

Unapproved

Derby Zoning Board of Adjustment * Minutes * November 20/27, 2017

Members Present: Paul Prue, Judy Nommik, Joe Profera, Stephen Mengel.

Members Absent: None.

Others Present: Matt Wamsganz, Betsy Bumps, Chris Roy, Doug Spates, Brian Smith, Josh Provost, 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 August 14th. Seconded by Paul Prue. **Approved by unanimous decision.**

Chair Joe Profera read the warning for application 17-098 by Champlain Oil Company, PIN #NDRT5074F5C & #NDRT5076F5C, for conditional use approval to demolish the existing gas station and bowling alley to build a 4,800 sq ft Auto Service Station/Mini-Mart and a 1,632 sq ft gas canopy with 5 fuel pumps. This property is located at 3319 - 3351 Route 5 and is in the Village Commercial Derby Center (VCDC) zoning district. Mr. Wamsganz was present to explain the request. All aspects of the project were discussed. A 10' strip of land along Boucher Circle will be deeded to the Town so that all the road improvements to Boucher Circle will be within the Town Right of Way. No buildings are allowed under the Velco power lines. All lighting will be LEDs and down lit. 5 am – 10 pm are their typical hours of operation. They will be connecting to village water and sewer. The landscaping meets the bylaw requirements. Betsy Bumps asked if the stormwater would flow onto the abutting properties. It would not; it will be directed to the large vacant area under the power lines at the back of the lot. Regis & Bernadette Beloin submitted a letter asking about landscaping, screening, and stormwater. After all comments Stephen Mengel made a motion to close 17-098 by Champlain Oil Company. Seconded by Judy Nommik. **Approved by unanimous decision.**

Other Business: Judy mentioned that the RCT is looking for a representative at large. If anyone knows someone that might be interested their next meeting is Dec 11th from 11:00 – 1:00 in Morrisville.

Bob informed the board that the Selectboard is holding a public hearing on December 4th for public input on switching from a Zoning Board of Adjustment (ZBA) to a Development Review Board (DRB). Anyone interested in commenting on the issue should attend the meeting. If the switch is made the ZBA will be disbanded and a DRB would be formed to take over all duties of the ZBA and the development review duties of the Planning Commission.

7:40 PM: After deliberations Judy Nommik made a motion to reconvene the meeting for a site visit on Tuesday November 21st at 1:00 and to continue deliberations on Monday, November 27th at 6:30 pm. Seconded by Paul Prue. **Approved by unanimous decision.**

Tuesday, November 21, 2017

1:00 PM: A site visit was held with Joe Profera, Judy Nommik, Stephen Mengel, Paul Prue and Bob Kelley present.

Monday, November 27, 2017

6:45 PM: The meeting was reconvened with Joe Profera, Judy Nommik and Stephen Mengel present.

After deliberations Judy Nommik made a motion to GRANT conditional use approval for application 17-098 by Champlain Oil Company (see attached written decision). Seconded by Stephen Mengel. **Approved by unanimous decision.**

6:50 PM: On a motion by Judy Nommik and seconded by Stephen Mengel the meeting was adjourned.

The minutes were taken by Bob Kelley.

Derby Zoning Board of Adjustment * Minutes * August 14, 2017

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

Members Absent: None.

Others Present: Winston Bartley, Robin Smith, 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 8th. Seconded by Paul Prue. **Approved by unanimous decision.**

Chair Joe Profera read the warning for application 17-063 by Winston Bartley, PIN #NDRT5075F5C, for conditional use approval to convert the existing dining room into office/retail. This property is located at 3300 Route 5 and is in the Village Commercial Derby Center (VCDC) zoning district. Mr. Bartley was present to explain the request. All the work is interior no exterior work is required. The parking requirement of the office/retail (1 per 250 sq ft) is less than what was required for the 106 seat dining room (1 per 3 seats). Final configuration of the building will be 6 apartments, pet grooming, office, retail, and snack bar. There were no comments from the public. Judy Nommik made a motion to close 17-063 by Winston Bartley. Seconded by Richard Del Favero. **Approved by unanimous decision.**

After deliberations Judy Nommik made a motion to GRANT conditional use approval for application 17-063 by Winston Bartley (see attached written decision). Seconded by Richard Del Favero. **Approved by unanimous decision.**

7:30 PM: On a motion by Judy Nommik and seconded by Paul Prue the meeting was adjourned.

The minutes were taken by Bob Kelley.

Derby Zoning Board of Adjustment * Minutes * May 8, 2017

Members Present: Paul Prue, Judy Nommik, Sherry Aubin, Stephen Mengel.

Members Absent: Joe Profera, Richard Del Favero.

Others Present: Robert Conrad, Milton Woodard, Jodi Woodard, Steve Wheeler, Amy Wheeler, Janice Lamoureux, Lucien Lamoureux, ZA Bob Kelley.

7:00 PM: Acting Chair Paul Prue called the meeting to order. Judy Nommik made a motion to approve the minutes to the previous meeting Dec 19th. Seconded by Paul Prue. **Approved by unanimous decision.**

Acting Chair Paul Prue read the warning for application 17-028 by Robert & Angela Conrad, PIN #TRD35007F6T, for conditional use approval to operate a residential business which includes inside/outside storage of building construction equipment/materials and erection of a temporary building for equipment/material storage. This property is located at 108 Grumpy Drive and is in the Residential One-Acre (R1) zoning district. Mr. Conrad was present to explain the request. He explained the layout of his lot, topography issues, driveway access issues in the winter, type of structure proposed, location of outside storage, other businesses in the area, description of the area and his need for the proposed use. Mr. & Mrs. Lamoureux spoke out in opposition to the application. They submitted 5 photos taken from their back yard. Some of their issues included that they do not feel the size of the proposed business is compatible with the residential character of the area, the size of the proposed storage structure is not in keeping with the area, and the storage structure would be very visible from their back yard and would have a negative effect on their property value. Their 2 main concerns are the size of the operation and the size and location of the proposed storage building. Mr. Wheeler talked about having the neighborhood get along and suggested that maybe the storage building could be moved up next to his property. Mr. Conrad explained that because of issues with his driveway in the winter this is the only location on his lot for the proposed storage building. After all public comments were heard Judy Nommik made a motion to close application 17-028 by Robert & Angela Conrad. Seconded by Stephen Mengel. **Approved by unanimous decision.**

After deliberations Judy Nommik made a motion to DENY conditional use approval for application 17-028 by Robert & Angela Conrad (see attached written decision). Seconded by Stephen Mengel. **Application was DENIED by unanimous decision.**

8:30 PM: On a motion by Judy Nommik and seconded by Sherry Aubin the meeting was adjourned.

The minutes were taken by Bob Kelley.