

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

Derby Development Review Board \* Minutes \* March 28, 2022

**Members Present:** Bob DeRoehn, Joe Profera, Tanner Jacobs, Dave LaBelle, Jim Bumps, Adam Guyette (remotely), Judy Nommik (remotely).

**Members Absent:** None.

**Others Present:** In person: Pat Daigle, Pamela Abbott, Stephen Abbott, Dwight Abbott, Darrick Granai, Ed Barber, Steve Gendreau, Karen Chitambar, Brad Shattuck, Brian Smith, Bob Kelley; Remotely: Ken Lawson, Vera Lawson, Andrew Subin, Bailey LaFlam, Timothy Bryon.

**MEETING CALLED TO ORDER - 6:00 P.M. by Chair Dave LaBelle.**

**APPROVE MINUTES:**

Bob DeRoehn moved to approve the minutes of March 14, 2022 as with date corrected at the top and one of the double "Mr. Granai" removed, seconded by Adam Guyette. Unanimous.

**PUBLIC COMMENTS: None.**

**NEW BUSINESS:**

Reorganize the Board – Bob DeRoehn moved to nominate Dave LaBelle as Chair, seconded by Jim Bumps. Bob DeRoehn moved to close the nominations, seconded by Jim bumps. Unanimous. Dave LaBelle was elected as Chair by a unanimous vote.

Dave LaBelle moved to nominate Joe Profera as Vice-Chair, seconded by Jim Bumps. Dave LaBelle moved to close the nominations, seconded by Jim Bumps. Unanimous. Joe Profera was elected as Vice-Chair by a unanimous vote.

Application 20-016 by Steve & Pam Abbott, PIN #TRD04067D2T, for site plan approval to convert the existing garage into 2 living units. This property is located at 2688 Darling Hill Road and is in the Residential One Acre (R1) zoning district.

Steve & Pam Abbott were present remotely to explain the request. Steve Abbott explained that the existing dwelling unit on the lot is a park model camper used by his mother and will eventually be removed. The site plan shows that the lot can be theoretically subdivided and meet all the bylaw requirements. There were no comments from the public. Bob DeRoehn moved to close application 22-016 with Tanner Jacobs seconding. Unanimous.

After deliberations Bob DeRoehn moved to approve application 20-016 by Steve & Pam Abbott as submitted (see written decision), seconded by Jim Bumps. Unanimous.

Application 22-018 by Roger Gosselin Inc, PIN #NMSDC023F5CR1, for site plan review to build a 52 ft by 72 ft shop addition for 2 more bays. This property is located at 193 Gosselin Drive and is in the Village Commercial Derby Center (VCDC) zoning district.

Pat Daigle was present to explain the request. Pat Daigle explained the application and he understands that the Lawson's have some concerns. To address these concerns he proposed to shorten the width of the addition by 4 ft and to cut back on the expansion of the driveway so that it would not be any closer than 10 ft to the property line. The slope off the driveway will be no greater than 1 ft rise for every 2 ft of run. If that cannot be accomplished they will build a retaining wall. The floor drain in the addition will be tied into the existing floor drain. The Lawsons had no other concerns that were listed in their written submittals to the Board. Bob DeRoehn moved to close application 22-018 with Jim Bumps seconding. Unanimous

After deliberations Joe Profera moved to approve application 22-018 by Roger Gosselin Inc as submitted with the following 3 conditions: 1) The width of the addition shall be 4 ft less than shown on the site plan; 2) The slope off the expanded driveway must have a

maximum slope of 1 ft rise for every 2 ft of run or a retaining wall must be installed; and 3) The edge of the expanded driveway must be at least 10 ft from the property line (see written decision), seconded by Jim Bumps. 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. This application was tabled from the March 14, 2022 meeting.

Jim Bumps moved to remove application 22-015 from the table, seconded by Joe Profera. Unanimous.

Joe Profera explained his conversation with the Town's Attorney and that cultivation of cannabis was Agriculture. Andrew Subin, attorney for Mr. Granai reiterated that he agrees that cultivation of cannabis is Agriculture. An email from the Cannabis Control Board was reviewed stating that the State Law saying that cannabis is not an agricultural product and cultivators will not be regulated as farming was for certain tax and regulatory benefits that they would not be eligible to receive and that it is not relevant to zoning laws. There were no other comments from the public. Bob DeRoehn moved to close application 22-015, with Jim Bumps seconding. Unanimous.

After deliberations Bob DeRoehn moved to approve application 22-015 by Dwight Abbott as submitted with the following 2 conditions: 1) All cultivation of cannabis must be inside the building; and 2) The air/scent filtration system must be maintained (see written decision), seconded by Jim Bumps. Unanimous.

Note: Judy Nommik left during the middle of the meeting due to connection issues and did not participate in deliberations. Adam Guyette left prior to deliberations because he has a conflict of interest in the two Abbott applications.

**OTHER BUSINESS:** None.

**ADJOURNMENT:**

The next scheduled is on Monday, April 11, 2022 at 6:00 pm. Jim Bumps moved to adjourn the meeting at 7:00 PM, with Bob DeRoehn seconding. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved*