

\*\*\*Unapproved\*\*\*

Derby Zoning Board of Adjustment \* Minutes \* October 13, 2014

**Members Present:** Paul Prue, Joe Profera, Richard Del Favero, Norm Gaboriault

**Members Absent:** Judy Nommik.

**Others Present:** Laura Carpenter, Theresa Forbes, Fr. Michael Reardon, Annette Moss, Craig Clark, Joseph Gresser, ZA Bob Kelley.

7:00 PM: Chair Joe Profera called the meeting to order. Paul Prue made a motion to accept the minutes of the last meeting (Sept 15). Seconded by Richard Del Favero. **Approved by unanimous decision.**

Chair Joe Profera read the warning for application 14-101 by Saint Edward Parish, PIN #MSTDL021A6LTXM, for conditional use 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. **This application was tabled from their September 15, 2014 meeting.** Fr. Michael Reardon and Theresa Forbes were present to explain the request. The applicant submitted a drawing showing where the play area would be, approximately 20 to the south of the building. The applicant is now only asking for an increase to 36 children. They would consider fencing in the play area if recommended by the State. Even with cones out the children continue to go onto abutting property. Liability is still an issue with abutters. They currently have 29 children, but only 20 are there at any time. They also have 4 children on a waiting list. After all comments from the public were heard Richard Del Favero made a motion to close the hearing on application 14-101 by Saint Edward Parish. Seconded by Paul Prue. **Approved by unanimous decision.**

After deliberations Paul Prue made a motion to grant conditional use approval for application 14-101 by Saint Edward Parish as submitted with the following 4 conditions (see attached written decision). 1) A maximum of 36 children are allowed, any increase above 36 shall require an amendment to this conditional use approval; 2) The proposed play area shall be fenced in; 3) A fence from the SE corner of the building to the NE corner of the play area shall be installed; and 4) The proposed play area may only impact the parking and circulation immediately to the south of the building (see attached drawing of westerly limit for the play area). Seconded by Richard Del Favero. **Approved by unanimous decision, with Norm Gaboriault abstaining because he was not at the first day of the hearing.**

8:15 PM: Richard Del Favero made a motion to adjourn. Seconded by Paul Prue. **Approved by a unanimous decision.**

*The minutes were taken by Bob Kelley.*

Derby Zoning Board of Adjustment \* Minutes \* September 15, 2014

**Members Present:** Paul Prue, Joe Profera, Richard Del Favero

**Members Absent:** Judy Nommik, Norm Gaboriault.

**Others Present:** Keith Beadle, Roland Roy, Dan Fortin, Madeleine Roy, Robin Smith, Laura Carpenter, Joanne Nolin, Theresa Forbes, Fr. Michael Reardon, Christine Fortin, Annette Moss, Craig Clark, Joseph Gresser, Chris Blais, Dawn Bowen, ZA Bob Kelley.

7:00 PM: Chair Joe Profera called the meeting to order. Richard Del Favero made a motion to accept the minutes of the last meeting (Aug 18). Seconded by Paul Prue. **Approved by unanimous decision.**

Chair Joe Profera read the warning for application 14-101 by Saint Edward Parish, PIN #MSTD021A6LTXM, for conditional use 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. Michael Reardon and Theresa Forbes were present to explain the request. This is for preschool and after school child care. Currently they are limited to 20 children and they have a waiting list. The request to expand it to 100 was based on the fact that they have 10 classrooms and 10 children per room. The state allow 12 per room. In reality they are hoping to fill one more room. Currently they use 2 rooms. Among those speak out against the project were Roland Roy, Dan Fortin, Annette Moss, and Madeleine Roy. Everyone was happy with the current use, but thought an increase would create problems. A main concern was liability if a child got hurt on their land. At times the children currently go onto abutting property when playing outside. Currently this is not an issue, but an increase in the number of children has the neighbors nervous. 75 sq ft per of outside play area is required per child by the State. It was questioned where this space would be. The church has not gotten that far in the planning. Chair Joe Profera thought it would be a good idea for the church to figure out the size and location of an outside play area that would not adversely impact the neighbors and suggested recessing the hearing for a few weeks. Fr. Reardon thought he could have the information ready for their meeting in 4 weeks. Richard Del Favero made a motion to table application 14-101 by Saint Edward Parish until 7:00 pm October 13, 2014. Seconded by Paul Prue. **Approved by unanimous decision.**

7:35 PM: Richard Del Favero made a motion to adjourn. Seconded by Paul Prue. **Approved by a unanimous decision.**

*The minutes were taken by Bob Kelley.*

Derby Zoning Board of Adjustment \* Minutes \* August 18, 2014

**Members Present:** Paul Prue, Norman Gaboriault, Joe Profera, Stephen Mengel (alternate).

**Members Absent:** Judy Nommik, Richard Del Favero.

**Others Present:** Scott Wheeler, Penny Wheeler, ZA Bob Kelley.

7:00 PM: Chair Joe Profera called the meeting to order. Norm Gaboriault made a motion to accept the minutes of the last meeting (July 21). Seconded by Paul Prue. **Approved by unanimous decision.**

Chair Joe Profera read the warning for application 14-090 by Scott & Penny Wheeler, PIN #TRD41075L2T, for conditional use approval to enlarge the porch of a nonconforming dwelling. The proposal is for a 5 ft by 12 ft and 7 ft by 10 additions to the existing porch. This property is located at 2180 Pine Hill Road and is in the Residential 2-Acre (R2) zoning district. Scott & Penny Wheeler were present to explain the request. All aspects of the application were reviewed. The dwelling is nonconforming because it is 39 ft from the front lot line and the required setback for the R2 district is 50 ft. The proposed porch addition will be 39 ft from the front lot line. §302.1(E) allows for the enlargement of a nonconforming structure with conditional use approval provided the enlargement does not bring the building any closer to the lot line causing the nonconformity. There were no comments from the public. Norm Gaboriault made a motion to close the hearing on application 14-090 by Scott & Penny Wheeler. Seconded by Stephen Mengel. **Approved by unanimous decision.**

After deliberations Norm Gaboriault made a motion to grant conditional use approval for application 14-090 by Scott & Penny Wheeler as submitted (see attached written decision). Seconded by Stephen Mengel. **Approved by unanimous decision.**

7:20 PM: Norm Gaboriault made a motion to adjourn. Seconded by Paul Prue. **Approved by a unanimous decision.**

*The minutes were taken by Bob Kelley.*

Derby Zoning Board of Adjustment \* Minutes \* July 21, 2014

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

**Members Absent:** Judy Nommik.

**Others Present:** Jay Ancel, ZA Bob Kelley.

7:00 PM: Chair Joe Profera called the meeting to order. Norm Gaboriault made a motion to accept the minutes of the last meeting (July 7). Seconded by Paul Prue. **Approved by unanimous decision.**

Chair Joe Profera read the warning for application 14-077 by Ancelary Group Solo 401K Trust (Jay & Anita Ancel Trustees), PIN #LKPKR009B2T, for conditional use approval for a 7 ft by 10 ft addition to a nonconforming camp. This property is located at 95 Lake Park Road and is in the Shoreland (SD) zoning district. Richard Del Favero recused himself from this application because he is an abutter to this property. Jay Ancel was present to explain the request. All aspects of the application were reviewed. There were no comments from the public. Paul Prue made a motion to close the hearing on application 14-077 by Ancelary Group Solo 401K Trust. Seconded by Norm Gaboriault. **Approved by unanimous decision.**

After deliberations Norm Gaboriault made a motion to grant conditional use approval for application 14-077 by Ancelary Group Solo 401K Trust as submitted (see attached written decision). Seconded by Paul Prue. **Approved by unanimous decision with Richard Del Favero abstaining.**

7:25 PM: Norm Gaboriault made a motion to adjourn. Seconded by Paul Prue. **Approved by a unanimous decision.**

*The minutes were taken by Bob Kelley.*

Derby Zoning Board of Adjustment \* Minutes \* July 7, 2014

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

**Members Absent:** Richard Del Favero.

**Others Present:** Mark Stewart, Neila Decelles, Rick Geisel, Amy Giroux, Lynn Batchelor, Ed Barber, ZA Bob Kelley.

7:05 PM: Chair Joe Profera called the meeting to order. Judy Nommik made a motion to accept the minutes of the last meeting (June 23). Seconded by Paul Prue. **Approved by unanimous decision.**

Chair Joe Profera read the warning for application 14-069 by Derby Boys LLC, PIN #TRD44023I2T, for conditional use 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, Neila Decelles, and Rick Geisel were present to explain the request. All aspects of the application were reviewed. There were no comments from the public. Judy Nommik made a motion to close the hearing on application 14-069 by Derby Boys LLC. Seconded by Norm Gaboriault. **Approved by unanimous decision.**

The board went into deliberative session to review closed applications.

Upon returning from deliberative session Judy Nommik made a motion to grant conditional use approval for application 14-060 by Paula Halbedl as submitted with the following 4 conditions; 1) The existing landscaping must be maintained; 2) Total number of seats including the restaurant, lounge and patio shall not exceed 58 seats; 3) Ten evergreen trees 4 – 5 ft in height shall be planted along the street side of the patio parallel to Main Street; and 4) No advertising is allowed on any shade umbrellas (see attached written decision). Seconded by Norm Gaboriault. **Approved by unanimous decision.**

Judy Nommik made a motion to grant conditional use approval for application 14-069 by Derby Boys LLC as submitted (see attached written decision). Seconded by Paul Prue. **Approved by unanimous decision.**

7:55 PM: Norm 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 \* June 23, 2014

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

**Members Absent:** None.

**Others Present:** Madalyn Ledoux, Marcel Garneau, Dick Fletcher, Scott Warthen, Chris Blais, Paula Halbedl, ZA Bob Kelley.

7:10 PM: Chair Joe Profera called the meeting to order. Judy Nommik made a motion to accept the minutes of the last meeting (Mar 17). Seconded by Richard Del Favero. **Approved by unanimous decision.**

Chair Joe Profera read the warning for application 14-060 by Paula Halbedl, PIN #MSTDL041A6L, for conditional use 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. Paula Halbedl was present to explain the request. Paula explained that there would not be any new exterior lighting, seating capacity will not change from what it currently is, access to the patio would be only from the building, a maximum of 20 seats would be outside, she has talked to the State in regards to liquor control requirements (needs to be enclosed) and Act 250 (should just be a minor amendment to existing permit), and she has talked to the Village Trustee (they don't have a problem with it). Verbally and/or in writing concerns with regards to screening, noise and adverse affects on the neighborhood were made by Dick Fletcher, Madalyn Ledoux, Marcel Garneau, Paula Bailly-Burton and James Burton Jr. Chris Blais spoke out in favor of the project. Richard Del Favero made a motion to close the hearing on application 14-060 by Paula Halbedl. Seconded by Judy Nommik. **Approved by unanimous decision.**

The board went into deliberative session and no decision was made.

8:20 PM: Paul Prue 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 17, 2014

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

**Members Absent:** None.

**Others Present:** Beth Bouffard, Dave Bouffard.

7:05 PM: Chair Joe Profera called the meeting to order. Judy Nommik made a motion to accept the minutes of the last meeting (Dec 23). Seconded by Norm Gaboriault. **Approved by unanimous decision.**

Chair Joe Profera read the warning for application 14-012 by Bouffard Holdings LLC, PIN #SMSDC014G5C, for conditional use approval to enlarge a nonconforming structure by enclosing the front porch and extending and enclosing 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. Beth & Dave Bouffard were present to explain the request. Discussion of replacement of existing concrete walkway and to add about 400 sq ft enclosed addition w/automatic doors for improved safety. The addition is part of an interior upgrade of shelving, coolers, floors and registers. There was no input from interested parties. Judy Nommik made a motion to close the hearing on application 14-012 by Bouffard Holdings LLC. Seconded by Paul Prue. **Approved by unanimous decision.**

After deliberating on the application Judy Nommik made a motion to grant conditional use approval for application 14-012 by Bouffard Holdings LLC as submitted (see attached written decision). Seconded by Richard Del Favero. **Approved by unanimous decision.**

7:30 PM: Paul Prue made a motion to adjourn. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

*The minutes were taken by Norm Gaboriault*