

Unapproved

Derby Zoning Board of Adjustment * Minutes * December 19, 2016

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

Members Absent: None.

Others Present: Ben Partridge, ZA Bob Kelley.

7:00 PM: Chair Joe Profera called the meeting to order. Judy Nommik made a motion to approve the minutes to the previous meeting May 23rd. Seconded by Norm Gaboriault. **Approved by unanimous decision.**

Chair Joe Profera read the warning for application 16-112 by Ben Partridge, PIN #SMSDC042G5C, for conditional use approval to enlarge a nonconforming structure by adding 9 ft by 28 ft front porch to the existing residence. This property is located at 227 Main Street, Derby Center and is in the Village Residential Derby Center (VRDC) zoning district. Mr. Partridge was present to explain the request. The porch will be the same width as the house with a shed style roof sloping toward the road. The porch will not get any closer to the side lot line than the existing dwelling. There will be an overhang on the porch roof, but it will not extend any further than the dwelling overhang. There were no public comments. Judy Nommik made a motion to close application 16-112 by Ben Partridge. Seconded by Norm Gaboriault. **Approved by unanimous decision.**

After deliberations Norm Gaboriault made a motion to approve conditional use approval for application 16-112 by Ben Partridge with the condition that the new roof will not extend further than the existing roof line (see attached written decision). Seconded by Judy Nommik. **Approved by unanimous decision.**

7:25 PM: On a motion by Judy Nommik and seconded by Norm Gaboriault the meeting was adjourned.

The minutes were typed by Bob Kelley.

Derby Zoning Board of Adjustment * Minutes * May 23, 2016

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

Members Absent: None.

Others Present: Paula Brochu, Mary George, Doug Spates, ZA Bob Kelley.

7:00 PM: Chair Joe Profera called the meeting to order. Judy Nommik made a motion to approve the minutes to the previous meeting May 9. Seconded by Norm Gaboriault. **Approved by unanimous decision.**

Chair Joe Profera read the warning for application 16-041 by Spates Family LLC, PIN #ELMST070A6L, for conditional use approval 6 ft high fence within the front setback along Patenaude Street and for a variance for a 10 ft by 20 ft deck onto the rear of the building. The proposed deck is to be 15 ft from the rear lot line and the require rear setback is 25 ft. This property is located at 357 Elm Street and is in the Village Residential One Derby Line (VR1DL) zoning district. Mr. Spates was present to explain the request. The fence will enclose the rear and side yards. One side is along Patenaude St. and the property line as along the edge of the road. Village snow plowing is a concern and Mr. Spates stated he would install the fence 10 ft off of the edge of the road. Ms. Brochu was wondering if the fence along her property line would be on the line or off set a little. Mr. Spates said it would be a vinyl fence so there would be no need to paint it, but he would set it back a couple of feet so that he is able to mow around it. Due to the layout of the house it is not feasible to put a deck on the side of the house. If a variance is not granted a patio with steps down from the house would be their other option and doesn't require a permit. Ms. Brochu was concerned that with an elevated deck the neighbors would be looking right into her house from the deck. There were no further public comments. Judy Nommik made a motion to close application 16-041 by Spates Family LLC. Seconded by Norm Gaboriault. **Approved by unanimous decision.**

After deliberations Judy Nommik made a motion to approve conditional use approval for application 16-041 by Spates Family LLC with the following 3 conditions: 1) The fence must be setback a minimum of 10 ft from the edge of the pavement on Patenaude Street and cannot be within the road right of way; 2) The fence must be setback a minimum of 2 ft from the south and west property lines; and 3) The Village of Derby Line is not responsible for any damage done to the fence due to snow removal operations (see attached written decision). Seconded by Norm Gaboriault. **Approved by unanimous decision.**

Judy Nommik made a motion to approve the variance request application 16-041 by Spates Family LLC as submitted (see attached written decision). Seconded by Paul Prue. **DENIED BY A UNANIMOUS DECISION.**

7:40 PM: On a motion by Judy Nommik and seconded by Norm Gaboriault the meeting was adjourned.

The minutes were typed by Bob Kelley.

Derby Zoning Board of Adjustment * Minutes * May 9, 2016

Members Present: Paul Prue, Joe Profera, Norm Gaboriault, Sherry Aubin (alternate), Stephen Mengel (alternate).

Members Absent: Richard Del Favero, Judy Nommik.

Others Present: Annie Brueck.

7:00 PM: Chair Joe Profera called the meeting to order. Judy Nommik made a motion to approve the minutes to the previous meeting April 25. Seconded by Stephen Mengel. **Approved by unanimous decision.**

Chair Joe Profera read the warning for application 16-029 by Coutts Moriarty Camp, PIN #TRD34001H6T, for conditional use approval for 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 the April 25, 2016 meeting. Joe Profera was brought up to speed on the application since he was not at the last meeting. Ms. Brueck did not object to Joe Profera participating in the hearing. Ms. Brueck was present to explain the request. New parking will be gravel. Everything out there is flat. They will pump sewage to the new septic area. Location of the building will depend on wetland delineation. Building will be heated and open year round. There was no testimony from interested parties. Judy Nommik made a motion to close application 16-029 by Coutts Moriarty Camp. Seconded by Stephen Mengel. **Approved by unanimous decision.**

After deliberations Judy Nommik made a motion to approve conditional use approval for application 16-029 by Coutts Moriarty Camp as submitted (see attached written decision). Seconded by Paul Prue. **Approved by unanimous decision.**

7:50 PM: On a motion by Paul Prue and seconded by Norm Gaboriault the meeting was adjourned.

The minutes were typed by Bob Kelley.

Derby Zoning Board of Adjustment * Minutes * April 25, 2016

Members Present: Paul Prue, Judy Nommik, Norm Gaboriault, Sherry Aubin (alternate), Stephen Mengel (alternate).

Members Absent: Richard Del Favero, Joe Profera.

Others Present: Annie Brueck, Bob DeRoehn.

7:00 PM: Vice Chair Norm Gaboriault called the meeting to order. Judy Nommik made a motion to approve the minutes to the previous meetings Feb 15, Feb 22, & Mar 14. Seconded by Paul Prue. **Approved by unanimous decision.**

Vice Chair Norm Gaboriault read the warning for application 16-029 by Coutts Moriarty Camp, PIN #TRD34001H6T, for conditional use approval for 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. Ms. Brueck & Mr. DeRoehn were present to explain the request. The proposal was explained in detail. The building will be on a slab with a frost wall and radiant heat. Some trees will have to be moved. The height of the building is listed as 14 ft, but that has changed and in reality it will have 18 ft high walls. They may want for shift the location of the building about 50 ft, it will still be well away from any property line. The Board was not satisfied with the site plan submittals. They requested the exact location of the building be finalized and the setbacks to their property lines be put on the site plan. The board would also like the details on the septic system. There was no testimony from interested parties. Judy Nommik made a motion to table application 16-029 by Coutts Moriarty Camp until Monday May 9, 2016 at 7:00 pm here in the municipal building. Seconded by Paul Prue. **Approved by unanimous decision.**

7:45 PM: On a motion by Paul Prue and seconded by Judy Nommik the meeting was adjourned.

The minutes were typed by Bob Kelley.

Derby Zoning Board of Adjustment * Minutes * March 14, 2016

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

Members Absent: Richard Del Favero.

Others Present: None.

7:00 PM: Chair Joe Profera called the meeting to order. This meeting is a continuation of the February 22, 2016 meeting.

The board continued deliberations on the Knoll application.

Norm Gaboriault made a motion to grant conditional use approval for application 16-003 by Frank & Alicia Knoll as submitted with the following 2 conditions: 1) Band and/or music must end at 11:00 p.m. and 2) The applicant shall contact the Vermont Department of Fire & Safety to insure compliance with applicable regulations (see attached written decision). Seconded by Judy Nommik. **Approved by unanimous decision.**

7:20 PM: On a motion by Norm Gaboriault and seconded by Judy Nommik the meeting was adjourned.

The minutes were typed by Bob Kelley.

Derby Zoning Board of Adjustment * Minutes * February 22, 2016

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

Members Absent: None.

Others Present: ZA Bob Kelley.

6:00 PM: Chair Joe Profera called the meeting to order. This meeting is a continuation of the February 15, 2016 meeting. A site visit was conducted at the Giroux property on Friday, February 19, 2016.

The board continued deliberations on closed applications

Norm Gaboriault made a motion to grant conditional use approval for application 16-007 by David Giroux as submitted (see attached written decision). Seconded by Judy Nommik.
Approved by unanimous decision.

No decision was made regarding the Knoll application tonight.

6:55 PM: Judy Nommik made a motion to recess the hearing to continue deliberations at 7:00 pm Monday, March 14, 2016 here in the Municipal Building. Seconded by Norm Gaboriault.
Approved by unanimous decision.

The minutes were taken by Bob Kelley.

Derby Zoning Board of Adjustment * Minutes * February 15, 2016

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

Members Absent: None.

Others Present: Frank Knoll, Alicia Knoll, Marcy Griffith-Giroux, Laura Carpenter, ZA Bob Kelley.

7:00 PM: Chair Joe Profera called the meeting to order. Judy Nommik made a motion to accept the minutes of the last meeting (Feb 1st) as written. Seconded by Norm Gaboriault. **Approved by unanimous decision.**

Chair Joe Profera read the warning for application 16-003 by Frank & Alicia Knoll, PIN #RT111055G6T, for conditional use 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. Mr. & Mrs. Knoll were present to explain the request. The Knolls explained how this use has morphed into what it is now and why it has taken them so long to apply for a permit. The barn was moved to the site in 2008, it is not heated, it holds 175 people, there are 2 levels, there is a 4-acre field for parking, they expect 5-8 events per year, the Knolls supply the venue only, they do not advertise, the wedding party is responsible for everything else, port-a-potties are required, music is inside and must end by 11:00 pm, insurance is required, and there have been no complaints. There was no testimony from interested parties. Norm Gaboriault made a motion to close application 16-003 by Frank & Alicia Knoll. Seconded by Judy Nommik. **Approved by unanimous decision.**

Chair Joe Profera read the warning for application 16-007 by David Giroux, PIN #TRD03018C5T, for conditional use 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. A revised site plan with more detail was handed out. They have been there since 2004, they have at total of 8 trucks, and 4 need to be housed. There is a light at the end of the driveway and one on the existing garage. The driveway was built by a previous owner and was very well constructed. They have not had any problems with the driveway. There was no testimony from interested parties. Richard Del Favero made a motion to close application 16-007 by David Giroux. Seconded by Judy Nommik. **Approved by unanimous decision.**

The board entered into deliberative session to deliberate on the closed applications.

9:00 PM: Upon returning from deliberative session no decisions were made. Judy Nommik made a motion to recess the hearing for a site visit at the Giroux property at 12:00 noon, Friday February 19, 2016 and to reconvene the hearing to continue deliberations at 6:00 pm Monday, February 22, 2016. Seconded by Norm Gaboriault. **Approved by unanimous decision.**

The minutes were taken by Bob Kelley.

Derby Zoning Board of Adjustment * Minutes * February 1, 2016

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

Members Absent: None.

Others Present: Danielle Mosher, Todd Mosher, ZA Bob Kelley.

7:00 PM: Chair Joe Profera called the meeting to order. Judy Nommik made a motion to accept the minutes of the last meeting (October 26th) as written. Seconded by Norm Gaboriault. **Approved by unanimous decision.**

Chair Joe Profera read the warning for application 16-002 by Todd & Danielle Mosher, PIN #TRD30002G5C, for conditional use 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. Mr. & Mrs. Mosher were present to explain the request. A revised site plan was submitted with a minor change to the parking and building location. 3 parking spaces were moved from in front of the building to the side of the building. There will be a walkout basement. All exterior lighting will be down lit including a pole mounted LED light in front. The property is serviced by Village water and sewer. There was no testimony from interested parties. Judy Nommik made a motion to close application 16-002 by Todd & Danielle Mosher. Seconded by Norm Gaboriault. **Approved by unanimous decision.**

Bob updated the board on the Rublee appeal.

The board entered into deliberative session to deliberate on the Mosher application.

Upon returning from deliberative session Judy Nommik made a motion to grant conditional use approval for application 16-002 by Todd & Danielle Mosher as submitted (see attached written decision). Seconded by Norm Gaboriault. **Approved by unanimous decision.**

7:40 PM: On a motion by Judy Nommik and seconded by Paul Prue the meeting was adjourned. *The minutes were taken by Bob Kelley.*