

Unapproved

Derby Zoning Board of Adjustment * Minutes * December 23, 2013

Members Present: Judy Nommik, Paul Prue, Norman Gaboriault, Joe Profera, Sherry Aubin.

Members Absent: Richard Del Favero.

Others Present: Candice Campbell, ZA Bob Kelley.

7:05 PM: Chair Joe Profera called the meeting to order. Paul Prue made a motion to accept the minutes of the last meeting (Mar 18). Seconded by Norm Gaboriault. **Approved by unanimous decision.**

Chair Joe Profera read the warning for application 13-119 by Joylin LLC, PIN #TRD2607D2TR, for conditional use approval to expand a nonconforming structure to accommodate a larger kitchen, larger master bedroom, a 2-car garage, more storage and utility space. The existing structure is 19 ft from both the front and right side property lines. This property is located at 48 Pinewood Drive and is in the Shoreland (SD) zoning district. Candice Campbell was present to explain the request. Ms. Campbell is the owner of Joylin LLC. All aspects of the project were discussed. The existing septic system will remain the same. There is a dirt crawl space under the building. Above the garage will be used for storage and a sewing room. The existing buildings are just over 19 ft from the south and east property lines. The property borders the bike path. There was no input from interested parties. Judy Nommik made a motion to close the hearing on application 13-119 by Joylin LLC. Seconded by Norman Gaboriault. **Approved by unanimous decision.**

After deliberating on the application Paul Prue made a motion to grant conditional use approval for application 13-119 by Joylin LLC as submitted with the following condition: Above the garage shall never be converted into a bedroom (see attached written decision). Seconded by Judy Nommik. **Approved by unanimous decision.**

7:40 PM: Norman Gaboriault made a motion to adjourn. Seconded by Judy Nommik. **Approved by a unanimous decision.**

The minutes were taken by Bob Kelley

Derby Zoning Board of Adjustment * Minutes * March 18, 2013

Members Present: Richard Del Favero, Paul Prue, Norman Gaboriault, Joe Profera.

Members Absent: Judy Nommik.

Others Present: Kendall Wayne, ZA Bob Kelley.

7:15 PM: Chair Joe Profera called the meeting to order. Richard Del Favero made a motion to accept the minutes of the last meeting (Jan 21). Seconded by Paul Prue. **Approved by unanimous decision.**

Chair Joe Profera read the warning for application 13-009 by Kendall & Paula Wayne, PIN #TRD26010C2TR2, for conditional use approval to replace a nonconforming shed with a 24 ft by 28 ft garage. The existing shed is 8 ft from the property line and the proposed garage will be 11 ft from the property line. This property is located at 110 Cottage Drive and is in the Shoreland (SD) zoning district. Mr. Wayne was present to explain the request. Items discussed included septic location, contours, drainage, access, building height, setbacks, and outbuilding on properties in the area. Mr. Wayne stressed that he felt that the closer the garage was to the house the harder it would be to get in & out and that having the garage door facing east was not feasible. An email was submitted by Pat Myette in favor of the project. There was no other input from interested parties. Richard Del Favero made a motion to close the hearing on application 13-009 by Kendall & Paula Wayne. Seconded by Norman Gaboriault. **Approved by unanimous decision.**

After deliberating on the application Richard Del Favero made a motion to grant conditional use approval for application 13-009 by Kendall & Paula Wayne as submitted (see attached written decision). Seconded by Paul Prue. **Ayes – None. Nays – Richard Del Favero, Norman Gaboriault, Paul Prue. Denied by unanimous decision.**

Other business - Board reorganization. Richard Del Favero made a motion to appoint Joe Profera as chair and Norman Gaboriault as vice-chair. Seconded by Paul Prue. **Approved by unanimous decision.**

8:30 PM: Norman Gaboriault made a motion to adjourn. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

The minutes were taken by Bob Kelley

Derby Zoning Board of Adjustment * Minutes * January 21, 2013

Members Present: Richard Del Favero, Paul Prue, Norman Gaboriault, Joe Profera, Judy Nommik.

Members Absent: None.

Others Present: Paula Halbedl, Marjolaine Tremblay, Elizabeth Fletcher, Dick Fletcher, Marcel Garneau, Nancy Moore, Russell Ingalls, Deborah McCormick, Richard Creaser, Dave LaBelle, ZA Bob Kelley.

7:00 PM: Chair Joe Profera called the meeting to order. Judy Nommik made a motion to accept the minutes of the last meeting (Jan 7) with the amendment to note that the letter from Patricia Wright was against the project. Seconded by Richard Del Favero. **Approved by unanimous decision.**

Chair Joe Profera read the warning for application 13-001 by Paula Fiorenza, PIN #MSTDL041A6L, for conditional use 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 Zoning Board had a site visit at 4:30 today. Joe Profera, Richard Del Favero, Judy Nommik, Paul Prue, Dave LaBelle, Russell Ingalls, Richard Creaser, Bob Kelley, Paula Halbedl, and Marjolaine Tremblay were at the site visit. Paula Halbedl (Fiorenza) was present to explain the request. She explained that the bar was really a lounge. It would only be used by overnight guests at the Inn and restaurant patrons. Dick Fletcher felt that having a bar was not allowed in the bylaw and felt that there was too much seating. He stated he was not against the project but it should be scaled back. He also talked about when the bylaw was change the early 90's to allow a Village Inn in the Village Residential Derby Line zoning district. Betty Fletcher read a portion of a letter against the project from Patricia Wright and a portion of a letter from the Burtons. After hearing from all interested parties Judy Nommik made a motion to close the hearing on application 13-001 by Paula Fiorenza. Seconded by Richard Del Favero. **Approved by unanimous decision.**

Richard Del Favero made a motion to go into deliberative session to discuss the application. Seconded by Paul Prue. **Approved by unanimous decision.**

Upon returning from deliberative session Judy Nommik made a motion to grant conditional use approval for application 13-001 by Paula Fiorenza as submitted with the following 2 conditions. 1) Only 1 sign is allowed and it shall be no larger than 32 sq ft, and 2) No advertising is allowed in the windows (see attached written decision). Seconded by Norm Gaboriault. **Approved by unanimous decision.**

8:30 PM: Judy Nommik made a motion to adjourn. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

The minutes were taken by Bob Kelley

Derby Zoning Board of Adjustment * Minutes * January 7, 2013 – *as amended*

Members Present: Richard Del Favero, Paul Prue, Norman Gaboriault, Joe Profera, Judy Nommik.

Members Absent: None.

Others Present: Paula Halbedl, Marjoline Tremblax, Jim Burton, Elizabeth Fletcher, Dick Fletcher, Marcel Garneau, Laura Carpenter, Susan Judd, Michele Judd, Mike Judd, Keith Beadle, Perry Hunt, Chris Blais, Don Buschman, Andre Ricard, Gary Onley, Nancy Onley, ZA Bob Kelley.

7:10 PM: Chair Joe Profera called the meeting to order. Norm Gaboriault made a motion to accept the minutes of the last meeting (Dec 10) as written. Seconded by Paul Prue. **Approved by unanimous decision.**

Chair Joe Profera read the warning for application 13-001 by Paula Fiorenza, PIN #MSTDL041A6L, for conditional use 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. Paula Halbedl (Fiorenza) was present to explain the request. A letter was submitted by Ms. Halbedl from the fire chief stating that the Derby Line Fire Department can provide adequate fire protection. Ms. Halbedl explained the project in detail. An architect has been hired to design the addition to the building. The addition is to be designed to match the existing building. Exterior lighting will be down lit. To begin with they will only be open for dinner Thursday – Sunday and lunch on Saturday and Sunday, but they are asking for approval to be open 7 days a week. Breakfast is for guests Inn guest only. They are planning on getting a liquor license to serve beer and wine. Derby Line Village trustees Keith Beadle and Perry Hunt spoke in favor of the project. Chris Blais was wondering if they would be doing events such as weddings. It is possible that down the road they would do smaller destination type weddings. Jim Burton lives across the street and had concerns. He read a letter from his wife. Some of the concerns included character of the neighborhood, noise, lighting, headlights shining into their house as cars are leaving, property values and setting a precedent. Gary Onley had concerns about potential odor from the dumpster. Marcel Garneau had concerns about potential noise. Dick Fletcher lives next door and among his concerns were the affect on the neighborhood, public health, safety and welfare. He felt the restaurant should be small and not have a bar. Betty Fletcher read a letter from abutting property owner Pat Wright, *who is against the project*. Don Buschman spoke in favor of the project, as did Mike Judd, Michele Judd and Marjoline Tremblax. After hearing from all interested parties the board felt that a site visit would be a good idea. Richard Del Favero made a motion to table application 13-001 by Paula Fiorenza for a site visit at 4:30 p.m. on January 21, 2013 and to reconvene the hearing here in the municipal building at 7:00 p.m. January 21, 2013. Seconded by Judy Nommik. **Approved by unanimous decision.**

8:15 PM: Judy Nommik made a motion to adjourn. Seconded by Norm Gaboriault. **Approved by a unanimous decision.**

The minutes were taken by Bob Kelley