

*** Unapproved ***

DERBY PLANNING COMMISSION *MINUTES*** May 23, 2022**

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Bob Kelley.

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

APPROVE MINUTES:

Joe Profera moved to approve the May 9, 2022 minutes with a correction deleting “warned for” in the Adjournment section, seconded by Carol Brown. Unanimous.

PUBLIC HEARING:

Hazen Converse moved to recess the meeting to go into a Public Hearing on Proposed Bylaw Amendments, seconded by Joe Profera. Unanimous.

Public Hearing for Public comments on proposed bylaw amendments:

1. Subdivision Review
2. Cannabis Regulations
3. Lighting Design Requirements
4. Zoning Map Change

Irene Naigle, NVDA Senior Planner submitted the following written comments:

1. In the clean copy (with redline and strikeout) The first paragraph under Article 7 has been eliminated. This seems to be an error. *It was noted that the first paragraph mentioned has not been eliminated. The Clean Copy only contained §701.*
2. **701.2.A.2** Its suggested that this be revised to “...all of which are for one or two-family residences...” since every residential district in Derby allows for two-family residences as a permitted use.
3. **Reference to DRB** throughout: If Derby has established a Development Review Board to conduct the discretionary review required under the land use regulations (site plans, conditional use permits, subdivisions, variances, etc.) then all reference to the Zoning Board of Adjustment in the bylaws should be removed and replaced with DRB, and whenever the bylaws refer to the Planning Commission undertaking discretionary permit review (e.g., site plan review) this should also be changed to the DRB. In addition, if Derby has a DRB, all of Sections 902 and 903 would need to be revised to be consistent with 24 VSA Section 4460 “Appropriate Municipal Panels.” *It was noted that the Planning Commission is addressing the above mentioned references as they amend the various sections of the bylaw.*
4. **701.5.D.** Typo: ... in accordance with 24 VSA § 4464 ~~of this bylaw.~~
5. **701.9.E.1.** This section should reference the requirements for a State Stormwater Permit.
6. **701.10.** Effective March 2021, a new provision was added to Title 27, Section 545, that restricts the use of certain easements and covenants. It’s suggested that the following clause be added to the end of the first sentence: “...except that in accordance with 27 VSA §545, deed restrictions, covenants, or similar binding agreements that prohibit or have the effect of prohibiting land development allowed under 24 V.S.A. § 4412(1)(E) and (2)(A) shall not be valid.”

There were no other public comments.

Carol Brown moved to close the Public Hearing and return to their regular meeting, seconded by Joe Profera. Unanimous.

PUBLIC COMMENT: None.

NEW/OLD BUSINESS:

To consider the Proposed Bylaw Amendments discussed at the Public Hearing: The Commission made changes to the proposed amendments as suggested by Irene Naigle's comments #2, 4, 5, & 6. Carol Brown moved to send the proposed bylaw amendments to the Selectboard for adoption, seconded by Hazen Converse. Unanimous.

Review Article 7 – Subdivision, PRD, PUD, Mobile Home Park Regulations – PRDs & PUDs were reviewed. The Commission reviewed Burke and Sutton's PUD regulations and decided to use Burke's as a template. PRDs and PUDs will be combined. The Commission reviewed and made appropriate changes to the Purpose and Applicability sections. They will continue review starting with the PUD Applications section at their next meeting.

Review Mail – The Commission reviewed their mail.

ADJOURNMENT:

The next regular meeting is scheduled for 6:30 PM on June 6, 2022. Joe Profera moved to adjourn at 7:40 PM, seconded by Hazen Converse. Unanimous.

The minutes were taken by Bob Kelley.