

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* December 20, 2010**

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

**MEMBERS ABSENT:** None.

**OTHERS PRESENT:** Don Whipple, Jim Mulkin, Wayne Hosford, Reinhard Walker, Lucille Wing, 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 last meeting (Dec 6) as written. Seconded by Cynthia Adams. **Approved by a unanimous decision.**

Chair Joe Profera opened the hearing for application 10-131 by Don & Louise Whipple, PIN #TRD04038F2T2, for preliminary and final plat review for a 2 lot subdivision. Lot #1A is 5.3 ac and lot #1B is 4.8 ac. This property is located Darling Hill Road and is in the Residential One Acre zoning district. Mr. Whipple was present to explain the application. The subdivision plat was reviewed. Reinhard Walker and Lucille Wing had questions concerning the access and possible future subdivision of the lots. There was no further testimony from interested parties. Dave LaBelle made a motion to close the hearing on application 10-131 by Don & Louise Whipple. Seconded by Jim Bumps. **Approved by a unanimous decision.** The Commission has 45 days to render a decision and the applicant will be notified when a decision has been made.

Chair Joe Profera opened the hearing for application 10-132 by James Mulkin, PIN #NDRT5060F4C1, to move the existing vacuum islands and to change the roof line over a portion of the building. This property is located at 3693 US Route 5 and is in the Commercial zoning district. Mr. Mulkin was present to explain the application. The vacuum islands are located where used car sales were previously approved. Used car sales will be discontinued. Additional landscaping is proposed around the new sign and a proposed plan was submitted. Lighting on the building will be changed but will still be down lit. Wayne Hosford was concerned that the application was submitted after the work has already been completed. There was no further testimony from interested parties. Dave LaBelle made a motion to close the hearing on application 10-132 by James Mulkin. Seconded by Cynthia Adams. **Approved by a unanimous decision.** The Commission has 45 days to render a decision and the applicant will be notified when a decision has been made.

The Commission deliberated on closed applications.

Cynthia Adams made a motion to grant final plat approval for application 10-131 by Don & Louise Whipple, PIN #TRD04038F2T2, for a 2 lot subdivision as submitted with the condition that a Mylar of the approved subdivision plat must be filed with the Derby Town Clerk within 180 days of this decision (see attached written decision). Seconded by Dave LaBelle. **Approved by a unanimous decision.**

Jim Bumps made a motion to grant site plan approval for application 10-132 by James Mulkin, PIN #NDRT5060F4C1, to move the existing vacuum islands and to change the roof line over a portion of the building with the condition that the vacuum islands shall be located a minimum of 25 ft from the front property line (see attached written decision). Seconded by Richard Del Favero. **Approved by a unanimous decision.**

9:00 p.m.: Upon a motion by Jim Bumps and seconded by Cynthia Adams, the meeting was adjourned.

*The minutes were taken by Bob Kelley.*

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* December 6, 2010**

**MEMBERS PRESENT:** Jim Bumps, Dave LaBelle, Cynthia Adams, Joe Profera, 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 last meeting (Nov 22) as written. Seconded by Cynthia Adams. **Approved by a unanimous decision.**

The Commission reviewed draft changes of a major rewrite of the bylaw by Bob Kelley. Article 1 was reviewed and Article 2 was review thru §206.

Things to remember to check:

- Old §106 - §110 are properly added to the Article 9.
- Add to Article 9 that State wastewater permit is needed prior to construction.
- Add to Article 9 that inaccurate information will void the permit.
- Double check when reviewing Old §207.2 & §502 to make sure that all reference to TIF is to be deleted.
- May want to add Old §203.2 to article 10.

8:50 p.m.: Upon a motion by Dave LaBelle and seconded by Cynthia Adams, the meeting was adjourned.

*The minutes were taken by Bob Kelley.*

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* November 22, 2010**

**MEMBERS PRESENT:** Jim Bumps, Dave LaBelle, Cynthia Adams, Joe Profera.

**MEMBERS ABSENT:** Richard Del Favero.

**OTHERS PRESENT:** Doug Spates, ZA Bob Kelley.

7:00 p.m.: Chair Joe Profera called the meeting to order. Cynthia Adams made a motion to approve the minutes to the last meeting (Nov 8) as written. Seconded by Dave LaBelle. **Approved by a unanimous decision.**

Chair Joe Profera opened the hearing for application 10-122 by Douglas & Vivian Spates, PIN #MSTDL008A6L, for site plan review to convert the first floor into a beauty shop, to add a second apartment on the second floor and to build an 8 ft by 30 ft deck onto the rear of the building. This property is located at 47 Main Street, Derby Line and is in the Village Commercial-Derby Line zoning district. Mr. Spates was present to explain the application. A revised site plan was submitted correcting dimensions and parking in the rear. The beauty salon is moving from across the street. The addition connecting this building to the building to the south has been removed. The awning will probably be fixed and not retractable. The 3<sup>rd</sup> floor is an attic use for storage only. Access to the 2<sup>nd</sup> floor apartments will be from the deck in the rear. There was no testimony from interested parties. Dave LaBelle made a motion to close the hearing on application 10-122 by Douglas & Vivian Spates. Seconded by Cynthia Adams. **Approved by a unanimous decision.** The Commission has 45 days to render a decision and the applicant will be notified when a decision has been made.

The Commission deliberated on closed applications.

Cynthia Adams made a motion to grant site plan approval for application 10-122 by Douglas & Vivian Spates, PIN #MSTDL008A6L, for site plan review to convert the first floor into a beauty shop, to add a second apartment on the second floor, to build an 8 ft by 30 ft deck onto the rear of the building, and a 4 ft wide awning along the front as submitted with the condition that a certificate of occupancy is require (see attached written decision). Seconded by Dave LaBelle. **Approved by a unanimous decision.**

Cynthia Adams made a motion to grant site plan approval for application 10-008 by Kevin Barrup, PIN #RT111090H7T, for a residential business for auto sale. Seconded by Jim Bumps. **Ayes – None. Nays – Cynthia Adams, Jim Bumps, Dave Labelle, Joe Profera. The application was DENIED by a unanimous decision** (see attached written decision).

8:00 p.m.: Upon a motion by Jim Bumps and seconded by Cynthia Adams, the meeting was adjourned.

*The minutes were taken by Bob Kelley.*

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* November 8, 2010**

**MEMBERS PRESENT:** Jim Bumps, Dave LaBelle, Cynthia Adams, Richard Del Favero.

**MEMBERS ABSENT:** Joe Profera.

**OTHERS PRESENT:** Dennis Bolduc, ZA Bob Kelley.

7:00 p.m.: Vice-Chair Dave LaBelle called the meeting to order. Cynthia Adams made a motion to approve the minutes to the last meeting (Oct 25 as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Vice-Chair Dave LaBelle opened the hearing for application 10-120 by Cable Holdco, dba Comcast, PIN #CABLEVISION1, for site plan review for an 8 ft by 16 ft concrete pad for an emergency backup generator. This property is located at 88 Tower Road and is in the Rural Residential zoning district. Mr. Bolduc was present to explain the application; his company has the contract with Comcast to install the generator. The new generator is replacing an existing generator on the property. It is self contained, cleaner burning and quieter. It is outside of the fenced in area and no new lighting will be installed. There was no testimony from interested parties. Richard Del Favero made a motion to close the hearing on application 10-120 by Cable Holdco. Seconded by Cynthia Adams. **Approved by a unanimous decision.** The Commission has 45 days to render a decision and the applicant will be notified when a decision has been made.

After deliberation on the above application Cynthia Adams made a motion to grant site plan approval for application 10-120 by Cable Holdco, dba Comcast, PIN #CABLEVISION1, for an 8 ft by 16 ft concrete pad for an emergency backup generator as submitted with the condition that a certificate of occupancy is require (see attached written decision). Seconded by Richard Del Favero. **Approved by a unanimous decision.**

The Commission opened a letter addressed to Mr. Profera & Planning Board that had no return address on the envelope. When they read the first paragraph they realized that it was from Myron Brainard and it was concerning application 10-008 by Kevin Barrup. They immediately stopped reading the letter because the hearing on this application has been closed and no additional testimony is allowed. They gave the letter to the ZA to hold and they will review the letter after a decision has been made on the application.

7:30 p.m.: Upon a motion by Jim Bumps and seconded by Cynthia Adams, the meeting was adjourned.

*The minutes were taken by Bob Kelley.*

## DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* October 25, 2010

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

**MEMBERS ABSENT:** None.

**OTHERS PRESENT:** Mitch Wonson, Keith Beadle, Lynn Batchelor, Melody Ricard, Chris Blais, Andre Ricard, Mary Cargill, Dorothy Brainard, Myron Brainard, Clifton Cargill, Lindsay Brainerd, Marlie Rouleau, Kevin Barrup, Joseph Gresser, 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 last meeting (Oct 11) as written. Seconded by Cynthia Adams. **Approved by a unanimous decision.**

Chair Joe Profera reopened the hearing for application 10-008 by Kevin Barrup, PIN #RT111090H7T, for a residential business for auto sales with outside storage and an office in the existing barn. This property is located at 2888 VT Route 111 and is in the Rural Residential zoning district. This application was tabled from the April 26, 2010 meeting. Richard Del Favero recused himself from this application due to a conflict of interest and sat with the general public. Kevin Barrup was present to explain the request. Because of opposition to the proposed project, Mr. Barrup amended his site plan to eliminate the display area next to the road and to move the storage area for 5 – 6 cars from behind the barn to a gravel area beside the existing 3 car detached garage which is about 200 ft from the road. The changes made to the site plan were initialed by Mr. Barrup. Mr. Barrup also stated that he will move the proposed office from the barn into his house. Myron Brainard, Mitch Wonson (representing Richard Del Favero), Clifton Cargill, and Dorothy Brainard spoke out in opposition to the application. Some of their concerns raised included the affect on the character of neighborhood/property values, access, lack of screening, and inconsistency with Town Plan. After all testimony was heard Dave LaBelle made a motion to close the hearing on application 10-008 by Kevin Barrup. Seconded by Jim Bumps. **Approved by a unanimous decision.** The Commission has 45 days to render a decision and the applicant will be notified when a decision has been made.

Richard Del Favero rejoined the Commission. The Commission decided not to review of bylaw amendments tonight.

Cynthia Adams made a motion to go into deliberative session to discuss closed applications. Seconded by Dave LaBelle. **Approved by a unanimous decision. Richard Del Favero left the room and recused himself from all deliberations concerning application 10-008 by Kevin Barrup due to a conflict of interest.**

Upon returning from deliberations Dave LaBelle made a motion to grant site plan approval for application 09-145 by Main Street Place LLC, PIN #MSTD011A6L & #MSTD013A6L, for site plan approval to raze the existing buildings, level the site, and build a mini-mart with motor fuels, canopy, tanks, fuel dispensers and restaurant with sit down with the following 8 conditions (see attached written decision).

1. Conditional Use approval must be granted.
2. A Certificate of Occupancy is required.
3. All construction, including buildings, parking, landscaping, walkways, stormwater system, level lip spreader, access, customs stacking lane, etc... must be built in substantial compliance with Site Plan #2009014101 by Llewellyn-Howley Inc. with a revision date of 8/24/10 prior to occupancy.
4. A 10 ft greenstrip must be maintained along the north and south sides of the property. Sidewalks may be located within the greenstrip.
5. The 21 parking spaces along the north side of the property shall be available to the general public with appropriate signage and without fees or charges for the life of the

project.

6. Existing erosion along the bank on the north side of the property shall be repaired at the beginning of construction.
7. All runoff from stormwater and snowmelt shall be controlled in a manner so as to prevent erosion of the bank on the north and west side of the property. Any bank erosion shall be repaired immediately.
8. Pending written approval from the Fire Chief.

Seconded by Cynthia Adams. **Ayes – Dave LaBelle, Cynthia Adams, Jim Bumps. Nays - Joe Profera, Richard Del Favero. Approved by a majority decision. A dissenting opinion was written by Joe Profera and Richard Del Favero.**

No decision was made tonight on application 10-008 by Kevin Barrup.

9:30 p.m.: Upon 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 11, 2010 as amended**

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

**MEMBERS ABSENT:** None.

**OTHERS PRESENT:** Andy Major, Lois Major, Tim Gustafson-Byrne, Scott Warthin, Roland Roy, Keith Beadle, Melody Ricard, Chris Blais, Patrick Corkins, Fred Coull, Joseph Gresser, 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 last meeting (Sept 27) as written. Seconded by Richard Del Favero.

**Approved by a unanimous decision.**

Chair Joe Profera opened the hearing for application 10-105 by Nicki Von Heeder, PIN #RT111005G5C, for site plan approval to build a 4 ft by 6 ft second floor landing with stairs, to convert the studio apartment to a 1 bedroom apartment and to expand the existing driveway. This property is located at 69 Route 111 and is in the Village Commercial/Derby Center zoning district. Fred Coull was present, *as authorized*, to explain the application. Parking will be improved. There will be a residential porch type light by the proposed 2<sup>nd</sup> floor landing. There was no testimony from interested parties. Dave LaBelle made a motion to close the hearing on application 10-105 by Nicki Von Heeder. Seconded by Cynthia Adams. **Approved by a unanimous decision.** The Commission has 45 days to render a decision and the applicant will be notified when a decision has been made.

Chair Joe Profera opened the hearing for application #10-075 by Tim Gustafson-Byrne, PIN #RT111004G5C, for site plan approval to build a 4 ft by 33 ft wraparound deck with stairs. The proposed deck is for fire escape route from the 2<sup>nd</sup> floor apartment. This property is located at 78 VT Route 111 and is in the Village Residential/Multi-Family Derby Center zoning district. Tim Gustafson-Byrne was present to explain the application. A variance has been granted by the ZBA for the deck and stairs. There are 2 motion sensor lights on the building. An email from the State Fire Marshall was sent to the town at the request of Mr. Gustafson-Byrne. There was no testimony from interested parties. Richard Del Favero made a motion to close the hearing on application #10-075 by Tim Gustafson-Byrne. Seconded by Dave LaBelle. **Approved by a unanimous decision.** The Commission has 45 days to render a decision and the applicant will be notified when a decision has been made.

The Commission decided not to review of bylaw amendments tonight.

Cynthia Adams made a motion to go into deliberative session to discuss closed applications. Seconded by Dave LaBelle. **Approved by a unanimous decision.**

Upon returning from deliberations Cynthia Adams made a motion to grant site plan approval for application 10-105 by Nicki Von Heeder, PIN #RT111005G5C, for site plan approval to build a 4 ft by 6 ft second floor landing with stairs, to convert the studio apartment to a 1 bedroom apartment and to expand the existing driveway as submitted (see attached written decision). Seconded by Dave LaBelle. **Approved by a unanimous decision.**

Dave LaBelle made a motion to grant site plan approval for application #10-075 by Tim Gustafson-Byrne, PIN #RT111004G5C, for site plan approval to build a 4 ft by 33 ft wraparound deck with stairs as submitted (see attached written decision). Seconded by Richard Del Favero. **Approved by a unanimous decision.**

9:05 p.m.: Upon a motion by Cynthia Adams and seconded by Dave LaBelle, the meeting was adjourned.

*The minutes were taken by Bob Kelley.*

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* September 27, 2010**

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

**MEMBERS ABSENT:** None.

**OTHERS PRESENT:** Dean Palin, Lynn Batchelor, Nathan Gratton, Frank Davis, Joe Gresser, 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 last meeting (Sept 13) as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

The Commission discussed a possible bylaw amendment by Nathan Gratton that would allow him to house, breed and train working canines in the Rural Residential zoning district. Mr. Gratton would like to raise and train sled dogs to start a business giving dog sled rides. Frank Davis is helping Mr. Gratton and submitted proposed bylaw amendments to change the definition of Animal Grooming/Boarding Facility and adding Working Canines Housing, Breeding and Training as a permitted use in the Rural Residential zoning district. The Commission had concerns with noise (dogs barking) and odor (dog excretion) that Mr. Gratton and Mr. Davis have not addressed. The Commission asked them to come back with possible suggestions on how to address these concerns. The Commission also asked the Zoning Administrator to check how other town deal with this issue.

The Commission deliberated on application 09-145 by Main Street Place LLC. No decision was made and they will continue deliberations at their next meeting in 2 weeks.

Bob Kelley reminded the Commission that the minutes to two past meeting have not been approved yet. Dave LaBelle made a motion to approve the minutes of July 19, 2010 as amended. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

Jim Bumps made a motion to approve the minutes of August 2, 2010 as written. Seconded by Dave LaBelle. **Approved by a unanimous decision.**

The Commission discussed Development Review Boards. They are not in favor of creating a DRB and would like this passed along to the Selectboard. They felt that our current system is working just fine.

8:55 p.m.: Upon a motion by Dave LaBelle and seconded by Jim Bumps, the meeting was adjourned.

*The minutes were taken by Bob Kelley.*



**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* September 13, 2010**

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

**MEMBERS ABSENT:** None.

**OTHERS PRESENT:** Scott Warthin, Laura Carpenter, Frank Davis, Bill Simendinger, Jeff Simendinger, Harry Porter, Donald Buschman, Keith Beadle, Roland Roy, Perry Hunt, Mitch Wonson, Lynn Batchelor, Chris Blais, Melody Ricard, Andre Ricard, Nathan Gratton, Karen Jenne, 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 last meeting (Aug 30) as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Dave LaBelle made a motion to reopen application 09-145 by Main Street Place LLC, PIN #MSTDL011A6L & #MSTDL013A6L, for site plan approval to raze the existing buildings, level the site, and build a mini-mart with motor fuels, canopy, tanks, fuel dispensers and restaurant with sit down. This property is located at 50 – 58 Main Street, Derby Line and is in the Village Commercial/Derby Line zoning district. Seconded by Cynthia Adams. **Approved by a unanimous decision.**

Discussion began on the above application with Bill Simendinger explaining the changes to the site plan in regards to the stormwater system. He is proposing that the stormwater be discharged into a small pond with a level lip spreader. The system is designed for erosion control, not stormwater retention. It is to take the energy out of the water and spread the discharge over a wide area. The Commission asked questions concerning stormwater, circulation, parking, landscaping, fire safety, building design, etc... Perry Hunt, Keith Beadle, Mitch Wonson, Scott Warthin, Chris Blais, Lynn Batchelor and Don Bushman asked questions and spoke out against the project, concerns included stormwater, contamination, bank stability, circulation, traffic flow/safety, public safety, homeland security, compliance with town plan/bylaw, character of the area, aesthetics, landscaping, building design, signage, fire safety, etc... The Commission will ask the Fire Chief for a letter in regards to fire protection for this project. After all testimony was heard Dave LaBelle made a motion to close the hearing on application 09-145 by Main Street Place LLC. Seconded by Jim Bumps. **Approved by a unanimous decision.** The Commission has 45 days to render a decision and the applicant will be notified when a decision has been made.

The Commission deliberated on the above application. No decision was made and they will continue deliberations at their next meeting in 2 weeks.

Due to the time spent on the above application bylaw amendments were not reviewed.

9:00 p.m.: Upon 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 30, 2010**

**MEMBERS PRESENT:** Joe Profera, Jim Bumps, Dave LaBelle, Cynthia Adams.

**MEMBERS ABSENT:** Richard Del Favero.

**OTHERS PRESENT:** Matthew MacFarlane, 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 last meeting (Aug 16) as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Chair Joe Profera reopened application 09-145 by Main Street Place LLC, PIN #MSTDL011A6L & #MSTDL013A6L, for site plan approval to raze the existing buildings, level the site, and build a mini-mart with motor fuels, canopy, tanks, fuel dispensers and restaurant with sit down. This property is located at 50 – 58 Main Street, Derby Line and is in the Village Commercial/Derby Line zoning district. The Zoning Administrator informed the board that the applicant has requested that the hearing be table for 2 week so that he can correct errors in the site plan. Dave LaBelle made a motion to table application 09-145 by Main Street Place LLC until 7:00 p.m. September 13, 2010 here in the municipal building. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Chair Joe Profera opened the hearing for application 10-087 by NCHJHS, PIN #SMSDC026G5CTXM, for site plan approval for an 18 ft by 64 ft greenhouse for special programs. This property is located at 57 Junior High Drive. Matthew MacFarlane was present to explain the request. It is a used greenhouse with a metal loop frame and plastic cover. The plastic needs to be replaced. Initially it will not be heated and water will be fed to the greenhouse from a hose. There will be raised beds in the greenhouse for growing plants. There was no testimony from interested parties. Dave LaBelle made a motion to close the hearing on application 10-087 by NCHJHS. Seconded by Jim Bumps. **Approved by a unanimous decision.** The Commission has 45 days to render a decision and the applicant will be notified when a decision has been made.

After deliberations Cynthia Adams made a motion to grant site plan approval for application 10-087 by NCHJHS, PIN #SMSDC026G5CTXM, for site plan approval for an 18 ft by 64 ft greenhouse for special programs as submitted (see attached written decision). Seconded by Jim Bumps. **Approved by a unanimous decision.**

The commission discussed prior unapproved minutes and decided that the following should be added to the July 19, 2010 minutes after the approval of the June 7<sup>th</sup> minutes and prior to the motion to open the hearing for application 09-145:

“In discussing whether application 09-145 by Main Street Place LLC should be before the Commission, Chair Joe Profera was concerned that because of §208.4 conditional use approval should be granted prior to coming before the Planning Commission for site plan approval. Chair Joe Profera was also concerned that because of §402.1 150 ft of road frontage is required and this project does not have 150 ft of frontage.”

8:30 p.m.: Upon 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 16, 2010**

**MEMBERS PRESENT:** Joe Profera, Jim Bumps, Dave LaBelle.

**MEMBERS ABSENT:** Cynthia Adams, Richard Del Favero.

**OTHERS PRESENT:** None.

7:00 p.m.: Chair Joe Profera called the meeting to order.

The Commission discussed possible bylaw amendments and regulations to protect the lakes in Derby. No action was taken.

7:30 p.m.: Upon a motion by Dave LaBelle and seconded by Jim Bumps, the meeting was adjourned.

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* August 2, 2010**

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

**MEMBERS ABSENT:** Cynthia Adams.

**OTHERS PRESENT:** Dennis Kelley, Frank Davis, Bill Simendinger, Karen Jenne, Gordon Alexander, John Burgess, Kim Gilding, Jake Wheeler, Richard Creaser, Lynn Batchelor, Chris Blais, Melody Ricard, Nancy Olney, Andre Ricard, Gary Olney, Keith Beadle, Charlotte Hickcox, Greg Lucas, Laura Carpenter, Lois Major, Andy Major, Lewis Rose, Jane Lucas, Joseph Lucas, Mitch Wonson, Roland Roy, Perry Hunt, ZA Bob Kelley.

6:00 p.m.: There was a site visit at 50 & 58 Main Street, Derby Line for application 09-145 by Main Street Place LLC. Present at the site visit were Jim Bumps, Dave LaBelle, Richard Del Favero, Bill Simendinger, Gordon Alexander, Dennis Kelley, Karen Jenne, Perry Hunt, Roland Roy, Richard Creaser, 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 last meeting (July 19) as written. There was no second. It was felt that Joe Profera's speech about why the Commission should not hear application 09-145 by Main Street Place should be added to the minutes before approving them.

Chair Joe Profera read the warning for application 10-070 by Michael H Dunn Trust, PIN #TRD06041A2T & #TRD17001A1T & #TRD17002A1T, for preliminary and final plat review for a 3 lot subdivision. Lot #1 is 9.0 ac, lot #2 is 1.2 ac and lot #3 is 430 ac. This property is located at 2 & 386 Woodlawn Ave and is in the Shoreland and Rural Residential zoning districts. Jake Wheeler & Kim Gilding were present to explain the request. Status of the roads at the end of Eagle Point Road was questioned by Dennis Kelley and Frank Davis. John Burgess spoke out in favor of the subdivision. Well and septic locations were reviewed. After all questions were answered Richard Del Favero made a motion to close the hearing on application 10-070 by Michael H Dunn Trust. Seconded by Jim Bumps. **Approved by a unanimous decision.** The Commission has 45 days to render a decision and the applicant will be notified when a decision has been made.

Dave LaBelle made a motion to reopen application 09-145 by Main Street Place LLC, PIN #MSTDL011A6L & #MSTDL013A6L, for site plan approval to raze the existing buildings, level the site, and build a mini-mart with motor fuels, canopy, tanks, fuel dispensers and restaurant with sit down. This property is located at 50 – 58 Main Street, Derby Line and is in the Village Commercial/Derby Line zoning district. Bill Simendinger was present to explain the request. He submitted a letter from his attorney outlining the reasons why he feels the 150 ft of frontage requirement does not apply to his application. Among other things discussed were traffic and stormwater. Mitch Wonson, representing the Village of Derby Line disagreed with most of the points Mr. Simendinger expressed. Dennis Kelley was concerned with the proposed stacking lane for customs. Frank Davis was concerned with erosion of the bank by snow melt. Chris Blais was concerned with pollution of the river. Connecting to the Village's stormwater system is not an option as the Village's system is inadequate to handle the existing stormwater flows according to Trustee Keith Beadle. The Commission felt that potential erosion from stormwater is not adequately addressed by the current site plan. In order to give the applicant time to adequately address their concerns regarding erosion from stormwater runoff Dave LaBelle made a motion to table application 09-145 by Main Street Place LLC until 7:00 p.m. August 30, 2010 here in the municipal building. Seconded by Jim Bumps. **Approved by a unanimous decision.**

After deliberations Dave LaBelle made a motion to grant final plat approval for application 10-070 by Michael H Dunn Trust, PIN #TRD06041A2T & #TRD17001A1T & #TRD17002A1T, for a 3-lot subdivision as submitted with the condition that a mylar of the approved subdivision plat must be filed with the Derby Town Clerk within 180 days of this decision (see attached written decision). Seconded by Jim Bumps. **Approved by a unanimous decision.**

8:16 p.m.: Upon 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\*\*\* July 19, 2010 as amended**

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

**MEMBERS ABSENT:** None.

**OTHERS PRESENT:** Bill Simendinger, Lynn Batchelor, Chris Blais, Keith Beadle, Karen Jenne, Diane Beadle, Richard Greaser, Nancy Olney, Don Buschman, Harry Porter, Gary Olney, Melody Ricard, Andre Ricard, Frank Davis, Mitch Wonson, Roland Roy, Dennis Kelley, Laura Carpenter, 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 last meeting (Jun 7) as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

*In discussing whether application 09-145 by Main Street Place LLC should be before the Commission, Chair Joe Profera was concerned that because of §208.4 conditional use approval should be granted prior to coming before the Planning Commission for site plan approval. Chair Joe Profera was also concerned that because of §402.1 150 ft of road frontage is required and this project does not have 150 ft of frontage.*

Dave LaBelle made a motion to open the hearing for application 09-145. Seconded by Cynthia Adams, **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 09-145 by Main Street Place LLC, PIN #MSTD011A6L & #MSTD013A6L, for site plan approval to raze the existing buildings, level the site, and build a mini-mart with motor fuels, canopy, tanks, fuel dispensers and restaurant with sit down. This property is located at 50 – 58 Main Street, Derby Line and is in the Village Commercial/Derby Line zoning district. Bill Simendinger was present to explain the request. Mr. Simendinger - §402.1 of the bylaw does not apply to a mini mart, traffic is improved with the addition of the stacking lane for customs, circulation is adequate on the lot, landscaping was kept low due to customs, the dumpster is screened, it does not change the character of the area, storage tank is 20,000 gallons category 1 tank, maximum of 3-4 fuel deliveries per week, onsite public parking to replace lost parking due to stacking lane, max 3 employees on largest shift, sign internally lit, usually open 6 a.m. to midnight, would like the option to be open 24 hrs, exterior lighting is down lit LED, 1,000 gallon oil separator, stormwater drains to the rear, no figures on stormwater flow, and all construction including contour changes will be on his property only. Testimony from the public: Mitch Wonson (agent for the Village of Derby Line Trustees) - §402.1 does apply, stacking lane has not been approved by trustees, significant potential for congestion and safety problems, landscaping is minimal, 10 ft green strip not around entire property, character of area will be adversely affected, proposal is too intense for the site, will lose 9 housing unit and 11 existing full time jobs, does not meet the town plan, unknown impacts on Tomifobia River from potential leaks from storage tank, runoff and erosion currently a problem on the site, and stormwater discharge is not adequately addressed. Keith Beadle – Boundary treaty between U.S.A. and Canada not to pollute the river and stormwater runoff may need state permit. Buzzy Roy – exterior stairway to his building is attached to Caswell building. Chris Blais – adverse impact on traffic, adverse impact on character of area, goes against town plan and safety issues for pedestrians and bikes. Don Bushman/Karen Jenne (agents for cemetery) – concerns with bank erosion, effect on serenity of cemetery, and location of storage tanks in relation to waterlines. Dennis Kelley – there will be more lights, more noise, will compound traffic problems, and more dangerous for pedestrians. Frank Davis – more dangerous

for pedestrians. Melody Ricard – does not like change to on street parking. Dave LaBelle made a motion to table the hearing on application 09-145 by Main Street Place LLC for a site visit at 6:00 p.m. August 2, 2010 and to reconvene the hearing at 7:00 p.m. August 2, 2010 here in the municipal building. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

8:55 p.m.: Upon a motion by Dave LaBelle and seconded by Cynthia Adams, the meeting was adjourned.

*The minutes were taken by Bob Kelley.*

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* June 7, 2010**

**MEMBERS PRESENT:** Joe Profera, Jim Bumps, Dave LaBelle.

**MEMBERS ABSENT:** Richard Del Favero, Cynthia Adams.

**OTHERS PRESENT:** Scott Webster, ZA Bob Kelley.

6:30 p.m.: There was a site visit at 35 Junior High Drive for application 10-038 by Town of Derby. Present at the site visit were Joe Profera, Jim Bumps, Dave LaBelle, Bob Kelley, Allen Yale.

7:05 p.m.: Chair Joe Profera called the meeting to order. Dave LaBelle made a motion to approve the minutes to the last meeting (May 24) as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 10-040 by Regis Beloin, PIN #NDRT5078F5C, for a 14 ft by 28 ft garage. This property is located at 3229 US Route 5 and is in a Village Commercial/Derby Center zoning district. The applicant was not present. The Commission did not have any questions regarding the application. There was no testimony from interested parties. Jim Bumps made a motion to close the hearing on application 10-040 by Regis Beloin. Seconded by Dave LaBelle. **Approved by a unanimous decision.** The Commission has 45 days to render a decision and the applicant will be notified when a decision has been made.

Dave LaBelle made a motion to reopen application 10-038 by the Town of Derby, PIN #SMSDC126E5CTXM, for a handicap access ramp and interior renovations to convert the building to a museum. This property is located at 35 Junior High Drive. There was no testimony from interested parties. Dave LaBelle made a motion to close the hearing on application 10-038 by the Town of Derby. Seconded by Jim Bumps. **Approved by a unanimous decision.** The Commission has 45 days to render a decision and the applicant will be notified when a decision has been made.

Scott Webster was present to discuss an issue of using his RV while it is parked in his yard. He would like to let his children/parents use it for the summer. It is hooked up to water, sewer, electric and cable. The zoning administrator feels this constitutes a second dwelling unit on the lot and it is not allowed. The Commission would like some time to review the bylaw and will discuss this further at their next meeting.

Bob Kelley handed out drafts of proposed amendments to the first 3 sections of the bylaw for the Commission to review for their next meeting.

After deliberations Dave LaBelle made a motion to grant application 10-038 by the Town of Derby, PIN #SMSDC126E5CTXM, for interior renovations to convert the building to a museum and that the proposed handicap access ramp does not require a permit (see attached written decision). Seconded by Jim Bumps. **Approved by a unanimous decision.**

After deliberations Dave LaBelle made a motion to grant application 10-040 by Regis Beloin, PIN #NDRT5078F5C, for a 14 ft by 28 ft garage as submitted (see attached written decision). Seconded by Jim Bumps. **Approved by a unanimous decision.**

8:30 p.m.: Upon 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 24, 2010**

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

**MEMBERS ABSENT:** Cynthia Adams.

**OTHERS PRESENT:** Mary Cargill, Dorothy Brainard, Myron Brainard, Clifton Cargill, Josh Provost, Allen Yale, Mitch Wonson, Marlie Rouleau, Brent Hilliard, David Ring, ZA Bob Kelley.

6:30 p.m.: A site visit was conducted prior to tonight's meeting for application 10-025 by NCUHS District with the following present: Joe Profera, Richard Del Favero, Jim Bumps, Dave LaBelle, Brent Hilliard, David Ring, 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 last meeting (May 10) as written. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

Dave LaBelle made a motion to reopen application 10-021 by Joshua Provost & Brian Carpenter. Chair Joe Profera read the warning for application 10-021 by Joshua Provost & Brian Carpenter, PIN #RT005007E5T, for a 50 ft by 32 ft repair shop with a 10 ft by 10 ft breezeway connecting it to their main building. This property is located at 2506 US Route 5 and is in a Commercial zoning district. This application was tabled from the April 26, 2010 meeting. Josh Provost was present to explain the request. Parking, lighting, landscaping and paving were discussed. There was no testimony from interested parties. Dave LaBelle made a motion to close the hearing on application 10-021 by Joshua Provost & Brian Carpenter. Seconded by Richard Del Favero. **Approved by a unanimous decision.** The applicant was informed that the Commission has 45 days to render a decision and they will be notified when a decision has been made.

Chair Joe Profera read the warning for application 10-038 by the Town of Derby, PIN #SMSDC126E5CTXM, for a handicap access ramp and interior renovations to convert the building to a museum. This property is located at 35 Junior High Drive. Allen Yale was present to explain the request. Parking and location of the handicap ramp was discussed. It was asked if the ramp could be moved to the rear of the building. Because of the size of the lot an easement would be need from the school. Mr. Yale said he would discuss it when he meets with the school board. The Commission felt a site visit would be beneficial. There was no testimony from interested parties. Dave LaBelle made a motion to recess the hearing on application 10-038 by the Town of Derby for a site visit at 6:30 p.m. on June 7, 2010 and to reconvene the hearing here in the Municipal Building at 7:00 p.m. on June 7, 2010. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

Marlie Rouleau was present and explained that this is a very busy time of the year for Kevin Barrup and he would not be able to attend a meeting until sometime in July. She requested that his application be tabled. Dave LaBelle made a motion to table application 10-008 by Kevin Barrup. Seconded by Jim Bumps. **Approved by a unanimous decision with Richard Del Favero abstaining.** Mr. Barrup is to coordinate with the Zoning Administrator to rewarn the hearing when he is available.

Chair Joe Profera read the warning for application 10-025 by NCUHS District, PIN #TRD44024J2T1, for site plan approval for a school bus terminal with a 100 ft by 40 ft maintenance building. This property is located at 145 Citizens Road and is in an Industrial/Commercial zoning district. Brent Hilliard and David Ring were present to explain the request. There is an existing ACT 250 permit issues for this lot and they will be amending it for

this project. Fire protection was a concern because there may be no review of this criteria during the ACT 250 process. The wetlands have been delineated. The existing wastewater system is designed for 2 lots with a total capacity of 1,220 gpd and this project will need only 300 gpd leaving a potential 920 gpd for the second lot. There will be some fill added to the lot and the slope across the lot from north to south will be a 2% grade. The R.O.W. access is gravel. Landscaping and greenstrips were also discussed. There was no testimony from interested parties. Dave LaBelle made a motion to close the hearing on application 10-025 by NCUHS District. Seconded by Jim Bumps. **Approved by a unanimous decision.** The applicant was informed that the Commission has 45 days to render a decision and they will be notified when a decision has been made.

After deliberations Jim Bumps made a motion to grant site plan approval for application 10-021 by Joshua Provost & Brian Carpenter, PIN #RT005007E5T, for a 50 ft by 32 ft repair shop with a 10 ft by 10 ft breezeway connecting it to their main building with the condition that both access driveways must be paved in a minimum of 25 ft from the edge of the existing Route 5 pavement (see attached written decision). Seconded by Dave LaBelle. **Approved by a unanimous decision.**

After deliberations Jim Bumps made a motion to grant site plan approval for application 10-025 by NCUHS District, PIN #TRD44024J2T1, for site plan approval for a school bus terminal with a 100 ft by 40 ft maintenance building with the following conditions. 1) The access road off of Citizens Road must be paved in a minimum of 25 ft from the edge of the existing Citizens Road pavement, 2) The Fire Chief must, in writing, approve the site plan for adequacy of fire protection (see attached written decision). Seconded by Dave LaBelle. **Approved by a unanimous decision.**

The Commission decided not to work on bylaw amendments tonight. It was discussed that Cynthia Adams will not be at meetings this summer due to a conflict with a course she is teaching at CCV.

8:20 p.m.: Upon a motion by Dave LaBelle and seconded by Jim Bumps, the meeting was adjourned.

*The minutes were taken by Bob Kelley.*

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* May 10, 2010**

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

**MEMBERS ABSENT:** None.

**OTHERS PRESENT:** Madeleine Roy, Rachel Ducharme, Dwight Abbott, Brent Hilliard, David Ring, ZA Bob Kelley.

7:00 p.m.: Chair Joe Profera called the meeting to order. Dave LaBelle made a motion to approve the minutes of the April 12, 2010 meeting as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Dave LaBelle made a motion to approve the minutes to the last meeting (Apr 26) as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 10-024 by Michael Blake, PIN #MSTDL006A6L, for site plan approval to change the use of a portion of the building to a restaurant. This property is located at 43 Main Street, Derby Line and is in the Village Commercial/Derby Line zoning district. Rachel Ducharme was present to explain the request. She will be open 6 days a week, the sign will not be lit, parking is on street public parking, and all State permits are in place. There was no testimony from interested parties. Cynthia Adams made a motion to close the hearing on application 10-024 by Michael Blake. Seconded by Dave LaBelle. **Approved by a unanimous decision.** The applicant was informed that the Commission has 45 days to render a decision and they will be notified when a decision has been made.

Chair Joe Profera read the warning for application 10-025 by NCUHS District, PIN #TRD44024J2T1, for site plan approval for a school bus terminal with a 100 ft by 40 ft maintenance building. This property is located at 145 Citizens Road and is in an Industrial/Commercial zoning district. Brent Hilliard and David Ring were present to explain the request. 2/3 of the building will be bus bays and the other 1/3 will be office/storage/break room. There is an existing mound system for wastewater disposal. There will be less than 1 acre of impervious area, so a State stormwater permit is not required. There will be 2 – 24 ft wide access driveways and room to park 19 busses and 20 cars. During the day there will be 2 employees onsite. The bus bays are for minor maintenance and not major repairs. All exterior lights are down lit. The Commission felt a site visit would be beneficial. There was no testimony from interested parties. Richard Del Favero made a motion to recess the hearing on application 10-025 by NCUHS District for a site visit at 6:30 p.m. May 24, 2010 and to reconvene the hearing at 7:00 p.m. May 24, 2010 here in the municipal building. Seconded by Dave LaBelle. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 10-027 by Abbott Equities, PIN #NDRT5031G3T, for site plan approval for a temporary construction office & storage area for Comcast Cable until the end of August. This property is located at 4730 US Route 5 and is in a Commercial zoning district. Dwight Abbott was present to explain the request. They are leasing the land to a company that is upgrading Comcast's lines throughout the area and they have multiple crews working on the project. They expect to be completed by the middle of August and it will take them a couple of weeks to clean up. Access was discussed. There was no testimony from interested parties. Cynthia Adams made a motion to close the hearing on application 10-027 by Abbott Equities. Seconded by Dave LaBelle. **Approved by a**

**unanimous decision.** The applicant was informed that the Commission has 45 days to render a decision and they will be notified when a decision has been made.

After deliberations Cynthia Adams made a motion to grant site plan approval for application 10-024 by Michael Blake, PIN #MSTDL006A6L, for site plan approval to change the use of a portion of the building to a restaurant as submitted (see attached written decision). Seconded by Jim Bumps. **Approved by a unanimous decision.**

After deliberations Dave LaBelle made a motion to grant site plan approval for application 10-027 by Abbott Equities, PIN #NDRT5031G3T, for site plan approval for a temporary construction office & storage area for Comcast Cable upgrade with the following conditions. 1) This use is permitted as a temporary use until the end of August 2010, 2) Any future use of this property after this temporary use has ceased will require a permit (see attached written decision). Seconded by Jim Bumps. **Approved by a unanimous decision.**

The Commission reviewed their mail and decided not to work on bylaw amendments tonight.

8:25 p.m.: Upon a motion by Dave LaBelle and seconded by Cynthia Adams, the meeting was adjourned.

*The minutes were taken by Bob Kelley.*

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* April 26, 2010**

**MEMBERS PRESENT:** Jim Bumps, Dave LaBelle.

**MEMBERS ABSENT:** Joe Profera, Richard Del Favero, Cynthia Adams.

**OTHERS PRESENT:** Randy Dutil, ZA Bob Kelley.

7:04 p.m.: Vice-Chair Dave LaBelle called the meeting to order.

At the applicants request Jim Bumps made a motion to table application 10-021 by Joshua Provost & Brian Carpenter until 7:00 pm, May 24, 2010 here in the municipal building. Seconded by Dave LaBelle. **Approved by a unanimous decision.**

At the applicants request Jim Bumps made a motion to table application 10-008 by Kevin Barrup until 7:00 pm, May 24, 2010 here in the municipal building. Seconded by Dave LaBelle. **Approved by a unanimous decision.**

Due to a lack of a quorum bylaw amendments were not discussed.

Randy Dutil was present to discuss the bylaw and how they relate to issues in his neighborhood.

7:35 p.m.: Upon 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\*\*\* April 12, 2010**

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

**MEMBERS ABSENT:** Cynthia Adams.

**OTHERS PRESENT:** Clifton Cargill, Mary Cargill, Myron Brainard, Dorothy Brainard, Richard Dubois, Jim Mulkin, Rodney Barrup, Kevin Barrup, Lindsay Brainard, ZA Bob Kelley.

The following people were present at the 6:30 site visit at the Barrup property prior to tonight's meeting: Clifton Cargill, Mary Cargill, Myron Brainard, Dorothy Brainard, Rodney Barrup, Kevin Barrup, Eric Barrup, Joe Profera, Dave LaBelle, Jim Bumps, 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 last meeting (Mar 29) as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Chair Joe Profera read the warning to reconvene the hearing for application 10-009 by James Mulkin, PIN #NDRT5042G3T, to redo the existing front façade, to enclose an existing canopied area, and to add new Chrysler signage to the building. This property is located at 4441 Route 5 and is in a Commercial zoning district. Jim Mulkin was present to explain the request. The footprint of the building is not changing, there is no change to the exterior lighting and one sign has been removed. Parking display cars on the green strip in the front was discussed. There was no testimony from interested parties. Dave LaBelle made a motion to close the hearing on application 10-009 by James Mulkin. Seconded by Richard Del Favero. **Approved by a unanimous decision.** The applicant was informed that the Commission has 45 days to render a decision and they will be notified when a decision has been made.

Chair Joe Profera read the warning to reconvene the hearing for application 10-008 by Kevin Barrup, PIN #RT111090H7T, for a residential business for auto sales with outside storage and an office in the existing barn. This property is located at 2888 VT Route 111 and is in the Rural Residential zoning district. Richard Del Favero vacated the table and recused himself due to a conflict of interest because he is an abutter. Kevin Barrup was present to explain the request. A letter from Mitch Wonson (representing Mr. Del Favero) was read asking that the hearing be tabled because Mr. Wonson could not be present tonight due to medical reasons. Mr. Brainard stated that this was the last meeting he would be attending and he was not in favor of the application because he did not think the project was appropriate for the neighborhood. Dave LaBelle made a motion to recess the hearing until 7:00 p.m., Monday, April 26, 2010 here in the municipal building. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Reorganize the Commission:

Richard Del Favero rejoined the Commission. Dave LaBelle made a motion to elect Joe Profera as Chair. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Jim Bumps made a motion to elect Cynthia Adams as Clerk. Seconded by Dave LaBelle. **Approved by a unanimous decision.**

Richard Del Favero made a motion to elect Dave LaBelle as Vice-Chair. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Discussion began on possible bylaw amendments. ZA Bob Kelley handed out proposed changes to the Article 4: General Provision. The Commission approved changes to: Existing Small Lots; Required Frontage on, or Access to, Public Roads or Public Waters; Low and Moderate Income Housing; Accessory Dwelling Unit; Residential Group Homes; and Auto Service Stations-Auto Service Station/Mini Mart.

After deliberations, Dave LaBelle made a motion to grant site plan review for application 10-009 by James Mulkin, PIN #NDRT5042G3T, to redo the existing front façade, to enclose an existing canopied area, and to add new Chrysler signage to the building with the condition that parking of display vehicles in the greenstrip along Route 5 is prohibited (see attached written decision). Seconded by Richard Del Favero. **Approved by a unanimous decision.**

The Commission reviewed a proposal by Bob Kelley for a planning grant to get maps produced for the Town Plan and to digitize the zoning maps. Dave LaBelle made a motion to recommend applying for the grant. Seconded by Jim Bumps. **Approved by a unanimous decision.**

8:55 p.m.: Upon 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 29, 2010**

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

**MEMBERS ABSENT:** None.

**OTHERS PRESENT:** Bernard Royea, Tracey Royea, Jocelyne Capron, Kevin Barrup, Marlie Rouleau, Myron Brainard, Lindsay Brainard, Dorothy Brainard, Mary Cargill, Clifton Cargill, Mitch Wonson, ZA Bob Kelley.

7:00 p.m.: Chair Joe Profera called the meeting to order. Cynthia Adams made a motion to approve the minutes to the last meeting (Mar 15) as written. Seconded by Dave LaBelle. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 10-008 by Kevin Barrup, PIN #RT111090H7T, for a residential business for auto sales with outside storage and an office in the existing barn. This property is located at 2888 VT Route 111 and is in the Rural Residential zoning district. Kevin Barrup was present to explain the request. Richard Del Favero recused himself from this application and sat with the general public because he is an abutting property owner. The display area beside the barn will be for 5 vehicles. The rest of the vehicles will be stored either behind the barn or inside the barn. He would usually have no more than 8 or 9 total vehicles for sales on the lot. He is a state licensed dealer and most of the sales are from the Internet. No new lighting or landscaping is proposed. There will be no employees that do not live on the property. The proposed office in the barn will be approx 10 x 10. He will be putting in 2 new windows and a door for the office. Mitch Wonson was present representing Richard Del Favero, he spoke out against the application and submitted a letter outlining Mr. DelFavero's position. Points included incomplete site plan, no landscaping/screening, character of the area, inconsistent with Town Plan, and environmental impacts. He feels that the proposal does not comply with sections 209.1, 209.3 and 402.3 of the bylaw. Abutting property owners Myron Brainard, Dorothy Brainard and Clifton Cargill all spoke out against the project because they did not feel it was appropriate in the area. Dave LaBelle made a motion to recess application 10-008 by Kevin Barrup until 7:00 pm Monday, April 12, 2010 here in the municipal building with a site visit at 6:30 pm immediately before to the meeting. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Richard Del Favero rejoined the Commission for the next application.

Chair Joe Profera read the warning for application 10-010 by Bernard & Tracey Royea, PIN #NDRT5061F4C, to convert a 16 ft by 40 ft section of cold storage into an additional auto service bay. This property is located at 3588 Route 5 and is in a Commercial zoning district. Mr. & Mrs. Royea were present to explain the request. They are simply adding another service bay, the only exterior alteration will be a new overhead door on the side of the building to access the new bay. There was no testimony from interested parties. Dave LaBelle made a motion to close the hearing on application 10-010 by Bernard & Tracey Royea. Seconded by Richard Del Favero. **Approved by a unanimous decision.** The applicant was informed that the Commission has 45 days to render a decision and they will be notified when a decision has been made.

Because the applicant was not present Richard Del Favero made a motion to table application 10-009 by James Mulkin, PIN #NDRT5042G3T, to redo the existing front façade, to enclose an existing canopied area, and to add new Chrysler signage to the building until 7:00 p.m. Monday, April 12, 2010 here in the Municipal Building. Seconded by Dave LaBelle. **Approved by a unanimous decision.**



After brief deliberations Richard Del Favero made a motion to grant site plan approval for application 10-010 by Bernard & Tracey Royea, PIN #NDRT5061F4C, to convert a 16 ft by 40 ft section of cold storage into an additional auto service bay as submitted (see attached written decision). Seconded by Dave LaBelle. **Approved by a unanimous decision.**

The Commission went into deliberative session to discuss application 10-008 by Kevin Barrup. Richard Del Favero left the room because of a conflict of interest.

After coming out of deliberative session Richard Del Favero rejoined the Commission.

Other Business: The Commission felt that there are some issues with the current bylaw that should be looked into and they felt this is a higher priority than working on the Town Plan. The agenda for their next meeting will be revised to replace working on the Town Plan with working on the bylaw.

Bob Kelley reported that Municipal Planning Grants must be submitted by April 30, 2010. Two possible projects would be to reapply for a grant to get maps produced for the Town Plan or to apply to get assistance for creating design control districts for both villages. The Commission elected to go for the maps.

8:25 p.m.: Upon 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 15, 2010**

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

**MEMBERS ABSENT:** None.

**OTHERS PRESENT:** Joseph Warantz, 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 last meeting (Feb 15) as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Chair Joe Profera read the warning for application 10-006 by Midtown Estates LLC, PIN #NDRT5046G4T, to change the use of the second floor from offices to 4 studio apartments. This property is located at 4267 Route 5 and is in a Commercial zoning district. Joseph Warantz was present to explain the request. Due to the current economic times the 2<sup>nd</sup> floor offices have been vacant for the last year and is losing money on the property. He is still hoping to find tenants for the offices, but if not he would like to be able to convert them to apartments to improve his cash flow for the property. There was no testimony from interested parties. Cynthia Adams made a motion to close the hearing on application 10-006 by Midtown Estates LLC. Seconded by Dave LaBelle. **Approved by a unanimous decision.** The applicant was informed that the Commission has 45 days to render a decision and they will be notified when a decision has been made.

ZA Bob Kelley informed the Commission that Mr. Mulkin called and requested that the Commission table his application because he is unable to attend tonight. Dave LaBelle made a motion to table application 10-009 by James Mulkin, PIN #NDRT5042G3T, to redo the existing front façade, to enclose an existing canopied area, and to add new Chrysler signage to the building until 7:00 p.m. Monday, March 29, 2010 here in the Municipal Building. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

The Commission went into deliberative session to discuss the above application.

Upon returning from deliberative session Cynthia Adams made a motion to grant site plan approval for application 10-006 by Midtown Estates LLC, PIN #NDRT5046G4T, to change the use of the second floor from offices to 4 studio apartments as submitted (see attached written decision). Seconded by Dave LaBelle. **Approved by a unanimous decision.**

The Commission began work on the Town Plan. Cynthia Adams recommended a few changes to the Education section, which the Commission agreed with.

7:50 p.m.: Upon a motion by Richard Del Favero and seconded by Cynthia Adams, the meeting was adjourned.

*The minutes were taken by Bob Kelley.*

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* February 15, 2010**

**MEMBERS PRESENT:** Joe Profera, Jim Bumps, Dave LaBelle.

**MEMBERS ABSENT:** Richard Del Favero, Cynthia Adams.

**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 last meeting (Feb 1) as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

Town Plan: The Commission worked on the Town Plan. Sections on Telecommunications Facilities, Recreation and Leisure, Conservation Commission, Development Trends and Impacts on Adjacent Towns, and Economic Development were finalized. Next review will begin with the Housing section.

8:10 p.m.: Upon 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 1, 2010**

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

**MEMBERS ABSENT:** Cynthia Adams.

**OTHERS PRESENT:** Al Diem, Frank Davis, 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 last meeting (Jan 18) as written. Seconded by Richard Del Favero. **Approved by a unanimous decision.**

Other Business: Al Diem was present to ask about zoning on his property next to the I91 on Schuler Road. Pike has approached him about using his land as a temporary asphalt plant. Pike has a contract to repave I91 and Main St/Caswell Ave in Derby Line. They estimate it will be a 3-year project. Currently the property is zoned Rural Residential and this use is not allowed. The Commission was receptive to the idea of changing the zoning on the east side of the interstate to Commercial/Industrial and adding Hot Mix Plant as a conditional use. The west side of the interstate is currently zoned Com/Ind. The other possibility would be to allow Temporary Hot Mix Plants as a conditional use in the Rural Residential district if located within a specified distance from an interstate access. It was explained to Mr. Diem that it is approximately a 3-month process for a bylaw amendment and that the Selectboard has final approval. It was suggested that Mr. Diem may want to discuss this with the Selectboard before proceeding.

Town Plan: The Commission worked on the Town Plan. Sections on Village Commercial-Derby Center, TIF Districts, Sewer Service Districts, Greenspace, Non-conformities, and Mobile Home Parks were finalized. Next review will begin with the Telecommunications section.

9:20 p.m.: Upon a motion by Dave LaBelle and seconded by Jim Bumps, the meeting was adjourned.

*The minutes were taken by Bob Kelley.*

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* January 18, 2010**

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

**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 last meeting (Dec 7) as written. Seconded by Jim Bumps. **Approved by a unanimous decision.**

The Commission worked on the Town Plan. The section dealing with Overlay Districts was reviewed. Maps of the Source Protection Areas for the Derby Line and Beebe water supplies need to be found, Bob will look into this. TIFs were discussed and the status of the existing TIF district needs to be researched, Bob will look into this. Next review will begin with the Greenspace section.

8:50 p.m.: Upon a motion by Jim Bumps and seconded by Cynthia Adams, the meeting was adjourned.

*The minutes were taken by Bob Kelley.*