

DERBY PLANNING COMMISSION *MINUTES*** May 2, 2016 as amended**

MEMBERS PRESENT: Dave LaBelle, Jim Bumps, Jane Clark, Richard Del Favero.

MEMBERS ABSENT: Joe Profera.

OTHERS PRESENT: Karen Hamblett, Chris Hamblett, Cory Jones, Bruce Jones, Philip Brooks, Curtis Hardy, Kirk Martin, Ben Batchelder, ZA Bob Kelley.

7:00 p.m.: Vice-Chair Dave LaBelle called the meeting to order. Jane Clark made a motion to approve the minutes to the April 18th meeting as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Richard Del Favero made a motion to recess for a Public Hearing for public input on bylaw amendments to – Add regulations for Function Halls and to Delete Private School as a Conditional Use in the Commercial/Industrial district. Seconded by Jane Clark. **Approved by a unanimous decision.**

Chris & Karen Hamblett had question about Function Halls and access. They felt it wasn't appropriate in the Special Lands (SL) zoning district and wasn't appropriate if access was from a private road or class 4 town roads. They live in the SL zone and have had problems with events in their area and people going off the road. After all public comments Richard Del Favero made a motion to close the Public Hearing. Seconded by Jane Clark. **Approved by a unanimous decision.**

Jim Bumps made a motion to skip to item 5. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

Vice-Chair Dave LaBelle read the warning application 16-030 by the Orleans County Sheriff's Department, PIN NDRT5003G2T, for site plan approval to enclose the former bank drive thru for use as a garage. This property is located at 5578 US Route 5 and is in the Commercial (COM) zoning district. Philip Brooks was present to explain the request. All lighting will be LED down lit. The garage will use propane heat. Richard Del Favero made a motion to close application 16-030 by the Orleans County Sheriff's Department. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Jane Clark made a motion to table application 16-029 by Coutts Moriarty Camp until 7:00 p.m. Monday ~~April~~ **May** 16, 2016 here in the municipal building because the Zoning Board has not granted conditional use approval yet. Seconded by Jim Bumps. **Approved by a unanimous decision.**

The commission discussed the proposed amendments discussed at the Public Hearing earlier tonight. Because of the public comments received the board felt it was appropriate to require Function Halls to have access from either a State road or a Class 1, 2, or 3 town road. Jane Clark made a motion to approve the following amendments and to send them to the Selectboard for adoption.

Add the following definition to Article 11:

Function Hall: A barn, tent or other similar structure (existing or new) used for hosting a party, banquet, wedding reception, or other social event.

Add the following regulations to Article 4:

Function Halls must comply with the following:

- 1. Road access must be via a state highway or a class 1, 2, or 3 Town road.**
- 2. The structure or any portion of the lot used in connection with the business shall be set back at least 50 ft from side and rear property lines.**
- 3. No residential dwellings are closer than 500 ft to the structure, other than those owned by the applicant or the applicant's immediate family.**

4. All other relevant provisions of the Zoning Bylaw are complied with – e.g., site plan review standards.

5. Bands and/or music must end by 11:00 p.m.

Add the following to §402.7(D) Parking Space Counts per Use

<u>Use</u>	<u>Stalls Required</u>	<u>Comments</u>
Function Hall	0	Not allowed within a Public R.O.W.

Add Function Hall as a Permitted Use in the following districts in Article 2:

COM, R-1, R-2, RR, SD, SL

Delete:

Delete “Private School” as a conditional use in the COM/IND district.

Seconded by Richard Del Favero. **Approved by a unanimous decision.**

After deliberations Jim Bumps made a motion to grant site plan approval for application 16-030 by the Orleans County Sheriff’s Department as submitted (see attached written decision).

Seconded by Richard Del Favero. **Approved by a unanimous decision.**

The commission reviewed their mail.

7:50 p.m.: On a motion by Jim Bumps and seconded by Jane Clark, the meeting was adjourned.

The minutes were taken by Bob Kelley.