martin Before, Lori Before, Deb McCormick and Russ Ingalls in attendance. There was discussion concerning the proposed access drive and the distances show on the map. The drive was staked out 330 ft from the existing farm road near the Surprenant property. Russ Ingalls was in favor of the proposed access. An email was submitted by Stephen Poulin was also in favor of the proposed access location. Jim Bumps made a motion to close application 13-010 by Martin & Lori Before. Seconded by Brian Fisher. **Approved by a unanimous decision.** The applicant was informed that they have 45 days to make a decision.

The Commission renewed discussion on a proposed bylaw amendment to change the zoning on the property owned by Michael Conley & Jaclyn Young from Village Residential Multi-Family Derby Center (VRMFDC) to Commercial (COM). This property is 14.37 acres and is located on Route 5 between the Town Garage and Taplin's Self Storage. The Derby Center Village Trustees were notified about the proposed change. Because the Commission has not heard of any concerns with the proposal, they felt it would be in the best interest of the Town to proceed with the amendment. Richard Del Favero made a motion to proceed forward with the proposed amendment. Seconded by Jim Bumps. **Approved by a unanimous decision.**

The Commission had some minor discussion on the Town Plan draft. Vicky Lewis spoke about wind turbines. The Commission will study thru page 25 for next meeting.

Richard Del Favero made a motion to go into deliberative session for the Before application. Seconded by Jim Bumps. **Approved by a unanimous decision.**

8:00 p.m.: Upon returning from deliberative session no action was taken on the Before application and on a motion by Jim Bumps and seconded by Brian Fisher, the meeting was adjourned.

The minutes were written by Bob Kelley from a recording of the meeting.

DERBY PLANNING COMMISSION *MINUTES*** March 25, 2013**

MEMBERS PRESENT: Jim Bumps, Dave LaBelle, Joe Profera, Brian Fisher.

MEMBERS ABSENT: Richard Del Favero.

OTHERS PRESENT: David Lawes, Russell Ingalls, Martin Before, Lori Before, Sandra McGinnis, Pat McGinnis, Ed Gaudreau, Pauline Hisman, Peter Gaudreau, Deborah McCormick, ZA Bob Kelley.

7:00 p.m.: Chair Joe Profera called the meeting to order. Jim Bumps made a motion to approve the minutes to the last meeting (Mar 11) as written. Seconded by Brian Fisher. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 13-010 by Martin & Lori Before, PIN #TRD56025B4T, for preliminary and final plat approval for a 5 lot subdivision. Lots 1 – 4 are 5+ acres each and lot 5 is the remaining 210+ acres. This property is located off Darling Hill Road and is in the Rural Residential (RR) zoning district. Martin & Lori Before and David Lawes were present to explain the request. The soil is sandy, a new access drive off Darling Hill Road has been issued, the Fire Department can provide fire protection to the development, an electric utility line goes thru the property, the 210 ac lot does not have a wastewater permit, and the property has about 300 ft of frontage along the Poulin Farm Road in addition to the 1,000 ft of frontage along Darling Hill Road. Ed Gaudreau, Peter Gaudreau, Pauline Hisman and Pat McGinnis all spoke out with concerns with the project. Their concerns included protecting existing water supplies in the area, electric hookup, and future use of the 210 ac lot. Bob Kelley mentioned that they may want to consider requiring access to be off of Poulin Farm Road. The Commission thought it would be a good idea to conduct a site visit. Dave LaBelle made a motion to recess application 13-010 by Martin & Lori Before for a site visit at 6:30 pm on April 8, 2013 with the hearing to reconvene here in the municipal building at 7:00 pm April 8, 2013. Seconded by Jim Bumps. **Approved by a unanimous decision.**

The Commission reviewed the first 10 pages of the Town Plan draft. A few minor changes were made and the tables need to be updated. They will study thru page 20 for next meeting.

The Commission would like to have a joint meeting with the Newport City Planning Commission sometime this summer. They would also like to discuss water/sewer and zoning issues with the Derby Center & Derby Line Trustees.

A couple of the Commission members will try to attend the next Selectboard meeting to discuss Impact Fees with them.

The Commission reviewed their mail.

8:15 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*** March 11, 2013**

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

MEMBERS ABSENT: None.

OTHERS PRESENT: David Snedeker (NVDA), Laura Carpenter, Robin Smith, 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 (Feb 25) as written. Seconded by Brian Fisher. **Approved by a unanimous decision.**

The Commission discussed a proposed bylaw amendment to change the zoning on the property owned by Michael Conley & Jaclyn Young from Village Residential Multi-Family Derby Center (VRMFDC) to Commercial (COM). This property is 14.37 acres and is located on Route 5 between the Town Garage and Taplin's Self Storage. The Commission was surprised it wasn't in the Commercial district. Before they proceed with the amendment they would like input from the Derby Center Trustees. Bob will notify the Trustees of the proposed change and ask for their input. The Commission will discuss this proposed amendment again at their meeting in 4 weeks.

David Snedeker (NVDA) was present to discuss the town plan and development issues facing the town. Doug Morton (NVDA) could not make it tonight. David has reviewed the draft of the new plan and had a few comments and suggestions regarding various sections of the plan. In general he thought the Commission has done a good job. NVDA is available to assist the town in any way they can. The Commission will begin a final review of the draft. Everyone will review the first 10 pages for their next meeting.

NVDA will be updating past traffic studies either this summer or early next year.

Impact Fees were discussed. NVDA can help gather information for the Commission. The Commission thought it would be a good idea to discuss impact fees with the Select Board, to see if this is something the Select Board is in favor of before proceeding.

The Commission reviewed their mail.

8:50 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*** February 25, 2013**

MEMBERS PRESENT: Jim Bumps, Dave LaBelle, Joe Profera, Brian Fisher.

MEMBERS ABSENT: Richard Del Favero.

OTHERS PRESENT: 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 (Feb 11) as written. Seconded by Brian Fisher. **Approved by a unanimous decision.**

The Commission discussed the Town Plan. The Transportation, Energy and Local Government sections were finalized. The Utilities & Facilities and Emergency Services sections were reviewed. A few minor things need to be checked out and confirmed before these sections can be finalized. The plan is nearing completion. Bob will print a copy of the latest draft for review.

Due to lack of time Impact fees were only discussed briefly and will be discussed in greater detail at the next meeting.

The Commission reviewed their mail.

8:40 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*** February 11, 2013**

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

MEMBERS ABSENT: None.

OTHERS PRESENT: 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 (Jan 28) as written. Seconded by Brian Fisher. **Approved by a unanimous decision.**

The Commission discussed the Town Plan. Revisions proposed by Bob to the transportation, housing, and energy elements were reviewed and modified. Bob will have a draft of the changes available for their next meeting.

Impact fees were discussed. It was decided to contact VLCT for help in better understanding impact fees and how to implement them.

The Commission reviewed their mail.

9:00 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*** January 28, 2013**

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Bruce Hamilton, Lisa Bohlman, Paula Fiorenza-Halbedl, Marjolaine Tremblay, 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 (Jan 14) as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Dave LaBelle made a motion to remove application 13-003 from the table. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 13-003 by North Country Health Services, PIN #NMSDC010F5C, for site plan approval for a 1,858 sq ft one-story addition to the existing Derby Green Nursing Home. This property is located at 2853 Rout 5 and is in the Village Commercial-Derby Center (VCDC) zoning district. Bruce Hamilton and Lisa Bohlman were present to explain the request. The applicant submitted the revised site plan that the Commission requested. The site plan was reviewed and the Commission was satisfied with the revisions. There was no testimony from interested parties. Dave LaBelle made a motion to close application 13-003 by North Country Health Services. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

Dave LaBelle made a motion to remove application 13-001 from the table. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 13-001 by Paula Fiorenza, PIN #MSTDL041A6L, for site plan approval for a Village Inn with a 58 seat restaurant. This property is located at 440 Main Street, Derby Line and is in the Village Residential-One Derby Line (VR1DL) zoning district. It was noted that the Planning Commission had a site visit at 4:30 January 21, 2013. Joe Profera, Richard Del Favero, Judy Nommik, Paul Prue, Dave LaBelle, Russell Ingalls, Richard Creaser, Bob Kelley, Paula Fiorenza-Halbedl, and Marjolaine Tremblay were at the site visit. Paula Fiorenza was present to explain the request. Access, parking, circulation, lighting, landscaping, and letters from interested parties were reviewed. There was no additional testimony from interested parties. Dave LaBelle made a motion to close application 13-001 by Paula Fiorenza. Seconded by Jim Bumps. **Approved by a unanimous decision.**

The Commission discussed the Town Plan. Transportation was discussed and with the announcement that Walmart was coming to town the issue of upgrading Quarry Road to connect to Darling Hill Road was discussed. When the Selectboard reclassified a portion of this road to a legal trail the Commission unsuccessfully opposed the reclassification. If the road is now reopened it will have to be brought up to Class 3 standards. Impact fees may be a way of paying for such infrastructure improvement. It is understood that a Capital Budget and Improvement Plan must be approved before implementing Impact Fees. The Commission highly recommends that the Selectboard approve a Capital Budget and Improvement Plan.

After deliberating on closed application, Dave LaBelle made a motion to grant site plan approval for application 13-003 by North Country Health Services as submitted (see attached written decision). Seconded by Jim Bumps. **Approved by a unanimous decision with Richard Del Favero and Brian Fisher abstaining (they were not present the first night of the hearing on Jan 14th).**

Jim Bumps made a motion to grant site plan approval for application 13-001 by Paula Fiorenza as submitted (see attached written decision). Seconded by Dave LaBelle. **Approved by a unanimous decision.**

The Commission reviewed their mail. It was note that 2 sets of minutes from 2012 were never approved. Dave LaBelle made a motion to approve the minutes of the November 5, 2012 minutes as written. Seconded by Brian Fisher. **Approved by a unanimous decision.**

Dave LaBelle made a motion to approve the minutes of the September 10, 2012 minutes as written. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

8:30 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*** January 14, 2013**

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

MEMBERS ABSENT: Brian Fisher, Richard Del Favero.

OTHERS PRESENT: Bruce Hamilton, Lisa Bohlman, Jackie Young, Michael Conley, Fred LaBarron, Rose LaBarron, Elizabeth Bumps, Maureen Fountain, Susan Haubrich, Jeff Haubrich, 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 (Dec 17) as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 13-001 by Paula Fiorenza, PIN #MSTDL041A6L, for site plan approval for a Village Inn with a 58 seat restaurant. This property is located at 440 Main Street, Derby Line and is in the Village Residential-One Derby Line (VR1DL) zoning district. Joe explained that the application has not cleared Conditional Use approval with the Zoning Board. The Zoning Board is conducting a site visit at 4:30 next Monday. The Commission felt it would be a good idea to schedule a site visit at the same time. Dave LaBelle made a motion to table application 13-001 by Paula Fiorenza for a site visit at 4:30 p.m. Monday January 21, 2013 and to reconvene the hearing at 7:00 p.m. Monday January 28, 2013 here in the Municipal Building. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 13-002 by Michael Conley & Jaclyn Young, PIN #NDR5068F4C, for preliminary and final plat approval to subdivide a 30.77 acre lot into 2 lots (14 ac & 16 ac). This property is located off Main Street and Route 5 in Derby Center and is in the Village Residential-Multi-Family Derby Center (VRMFDC) zoning district. Michael Conley and Jackie Young were present to explain the request. The Commission reviewed the subdivision plat. Both lots have adequate frontage. There was no testimony from interested parties. Dave LaBelle made a motion to close the hearing on application 13-002 by Michael Conley & Jaclyn Young. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 13-003 by North Country Health Services, PIN #NMSDC010F5C, for site plan approval for a 1,858 sq ft one-story addition to the existing Derby Green Nursing Home. This property is located at 2853 Rout 5 and is in the Village Commercial-Derby Center (VCDC) zoning district. Bruce Hamilton and Lisa Bohlman were present to explain the request. A letter from the Fire Chief along with revised plans were submitted showing exterior lighting, dumpster relocation and fire lane. The Fire Chief requested a fire lane on the east side of the building. There will be no increase in the number of beds or employees. The existing beds on the 2nd floor will be moved to the new addition and the 2nd floor will be converted to offices. The building will be sprinklered. The fire lane proposed on the east side of the building is 12 wide and approx 8 – 10 feet from the building. The Commission would like to see the fire lane drawn on the overall site plan. Mr. Hamilton said he could have it for them tomorrow. Dave LaBelle made a motion to table application 13-003 by North Country Health Services until 7:00 p.m. Monday January 28, 2013 here in the Municipal Building. Seconded by Jim Bumps. **Approved by a unanimous decision.**

The Commission discussed wording for a nonbinding vote concerning wind turbines. They felt that it should be kept simple and only deal with industrial sized wind turbines. Joe Profera suggested that it simply ask “Are you in favor of industrial size wind turbines in the Town of Derby.” Dave LaBelle made a motion to recommend this language to the Selectboard. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Because only 3 members were present, the Commission decided not to review the Town Plan.

The Commission reviewed their mail.

Dave LaBelle made a motion to go into deliberative session to discuss closed applications. Seconded by Jim Bumps. **Approved by a unanimous decision.**

After coming out of deliberations Dave LaBelle made a motion to grant final plat approval for application 13-002 by Michael Conley & Jaclyn Young as submitted with the condition that a mylar of the approved plat must be filed with the Town Clerk within 180 days of this decision (see attached written decision). Seconded by Jim Bumps. **Approved by a unanimous decision.**

7:55 p.m.: Upon a motion by Jim Bumps and seconded by Dave LaBelle, the meeting was adjourned.

The minutes were taken by Bob Kelley