

\*\*\* Unapproved \*\*\*

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* February 3, 2020**

**MEMBERS PRESENT:** Bob DeRoehn, Hazen Converse, Joe Profera.

**MEMBERS ABSENT:** Cynthia Adams.

**OTHERS PRESENT:** Bob Kelley.

**MEETING CALLED TO ORDER: 6:30 P.M.**

**APPROVE MINUTES:**

Bob DeRoehn moved to approve the December 9, 2019 minutes as written, seconded by Hazen Converse. Unanimous.

**PUBLIC COMMENT: None.**

**NEW/OLD BUSINESS:**

**General Discussion** – Hazen was welcomed to the Commission and was brought up to speed on what the Commission has been working on.

**Zoning Bylaw Review** – Articles 2, 3, 11 and miscellaneous reference corrections are ready to begin the formal amendment process. Bob DeRoehn moved to warn a Public Hearing for bylaw amendments on March 31, 2020, seconded by Hazen Converse. Unanimous.

**Mail** – Mail was reviewed.

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 PM on March 17, 2020. Bob DeRoehn moved to adjourn at 7:26 PM, seconded by Hazen Converse. Unanimous.

*The minutes were taken by Bob Kelley.*

\*\*\* Unapproved \*\*\*

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* June 22, 2020**

**MEMBERS PRESENT:** Bob DeRoehn, Hazen Converse, Joe Profera, Cynthia Adams, Barbara Sheltra.

**MEMBERS ABSENT:** None.

**OTHERS PRESENT:** Bob Kelley.

**MEETING CALLED TO ORDER: 6:30 P.M.**

**APPROVE MINUTES:**

Bob DeRoehn moved to approve the February 3, 2019 minutes as written, seconded by Hazen Converse. Unanimous.

**PUBLIC COMMENT: None.**

**NEW/OLD BUSINESS:**

**General Discussion** – Barbara was welcomed to the Commission and was brought up to speed on what the Commission has been working on.

**Zoning Bylaw Review** – Articles 4: The Commission reviewed made appropriate changes to §402.2 Fences and Walls, §402.3 Commercial Activities Conducted from Residences, and §402.4 Junk Yards. Bylaw review will continue starting with §402.5 Wind Turbines and Electrical Generation at their next meeting.

**Mail** – Mail was reviewed.

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 PM on July 6, 2020 and there will be a Public Hearing for Bylaw amendments. Cynthia Adams moved to adjourn at 8:00 PM, seconded by Bob DeRoehn. Unanimous.

*The minutes were taken by Bob Kelley.*

\*\*\* Unapproved \*\*\*

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* July 6, 2020**

**MEMBERS PRESENT:** Bob DeRoehn, Hazen Converse, Joe Profera, Cynthia Adams, Barbara Sheltra.

**MEMBERS ABSENT:** None.

**OTHERS PRESENT:** Bob Kelley.

**MEETING CALLED TO ORDER: 6:30 P.M.**

**APPROVE MINUTES:**

Cynthia Adams moved to approve the June 22, 2019 minutes as written, seconded by Bob DeRoehn. Unanimous.

**PUBLIC COMMENT: None.**

**PUBLIC HEARING:**

Bob DeRoehn move to recess their regular meeting to go into a Public Hearing on Proposed Bylaw Amendments to Articles 2, 3, 8, & 11 and the Zoning District Boundary Map, seconded by Hazen Converse. Unanimous.

Public Comments: Alison Low (NVDA) emailed comments on the proposed bylaw amendments which included concerns about the following:

§203 Interpretation of district boundaries: She thought that the following should be added – “The location of the boundary of the Special Flood Hazard Area shall be determined by the Administrative Officer. If the applicant disagrees with the determination made by the Administrative Officer, a Letter of Map Amendment from FEMA shall constitute proof.”

Industrial District: She questioned how Asphalt/Concrete Plant is different than Heavy Manufacturing.

Home Occupations: She thought that Home Occupation should be a permitted use in the IND, CON/IND, and COM districts even though single family dwelling are not a permitted or conditional use in the districts because by State Statute a Home Occupation is a permitted use of a single family dwelling even if it is a nonconforming use in the district.

Telecommunication Towers: She thought that this use didn't need to be in the Bylaw because they are controlled by the State not the Town.

Shoreland District: She thought that wording should be added to let the applicant know that a State Shoreland Permit is required for all development within 250 ft of all lakes.

There were no other comments from the public.

Cynthia Adams moved to close the Public Hearing and return to their regular meeting, seconded by Barbara Sheltra. Unanimous.

**NEW/OLD BUSINESS:**

**Reorganize the Board** – Cynthia moved to elect Joe Profera as Chair and Bob DeRoehn as Vice-Chair, seconded by Barbara Sheltra. Unanimous.

**To consider the proposed Bylaw Amendments discussed at the Public Hearing** – Bob DeRoehn moved to approve the Proposed Bylaw Amendments with the following changes for submittal to the Selectboard, seconded by Cynthia Adams. Unanimous.

**Approved Changes:**

Add - §203.4 The location of the boundary of the Special Flood Hazard Area shall be determined by the Administrative Officer. If the applicant disagrees with the determination made by the Administrative Officer, a Letter of Map Amendment from FEMA shall constitute proof.

Add – Home Occupation as a permitted use in the IND, COM/IND, and COM zoning districts.

Delete – Telecommunications Tower, co-location and Telecommunications Tower, new construction from all zoning districts.

Add – the following paragraph to the end of the Objective section of §206.9 Shoreland District: A State Shoreland Permit may be required for development within 250 feet of the shoreline of Lake Memphremagog, Lake Salem, Little Salem, Derby Pond, and Brownington Pond.

**Zoning Bylaw Review** – Articles 4: The Commission reviewed made appropriate changes to §402.5 Wind Turbines and Electrical Generation and §402.6 Service Areas. Bylaw review will continue starting with §402.7 Parking, Access, Loading & Circulation Requirements at their next meeting.

**Mail** – There was no mail.

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 PM on July 20, 2020. Cynthia Adams moved to adjourn at 7:35 PM, seconded by Hazen Converse. Unanimous.

*The minutes were taken by Bob Kelley.*

\*\*\* Unapproved \*\*\*

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* July 20, 2020**

**MEMBERS PRESENT:** Bob DeRoehn, Joe Profera, Cynthia Adams, Barbara Sheltra.

**MEMBERS ABSENT:** Hazen Converse.

**OTHERS PRESENT:** Bob Kelley.

**MEETING CALLED TO ORDER: 6:30 P.M.**

**APPROVE MINUTES:**

Bob DeRoehn moved to approve the July 6, 2019 minutes as written, seconded by Barbara Sheltra. Unanimous.

**PUBLIC COMMENT: None.**

**NEW/OLD BUSINESS:**

**Zoning Bylaw Review** – Article 4: The Commission reviewed made appropriate changes to §402.7 Parking, Access, Loading & Circulation Requirements and §402.8 Signs. Bylaw review will continue starting with §402.9 Sand – Soil – Gravel Pits at their next meeting.

**Mail** – The Commission reviewed their mail.

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 PM on August 3, 2020. Cynthia Adams moved to adjourn at 7:49PM, seconded by Bob DeRoehn. Unanimous.

*The minutes were taken by Bob Kelley.*

\*\*\* Unapproved \*\*\*

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* August 3, 2020**

**MEMBERS PRESENT:** Bob DeRoehn, Joe Profera, Cynthia Adams, Hazen Converse.

**MEMBERS ABSENT:** Barbara Sheltra.

**OTHERS PRESENT:** Bob Kelley.

**MEETING CALLED TO ORDER: 6:30 P.M.**

**APPROVE MINUTES:**

Bob DeRoehn moved to approve the July 20, 2019 minutes as written, seconded by Cynthia Adams. Unanimous.

**PUBLIC COMMENT: None.**

**NEW/OLD BUSINESS:**

**Zoning Bylaw Review** – Article 4: The Commission reviewed and made appropriate changes to §402.9 Sand-Soil-Gravel Pits, §402.10 Temporary vendors, Farm Stands, Non-profit Fund Raising, §403.1 Lots and §403.2 (A-D) Structures. Bylaw review will continue at their next meeting starting with §403.2(E) Structures - Height.

**Mail** – The Commission reviewed their mail.

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 PM on August 17, 2020. Bob DeRoehn moved to adjourn at 7:45PM, seconded by Hazen Converse. Unanimous.

*The minutes were taken by Bob Kelley.*

\*\*\* Unapproved \*\*\*

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* August 17, 2020**

**MEMBERS PRESENT:** Bob DeRoehn, Joe Profera, Cynthia Adams, Hazen Converse.

**MEMBERS ABSENT:** Barbara Sheltra.

**OTHERS PRESENT:** Bob Kelley.

**MEETING CALLED TO ORDER: 6:30 P.M.**

**APPROVE MINUTES:**

Cynthia Adams moved to approve the August 3, 2019 minutes as written, seconded by Bob DeRoehn. Unanimous.

**PUBLIC COMMENT: None.**

**NEW/OLD BUSINESS:**

**Zoning Bylaw Review** – Article 4: The Commission reviewed and made appropriate changes to §403.2 (E-K) Structures and §403.3 Yards. Bylaw review will continue at their next meeting starting with §404 Yard Sales.

**Mail** – The Commission reviewed their mail.

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 PM on August 31, 2020. Bob DeRoehn moved to adjourn at 7:53PM, seconded by Hazen Converse. Unanimous.

*The minutes were taken by Bob Kelley.*

\*\*\* Unapproved \*\*\*

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* August 31, 2020**

**MEMBERS PRESENT:** Bob DeRoehn, Joe Profera, Cynthia Adams, Hazen Converse.

**MEMBERS ABSENT:** Barbara Sheltra.

**OTHERS PRESENT:** Bob Kelley.

**MEETING CALLED TO ORDER: 6:30 P.M.**

**APPROVE MINUTES:**

Hazen Converse moved to approve the August 17, 2019 minutes as written, seconded by Cynthia Adams. Unanimous.

**PUBLIC COMMENT: None.**

**NEW/OLD BUSINESS:**

**Zoning Bylaw Review** – Article 4: The Commission reviewed and made appropriate changes to §404 Yard Sales thru §409 Adult Oriented Business. Review of Article 4 is complete. The Commission will continue review starting with Article 5 Overlay District Regulations at their next meeting.

Campgrounds were discussed. The State considers 4 or more campsites to be a campground while the Town considers 5 or more campsites to be a campground. The Commission decided to amend our definition of campground to be in sync with the State.

Bob Kelley informed the Commission that 2 property owners on along Caswell Ave will be requesting their properties be changed from the Commercial district to a residential district. These were former Customs Brokers and now everything is done online so there is no need for an office near the border crossing. The property owners feel that there are no other commercial uses for these properties and it would better serve the community to convert these properties back to residential. The Commission thought this was a good idea and will a formal amendment request is applied for before making a decision.

**Mail** – The Commission reviewed their mail.

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 PM on September 14, 2020. Bob DeRoehn moved to adjourn at 7:53PM, seconded by Cynthia Adams. Unanimous.

*The minutes were taken by Bob Kelley.*



\*\*\* Unapproved \*\*\*

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* September 14, 2020**

**MEMBERS PRESENT:** Bob DeRoehn, Joe Profera, Cynthia Adams.

**MEMBERS ABSENT:** Barbara Sheltra, Hazen Converse.

**OTHERS PRESENT:** Bob Kelley.

**MEETING CALLED TO ORDER: 6:30 P.M.**

**APPROVE MINUTES:**

Cynthia Adams moved to approve the August 31, 2019 minutes as written, seconded by Bob DeRoehn. Unanimous.

**PUBLIC COMMENT: None.**

**NEW/OLD BUSINESS:**

**Zoning Bylaw Review** – Article 4: §402.7(B)(5) was amended to require a 25 ft paved apron for all new one and two family driveways when they access onto a paved road and for all commercial driveways accessing a paved road to have a 25 ft paved apron as a requirement for site plan approval.

The Commission approved a change to the definition of Campground to read “Any lot of land containing four or more campsites occupied for vacation or recreational purposes by camping units, such as: tents yurts, tepees, lean-tos, camping cabins, and recreational vehicles, including motor homes, folding camping trailers, conventional travel trailers, fifth wheel travel trailers, truck campers, van campers, and conversion vehicles designed and used for travel, recreation, and camping. There shall be no distinction made between noncommercial (no charge, no service) and commercial operations.

The Commission approved a changing the zoning map to change the lots west of the interstate in Derby Line from Village Commercial Derby Line (VCDL) to Village Residential One Derby Line (VR2DL). Many of these properties were used for Custom Brokers and now everything is done online and they don’t need a physical presence near the Customs Border crossing station.

Article 5 Overlay District Regulations: Appropriate changes were made to §501 Source Protection Area and will be sent to the Villages for their review and input. §502 Tax Increment Finance District and §503 Design Control District were deleted. The Commission will look into adding River Corridor and Shoreland Protection overlays.

The Commission will continue reviewing the bylaw at their next meeting starting with Article 6.

The Commission will begin the adoption process for changes to Article 4, the zoning map (near Derby Line Interstate Customs), and the definition for Campground.

**Mail** – The Commission reviewed their mail.

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 PM on September 28, 2020. Cynthia Adams moved to adjourn at 7:40PM, seconded by Bob DeRoehn. Unanimous.

*The minutes were taken by Bob Kelley.*

\*\*\* Unapproved \*\*\*

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* September 28, 2020**

**MEMBERS PRESENT:** Bob DeRoehn, Joe Profera, Cynthia Adams, Hazen Converse.

**MEMBERS ABSENT:** Barbara Sheltra.

**OTHERS PRESENT:** Bob Kelley.

**MEETING CALLED TO ORDER: 6:30 P.M.**

**APPROVE MINUTES:**

Cynthia Adams moved to approve the September 14, 2019 minutes with the correction of the spelling of the number four in the 2<sup>nd</sup> paragraph, seconded by Bob DeRoehn. Unanimous.

**PUBLIC COMMENT: None.**

**NEW/OLD BUSINESS:**

**Zoning Bylaw Review** – Article 4: a parking space requirement of 1 for every 3 seats was added for Function Halls.

The Commission reviewed the Report for the Bylaw amendments. Bob DeRoehn moved to approve the Bylaw amendment report, seconded by Hazen Converse. Unanimous.

The Planning Commission public hearing for Bylaw amendments to Article 4, the zoning map (near Derby Line Interstate Customs), and the definition for Campground will be warned for October 26, 2020.

The Commission will continue reviewing the bylaw at their next meeting starting with Article 6.

**Mail** – The Commission reviewed their mail.

**ADJOURNMENT:**

Indigenous Peoples Day is October 12<sup>th</sup> therefore the next regular meeting is scheduled for 6:30 PM on October 26, 2020. Cynthia Adams moved to adjourn at 7:25PM, seconded by Bob DeRoehn. Unanimous.

*The minutes were taken by Bob Kelley.*

\*\*\* Unapproved \*\*\*

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* October 26, 2020**

**MEMBERS PRESENT:** Bob DeRoehn, Hazen Converse, Joe Profera, Cynthia Adams.

**MEMBERS ABSENT:** Barbara Sheltra.

**OTHERS PRESENT:** Bob Kelley.

**MEETING CALLED TO ORDER: 6:30 P.M.**

**APPROVE MINUTES:**

Cynthia Adams moved to approve the September 28, 2020 minutes as written, seconded by Bob DeRoehn. Unanimous.

**PUBLIC COMMENT: None.**

**PUBLIC HEARING:**

Bob DeRoehn move to recess their regular meeting to go into a Public Hearing on Proposed Bylaw Amendments to Article 4, the definition of Campground and the Zoning District Boundary Map, seconded by Hazen Converse. Unanimous.

Public Comments: Alison Low (NVDA) emailed the following comments on the proposed bylaw amendments:

*401.1 Existing small lots. Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of any zoning regulation, including an interim zoning regulation, may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, if such lot is less than one-eighth acre in area with minimum width or depth dimension of forty feet.*

*Instead of "any" I think it would be more logical to say "this."*

*Instead of "less" don't you mean "more"? This sounds like an undersized lot can't be developed unless it's SMALLER than one-eighth of an acre.*

*401.4D: Statutory amendment give you the option of prohibiting the creation of an accessory dwelling unit for an owner-occupied dwelling located in the Special Flood Hazard Area.*

*That said, you could revise it accordingly:*

*One accessory dwelling unit is allowed to be located within or appurtenant to an owner-occupied single-family dwelling **provided it is located outside the Special Flood Hazard Area, as described in Article 6 of this bylaw.***

*Also, I think it helps to make it clear that at a minimum, the ADU will be treated as a permitted use (i.e. administrative review by you). I would suggest rewording the following:*

***At a minimum, accessory dwelling units are subject to administrative review by the Administrative Officer; however,** conditional use review is required for one or more of the following that is involved in creation of an accessory dwelling unit...*

- a) A new accessory structure; or*
- b) An increase in the height or floor area of the existing dwelling; or*
- c) An increase in the dimensions of the parking areas.*

*Commercial Activities Conducted from Residences*

*Home occupations: Do you mean to say that home occupation can only be in a minor portion of an accessory structure, or do you mean to say that it has to be conducted entirely within a minor portion of the primary dwelling OR conducted entirely within an accessory structure, provided the accessory structure does not exceed the livable floor space of the primary dwelling?*

*Residential Business or Service*

*Wouldn't it be easier to simply exclude Bed and Breakfasts by definition from Residential Businesses? Otherwise, it feels like you are giving the DRB arbitrary discretion to waive the site plan review requirement and establishing no criteria for doing so.*

*Wind Turbines and Electrical Generation On Grid Systems*

*On-grid turbines are regulated under 30 VSA Sec. 248 and are exempt from zoning. I see no purpose for including this provision. If you want your town to have more influence in PUC proceeding, consider amending your plan to meet the requirements of Act 174. This provision in your bylaw will have no bearing on the proceedings.*

*Parking Stall and Lot Design Criteria – what are the question marks in this draft for?*

<i>Angle</i>	<i>Curb Length</i>	<i>Stall Length</i>	<i>Aisle*</i>
45	12.7'	18'	13.5'***??
60	10.6'	18'	18.5'***??
76	9.5'	19'	23'***
90	9'	18'	24'***
parallel	20'	8'	22'

*\* all dead end parking rows shall provide a turnaround a minimum of thirteen feet in length*

*\*\* one way aisles only*

*\*\*\* aisles which access one row of 90 degree angle parking stalls may be 22 feet wide*

*Signs*

*Reed vs. Gilbert has created much confusion about how you can regulate signs, and the following provision may be an attempt to regulate content, which was deemed unconstitutional. I'm not an attorney, but I would strongly suggest getting a legal opinion on this:*

*“The primary purpose of the sign shall be for identification purposes and not for advertising and may state only the owner, trade names, trademarks, products sold, and/or the business or activity conducted on the premises on which the sign is located. Legal businesses permitted to sell motor vehicle fuels may post current unit prices on signs that meet the requirements of this provision.”*

*Small Structures Exempted from Permitting*

*Structures that meet all of the following criteria are exempt from permit requirements, **provided they are located outside of the Special Flood Hazard Area:***

*Trailers/Semi-Trailers*

*Consider adding a requirement that tractor trailers/semi trailers used for storage are located outside of flood hazard areas.*

*Open Storage (Suggested edit – just to not lose sight of your flood regs)*

*In the case of open storage of materials, inventory for sale or motor vehicles the following shall apply:*

*In all districts, the open storage of material or vehicles of any kind in association with a permitted or conditional use may be allowed, **provided it is located outside of the Special Flood Hazard Area, and** adequate screening under the provisions of §212.1 is provided;*

*Essential Services*

*This section would only apply to things NOT subject to Section 248, such as utility power generation plans and transmission facilities. You should make that clear. For example:*

*Buildings, plants, towers, substations, and other similar structures, **provided they are not regulated under 30 V.S.A. §248 and therefore exempt from zoning in accordance with 24 V.S.A. §4413,** shall require permitting. The transmission and distributions systems, including poles, wires, mains, drains, sewers, pipes, conduit, cables, hydrants, and similar equipment are exempt from zoning permit requirements.*

Bob Kelley suggest changes to §401.1 and §401.4 to bring the Bylaw into compliance with recently passed changes to the State statutes and to make adding an accessory dwelling unit to a property with a single-family dwelling easier.

There were no other comments from the public.

Cynthia Adams moved to close the Public Hearing and return to their regular meeting, seconded by Bob DeRoehn. Unanimous.

#### **NEW/OLD BUSINESS:**

**To consider the proposed Bylaw Amendments discussed at the Public Hearing –** Bob DeRoehn moved to approve the Proposed Bylaw Amendments with the following changes for submittal to the Selectboard, seconded by Cynthia Adams. Unanimous.

#### **Approved Changes:**

§401.1 Existing small lots. Any lot in individual and separate and non-affiliated ownership from surrounding properties in existence on the effective date of ~~any~~ **this** zoning regulation, including an interim zoning regulation, may be developed for the purposes permitted in the district in which it is located, even though not conforming to minimum lot size requirements, **except lots not served by and able to connect to municipal sewer and water service** if such lot is less than one-eighth acre in area ~~with or~~ **if such lot has a** ~~minimum~~-width or depth dimension of **less than** forty feet.

§401.4(D) One accessory dwelling unit is allowed to be located within or appurtenant to an owner-occupied single-family dwelling **provided it is located outside the Special Flood Hazard Area, as described in Article 6 of this bylaw.**

§401.4(D)(1) An accessory dwelling unit means ~~an efficiency or one bedroom apartment~~ **a distinct unit** that is clearly subordinate...

§401.4(D)(1)(b) The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling **or 900 square feet, whichever is greater;** and

§401.4(D)(1)(c) ~~Applicable setback, coverage, and parking requirements specified in the bylaws are met.~~

§401.4(D)(2) ~~Conditional use review is required for one or more of the following that is involved in creation of an accessory dwelling unit:~~

- ~~a) A new accessory structure; or~~
- ~~b) An increase in the height or floor area of the existing dwelling; or~~
- ~~c) An increase in the dimensions of the parking areas.~~

§402.3(B)(2) ~~...Upon determination of the Development Review Board Bed and breakfast operations may be~~ **are** exempt from this criterion.

#### §402.5 Wind Turbines and Electrical Generation

##### ~~A. Wind Turbines and On Grid Systems~~

~~Upon notification of the Public Service Board's consideration of an application for a Certificate of Public Good under VSA Title 30 §248 for the erection of an electrical generation wind turbine the Town of Derby Planning Commission may undertake an examination of the proposal and submit a recommendation to the Board of Selectmen on the issue of intervention as an interested party. Such report shall include, but not necessarily be limited to, consideration of the affect of such proposals on the Town Plan, the orderly development of the Town of Derby, any existing, proposed or future viewshed preservation overlay districts and the protection of irreplaceable or environmentally sensitive natural areas.~~

§402.7(C) Parking Stall and Lot Design Criteria

Angle	Curb Length	Stall Length	Aisle*
45	12.7'	18'	13.5'***??
60	10.6'	18'	18.5'***??

§403.2(J) Small Structures Exempted from Permitting

Structures that meet all of the following criteria are exempt from permit requirements, **provided they are located outside of the Special Flood Hazard Area, as described in Article 76 of this bylaw:**

**§403.2(M)(1)(d) The trailer(s) is located outside of the Special Flood Hazard Area, as described in Article 76 of this bylaw.**

§405.1 In all districts, the open storage of material or vehicles of any kind in association with a permitted or conditional use may be allowed, **provided they are located outside of the Special Flood Hazard Area, as described in Article 76 of this bylaw, and** if adequate screening under the provisions of §212.1 is provided

§407 Essential Services

Buildings, plants, towers, substations, and other similar structures, **provided that are not regulated under VSA Title 30 §248 and therefore exempt from zoning in accordance with VSA Title 24 §4413,** require permitting. The transmission and distributions systems, including poles, wires, mains, drains, sewers, pipes, conduit, cables, hydrants, and similar equipment are exempt from zoning permit requirements.

**Zoning Bylaw Review** – Articles 6 – the Commission will start review at their next meeting.

**Mail** – The Commission reviewed their mail.

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 PM on November 9, 2020. Bob DeRoehn moved to adjourn at 7:37 PM, seconded by Hazen Converse. Unanimous.

***The minutes were taken by Bob Kelley.***

\*\*\* Unapproved \*\*\*

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* November 9, 2020**

**MEMBERS PRESENT:** Bob DeRoehn, Hazen Converse, Joe Profera, Cynthia Adams.

**MEMBERS ABSENT:** Barbara Sheltra.

**OTHERS PRESENT:** Bob Kelley.

**MEETING CALLED TO ORDER: 6:30 P.M.**

**APPROVE MINUTES:**

Cynthia Adams moved to approve the October 26, 2020 minutes as written, seconded by Bob DeRoehn. Unanimous.

**PUBLIC COMMENT: None.**

**NEW/OLD BUSINESS:**

**Zoning Bylaw Review** – Articles 6 – The Commission is starting from scratch on Article 6 and will be using a model bylaw from the State as a template. The Commission reviewed and made appropriate changes to the Introduction and Abbreviations & Definitions sections. The Commission will continue review starting with the Administration section at their next meeting.

**Mail** – The Commission reviewed their mail.

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 PM on November 23, 2020. Hazen Converse moved to adjourn at 7:30 PM, seconded by Bob DeRoehn. Unanimous.

*The minutes were taken by Bob Kelley.*

\*\*\* Unapproved \*\*\*

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* November 23, 2020**

**MEMBERS PRESENT:** Bob DeRoehn, Hazen Converse.

**MEMBERS ABSENT:** Barbara Sheltra, Joe Profera, Cynthia Adams.

**OTHERS PRESENT:** Bob Kelley.

The meeting was canceled due to a lack of a quorum.