

*** Unapproved ***

DERBY PLANNING COMMISSION *MINUTES*** December 12, 2016**

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

MEMBERS ABSENT: Richard Del Favero.

OTHERS PRESENT: Benjamin Wright, Fern Wright, ZA Bob Kelley.

7:05 p.m.: Chair Joe Profera called the meeting to order. Dave LaBelle made a motion to approve the minutes to the Nov 28th as written. Seconded by Joe Profera. **Approved by a unanimous decision.**

Chair Joe Profera read the warning application 16-111 by Benjamin & Fern Wright, PIN #TRD45051L5T, for site plan approval for outside storage associated with a permitted business. This property is located at 2844 Salem Derby Road and is in the Rural Residential (RR) zoning district. Mr. & Mrs. Wright were present to explain the request. A condition of the original permit for welding/small engine/boat repair required site plan approval for exterior storage. The storage is mainly for winter storage of boats for customers. There are many trees between the road and the proposed storage area acting as a visual buffer. There were no comments from the public. Dave LaBelle made a motion to close application 16-111 by Benjamin & Fern Wright. Seconded by Jane Clark. **Approved by a unanimous decision.**

After deliberations Dave LaBelle made a motion to grant site plan approval for application 16-111 by Benjamin & Fern Wright as submitted (see attached written decision). Seconded by Jim Bumps. **Approved by a unanimous decision.**

7:45 p.m.: There will be no meeting on Dec 26th. Next regular meeting will be on Jan 9th at 7:00 pm. 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 28, 2016**

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

MEMBERS ABSENT: Jim Bumps, Jane Clark.

OTHERS PRESENT: Harold Gage, ZA Bob Kelley.

7:10 p.m.: Chair Joe Profera called the meeting to order. Richard Del Favero made a motion to approve the minutes to the Oct 17th as written. Seconded by Dave LaBelle. **Approved by a unanimous decision.**

Note: The November 14th meeting was canceled due to a lack of a quorum.

Bylaw review: §201 - §205 were reviewed and no changes were made to the current draft. Bob recommended that the digital zoning map should become the official zoning map. The commission agreed. Bob pointed out that the Source Protection Area (SPA) has never been overlaid onto the zoning maps. Dave LaBelle made a motion to recommend to the Selectboard that a grant be looked into to get the SPA overlaid onto the zoning map. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

Review of the bylaw will continue with §206 at their next meeting.

Harold Gage inquired as to the status of the Guillette's permit for a function hall. Bob explained that the Planning Commission's decision to grant the permit is being appealed to Environmental Court and explained the process.

The commission reviewed their mail.

8:20 p.m.: Next regular meeting will be on Dec 12th at 7:00 pm. On a motion by Richard Del Favero and seconded by Dave LaBelle, the meeting was adjourned.

The minutes were taken by Bob Kelley.

*** Unapproved ***

DERBY PLANNING COMMISSION *MINUTES*** October 17, 2016**

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Paul Prue, James Brown, Deborah Brown, Sam Carlson, 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 3rd as written. Seconded by Jane Clark. **Approved by a unanimous decision.**

Chair Joe Profera read the warning application 16-089 by James & Debbie Brown, PIN #TRD22071D8T, for preliminary and final plat approval to split off 5 acres from a 41 acre lot. This property is located at 3957 Nelson Hill Road and is in the Rural Residential (RR) zoning district. Mr. Brown was present to explain the request. It was noted that in the warning the application number was incorrect. They are splitting off the 5 acres for their daughter and son-in-law, who are taking over the farm. This is a straight forward subdivision with all the minimums met. The property is in current use. Sam Carlson warned the applicant that the State is very slow making changes to the properties in current use. After all public comments Dave LaBelle made a motion to close application 16-089 by James & Debbie Brown. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Sam Carlson was present representing Green Lantern to give the commission a heads up on a 500 kw solar project they are planning on the Gosselin property between Derby Line and Derby Center. It will be approx. 3 acres in the northeast corner of the property. He explained the permitting process and how the Town can participate and answered questions. They hope to apply for the certificate of public good in January and have the project completed by Fall 2017.

After deliberations Richard Del Favero made a motion to grant final plat approval for application 16-089 by James & Debbie Brown 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 Dave LaBelle. **Approved by a unanimous decision.**

The Commission reviewed the job description for Zoning Administrator and thought it was fine as written.

The Commission discussed commercial changes of use that the zoning administrator is able to issue. It was thought that more restrictions might be a good idea if the lot doesn't meet current landscaping requirements. This will be discussed further when the commission reviews Article 2 of the bylaw.

The commission reviewed their mail.

8:25 p.m.: There will be no meeting on Oct 31st. Next regular meeting will be on Nov 14th at 7:00 pm. 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 3, 2016**

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Chad Hickey, Steve Kirby, Marcel Guillette, Francine Guillette, Nancy Moore, Lynn Rublee, Beth Barnes, Deanna Keenan, 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 19th as written. Seconded by Jane Clark. **Approved by a unanimous decision.**

Chair Joe Profera read the warning application 16-084 by Marcel & Francine Guillette, PIN #TRD45013J5T, for site plan approval to use an existing 40 ft by 80 ft shed as a Function Hall. This property is located at 884 Salem Derby Road and is in the Rural Residential (RR) zoning district. Mr. & Mrs. Guillette were present to explain the request. They have been hosting event for years and found out this year that a permit is needed. The events are held in the tan metal building and there is plenty of parking. This year they had 3 events, last year they had 6. Abutting property owner Steve Kirby spoke out in opposition to the application. He has a secluded property on Cobb Pond. Concerns included disturbing the peace and serenity of the area, affect on the rental of his camp, affect on the wildlife, noise during events, and impact on the fragile ecology. He asked the commission to come visit his property. Beth Barnes asked if the property was on a migratory flight path and if an Environmental Impact Review might be appropriate. Paul Prue, Brian Smith, and Deanna Keenan spoke in favor of the application citing that farmers need to supplement their income and pointed out that this has been going on for years and there have not been any detrimental effects. After all comments from the public were heard Dave LaBelle made a motion to close application 16-084 by Marcel & Francine Guillette. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Chair Joe Profera read the warning application 15-072 by Lynn Rublee, PIN #WBCHL006D2T, for site plan approval for a 2 room Bed & Breakfast. This property is located at 246 White Birch Lane and is in the Shoreland (SD) zoning district. Ms. Rublee and Attorney Hickey were present to explain the request. Joe Profera stated that he did not have a conflict of interest with the application, but because it might appear that he does he will be abstaining from voting. Attorney Hickey addressed all the criteria the application will be reviewed under. The property is at the end of a private road and well hidden from other properties, 4 parking spaces are available, the road is less traveled than Cousins Beach Rd, and the area is mix of seasonal, year round, and rentals. The commission noted that some of the criteria has already been approved by Environmental Court during the Conditional Use appeal. There were questions concerning the private road and whether a letter is needed from the Fire Chief. Paul Prue noted that all the neighbors have thrown up the hands because of how the conditional use appeal was handled. After all comments from the public were heard Dave LaBelle made a motion to close application 15-072 by Lynn Rublee. Seconded by Jim Bumps. **Approved by a unanimous decision with Joe Profera abstaining.**

Chair Joe Profera read the warning application 16-079 by Lucille Driver, PIN #TRD53001K8T, for preliminary and final plat review to split off 15.43 acres from a 75+ ac lot. This property is located at 475 Fontaine Road and is in the Rural Residential (RR) and shoreland (SD) zoning districts. Ms. Keenan was present to explain the request. The property is being split up between the siblings. It is a straight forward subdivision and all lot minimums are met. There were no comments from the public. Dave LaBelle made a motion to close application 16-079 by Lucille Driver. Seconded by Jim Bumps. **Approved by a unanimous decision.**

The Commission decided to skip review of the bylaw tonight and went into deliberative session

on the closed applications.

After deliberations Dave LaBelle made a motion to grant site plan approval for 16-084 by Marcel & Francine Guillette as submitted with the following 2 conditions: 1) All parking must be a minimum of 50 ft from any property line; 2) All music/bands must end by 11:00 p.m. (see attached written decision). Seconded by Jane Clark. **Approved by a unanimous decision.**

Dave LaBelle made a motion to grant site plan approval for application 15-072 by Lynn Rublee as submitted (see attached written decision). Seconded by Jim Bumps. **Approved by a unanimous decision with Joe Profera abstaining.**

Dave LaBelle made a motion to grant final plat approval for application 16-079 by Lucille Driver 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 reviewed their mail.

8:40 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 19, 2016**

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Grant Spates, Paul Halbedl, Chris Blais, Kimko Fitz, Jennifer Harlow, Jenna Hamelin, Tim Byrne, Tina Tripodina, Evan Sealander, Colleen Sealander, Josh Provost, Jay Johnson, Robin Smith, ZA Bob Kelley.

7:00 p.m.: Chair Joe Profera called the meeting to order. Richard Del Favero made a motion to approve the minutes to the Aug 22nd as written. Seconded by Jane Clark. **Approved by a unanimous decision.**

Jane Clark made a motion to recess the meeting to go into a Public Hearing for a proposed bylaw amendment to change the definition of Village Inn to read as follows:

Village Inn – An establishment containing rooms for rent consistent with the definition of hotel/motel. The establishment may have a full service dining room open to the general public where alcoholic beverages may be served with meal to guests and patrons, **and may include indoor reception and/or banquet venues for private functions by the Village Inn.** Any additional entertainment services, pool facilities, game room or similar forms of entertainment are to be restricted to overnight guests only. Seconded by Dave LaBelle. **Approved by a unanimous decision.**

Chris Blais, Tim Byrne, Jay Johnson, Paula Halbedl and Coleen Sealander all spoke out in favor of the proposed amendment and talked about how the Derby Line Village Inn has benefitted the village and how this would be a great addition to the Inn. The Derby Line Village Trustees are said to be in favor of the amendment. No one spoke out opposed to the proposed amendment.

After all comments from the public were heard Richard Del Favero made a motion to close the Public Hearing. Seconded by Jim Bumps. **Approved by a unanimous decision.**

The commission discussed the proposed amendment. Dave LaBelle thought that as written a Village Inn could not do receptions/banquets in an outbuilding. Various changes to make it clear that outbuildings could be used were discussed. Minor changes to a proposed amendment do not require an additional hearing.

Jane Clark made a motion to change the proposed amendment to read: “Village Inn – An establishment containing rooms for rent consistent with the definition of hotel/motel. The establishment may have a full service dining room open to the general public where alcoholic beverages may be served with meal to guests and patrons, and may include indoor reception and/or banquet venues **on the property** for private functions by the Village Inn. Any additional entertainment services, pool facilities, game room or similar forms of entertainment are to be restricted to overnight guests only.” Seconded by Richard Del Favero. **Ayes – Jane Clark, Richard Del Favero, Jim Bumps. Nays – Dave LaBelle. Abstaining – Joe Profera. Approved by a majority decision.**

Jim Bumps made a motion to approve the above amendment and to send it to the Selectboard for adoption. Seconded by Richard Del Favero. **Ayes – Jane Clark, Richard Del Favero, Jim Bumps. Nays – Dave LaBelle. Abstaining – Joe Profera. Approved by a majority decision.**

Dave reminded Joe that if he has a conflict of interest he should be removing himself from the table at the start of discussion.

Richard Del Favero made a motion to table application 16-079 by Lucille Driver, PIN #TRD53001K8T, for preliminary and final plat review to split off 15.43 acres from a 75+ ac lot

until 7:00 pm October 3, 2016 here in the municipal building because the applicant was not present. Seconded by Dave LaBelle. **Approved by a unanimous decision.**

The commission reviewed their mail.

7:40 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 22, 2016**

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Reginald Abbott, Laura Suchla, Alice Burt, ZA Bob Kelley.

7:00 p.m.: Chair Joe Profera called the meeting to order. Jane Clark made a motion to approve the minutes to the Aug 8th as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Chair Joe Profera read the warning application 16-072 by Reginald Abbott, PIN #TRD53003J7T, for preliminary and final plat review for a 7 lot subdivision. Lots vary in size from 2.2 acres to 9.4 acres. This property is located on Little Salem Lane and is in the Rural Residential (RR) and Shoreland (SD) zoning districts. Mr. Abbott was present to explain the request. Access, turnaround for emergency vehicles, and road construction were among the items discussed. There were no comments from the public. Dave LaBelle made a motion to close application 16-072 by Reginald Abbott. Seconded by Jim Bumps. **Approved by a unanimous decision.**

After deliberations Dave LaBelle made a motion to grant final plat approval for application 16-072 by Reginald Abbott as submitted with the following 3 conditions: 1) A mylar of the approved plat must be filed with the Town Clerk within 180 days of this decision; 2) Little Salem Lane shall be built to design standards for town roads as specified and approved by the Town of Derby Road Commissioner; and 3) A turnaround for emergency vehicles must be approved by the Fire Chief (see attached written decision). Seconded by Jim Bumps. **Approved by a unanimous decision.**

The Commission discussed the proposed amendment to the definition of Village Inn and added that reception and/or banquet venues for private functions have to be indoors.

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 8, 2016**

MEMBERS PRESENT: Jim Bumps, Joe Profera, Jane Clark, Richard Del Favero.

MEMBERS ABSENT: Dave LaBelle.

OTHERS PRESENT: Jay Johnson, Colleen Sealander, Evans Sealander, Jean Vance, Adam Vance, Cynthia Moylan, Garrett Moylan, Paula Halbedl, Fritz Halbedl, ZA Bob Kelley.

7:00 p.m.: Chair Joe Profera called the meeting to order. Jane Clark made a motion to approve the minutes to the June 27th as written. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

The commission reviewed a proposed bylaw amendment by Paula Halbedl to change the definition of “Village Inn” to include that Village Inn’s are allowed to have reception and or banquet venues for private functions by the Village Inn. Paula Halbedl, Fritz Halbedl, Jay Johnson, Colleen Sealander, Evans Sealander, Jean Vance, Adam Vance, Cynthia Moylan, and Garrett Moylan all spoke out in favor of the amendment. Paula Halbedl explained that she has had many requests for private functions and when she does allow them she has to close down the restaurant to the public to accommodate the function. She has an old building on the property that is in need of repair, but cannot afford to do the repairs unless the building can produce some income. Some of the points made included; benefit to the community, attract people to the Villages, help to preserve the large older homes in the Villages, fills a need in the community. After much discussion the commission decided to proceed with the proposed amendment and will warn a public hearing for public input on September 19th. Joe Profera stated that he has a conflict of interest because he runs a B&B/restaurant. The new definition will read “Village Inn – An establishment containing rooms for rent consistent with the definition of hotel/motel. The establishment may have a full service dining room open to the general public where alcoholic beverages may be served with meal to guests and patrons, and may include reception and/or banquet venues for private functions by the Village Inn. Any additional entertainment services, pool facilities, game rooms or similar forms of entertainment are to be restricted to overnight guest only. Village Inn is a principal commercial use.”

The commission reviewed their mail.

8:40 p.m.: On a motion by Jim Bumps and seconded by Jane Clark, the meeting was adjourned. ***The minutes were taken by Bob Kelley.***

DERBY PLANNING COMMISSION *MINUTES*** June 27, 2016**

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

MEMBERS ABSENT: Jane Clark.

OTHERS PRESENT: Regis Beloin, Dan Dagesse, Maurice Jacobs, Tammy Dodge-Jacobs, 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 June 13th as written. Seconded by Joe Profera. **Approved by a unanimous decision.**

Chair Joe Profera read the warning application 16-056 by Regis & Bernadette Beloin, PIN #NDRT5078F5C, for site plan approval for a 26 ft by 50 ft 4-car garage for their apartment building. This property is located at 3229 Route 5 and is in the Village Commercial Derby Center (VCDC) zoning district. Regis Beloin & Dan Dagesse were present to explain the request. The garage is for use by the tenants of the building. The roof will be steep in the front and long in the back. There will be a couple of decorative lights on the front side of the building. The building will exceed the setback requirements. Maurice Jacobs asked about the lighting and reviewed the site plan to see where the building will be located in relation to his abutting property. The lighting will be on the opposite side of the building from Mr. Jacob's property and will not be seen from his property. After all testimony Dave LaBelle made a motion to close application 16-056 by Regis & Bernadette Beloin. Seconded by Jim Bumps. **Approved by a unanimous decision.**

After deliberations Dave LaBelle made a motion to grant site plan approval for application 16-056 by Regis & Bernadette Beloin as submitted (see attached written decision). Seconded by Jim Bumps. **Approved by a unanimous decision.**

It was noted that Joe Profera reviewed the amended site plan for application 16-029 by Coutts Moriarty Camp showing the final location of the building and parking expansion. Joe Profera granted site plan approval as submitted on behalf of the Commission as was authorize on May 16, 2016 (see attached written decision).

The commission reviewed their mail.

7:30 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*** June 13, 2016**

MEMBERS PRESENT: Jim Bumps, Jane Clark, Joe Profera.

MEMBERS ABSENT: Dave LaBelle, Richard Del Favero.

OTHERS PRESENT: Amy Giroux, Allen Yale, ZA Bob Kelley.

7:07 p.m.: Chair Joe Profera called the meeting to order. Jane Clark made a motion to approve the minutes to the May 16th as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Chair Joe Profera read the warning application 16-050 by Mark & Amy Giroux, PIN #TRD07009F3T, for site plan approval to widen the access driveway, enlarge the display area, add exterior lighting, and add Motor Vehicle Repair as an additional use on the property. This property is located at 292 Shattuck Hill Road and is in the Commercial (COM) zoning district. Amy Giroux was present to explain the request. The motor vehicle repair will be done in the building in the rear. Lighting will be approx 18 ft tall and down lit. Cedar shrubs are proposed around the light pole bases and there is existing landscaping around the sign. There is no paved apron on the existing driveway. There were no comments from the public. Jim Bumps made a motion to close application 16-050 by Mark & Amy Giroux. Seconded by Jane Clark. **Approved by a unanimous decision.**

After deliberations Jane Clark made a motion to grant site plan approval for application 16-050 by Mark & Amy Giroux as submitted with the following 4 conditions; 1) A 25 ft pave apron is required along Shattuck Hill Road, 2) Landscaping must meet the minimum requirements of §210.1(A), 3) All display area lighting must be down lit, and 4) Sign lighting must conform to §402.8(G)(5) (see attached written decision). Seconded by Jim Bumps. **Approved by a unanimous decision.**

The commission discussed the Universalist Church's property with Allen Yale. The church is considering selling the parsonage. This property is in the VCDL zoning district and there are 2 separate lots is separate ownership. A small portion of the hall attached to the church is on the lot with the parsonage. A lot line adjustment is possible to redraw the boundary so that the hall doesn't split properties. The use of the parsonage as a single family dwelling is not a permitted use in the VCDL zoning district but is grandfathered.

The commission reviewed their mail.

8:00 p.m.: On a motion by Jim Bumps and seconded by Jane Clark, the meeting was adjourned. *The minutes were taken by Bob Kelley.*

DERBY PLANNING COMMISSION ***MINUTES*** May 16, 2016

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Annie Brueck, Doug Spates, ZA Bob Kelley.

7:00 p.m.: Chair Joe Profera called the meeting to order. Richard Del Favero made a motion to approve the minutes to the May 2nd meeting with corrections to the date of the meeting and the date the Coutts application was tabled to. Seconded by Dave LaBelle. **Approved by a unanimous decision.**

Chair Joe Profera read the warning application 16-029 by Coutts Moriarty Camp, PIN #TRD34001H6T, for site plan approval for a 60 ft by 84 ft recreation building with an 8 ft by 24 ft bump out. This property is located at 490 4-H Road and is in the Rural Residential (RR) and shoreland (SD) zoning districts. This application was tabled from their May 2nd meeting. Annie Brueck was present to explain the request. The building will be heated and available for year round use. The exact location of the building will depend on wetlands delineation. 2 building locations are shown on the site plan; after the wetlands have been delineated they will determine which location the building will be located at. Additional parking will be available in front of the building but is not shown on the plan. The new parking will double the amount of parking currently available. The soccer field is used for overflow parking during large events. Septic from the recreation building and bunk house will be tied into the new leach field. There were no comments from the public. Jane Clark made a motion to close application 16-029 by Coutts Moriarty Camp. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Chair Joe Profera read the warning application 16-038 by Spates Family LLC, PIN #MSTD010A6L, for site plan approval to replace the back 3-story 6 ft by 45 ft rear porches with 8 ft by 45 ft porches for better fire egress. This property is located at 57 Main Street and is in the Village Commercial Derby Line (VCDL) zoning district. Doug Spates was present to explain the request. By making the porches 2 ft wider he will be able to add stairs to the rear of the building for better access to the apartments. There were no comments from the public. Dave LaBelle made a motion to close application 16-038 by Spates Family LLC. Seconded by Jim Bumps. **Approved by a unanimous decision.**

After deliberations the commission decided they would like the applicant to determine which site the building will be located at and want to see the parking drawn on the site plan. Because the commission will not be meeting again for 4 weeks and they do not wish to unduly delay the applicant, Dave LaBelle made a motion to authorize Chair Joe Profera to act on the commission's behalf to approve/deny application 16-029 by Coutts Moriarty Camp after reviewing the revised site plan showing the parking and building location. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Jane Clark made a motion to grant site plan approval for application 16-038 by Spates Family LLC as submitted (see attached written decision). Seconded by Dave LaBelle. **Approved by a unanimous decision.**

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*** 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.

DERBY PLANNING COMMISSION *MINUTES*** April 18, 2016**

MEMBERS PRESENT: Joe Profera, Jim Bumps, Jane Clark.

MEMBERS ABSENT: Dave LaBelle, Richard Del Favero.

OTHERS PRESENT: ZA Bob Kelley.

7:00 p.m.: Chair Joe Profera called the meeting to order. Jane Clark made a motion to approve the minutes to the April 4th meeting as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

The commission continued review of the bylaw. They will concentrate on Article 2. Bob will print out the latest draft and suggested that they concentrate on reviewing the uses allowed in each district and the district objectives. The commission agreed to review this prior to their next meeting.

The commission reviewed their mail.

7:25 p.m.: On a motion by Jim Bumps and seconded by Jane Clark, the meeting was adjourned. *The minutes were taken by Bob Kelley.*

DERBY PLANNING COMMISSION ***MINUTES*** April 4, 2016

MEMBERS PRESENT: Dave LaBelle, Jim Bumps, Jane Clark.

MEMBERS ABSENT: Joe Profera, Richard Del Favero.

OTHERS PRESENT: Cindy Moylan, Paula Halbedl, 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 March 21st meeting as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

The commission continued review of regulations for Function Halls. Ms. Halbedl would like to parties in her carriage house on Main St in Derby Line and was wondering how this might affect her. It was explained that currently she cannot do these types of events and the proposed regulations on Function Halls would not change this. The proposal is to have a minimum of 500 ft to the nearest residence and this would exclude Ms. Halbedl from having a function hall. She explained why it would be good for the community to allow her to have this type facility and Ms. Moylan agreed with her. The commission was not sure if this type of use would be appropriate in the middle of a village residential district. It was suggested that Ms. Halbedl draft a proposed amendment that would allow her to do what she wants to do for the commission to review and to get the Village Trustees' support.

The commission reviewed the following draft regulations regarding Function Halls

- Definition – Function Hall: A barn, tent or other similar structure (existing or new) used for hosting a party, banquet, wedding reception, or other social event.
- Function Halls must comply with the following:
 1. 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,
 2. No residential dwellings are closer than 500 ft to the structure, other than those owned by the applicant or the applicant's immediate family,
 3. All other relevant provisions of the Zoning Bylaw are complied with – e.g., site plan review standards,
 4. Bands and/or music must end by 11:00 p.m.
 5. Parking requirements do not apply, however no parking is allowed within a public road right of way.
- Add Function Halls as a permitted use in the following districts – COM, R-1, R-2, RR, SD, and SL.

The commission also reviewed a proposed amendment to remove Private Schools as a conditional use in the COM/IND district and the required reports for all of the above proposed amendments.

Jane Clark made a motion to approve the above proposed amendments and reports. Seconded by Jim Bumps. **Approved by a unanimous decision.**

A public hearing for the proposed amendments will be scheduled for 4 weeks from tonight.

The commission reviewed their mail.

8:00 p.m.: On a motion by Jim Bumps and seconded by Jane Clark, the meeting was adjourned. *The minutes were taken by Bob Kelley.*

DERBY PLANNING COMMISSION *MINUTES*** March 21, 2016**

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Frank Knoll, Alicia Knoll, Mick Conley, Margaret Erwin, 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 March 7th meeting as written. Seconded by Jane Clark. **Approved by a unanimous decision.**

Chair Joe Profera read the warning application 16-003 by Frank & Alicia Knoll, PIN #RT111055G6T, for site plan approval to use an existing barn and associated temporary tent structures for indoor entertainment activities such as wedding receptions, social gatherings and fund raising events. This property is located at 951 Route 111 and is in the Shoreland (SD) zoning district. This application was tabled from the Feb 22nd meeting. Dave LaBelle made a motion to remove the application from the table. Seconded by a Richard Del Favero. **Approved by a unanimous decision.**

Frank & Alicia Knoll were present to explain the request. The barn use started when they had a party in 2012 and someone at the party asked about having a wedding there. The first wedding was in 2013. Last year they had about 8 events. The Knolls explained how they operate the barn for events. Wedding ceremonies are typically near the pond and the receptions in the barn. They supply the location and the person hosting the event supplies everything else. They require port-a-potties and music must stop at 11:00 pm. They have never had a problem. Mick Conley and Margaret Erwin were both in favor of the application and thought it would be good for the community. Dave LaBelle made a motion to close application 16-003 by Frank & Alicia Knoll. Seconded by Jane Clark. **Approved by a unanimous decision.**

After deliberations Dave LaBelle made a motion to grant site plan approval for application 16-003 by Frank & Alicia Knoll as submitted (see attached written decision). Seconded by Jane Clark. **Approved by a unanimous decision.**

Reorganize the board. Dave LaBelle made a motion for Joe Profera to remain chair and Dave LaBelle to remain vice-chair. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Wedding barns were discussed. They liked how Hinesburg is regulating this use. They require 50 ft setbacks, 500 ft to the nearest residence, access to a state or town road, compatibility with the neighborhood, and compliance with all other relevant provisions of the bylaw. Bob will draft something up for the commission to review at their next meeting.

The commission reviewed their mail.

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*** March 7, 2016**

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Marcel Guillette, Francine Guillette, 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 February 22nd meeting as written. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

Dave LaBelle made a motion to recess for a Public Hearing for public input on bylaw amendments to update and rewrite Article 1: Enactment and Intent and Article 9: Administration and Enforcement. Seconded by Jane Clark. **Approved by a unanimous decision.**

There were no comments from the public. Dave LaBelle made a motion to close the Public Hearing. Seconded by Jane Clark. **Approved by a unanimous decision.**

The commission discussed the proposed amendments. Joe had a question about who appoints the zoning administrator. By state statute the planning commission nominates and the Selectboard appoints. Dave LaBelle made a motion to approve the proposed amendments to Articles 1 and 9 as presented and to send them to the Selectboard for adoption. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

The commission discussed wedding barns and it was decided that it should be better defined in our bylaw. Concerns were appropriate lot size (5 ac minimum?), setbacks (300 ft side & rear?), cutoff time for loud music (11:00 pm?), and zoning districts where it should be allowed (not within the villages?). Parking was not a concern

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.

*** Unapproved ***

DERBY PLANNING COMMISSION *MINUTES*** February 22, 2016**

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Mike Root, Pat Daigle, Steve Wheeler, Amy Wheeler, Frank Knoll, Alicia Knoll, Gary LeBaron, Florence LeBaron, Marcy Griffith-Giroux, ZA Bob Kelley.

7:00 p.m.: Chair Joe Profera called the meeting to order. Richard Del Favero made a motion to approve the minutes to the February 8th meeting as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Chair Joe Profera read the warning application 16-003 by Frank & Alicia Knoll, PIN #RT111055G6T, for site plan approval to use an existing barn and associated temporary tent structures for indoor entertainment activities such as wedding receptions, social gatherings and fund raising events. This property is located at 951 Route 111 and is in the Shoreland (SD) zoning district. The Zoning Board has not granted Conditional Use approval yet. In order to give the Zoning Board time to finish their review of the application Jim Bumps made a motion to table application 16-003 by Frank & Alicia Knoll until 7:00 pm March 21, 2016 here in the Municipal Building. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

Chair Joe Profera read the warning application 16-006 by Gosselin Enterprises, PIN #RT005018E5T, for site plan approval to modify the proposed access to their property and to extend the completion date for their proposed multi-family apartment buildings. This property is located at 2021 & 2229 Route 5 and is in the Commercial (COM) zoning district. Pat Daigle was present to explain the request. They are proposing to keep the access to their warehouse and giving up the access to the former Wheeler house. They would also like to extend the completion date for the multi-family unit for an additional 4 years. There were no comments from the public. Dave LaBelle made a motion to close application 16-006 by Gosselin Enterprises. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Chair Joe Profera read the warning application 16-007 by David Giroux, PIN #TRD03018C5T, for site plan approval for a 40 ft by 50 ft garage addition to keep rubbish trucks enclosed overnight. This property is located at 674 Beebe Road and is in the Commercial (COM) zoning district. Marcy Griffith-Giroux was present to explain the request. Jim Bumps recused himself from this application due to a conflict of interest and removed himself from the table and sat with the public. This application is straight forward and the buildings cannot be seen from any public road. The driveway accesses onto a paved town road and the driveway is not paved. There were no comments from the public. Dave LaBelle made a motion to close application 16-007 by David Giroux. Seconded by Richard Del Favero. **Approved by a unanimous decision, with Jim Bumps abstaining.**

Jim Bumps rejoined the commission at the table and Chair Joe Profera read the warning application 16-010 by the Newport Church of God, PIN #TRD41008G3TTXM, for site plan approval for a 24 ft by 24 ft storage garage. This property is located at 295 Crawford Road and is in the Commercial (COM) zoning district. Mike Root was present to explain the request. The building is need for storage of donated items and due to the lay of the land will not be very visible from the road. There were no comments from the public. Dave LaBelle made a motion to close application 16-010 by the Newport Church of God. Seconded by Jane Clark. **Approved by a unanimous decision.**

Chair Joe Profera read the warning application 16-011 by Merle & Cecile Wheeler, PIN #TRD35019F6T, for preliminary and final plat review for a 4 lot subdivision; 12.1 ac, 2.0 ac, 5.7

ac & 28 ac. This property is located at 651 Derby Pond Road and is in the Residential 2-acre (R2) zoning district. Steve & Amy Wheeler were present to explain the request. It is a straight forward subdivision that is being done for estate planning purposes. All lots meet the minimums for the R2 district. There were no comments from the public. Jim Bumps made a motion to close application 16-011 by Merle & Cecile Wheeler. Seconded by Dave LaBelle. **Approved by a unanimous decision, with Richard Del Favero abstaining because he is an abutter.**

After deliberations Dave LaBelle made a motion to grant site plan approval for application 16-006 by Gosselin Enterprises as submitted with the condition that the expiration date of the permit is extended to November 8, 2020 (see attached written decision). Seconded by Richard Del Favero. **Approved by a unanimous decision.**

Dave LaBelle made a motion to grant site plan approval for application 16-007 by David Giroux as submitted (see attached written decision). Seconded by Jane Clark. **Approved by a unanimous decision, with Jim Bumps abstaining.**

Dave LaBelle made a motion to grant site plan approval for application 16-010 by the Newport Church of God 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 16-011 by Merle & Cecile Wheeler 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, with Richard Del Favero abstaining.**

The commission reviewed their mail.

Chair Joe Profera asked the commission to think about how the town should be regulating wedding barns.

7:55 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*** February 8, 2016**

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

MEMBERS ABSENT: Richard Del Favero.

OTHERS PRESENT: Todd Mosher, Danielle Mosher, 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 January 25th meeting as written. Seconded by Jane Clark. **Approved by a unanimous decision.**

Chair Joe Profera read the warning application 16-002 by Todd & Danielle Mosher, PIN #TRD30002G5C, for site plan approval for 3 unit apartment building. All units will have 2 bedrooms and 2 baths. This property is located at 45 West Street and is in the Village Residential/Derby Center (VC/DC) zoning district. Todd & Danielle Mosher were present to explain the request. A paved apron is proposed, exterior lighting will include between 6 – 10 soffit lights and a pole mounted down lit LED light for the parking area, and landscaping was discussed at length. The applicant amended the narrative to include that the landscaping will include a minimum of 48 plants and a minimum of 36 trees or evergreen shrubs. There were no comments from the public. Dave LaBelle made a motion to close application 16-002 by Todd & Danielle Mosher. Seconded by Jane Clark. **Approved by a unanimous decision.**

After deliberations Jim Bumps made a motion to grant final plat approval for application 16-002 by Todd & Danielle Mosher as submitted (see attached written decision). Seconded by Dave LaBelle. **Approved by a unanimous decision.**

The commission continued review of the bylaw. They completed the rewrite of Article 9 – Administration and Enforcement. Articles 1 & 9 are now ready for the amendment process. Dave LaBelle made a motion to allow Joe to approve the amendment report on behalf of the commission. Seconded by Jim Bumps. **Approved by a unanimous decision.**

The commission reviewed their mail.

8:05 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 25, 2016**

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Gary Whipple, ZA Bob Kelley.

7:00 p.m.: Chair Joe Profera called the meeting to order. Jane Clark made a motion to approve the minutes to the January 11th meeting as written. Seconded by Dave LaBelle. **Approved by a unanimous decision.**

Chair Joe Profera read the warning application 16-001 by Alton & Giselle Whipple, PIN #TRD32069M4T, for preliminary and final plat review for a 2 lot subdivision. Lot #1 – 6.12 acres and lot #2 – 13.71 acres. This property is located at 3836 Hinman Settler Road and is in the Rural Residential (RR) zoning district. Gary Whipple was present to explain the request. The commission reviewed the application; this is a straight forward subdivision with a 50 ft right of way proposed to access the lot being created without road frontage. There were no comments from the public. Dave LaBelle made a motion to close application 16-001 by Alton & Giselle Whipple. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

After deliberations Dave LaBelle made a motion to grant final plat approval for application 16-001 by Alton & Giselle Whipple 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 Richard Del Favero. **Approved by a unanimous decision.**

The commission continued review of the bylaw. They worked on rewriting Article 9 – Administration and Enforcement. Much of Article 1 was moved to Article 9. It is the intent to submit Articles 1 & 9 to the Selectboard for approval in the near future.

The commission reviewed their mail.

8:15 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*** January 11, 2016**

MEMBERS PRESENT: Dave LaBelle, Jim Bumps, Joe Profera, Jane Clark, 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 December 14th meeting as written. Seconded by Jane Clark.
Approved by a unanimous decision.

The commission began review of the bylaw. They updated the parking requirements and decided to remove school as a conditional use in the COM/IND district.

The commission decided to break up the bylaw amendments into smaller chunks for submittal to the Selectboard. Articles 1 & 9 will be the first sections to be submitted to the Selectboard.

The commission reviewed their mail.

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.