

*** Unapproved ***

DERBY PLANNING COMMISSION *MINUTES*** December 15, 2014**

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

MEMBERS ABSENT: Richard Del Favero.

OTHERS PRESENT: Dave Bouffard, Beth Bouffard, Betsy Bumps, 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 Dec 1st meeting as written. Seconded by Brian Fisher. **Approved by a unanimous decision.**

Dave LaBelle made a motion to recess the meeting to go into a public hearing for public input on a proposed bylaw amendment to allow directional signs on corner lots in the Commercial (COM) zoning district to direct traffic to businesses located along secondary roads.

Bob Kelley gave the commission a letter from NVDA and info that he got from the State that the proposed signs would be in violation of State sign regulations.

Brian Fisher made a motion to close the public hearing after all public comments. Seconded by Dave LaBelle. **Approved by a unanimous decision.**

The commission decided not to proceed with the above amendment due to the conflict with State law.

The commission continued review of the bylaw. Tax exempt properties in the Commercial district were discussed. Dave LaBelle made a motion to remove indoor and outdoor recreation from the commercial district. Seconded by Brian Fisher. **Approved by a unanimous decision.**

The town attorney gave the commission 3 slightly different options on how to deal with it. They decided to modify option A to also remove public facilities. Dave LaBelle made a motion to remove “major government operations” from the first paragraph of the objective section and to remove the following uses; membership club, private school, and public facility from the commercial district. Seconded by Brian Fisher. **Approved by a unanimous decision.**

Other Business: Dave Bouffard gave the commission a heads up on an upcoming project to add a loading dock at the Derby Village Store.

The commission reviewed their mail. The meeting for Dec 29th was canceled and the next meeting will be on Jan 12th.

8:30 p.m.: 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*** December 1, 2014**

MEMBERS PRESENT: Dave LaBelle, Joe Profera, Jim Bumps, 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 Nov 17th meeting as written. Seconded by Brian Fisher. **Approved by a unanimous decision.**

The commission reviewed §206 of draft bylaw revisions dated 2014 03 11. Minor changes to the draft were made. Continued review of the draft bylaw will start with §207 at their next meeting.

The commission reviewed their mail. Next meeting is Dec 15th.

8:30 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*** November 17, 2014**

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

MEMBERS ABSENT: Richard Del Favero.

OTHERS PRESENT: Betsy Bumps, Kris Bullock, Jeff Lamphere, Madeleine Roy, 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 20th meeting as written. Seconded by Brian Fisher. **Approved by a unanimous decision.**

It was noted that the November 3, 2014 meeting was canceled due to a lack of a quorum.

Chair Joe Profera read the warning for application 14-125 by Lake Salem Holdings LLC, PIN #TRD50001J7T, for site plan approval to add additional amenities to the Char-Bo Campground. It is proposed to build 3 open shelters, one 50 ft by 30 ft shelter and two 12 ft by 20 ft shelters. This property is located at 347 Hayward Road and is in the Rural Residential (RR) and Shoreland (SD) zoning districts. The applicant was not present; they have gone to Florida for the winter. Dave LaBelle made a motion to table application 14-125 by Lake Salem Holdings LLC until the applicant or a representative for the applicant can attend a meeting to answer questions concerning the application. Seconded by Jim Bumps. **Approved by a unanimous decision.**

The commission discussed directional signs for business located off the main road. It was decided that this would be a good idea for the Commercial district only. Dave LaBelle made a motion to start the amendment process replace §402.8(G)(13) with the following:

Directional signs are allowed on corner lots in the Commercial (COM) district only to direct traffic to businesses located along secondary roads and shall comply with the following:

1. One sign with a maximum height of 10 ft is allowed.
2. A maximum of 4 businesses are allowed on the sign.
3. Individual businesses are allowed one sign a maximum of 1 ft high by 4 ft wide stating only the business name/logo, distance from the intersection, and directional arrow.
4. The sign shall be located within the required greenstrip.

Seconded by Brian Fisher. **Approved by a unanimous decision.**

The commission approved the report for the above proposed amendment.

Public Comments: Betsy stated that the Derby Center Village Trustees are in favor of a bylaw amendment to keep tax exempt organizations out of the Commercial zoning district. She also asked if the commission has heard anything else concerning the possibility of Newport City building a water tower in the Commercial district. The commission has not.

The commission reviewed their mail. Next meeting is Dec 1st.

8:30 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 20, 2014**

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Fr. Michael Reardon, Madeleine Roy, 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 6th meeting as written. Seconded by Brian Fisher. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 14-101 by Saint Edward Parish, PIN #MSTDL021A6LTXM, for site plan approval to amend permit #07-112 to increase the number of students from 20 to 100. This property is located at 59 Elm Street and is in the Village Residential 1-Derby Line (VR1DL) zoning district. Fr. Reardon was present to explain the request. Location and fencing for the play area was discussed, Fr. Reardon would like to have some leeway as to the exact location of the play area. Ms. Roy would like to see the fence stay at the top of the slope. Snow removal was discussed. Dave LaBelle made a motion to close application 14-101 by Saint Edward Parish. Seconded by Jim Bumps. **Approved by a unanimous decision.**

After deliberating Dave LaBelle made a motion to grant site plan approval for application 14-101 by Saint Edward Parish as submitted with the conditions that 1) A maximum of 36 children are allowed and 2) The location of the play area is at the discretion of the applicant, provided it is east of the westerly limit line approved by the Zoning Board of Adjustment (see attached written decision). Seconded by Jim Bumps. **Approved by a unanimous decision.**

The commission discussed proposed bylaw amendments from their last meeting. It was decided to ask the Selectboard for permission to discuss the amendment concerning eliminating public facilities from the commercial district with the town's attorney. Dave Labelle made a motion to approve the proposed amendment to change the number of yard sales permitted in any one calendar year without a permit from 14 days to 6 days and send it on to the Selectboard for their approval. Seconded by Jim Bumps. **Approved by a unanimous decision.**

The commission reviewed their mail. Next meeting is Nov 3rd.

8:20 p.m.: 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 6, 2014**

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Elizabeth Bumps, Paul Prue, Laura Carpenter, Anne Moore, Brian Smith, Jeff Haubrich, Anthony Tanguay.

7:00 p.m.: Chair Joe Profera called the meeting to order. Dave LaBelle made a motion to approve the minutes to the Sept 22nd meeting as written. Seconded by Brian Fisher. **Approved by a unanimous decision.**

7:03 p.m.: The Commission opened a public hearing for public input on proposed bylaw amendments. Chair Joe Profera read the warning for the hearing. The amendments are to change the number of yard sales permitted in any one calendar year without a permit from 14 days to 6 days and to delete Public Facilities as a conditional use in the Commercial zoning district.

Betsy Bumps and Jeff Haubrich both agreed with the yard sale amendment.

Brian Smith thought that instead of public facilities being restricted from the Commercial district that maybe it should be tax exempt organizations that are not allowed in the Commercial district. Brian pointed out that Newport City is considering building a water tower in Derby and would not be totally exempt from taxes. He did not think we should be restricting something like this. Paul Prue did not agree.

After all public comments had been heard Dave LaBelle made a motion to close the public hearing. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

No action was taken on the bylaw amendments.

7:45 p.m.: On a motion by Jim Bumps and seconded by Brian Fisher, the meeting was adjourned. *The minutes were taken by Dave LaBelle.*

DERBY PLANNING COMMISSION *MINUTES*** September 22, 2014**

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Elizabeth Bumps, Doug Goulette, Gregory Sagris, Skip Sagris, Stephen Abbott, Robin Smith, Paul Prue, Laura Carpenter, James Bartley, 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 8th meeting as written. Seconded by Brian Fisher. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 14-100 by Abbott Equities LLC/Dunkin Donuts, PIN #NDRT5035G3T, for site plan approval to amend permit #14-039 by redesigning the access, parking, and landscaping. This property is located at 4584 US Rout 5 and is in the Commercial (COM) zoning district. Doug Goulette was present to explain the request. The changes were made to satisfy Act 250. Mr. Goulette went thru all the changes. There were no comments from the public. Dave LaBelle made a motion to close application 14-100 by Abbott Equities LLC/Dunkin Donuts. Seconded by Brian Fisher. **Approved by a unanimous decision.**

Application 14-101 by Saint Edward Parish has not received conditional use approval from the zoning board yet. The zoning board has tabled the hearing for 4 weeks. Dave LaBelle made a motion to table application 14-101 by Saint Edward Parish until 7:00 pm Monday October 20, 2014. Seconded by Jim Bumps. **Approved by a unanimous decision.**

After deliberating Dave LaBelle made a motion to grant site plan approval for application 14-100 by Abbott Equities LLC/Dunkin Donuts as submitted with the conditions that all conditions from permit 14-039 remain in effect (see attached written decision). Seconded by Brian Fisher. **Approved by a unanimous decision.**

The bylaws were discussed. Changes to §206.1 were approved. The public hearing on bylaw amendments for next week was briefly discussed. The intent of the amendment deleting Public Facilities from the Commercial district is to preserve prime commercial property for taxable entities.

The commission reviewed their mail

7:45 p.m.: 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*** September 8, 2014**

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Greg Pecue, Mario Fradette, 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 25th meeting as written. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

The commission asked Bob to make sure Fred Oeschger understood that if he increases the number of stories on the building that burnt down, a permit would be required. As long as he stays in the same footprint and does not increase the number of stories he is fine to rebuild without a permit.

Dave LaBelle made a motion to remove application 14-096 from the table. Seconded by Brian Fisher. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 14-096 by FEB Realty LLC, PIN #NDRT5029G3T2, for site plan to expand their existing parking. This property is located at 105 Community Drive and is in the Commercial (COM) zoning district. Mr. Pecue and Mr. Fradette were present to explain the request. The 6 new parking spaces to the south of the existing parking lot are for addition customer parking and the applicant is not sure if it is needed. If it is built it will be concrete like the existing parking. These spaces are not required to meet the bylaw and the commission will leave it up to the applicant whether or not they are built. The 16 new parking spaces north of the entrance will be used for employees and will be gravel with stay mat. No new lighting is proposed. The applicant feels existing lighting on their lot and the auto sales lot across the street will provide adequate lighting. The commission noted that there is not much landscaping on the lot and that additional landscaping will be required. There were no comments from the public. Brian Fisher made a motion to close application 14-096 by FEB Realty LLC. Seconded by Dave LaBelle. **Approved by a unanimous decision.**

After deliberating Dave LaBelle made a motion to grant final plat approval for application 14-096 by FEB Realty LLC as submitted with the following 3 conditions; 1) The 6 new parking spaces south of the existing parking lot are optional, 2) Additional landscaping is required, a minimum of 36 deciduous shrubs and 18 evergreen shrubs are required, and 3) No new exterior lighting (see attached written decision). Seconded by Brian Fisher. **Approved by a unanimous decision.**

The bylaws were discussed. Dave LaBelle made a motion to approve the report for the yard sales amendment. Seconded by Brian Fisher. **Approved by a unanimous decision.**

The commission felt that Public Facilities should be removed as a conditional use in the Commercial district. This is to preserve the Commercial district for commercial uses. Dave LaBelle made a motion to approve the report for this amendment. Seconded by Brian Fisher. **Approved by a unanimous decision.**

The public hearing for both amendments will be scheduled for 4 weeks from tonight.

The commission reviewed their mail

8:30 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 25, 2014**

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Omer Choquette, 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 11th meeting as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 14-095 by Omer Choquette & Nelson Farms, PIN #NDRT5033G3T, for preliminary and final plat review for a 4-lot subdivision. Lot #1 is 93.9 acres, lot #2 is 7.3 acres, lot #3 is 14.2 acres and lot #4 is 4.0 acres. This property is located off Quarry Road and is in the Commercial (COM) and Residential 1-Acre (R1) zoning districts. Omer Choquette was present to explain the request. Lot # 4 is landlocked, but it is anticipated that it will be sold to an abutter. The commission was fine with this as long as it was a condition of the permit. There were no comments from the public. Dave LaBelle made a motion to close application 14-095 by Omer Choquette & Nelson Farms. Seconded by Brian Fisher. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 14-096 by FEB Realty LLC, PIN #NDRT5029G3T2, for site plan to expand their existing parking. This property is located at 105 Community Drive and is in the Commercial (COM) zoning district. Nobody was present to explain the request. The commission briefly discussed the application. Dave LaBelle made a motion to table application 14-096 by FEB Realty LLC until 7:00 pm Monday September 8, 2014. Seconded by Jim Bumps. **Approved by a unanimous decision.**

After deliberating Dave LaBelle made a motion to grant final plat approval for application 14-095 by Omer Choquette & Nelson Farms as submitted with the following 2 conditions; 1) A mylar of the approved plat must be filed with the Town Clerk within 180 days of this decision, 2) Lot #4 must be transferred to an abutting property owner prior to the transfer of lot #1 and lot #4 must be combined by deed with the abutting property into one lot (see attached written decision). Seconded by Jim Bumps. **Approved by a unanimous decision.**

The bylaws were discussed. The commission decided to change the number of yard sales allowed in a year from 14 to 6. Bob will draft a report on this for their next meeting so that they can proceed with the amendment.

Fred's building on Main Street was discussed. The building was destroyed by fire and it was determined that as long as the building is rebuilt the same size and within 6 months no permit is required.

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*** August 11, 2014**

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

MEMBERS ABSENT: Richard Del Favero, Brian Fisher.

OTHERS PRESENT: Nancy Moore, Emily Wheeler, Richard Dubois, David Moore, Moe Caswell, 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 28th meeting as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 14-084 by the Moore Family Trust, PIN #TRD22053E6T, for preliminary and final plat review for a 2-lot subdivision. Lot #2 is 27 acres and Lot #3 is 2 acres. This property is located off Nelson Hill Road/Tower Road and is in the Residential 2-Acre (R2) and Rural Residential (RR) zoning districts. David Moore was present to explain the request. This was a straight forward subdivision. Zoning district boundaries were discussed. There were no comments from the public. Dave LaBelle made a motion to close application 14-084 by the Moore Family Trust. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 14-088 by Provost Farm LLC, PIN #RT005044C6T, for site plan approval for a 24 ft by 48 ft carport. This property is located at 1035 Route 5 and is in the Commercial (COM) zoning district. Nancy Moore was present to explain the request. Side and rear setbacks far exceed the 10 ft minimum. There were no comments from the public. Dave LaBelle made a motion to close application 14-088 by Provost Farm LLC. Seconded by Jim Bumps. **Approved by a unanimous decision.**

After deliberating on closed applications Dave LaBelle made a motion to grant final plat approval for application 14-084 by the Moore Family Trust as submitted with the following 2 conditions; 1) A mylar of the approved plat must be filed with the Town Clerk within 180 days of this decision, 2) All future driveways accessing onto a paved Town Road must have a 25 ft paved apron (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 14-088 by Provost Farm LLC as submitted (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 14-069 by Derby Boys LLC as submitted with the following 4 conditions; 1) The proposed new curb cut and bus drop off lane are NOT approved, 2) Buses must drop off students directly in front of an approved entryway to the building, 3) The redesigned bus circulation on the lot must be approved by the Zoning Administrator, and 4) Any new curb cuts must have a 25 ft paved apron (see attached written decision). Seconded by Jim Bumps. **Approved by a unanimous decision.**

The bylaws were discussed. Emily Wheeler and Richard Dubois requested that the Commission amend the bylaw to become stricter on extended stays in motels. Of particular concern is the Border Motel. They feel it is bad for the village and is hurting property values. They suggested we look into Barre's bylaw. Barre is currently in court trying to prevent a motel from operating similar to the way the Border Motel is being operated. Bob was asked to check on the language in Barre's bylaw.

Moe Caswell, representing Sticks & Stuff, asked about amending the bylaw to allow off-site directory signs so that Sticks & Stuff could have a small sign at the intersection of Quarry Road and Route 5. The Commission thought this was a good idea and will have Bob check to see what other towns have in their bylaw to allow this type of use. Bob suggested that they might want to revise other sections of the bylaw dealing with signs to become more business friendly.

Bob relayed that Beula would like them to amend the bylaw to only allow 3-4 yard sales per year along Main Street.

Dog breeding was discussed and as long as the breeder is not kenneling other people's dogs the commission did not see an issue with people doing it within the town.

The commission reviewed their mail

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*** July 28, 2014**

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

MEMBERS ABSENT: Richard Del Favero.

OTHERS PRESENT: ZA Bob Kelley.

7:15 p.m.: Chair Joe Profera called the meeting to order. Dave LaBelle made a motion to approve the minutes to the July 14th meeting as written. Seconded by Brian Fisher. **Approved by a unanimous decision.**

At 6:30 p.m. Joe Profera, Dave LaBelle, Brian Fisher, Jim Bumps, and Bob Kelley were present at a site visit for the Derby Boys LLC application at 190 Citizens Road.

The commission deliberated on the Derby Boys LLC application, no decision was made.

The bylaws were briefly discussed and the commission would like to restrict tax exempt organizations from our Commercial, Industrial, and Commercial/Industrial zoning districts. These zones are of limited size and are very important to the future growth of the Town and need to be reserved for taxable entities.

The commission reviewed their mail

8:00 p.m.: 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*** July 14, 2014

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Mark Stewart, Dick Fletcher, Jennifer Cleveland, Jim Burton, Paula Bailly-Burton, Betsy Bumps, Fritz Halbedl, Donald Bushman, Jacque Molleur, Chris Blais, Neila Decelles, Amy Giroux, Daniel Blais, Brian Smith, Sharon Booth, David Price, Marcel Garneau, C Moylan, Garrett Moylan, Sidney Toll, Laura Carpenter, Ed Barber.

7:00 p.m.: Chair Joe Profera called the meeting to order. Brian Fisher made a motion to approve the minutes to the June 30th meeting as written. Seconded by Dave LaBelle. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 14-069 by Derby Boys LLC, PIN #TRD44023I2T, for site plan approval for a 42 ft by 70 ft addition and a change of use to Private School. This property is located at 190 Citizens Road and is in the Commercial/Industrial (COM/IND) zoning district. Mark Stewart and Neila Decelles were present to explain the request. All aspects of the application were discussed. There were no comments from the public. Jim Bumps made a motion to close application 14-069 by Derby Boys LLC. Seconded by Brian Fisher. **Approved by a unanimous decision.**

Dave LaBelle made a motion to remove application 14-060 from the table. Seconded by Brian Fisher. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 14-060 by Paula Halbedl, PIN #MSTDLO41A6L, for site plan review approval for a stone patio for outside seating for Derby Line Village Inn patrons. This property is located at 440 Main Street, Derby Line and is in the Village Residential One Derby Line (VR1DL) zoning district. Fritz Halbedl was present to explain the request. All aspects of the application were discussed. Brian Smith, Jackie Molleur, Garret Moylan, David Price, C Moylan, Dan Blais, and Chris Blais spoke out in favor of the project. Marcel Garneau, Paula Burton and Dick Fletcher spoke out opposed to the project. Letters were submitted by Paula & James Burton and by Dick Fletcher. After all public comments Jim Bumps made a motion to close application 14-060 by Paula Halbedl. Seconded by Brian Fisher. **Approved by a unanimous decision.**

Brian Fisher made a motion to go into deliberative session to discuss the closed applications. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

Upon returning from deliberative session Brian Fisher made a motion to grant site plan approval for application 14-060 by Paula Halbedl as submitted with the following condition; A maximum of 24 seats are allowed on the outdoor patio (see attached written decision). Seconded by Jim Bumps. **Approved by a unanimous decision.**

The commission decided to conduct a site visit for the Derby Boys LLC application at 6:30 pm on July 28, 2014. They will meet at the site.

8:23 p.m.: On a motion by Jim Bumps and seconded by Brian Fisher, the meeting was adjourned. *The minutes were taken by Dave LaBelle.*

DERBY PLANNING COMMISSION *MINUTES*** June 30, 2014**

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Paula Bailly Burton, Dick Fletcher, Sharon Booth, David Price, Brian Smith, Donald Nolte, Chris Blais, Marcel Garneau, Robin Smith, Garrett Moylan, Cynthia Moylan, Holly peer, Elizabeth Bumps, Laura Carpenter, Vikki covert, James Covert, Victor Fenar, 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 June 16th meeting as written. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 14-060 by Paula Halbedl, PIN #MSTDLO41A6L, for site plan review approval for a stone patio for outside seating for Derby Line Village Inn patrons. 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 this application has not been granted Conditional Use approval yet. The ZBA has closed the hearing but has not made a decision yet. Dave Labelle Made a motion to table application 14-060 by Paula Halbedl until 7:00 pm on Monday July 14, 2014. Seconded by Brian Fisher. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 14-062 by Mary Carr, PIN #TRD32064M4T, for preliminary and final plat approval for a 3 lot subdivision. This property is located at 3533 Hinman Settler Road and is in the Rural Residential (RR) and Special Lands (SL) zoning districts. Jim Bumps recused himself and moved to the other side of the table, as he is representing the applicant. All aspects of the application were reviewed. There was no testimony from interested parties. Dave Labelle Made a motion to close application 14-062 by Mary Carr. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

Dave LaBelle made a motion to go into deliberative session to discuss the Carr, Shattuck Hill Investments, and Paradis applications. Seconded by Brian Fisher. **Approved by a unanimous decision.** Jim Bumps did not participate in the deliberations for the Carr application.

Upon returning from deliberative session Dave LaBelle made a motion to grant final plat approval for application 14-055 by Ralph Paradis as submitted with the conditions that; 1) a mylar of the approved plat must be filed with the Town Clerk within 180 days of this decision; and 2) A 25 ft paved apron is required for all accesses onto Herrick Road. This includes the R.O.W. accessing lots 1, 2 & 6; the access to lot 4; the R.O.W. accessing lot 8; and the driveway accessing lot 7. (see attached written decision) Seconded by Brian Fisher. **Approved by a unanimous decision.**

Dave LaBelle made a motion to grant final plat approval for application 14-062 by Mary Carr 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 with Jim Bumps abstaining.**

Dave LaBelle made a motion to grant site plan approval for application 14-054 by Shattuck Hill Investments LLC as submitted with the following 4 conditions; 1) A left turn lane with a minimum 150 ft stack length shall be installed on Shattuck Hill Road for westbound traffic to enter the Wal-Mart site; 2) A right turn lane with a minimum 50 ft stack length shall be installed

on Shattuck Hill Road for eastbound traffic to enter the Wal-Mart site; 3) All deciduous trees included on the landscaping plan shall be a minimum of 3 inch caliber; and 4) All proposed trees along the cemetery shall be planted a minimum of 20 ft from the cemetery property line. Seconded by Jim Bumps. **Approved by a unanimous decision.**

The commission reviewed their mail.

8:35 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*** June 16, 2014**

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Chris Roy, Jennifer Conley, Jon Brodeur, Art Woolf, Michael Lawrence, Sam Ruggiano, Ann Kelley, Sieglinde Ruskaup, Roy Caples, Terry D, Diana Mengel, Elizabeth Bumps, Robin Smith, Ted Von S, Jeffery Davis Jr, Robert Zushford, Jeffery Davis Sr, Brian Smith, Lynn Batchelor, Norbert Fournier, Haus Huessy, Lou Roberts, Karen Jenne, Richard Caples, Margaret Clowery, Kendal Clowery Sr, Ralph Paradis, Nathan Paradis, Mickey Hansen, Tillie Fugere, Bonnie Little, Amber Davio, Chris Blais, Louise Mathews, Adam Guyette, Bessie Hastings, Skip Hastings, Tim Bronson, Marc Nadeau, Grant Spates, Anne Marie R, Sharon Booth, David Price, Curt Brainard, Joseph Gresser, Dean Palin, Jan Palin, Gregory Howe, Vicky Lewis, Daniel Lewis, Jim Campbell, Paul Prue, Doug Spates, 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 June 2nd meeting as written. Seconded by Brian Fisher. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 14-055 by Ralph Paradis, PIN #TRD18023A7T, for preliminary and final plat approval for a 6 lot subdivision. This property is located at 734 Herrick Road and is in the Rural Residential (RR) zoning district. Ralph & Nathan Paradis were present to explain the request. All aspects of the application were reviewed and discussed. Right of Ways and lot access were reviewed. There was no other testimony from interested parties. Dave Labelle Made a motion to close application 14-055 by Ralph Paradis. Seconded by Brian Fisher. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 14-054 by Shattuck Hill Investments LLC, PIN #NDRT5017G3T, for site plan approval for an approximately 160,000 sq ft Walmart Supercenter. This property is located at 5228 U.S. Route 5 and is in the Commercial (COM) zoning district. Jeff Davis was present to explain the request along with Sam Ruggiano (project engineer, Jennifer Conley (traffic), Jon Brodeur (lighting), Michael Lawrence (landscaping), Art Woolf (economist). The application addressed all pertinent sections of the bylaw and all aspects of the application were reviewed and discussed in detail. Sieglinde Ruskaup, Mickey Hansen, Chris Blais, Louise Mathews, Marc Nadeau, Grant Spates, Brian Smith, Haus Huessy, Karen Jenne, Dean Palin, Gregory Howe, Vicky Lewis, Jim Campbell, and Paul Prue were recognized by the commission and offered comments and/or asked questions concerning the project. Most were in favor of the project, but there were concerns raised about landscaping, lighting, traffic, size of the store, and economic impacts. The commission felt that a left turn lane was warranted at the entrance on Shattuck Hill Road and the applicant did not have a problem if that was a condition of the permit. Dave Labelle Made a motion to close application 14-054 by Shattuck Hill Investments LLC. Seconded by Jim Bumps. **Approved by a unanimous decision.**

The commission reviewed their mail.

9:20 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*** June 2, 2014**

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

MEMBERS ABSENT: Jim Bumps, Richard Del Favero.

OTHERS PRESENT: Richard Creaser, Oscar Thayer, Skip Sagris, Greg Sagris, Doug Goulette, Stephen Abbott, Tom Strunjo, 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 May 19th meeting as written. Seconded by Brian Fisher. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 14-039 by Abbott Equities, PIN #NDRT5035G3T, for site plan approval for a Dunkin Donuts restaurant with seating for 28. This property is located at 4584 U.S. Route 5 and is in the Commercial (COM) zoning district. Doug Goulette, Skip Sagris & Greg Sagris were present to explain the request. All aspects of the application were reviewed and discussed. There was no other testimony from interested parties. Dave Labelle Made a motion to close application 14-039 by Abbott Equities. Seconded by Brian Fisher. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 14-040 by Yankee Farm Credit, PIN #TRD27006F3T3, for site plan approval for a 50 ft x 80 ft office building. This property is located on Commerce Way and is in the Commercial (COM) zoning district. Oscar Thayer was present to explain the request. All aspects of the application were reviewed and discussed. There was no other testimony from interested parties. Dave Labelle Made a motion to close application 14-040 by Yankee Farm Credit. Seconded by Brian Fisher. **Approved by a unanimous decision.**

After deliberations Dave LaBelle made a motion to grant site plan approval for application 14-039 by Abbott Equities as submitted with two condition 1) a Knox Box be installed for fire department access as per the letter from Fire Chief Craig Ellam and 2) site plan review is required to change the use of the furniture store located on the same lot to any other retail use (see attached decision). Seconded by Brian Fisher. **Approved by a unanimous decision.**

Dave LaBelle made a motion to grant site plan approval for application 14-040 by Yankee Farm Credit as submitted with the condition that a Knox Box be installed for fire department access as per the letter from Fire Chief Craig Ellam (see attached decision). Seconded by Brian Fisher. **Approved by a unanimous decision.**

The commission reviewed their mail. The commission decided not to review the bylaw tonight.

8:00 p.m.: On a motion by Dave LaBelle and seconded by Brian Fisher, the meeting was adjourned.

The minutes were taken by Bob Kelley.

DERBY PLANNING COMMISSION *MINUTES*** May 19, 2014**

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

MEMBERS ABSENT: None.

OTHERS PRESENT: David Warner, Nicole Warner, 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 May 5th meeting as written. Seconded by Dave LaBelle. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 14-035 by David Warner, PIN #NDRT5089F5C, for site plan review to convert 300 sq ft of an existing garage to retail and to add additional parking. This property is located at 3156 U.S. Route 5 and is in the Village Commercial/Derby Center (VCDC) zoning district. Mr. & Mrs. Warner were present to explain the request. Parking, landscaping, greenspace, paving, fencing and lighting were discussed. There was no other testimony from interested parties. Dave Labelle Made a motion to close application 14-035 by David Warner. Seconded by Brian Fisher. **Approved by a unanimous decision.**

After deliberations Brian Fisher made a motion to grant site plan approval for application 14-035 by David Warner as submitted with the condition that the existing access drive must have a minimum 25 ft long paved apron from the edge of Route 5 (see attached decision). Seconded by Brian Fisher. **Approved by a unanimous decision.**

The commission reviewed their mail. The commission decided not to review the bylaw tonight.

8:00 p.m.: On a motion by Jim Bumps and seconded by Richard Del Favero, the meeting was adjourned.

The minutes were taken by Bob Kelley.

DERBY PLANNING COMMISSION *MINUTES*** May 5, 2014**

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

MEMBERS ABSENT: Richard Del Favero, Joe Profera.

OTHERS PRESENT: Mark Hall, Daniel Dagesse.

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

Vice-Chair Dave LaBelle read the warning for application 14-027 by T-Mobile Northeast LLC/Diane Kelley et al, PIN #TRD32015H4T, for site plan review to add 9 panel antennas on an existing tower (these are replacing existing antennas). This property is located at 734 Hinman Settler Road and is in the Rural Residential (RR) zoning district. Mark Hall was present to explain the request. Dan Dagesse came in at a neighbor's request because the neighbor was under the impression that this was to be a new tower. It was explained that the antennas were being added to an existing tower and Mr. Dagesse did not have a problem with it. There was no other testimony from interested parties. Application 14-027 by T-Mobile Northeast LLC/Diane Kelley et al was closed.

After deliberations Jim Bumps made a motion to grant site plan approval for application 14-027 by T-Mobile Northeast LLC/Diane Kelley et al as submitted (see attached decision). Seconded by Brian Fisher. **Approved by a unanimous decision.**

7:25 p.m.: On a motion by Jim Bumps and seconded by Brian Fisher, the meeting was adjourned. *The minutes were taken by Dave LaBelle.*

DERBY PLANNING COMMISSION *MINUTES*** April 21, 2014**

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

MEMBERS ABSENT: Richard Del Favero, Brian Fisher.

OTHERS PRESENT: Angela Ross, Tom Strunjo, Bobbi Jo Andrews, 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 April 7th meeting as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 14-023 by Fred Oeschger & Jim Mulkin, PIN #NDRT5045G3T1, for an interim use for automobile display. This property is located on Commerce Way and is in the Commercial (COM) zoning district. Tom Strunjo & Bobbi Jo Andrews were present to explain the request. The only concern was the access onto the lot now that Commerce Way is a Town road. There was no testimony from interested parties. Dave LaBelle made a motion to close application 14-023 by Fred Oeschger & Jim Mulkin. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 14-024 by Vincent & Rosa Socia, PIN #TRD44010I2T1, for preliminary and final plat review to split off 24.85 acres from a 66 acre lot. This property is located off Pine Hill Road and is in the Residential 2-Acre (R2) and Commercial/Industrial (COM/IND) zoning districts. Angela Ross was present to explain the request. History of this subdivision was explained. There was no testimony from interested parties. Dave LaBelle made a motion to close application 14-024 by Vincent & Rosa Socia. Seconded by Jim Bumps. **Approved by a unanimous decision.**

After deliberations Dave LaBelle made a motion to grant site plan approval for application 14-023 by Fred Oeschger & Jim Mulkin as submitted with the following 2 conditions 1) No physical improvements are allowed on the lot except access onto the lot as approved in writing by the Derby Road Commissioner; 2) The applicant must comply with all conditions required by the Derby Road Commissioner in regards to access onto the lot. The Planning commission recommends a designated access point with a paved apron extending 25 ft from the edge of the paved road (see attached decision). Seconded by Jim Bumps. **Approved by a unanimous decision.**

Dave LaBelle made a motion to grant final plat approval for application 14-024 by Vincent & Rosa Socia 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.**

The Commission discussed and rejected the proposed bylaw amendment proposed by Main Street Place LLC regarding road frontage required for gas stations and mini-marts

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*** April 7, 2014**

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Larry Kelley.

7:00 p.m.: Chair Joe Profera called the meeting to order. Brian Fisher made a motion to approve the minutes to the Mar 24th meeting as written. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 14-021 by Diane Kelley et al, PIN #TRD32015H4T, for preliminary and final plat review for a 2 lot subdivision. Lot #1 is 5.04 acres and lot #2 is 5.03 acres. This property is located at 739 & 787 Hinman Settler Road and is in the Rural Residential (RR) zoning district. Larry Kelley was present to explain the request. There was no testimony from interested parties. Dave LaBelle made a motion to close application 14-021 by Diane Kelley et al. Seconded by Brian Fisher. **Approved by a unanimous decision.**

After deliberations Richard Del Favero made a motion to grant final plat approval for application 14-021 by Diane Kelley et al as submitted (see attached written decision). Seconded by Brian Fisher. **Approved by a unanimous decision.**

The Commission discussed the proposed bylaw amendment to allow Contractor Yards in the RR and COM zoning districts.

7:50 p.m.: On a motion by Jim Bumps and seconded by Brian Fisher, the meeting was adjourned. *The minutes were taken by Dave LaBelle.*

DERBY PLANNING COMMISSION *MINUTES*** March 24, 2014**

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

MEMBERS ABSENT: Joe Profera

OTHERS PRESENT: Dave Bouffard, Beth Bouffard, Betsy Bumps, Jason Patenaude, Paul Prue, Robin Smith, ZA Bob Kelley.

7:00 p.m.: Vice-Chair Dave LaBelle called the meeting to order. Richard Del Favero made a motion to approve the minutes to the Mar 10th meeting as written. Seconded by Brian Fisher. **Approved by a unanimous decision.**

Jim Bumps made a motion to open the hearing for application 14-012 by Bouffard Holdings LLC, PIN #SMSDC014G5C, for site plan review to enclose the front porch and extend and enclose the existing walkway into the Derby Village Store. This property is located at 483 Main Street, Derby Center and is in the Village Commercial Derby Center (VCDC) zoning district. Seconded by Brian Fisher. **Approved by a unanimous decision.**

Dave & Beth Bouffard were present to explain their application. Approx. 400 sq ft will be added to the retail area, the addition will not come our any further than the existing porch, they hope to stay open during renovations, there will be automatic in and out doors, the ramp will be extended and enclosed. Betsy Bumps asked if this project would have any effect on visibility for traffic coming off of Route 111 onto Main Street. Traffic would not be affected at this intersection. There were no additional comments from interested persons. Richard Del Favero made a motion to close the hearing on application 14-012 by Bouffard Holdings LLC. Seconded by Brian Fisher. **Approved by a unanimous decision.**

The Commission continued review of the bylaw. Changes to §204 were approved, §205 On Site Sewer Systems will not be deleted, Bob will research this more, and changes to §205 Uses were approved. Jason Patenaude discussed Contractors Yards and asked that it be permitted in the Rural Residential (RR) zone. The Commission thought that it would be good to add this as a conditional use in both the RR zone and Commercial (COM) zone. They felt that a 100 ft minimum setback for this use in the RR would be appropriate. Bob will draft the amendment and report for their next meeting. The Commission will continue review starting with §206 Derby District Regulations at their next meeting.

After deliberations Richard Del Favero made a motion to grant site plan approval for application 14-012 by Bouffard Holdings LLC as submitted (see attached written decision). Seconded by Jim Bumps. **Approved by a unanimous decision.**

The Commission reviewed their mail.

8:00 p.m.: 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*** March 10, 2014**

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

MEMBERS ABSENT: Jim Bumps.

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 Feb 24th meeting as written. Seconded by Joe Profera. **Approved by a unanimous decision.**

The Commission continued review of the bylaw thru §203 with multiple changes being made. At their next meeting review will continue starting with §204.

Zoning administrator reappointment was discussed. Dave LaBelle made a motion to nominate Bob Kelley to the Selectboard for reappointment as zoning administrator. Seconded by Brian Fisher. **Approved by a unanimous decision.**

The Commission reviewed their mail.

8:20 p.m.: On a motion by Dave LaBelle and seconded by Brian Fisher, the meeting was adjourned.

The minutes were taken by Bob Kelley.

DERBY PLANNING COMMISSION *MINUTES*** February 24, 2014**

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

MEMBERS ABSENT: Richard Del Favero, Brian Fisher.

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 Feb 10th meeting as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Dave LaBelle made a motion to recess the meeting to go into a public hearing for a proposed bylaw amendment to add School has a conditional use in the Commercial/Industrial (COM/IND) zoning district. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Betsy Bumps questioned is it was appropriate to have this use in the same district that Adult Businesses are allowed. The commission did not think that was an issue with the 1,000 ft separation requirement. Bob Kelley suggested that the amendment be for "Private School" only to be more compatible with the current bylaw. There were no further comments from the public.

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

Dave LaBelle made a motion to approve an amendment to the bylaw to allow Private School as a conditional use in the Commercial/Industrial (COM/IND) zoning district and send it to the Selectboard for their review and approval. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Signs were discussed and it was felt that the bylaw should allow for business directory signs for businesses located off the main road. It was felt that this would improve traffic flow. Bob will look into language to allow this type of signage.

The Commission continued review the bylaw starting with Article 1. Bob pointed out that a lot of references to state statute were incorrect. They will continue review at their next meeting, everyone agreed to read Article 2 prior to the next meeting.

Dave LaBelle made a motion to table review of zoning administrator reappointment until their next meeting. Seconded by Jim Bumps. **Approved by a unanimous decision.**

8:20 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*** February 10, 2014**

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

MEMBERS ABSENT: Richard Del Favero.

OTHERS PRESENT: Betsy Bumps.

7:00 p.m.: Chair Joe Profera called the meeting to order. Dave LaBelle made a motion to approve the minutes to the Jan 27 meeting as written. Seconded by Brian Fisher. **Approved by a unanimous decision.**

The Commission began reviewing the bylaw starting with Article 1. They had questions concerning §107.6 and 109.1. In §109.3 they felt that “full” should be added before Selectboard. They will continue review at their next meeting, everyone agreed to read Article 2 prior to the next meeting.

Other business: Betsy Bumps had a question about the sign for Sticks and Stuff.

7:40 p.m.: On a motion by Jim Bumps and seconded by Brian Fisher, the meeting was adjourned. *The minutes were taken by Dave LaBelle.*

DERBY PLANNING COMMISSION *MINUTES*** January 27, 2014**

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

MEMBERS ABSENT: Richard Del Favero.

OTHERS PRESENT: Doug Spates, Keith Beadle, Ralph Miko, Roland Roy, Doug Goldsmith, Lew Rose, Ted Cantwell, Nick Moroso, 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 Jan 13 meeting as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Dave LaBelle made a motion to recess the meeting to go into a Public Hearing for public input on a proposed bylaw amendment to the Village Commercial Derby Line zoning district: Remove Auto Service Station/ Mini Mart as a Conditional Use; to prohibit commercial establishments from having drive thru windows; and to add Office as a permitted use on both street level and above street level. Seconded by Brian Fisher. **Approved by a unanimous decision.**

There were no comments on the proposed amendments.

Dave LaBelle made a motion to close the Public Hearing. Seconded by Brian Fisher. **Approved by a unanimous decision.**

Brian Fisher made a motion to approve the proposed amendment as written and send them to the Selectboard for their review and approval. Seconded by Dave LaBelle. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 14-002 by Ted Cantwell et al, PIN #TRD17002002AIT, for preliminary and final plat approval for a 3 lot subdivision. Lot 1(A) – 4.51 ac, lot 1(B) – 2.93 ac, and lot 1(C) – 1.68 ac. This property is located at 386, 507, and 517 Woodlawn Ave and is in the Shoreland (SD) zoning district. Mr. Cantwell, Mr. Rose, and Mr. Goldsmith were present to explain the request. The main reason for the subdivision was so that one of the partners would be able to refinance his portion without the other partners being included on the loan. Fire chief Craig Ellam submitted a letter requiring a 30 ft by 40 ft turnaround for emergency vehicles. This turnaround is drawn on the subdivision plat and will be constructed this summer when they install the new septic systems that have already been approved by the State. There was no testimony from interested parties. Dave LaBelle made a motion to close application 14-002 by Ted Cantwell et al. Seconded by Jim Bumps. **Approved by a unanimous decision.**

After deliberating on the above application Dave LaBelle made a motion to grant final plat approval for application 14-002 by Ted Cantwell et al 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). **Approved by a unanimous decision.**

The Commission reviewed a proposed bylaw amendment to allow schools as a use in the Commercial/Industrial (COM/IND) zoning district. Dave LaBelle made a motion to add schools as a Conditional Use in the COM/IND district but only in a standalone building not as part of a multi-use building and to authorize Chair Joe Profera to approve the report for this amendment. Seconded by Brian Fisher. **Approved by a unanimous decision.**

The Commission would like Bob to research if it is possible to restrict tax exempt organizations from building in prime commercial location within the Town.

The bylaw needs to be updated; there are many incorrect references to State statutes among other issues. The Commission decided to review entire bylaw starting with Article 1 for their next meeting.

The Commission reviewed their mail.

8:55 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*** January 13, 2014**

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

MEMBERS ABSENT: Brian Fisher, Richard Del Favero.

OTHERS PRESENT: Doug Spates, Keith Beadle, Amy Giroux, 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 Dec 16 meeting as written. Seconded by Joe Profera. **Approved by a unanimous decision.**

Dave LaBelle made a motion to recess the meeting to go into a Public Hearing for public input on a proposed bylaw amendment to the Village Commercial Derby Line zoning district: Remove Auto Service Station/ Mini Mart as a Conditional Use; to prohibit commercial establishments from having drive thru windows; and to add Office as a permitted use on both street level and above street level. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Keith Beadle spoke in favor of the amendments. Doug Spates mentioned that removing mini marts from the district would give Circle K a monopoly.

After all public comments Dave LaBelle made a motion to close the Public Hearing. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Bylaw review: Amy Giroux suggested that the bylaw be amended to add School as a permitted use in the Commercial/Industrial (COM/IND) zoning district. The commission decided to have this as an agenda item for their next meeting to discuss this further. Bob Kelley recommended that the entire bylaw be review as many references to State Statutes are incorrect.

The Commission reviewed their mail.

8:00 p.m.: On a motion by Dave LaBelle and seconded by Jim Bumps, the meeting was adjourned.

The minutes were taken by Bob Kelley.