

Unapproved

Derby Development Review Board * Minutes * ~~February~~ March 14, 2022 as amended

Members Present: Bob DeRoehn, Joe Profera, Tanner Jacobs, Judy Nommik (remotely).

Members Absent: Adam Guyette, Dave LaBelle, Jim Bumps.

Others Present: In person: Nathan Hamblett, Terry Judd, Nancy Cass, Dwight Abbott, Darrick Granai, Sharon Rubino, Brad St Onge, Brian Smith, Bob Kelley; Remotely: Conrad Miller, James Young, Tricia Tyo, William Lucas, Bailey LaFlam, Timothy Bryon, Faye Morin.

MEETING CALLED TO ORDER - 6:00 P.M. by Vice-Chair Joe Profera.

APPROVE MINUTES:

Judy Nommik moved to approve the minutes of February 14, 2022 as written, seconded by Bob DeRoehn. Unanimous.

PUBLIC COMMENTS:

Joe Profera thought that it might be a good idea to table application 22-015 by Dwight Abbott to grow cannabis to get input from the Selectboard on what use cultivation of cannabis falls under in Derby's zoning bylaw. Judy Nommik moved to table application 22-015 by Dwight Abbott until 6:00 PM April 11, 2022 here in the municipal building. Seconded by Tanner Jacobs. The applicant was not in favor of this and after much discussion Judy Nommik withdrew her motion and Tanner Jacobs withdrew his second.

NEW BUSINESS:

Application 21-116 by Conrad & Marilyn Miller, PIN #SESAL040I7T, for conditional use approval rebuild and add 99 sq ft to an existing deck within the floodplain. This property is located at 677 East Salem Drive and is in the Shoreland (SD) zoning district.

Conrad Miller was present remotely to explain the request. The deck will be bolted to the camp and to the footings. No electrical outlets will be added. The deck frame will be pressure treated and the deck will be composite material. There were no comments from the public. Bob DeRoehn moved to close application 21-116 with Tanner Jacobs seconding. Unanimous.

After deliberations Bob DeRoehn moved to approve application 21-116 by Conrad & Marilyn Miller as submitted (see written decision), seconded by Judy Nommik. Unanimous.

Application 22-009 by Terry Judd & Nancy Cass, PIN #NDRT5026G3T, for site plan review for a 28 ft by 40 ft office building with a 10 ft by 10 ft entry porch. This property is located at 5027 US Route 5 and is in the Commercial (COM) zoning district.

Terry Judd & Nancy Cass were present to explain the request. The building will be behind the Cass Insurance property. Act 250 will be required. There were no comments from the public. Judy Nommik moved to close application 22-009 with Bob DeRoehn seconding. Unanimous

After deliberations Judy Nommik moved to approve application 22-009 by Terry Judd & Nancy Cass as submitted (see written decision), seconded by Bob DeRoehn. Unanimous.

Application 22-012 by James Young & Tricia Tyo, PIN #ESSAL021H6T, for conditional use approval to build a 34 ft by 36 ft detached garage within the floodplain. This property is located at 902 4-H Road and is in the Shoreland (SD) zoning district.

James Young & Tricia Tyo were present to explain the request. They will be keeping the existing garage. They have a wetlands permit that they will have to comply with. They will be adding only a minimal amount of fill on the along the front and sides of the

foundation and almost no fill will be added in the rear. The foundation will be filled with sand/gravel and the concrete floor will be elevated to 968.9 ft (NGVD 29). It will have electricity and propane heat. The propane tank will be elevated and anchored. There will not be any water to the site. There were no comments from the public. Bob DeRoehn moved to close application 22-012 with Judy Nommik seconding. Unanimous

After deliberations Bob DeRoehn moved to approve application 22-012 by James Young & Tricia Tyo as submitted with the following 2 conditions 1) a licensed surveyor must certify that the garage floor is at or above 968.9 ft (NVGD 29) and the propane tank is at or above 967.9 ft (NVGD 29) and 2) the propane tank must be anchored to prevent floatation in the event of flooding (see written decision), seconded by Judy Nommik. Unanimous.

Application 22-013 by Nathan & Tracy Hamblett, PIN #TRD22005F5T, for site plan review raise a 24 ft by 38 ft portion of the roof about 3 ft. This property is located at 165 Nelson Hill Road and is in the Village Commercial Derby Center (VCDC) zoning district.

Nathan Hamblett was present to explain the request. The wall were rotting and needed to be replaced, so while he was doing that he decided to raise the roof 3 ft for extra room on the inside. There were no comments from the public. Bob DeRoehn moved to close application 22-013 with Judy Nommik seconding. Unanimous

After deliberations Bob DeRoehn moved to approve application 22-013 by Nathan & Tracy Hamblett as submitted (see written decision), seconded by Judy Nommik. Unanimous.

Application 22-014 by Cory Spaulding, PIN #TRD27006F3T1, for site plan review for an 80 ft by 84 ft truck shop for general repairs and maintenance. This property is located at 252 Quarry Road and is in the Commercial (COM) zoning district.

Brad St Onge was present to explain the request. He is purchasing the property. The access driveway is being moved about 20 ft and the access permit has already been granted. The building will be further back from the road than the previous building. The dumpster will be on wheels so that it can be stored out of sight. There were no comments from the public. Bob DeRoehn moved to close application 22-014 with Judy Nommik seconding. Unanimous

After deliberations Bob DeRoehn moved to approve application 22-014 by Cory Spaulding as submitted (see written decision), seconded by Judy Nommik. Unanimous.

Application 22-015 by Dwight Abbott, PIN #PTYDR001F2T, for site plan review for a change of use of an existing building for growing cannabis. This property is located at 639 Prouty Drive and is in the Residential One Acre (R1) zoning district.

Dwight Abbott and Darrick Granai were present to explain the request. Details of the operation were gone over in detail. The facility will have at least a dozen cameras and a security system. 10 – 12 jobs will be created. No new exterior lighting will be installed. A concern was whether the proposed use comes under Agriculture as defined by Derby's zoning bylaw. Bailey LaFlam and Timothy Bryon, attorneys for ~~Mr. Granai~~ and Mr. Granai argued that cultivation of cannabis clearly falls under Agriculture by Derby's bylaw. The Town has an opinion from VLCT Staff Attorney II Carl Andeer stating that it is not Agriculture. The Board would like the Town's Attorney's opinion of whether cultivation of cannabis falls under the Agriculture definition in the zoning bylaw before making a decision. Abutting property owner William Lucas was concerned with the property being classified as Agriculture. He doesn't want a pig farm going in next to him. It was explained that if a pig farm complied with acceptable agricultural practices that it would be exempt from zoning and would not require a permit. There were no

other comments from the public. Judy Nommik moved to table application 22-015 by Dwight Abbott until 6:00 PM March 28, 2022 here in the municipal building with Tanner Jacobs seconding. Unanimous

OTHER BUSINESS: None.

ADJOURNMENT:

The next scheduled is on Monday, March 28, 2022. Judy Nommik moved to adjourn the meeting at 8:21 PM. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved*