

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

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* January 16, 2023**

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

**MEMBERS ABSENT:** Carol Brown.

**OTHERS PRESENT:** Bob Kelley.

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

**APPROVE MINUTES:**

Joe Profera moved to approve the October 24, 2022 minutes as written, seconded by Hazen Converse. Unanimous.

**PUBLIC COMMENT:** None.

**NEW/OLD BUSINESS:**

**Flood Hazard and River Corridor Regulations** – The Commission finished review of the proposed rewrite of the Flood Hazard & River Corridor Regulations. Hazen moved to appoint Bob DeRoehn to write the required report on the amendments on behalf of the Commission, seconded by Joe Profera. Unanimous.

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

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 PM on January 30, 2023. Joe Profera moved to adjourn at 7:40 PM, seconded by Hazen Converse. Unanimous.

*The minutes were taken by Bob Kelley.*

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

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* January 30, 2023**

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

**MEMBERS ABSENT:** Joe Profera.

**OTHERS PRESENT:** Bob Kelley.

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

**APPROVE MINUTES:**

Hazen Converse moved to approve the January 16, 2023 minutes as written, seconded by Bob DeRoehn. Unanimous.

**PUBLIC COMMENT: None.**

**NEW/OLD BUSINESS:**

**Article 8: Limitations and Variances** – The Commission began review of Article 8. Changes were made to bring it in compliance with State Statutes. A few sections need to be rechecked and spell check needs to be run.

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

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 PM on February 13, 2023. Hazen Converse moved to adjourn at 7:30 PM, seconded by Carol Brown. Unanimous.

*The minutes were taken by Bob Kelley.*

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

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* February 13, 2023**

**MEMBERS PRESENT:** Bob DeRoehn, Hazen Converse, Carol Brown, Joe Profera, Bruce Penfield.

**MEMBERS ABSENT:** None.

**OTHERS PRESENT:** Bob Kelley.

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

**APPROVE MINUTES:**

Hazen Converse moved to approve the January 30, 2023 minutes as written, seconded by Carol Brown. Unanimous.

**PUBLIC COMMENT: None.**

**PUBLIC HEARING – BYLAW AMENDMENTS:**

Joe Profera moved to recess the meeting to go into a Public Hearing for public comments on proposed bylaw amendments, seconded by Hazen Converse. Unanimous.

The proposed amendments are to:

- Article 6: Flood Hazard & River Corridor Regulations
- §702 Planned Unit Development (PUD)
- §703 Mobile Home Parks
- §1102 Term Definitions

Alison Low, NVDA Planner, submitted the following comments:

I am assuming that you have reached out to Sacha Pealer for a detailed checklist to determine conformance with FEMA's standards for the National Flood Insurance Program. I am asking because that is a level of technical review that must be completed by the DEC. There are a couple of things that raise questions for me:

1. The table suggests that storage is approved conditionally in the flood fringe, but §605.4D suggests that storage is prohibited. Which one is it?
2. Substantial improvement -- although this is determined by the value of investments over time (in the definitions), I think that FEMA is insisting on an administrative process to track this. How are you going to track this?
3. Perhaps I'm missing it, but the language that involves the DEC in the development review process seems to be "may". I believe that it is mandatory to solicit comment from the DEC.
4. Dispute flood hazard boundary. Sacha may correct me if I am wrong, but I think that a LOMA is the ultimate authority on location of the flood hazard area, not the AO.
5. Variances -- there is very specific language about how a property's flood insurance will be affected by the issuance of a variance. Have you amended your provisions for variances?

PUD provisions:

Please note the statutory definition for owner-occupied Affordable Housing was revised some years back in order to encompass "workforce housing" The definition from 24 VSA Sec. 4302 is:

“Affordable housing” means either of the following:

(A) Owner-occupied housing for which the total annual cost of ownership, including principal, interest, taxes, insurance, and condominium association fees, does not exceed 30 percent of the gross annual income of a household at 120 percent of the highest of the following:

- (i) the county median income, as defined by the U.S. Department of Housing and Urban Development;
- (ii) the standard metropolitan statistical area median income if the municipality is located in such an area, as defined by the U.S. Department of Housing and Urban Development; or
- (iii) the statewide median income, as defined by the U.S. Department of Housing and Urban Development.

(B) Rental housing for which the total annual cost of renting, including rent, utilities, and condominium association fees, does not exceed 30 percent of the gross annual income of a household at 80 percent of the highest of the following:

- (i) the county median income, as defined by the U.S. Department of Housing and Urban Development;
- (ii) the standard metropolitan statistical area median income if the municipality is located in such an area, as defined by the U.S. Department of Housing and Urban Development; or
- (iii) the statewide median income, as defined by the U.S. Department of Housing and Urban Development.

Additionally, must all PUDs require subdivision review? There may be some situations where a subdivision is not needed. You could look to the Burke Zoning regulations how it can be dealt with in this instance:

<http://www.nvda.net/files/Zoning%20Bylaws%20Revised%20April%2010%202018.pdf>

There were no further comments from the public. Carol Brown moved to close the Public Hearing and return to their regular meeting, seconded by Joe Profera. Unanimous.

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

**To consider the Proposed Bylaw Amendments discussed at the Public Hearing** – Alison Low’s comments were discussed. 1) The conflict regarding Storage in a Flood Hazard Area is from the State’s model regulations, Bob Kelley will contact the State Floodplain Manager for clarification. 2) Substantial Improvements are tracked by the permitting process. 3) The “may” language is for river corridors, not flood hazard areas. 4) Uncertainties in flood hazard boundaries are determined by the AO. If there is a LOMA there is not an uncertainty and the LOMA rules. 5) The Planning Commission is currently working on amending the Variances section of the bylaw. The Commission agreed that the definition of Affordable Housing should be changed as Alison suggested. Bob Kelley will discuss all of Alison’s concerns with her and report back to the Commission. It was thought that some parts from the Administration section of the State’s model flood hazard regulation be added now rather than waiting on review of the Administration section Derby’s Bylaw. The Commission further discuss these issues at their next meeting. Carol Brown moved to change the definition of Affordable Housing in the proposed amendments to mirror what is in State statute, seconded by Bruce Penfield. Unanimous.

**Continue Review - Article 8: Limitations and Variances** – The Commission made a few changes to bring it in compliance with State Statutes. Variances requirements in Flood Hazard Areas needs to be looked into.

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

#### **ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 PM on February 27, 2023. Joe Profera moved to adjourn at 7:15 PM, seconded by Hazen Converse. Unanimous.

*The minutes were taken by Bob Kelley.*

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

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* February 27, 2023**

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

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

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* March 13, 2023**

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

**MEMBERS ABSENT:** Bruce Penfield.

**OTHERS PRESENT:** Bob Kelley.

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

**APPROVE MINUTES:**

Carol Brown moved to approve the February 13, 2023 minutes as written, seconded by Hazen Converse. Unanimous.

**PUBLIC COMMENT: None.**

**NEW/OLD BUSINESS:**

**Josh Poulin – Warehouse Use in the Rural Residential (RR) Zoning District** – Mr. Poulin was not present, it was the consensus of the Commission not to consider this use in the RR district. The added large truck traffic would not be compatible with the district.

**To consider the Proposed Bylaw Amendments to Article 6, §702, §703 & §1102** – Sacha Pealer, State Floodplain Manager submitted comments on the Article 6 Flood Hazard & River Corridor Regulations to make it National Flood Insurance Program (NFIP) compliant. The Commission reviewed her comments and Bob Kelley will draft changes for the Commission to review at their next meeting.

**Continue Review - Article 8: Limitations and Variances** – The Commission will review this at their next meeting.

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

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 PM on March 27, 2023. Joe Profera moved to adjourn at 7:30 PM, seconded by Hazen Converse. Unanimous.

*The minutes were taken by Bob Kelley.*

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

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* March 27, 2023**

**MEMBERS PRESENT:** Bob DeRoehn, Bruce Penfield, Carol Brown, Joe Profera.

**MEMBERS ABSENT:** Hazen Converse.

**OTHERS PRESENT:** Bob Kelley.

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

**APPROVE MINUTES:**

Joe Profera moved to approve the March 13, 2023 minutes as written, seconded by Carol Brown. Unanimous.

**PUBLIC COMMENT: None.**

**NEW/OLD BUSINESS:**

**Reorganize the Commission** – Carol Brown moved to reappoint Bob DeRoehn as Chair and Hazen Converse as Vice-Chair, seconded by Joe. Unanimous

**Zoning Administrator Reappointment** – Bruce moved to recommend to the Selectboard that they reappoint Bob Kelley, seconded by Carol Brown. Unanimous.

**To consider the Proposed Bylaw Amendments to Article 6, §702, §703 & §1102** – The Commission reviewed and approved changes to Article 6 Flood Hazard & River Corridor Regulations to make it National Flood Insurance Program (NFIP) compliant. Article 6 is all set for another Public Hearing. The proposed definition for Accessory Structure (for purposes of floodplain management) was approved and is ready for a Public Hearing.

**Continue Review - Article 8: Limitations and Variances** – The Commission reviewed and approved changes to Article 8. Article 8 is ready for a Public Hearing. The Commission agreed to have Bob DeRoehn approve the written report on the proposed amendments on the Commission's behalf..

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

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 PM on April 10, 2023. Joe Profera moved to adjourn at 7:05 PM, seconded by Bruce Penfield. Unanimous.

*The minutes were taken by Bob Kelley.*

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

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* April 10, 2023 as amended**

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

**MEMBERS ABSENT:** Bruce Penfield.

**OTHERS PRESENT:** Bob Kelley.

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

**APPROVE MINUTES:**

Joe Profera moved to approve the March 27, 2023 minutes as written, seconded by Carol Brown. Unanimous.

**PUBLIC COMMENT: None.**

**NEW/OLD BUSINESS:**

**Article 8: Limitations and Variances** – Bob Kelley handed out to the Commission changes to consider for their next meeting.

**Begin Review - Article 9 : Administration & Enforcement**– The Commission reviewed made changes to §901 and started on §902.

**Commission Clerk** – While reviewing Article 9 the Commission found out that they should be appointing a clerk. Bob DeRoehn moved to appoint Carol Brown as PC Clerk, seconded by Joe Profera. Unanimous.

~~**Mail**—The Commission reviewed their mail.~~

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 PM on April 24, 2023. Joe Profera moved to adjourn at 7:27 PM, seconded by Hazen Converse. Unanimous.

*The minutes were taken by Bob Kelley.*



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

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* April 24, 2023**

**MEMBERS PRESENT:** Bob DeRoehn, Bruce Penfield, Carol Brown, Joe Profera.

**MEMBERS ABSENT:** Hazen Converse.

**OTHERS PRESENT:** Bob Kelley.

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

**APPROVE MINUTES:**

Joe Profera moved to approve the April 10, 2023 minutes with the change that the Commission did not review their mail, seconded by Carol Brown. Unanimous.

**PUBLIC COMMENT: None.**

**PUBLIC HEARING:**

Joe Profera moved to recess the meeting to go into a Public Hearing for public input on proposed bylaw amendment to Article 6: Flood Hazard & River Corridor Regulations and Article 8: Limitations and Variances, seconded by Bruce Penfield. Unanimous.

Bob Kelley pointed out a few minor corrections to Article 8 and suggested that §801.9, §801.10, and §801.11 be moved to Article 4 and that §801.12 be deleted. There were no other comments from the public. Carol Brown moved to close the Public Hearing and return to their regular meeting, seconded by Joe Profera. Unanimous.

**NEW/OLD BUSINESS:**

**To consider proposed Bylaw Amendment to Articles 6, 7, 8 and 11** – The Commission agreed with the suggestions by Bob Kelley at the public hearing and deleted §801.12 and moved §801.9 to §401.4(E), §801.10 to §401.6 and §801.11 to §401.5. The Commission agreed to an amended definition of Affordable Housing and to add a definition of Accessory Structure (for the purpose of floodplain management) that were approved at prior meetings. Carol Brown moved to approve the revised amendments to Articles 4, 6, 7, 8 and 11 and send them to the Selectboard for approval, seconded by Joe Profera. Unanimous.

**Continue Review - Article 9 : Administration & Enforcement**– The Commission completed review of Article 9. Bob Kelley will have the revised draft for final review by the Commission at their next meeting.

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

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 PM on May 8, 2023. Joe Profera moved to adjourn at 7:45 PM, seconded by Bruce Penfield. Unanimous.

*The minutes were taken by Bob Kelley.*

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

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* May 8, 2023**

**MEMBERS PRESENT:** Bob DeRoehn, Carol Brown, Joe Profera.

**MEMBERS ABSENT:** Hazen Converse, Bruce Penfield.

**OTHERS PRESENT:** Robert Guyer, Bob Kelley.

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

**APPROVE MINUTES:**

Joe Profera moved to approve the April 24, 2023, seconded by Carol Brown. Unanimous.

**PUBLIC COMMENT: None.**

**NEW/OLD BUSINESS:**

**Zoning Map** – Robert Guyer is proposing an amendment to change parcel RT005055B6T from Residential Medium Density (RMD) to Commercial (COM). This property is located on the west side of US Route 5 approximately 0.4 miles south of Derby Line just before you go under I91. This property is owned by Barry Hume and he has given Mr. Guyer permission to act on his behalf. Directly across the road is zoned commercial and the likelihood that this property would be developed residentially is low due to its proximity to I91. The Commission felt this change would be a benefit to the Town. Carol Brown moved to proceed forward with this bylaw amendment, seconded by Joe Profera. Unanimous.

**Continue Review - Article 9 : Administration & Enforcement**– During final review of previous changes made to Article 9 the only additional change was to §904.11; “Board of Selectman” was changed to “Selectboard”. The Commission completed review of Article 9 and will move forward with the amendment process. The Public Hearing for amendments to Article 9 and the Zoning Map change discussed above will be scheduled for June 5<sup>th</sup>. Carol Brown moved to have Bob DeRoehn approve the required amendment report on behalf of the Commission, seconded by Joe Profera. Unanimous.

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

**ADJOURNMENT:**

The Commission decided not to meet on May 22<sup>nd</sup> and therefore the next regular meeting is scheduled for 6:30 PM on June 5, 2023. Joe Profera moved to adjourn at 7:05 PM, seconded by Carol Brown. Unanimous.

*The minutes were taken by Bob Kelley.*

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

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* June 5, 2023**

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

**MEMBERS ABSENT:** Joe Profera, Carol Brown.

**OTHERS PRESENT:** Mark Linton, Bob Kelley.

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

**APPROVE MINUTES:**

Bruce Penfield moved to approve the May 8, 2023, seconded by Hazen Converse. Unanimous.

**PUBLIC COMMENT: None.**

**PUBLIC HEARING:**

Hazen Converse move to recess the meeting to go into a Public Hearing for public comment on proposed bylaw amendments to Articles 9 & 10 and to change a parcel owned by Barrie Hume, PIN #RT0050556B6T, from Residential Medium Density to Commercial, seconded by Bruce Penfield. Unanimous.

There were no comments from the Public. Hazen Converse moved to close the Public Hearing, seconded by Bruce Penfield. Unanimous.

**NEW/OLD BUSINESS:**

**To consider proposed bylaw amendments to Articles 9 & 10 and to change a parcel owned by Barrie Hume, PIN #RT0050556B6T, from Residential Medium Density to Commercial** – Hazen Converse move to approve the proposed bylaw amendments as warned and send them to the Selectboard for approval, seconded by Bruce Penfield. Unanimous.

**Review Zoning Bylaw** – The Commission has completed review of the bylaw. Dwight Abbott has submitted a request to change the zoning on Prouty Drive from Residential One-Acre to Commercial. All property owners in the area except William & Maryann Lucas have signed a petition in agreement with this change. The Commission did not want to decide whether to consider this request until they have a full board present. It is not expected to have a full board present until July 17<sup>th</sup> at the earliest. The Commission would like all the property owners abutting Prouty Drive to be notified when they discuss this.

The Commission has nothing urgent pending now that they have completed review of the bylaw and the Town Plan is not due for an update until 2028, so they will think about how often they will need to meet going forward. It was decided that their next meeting would be July 17<sup>th</sup> if they can get a full board to attend.

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

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 PM on July 17, 2023. Bruce Penfield moved to adjourn at 7:45 PM, seconded by Hazen Converse. Unanimous.

*The minutes were taken by Bob Kelley.*

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

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* August 28, 2023**

**MEMBERS PRESENT:** Bob DeRoehn, Bruce Penfield, Hazen Converse, Joe Profera, Carol Brown.

**MEMBERS ABSENT:** None.

**OTHERS PRESENT:** Dave Laforce, Julie Laforce, Jay Gonyaw, Sharon Gonyaw, Dwight Abbott, Dylan Messier, Kiley Currier, William Lucas, Mary Ann Lucas.

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

**APPROVE MINUTES:**

Joe Profera moved to approve the June 5, 2023, seconded by Carol Brown. Unanimous.

**PUBLIC COMMENT: None.**

**NEW/OLD BUSINESS:**

**To Consider Proposed Zoning Map Changes-**

**Crawford Road** – This is to change the zoning districts to follow the property lines along the Gonyaw and St Onge properties. The Gonyaw property would become all Shoreland and the St Onge property would become all Commercial. Joe moved to proceed with a bylaw amendment for this map change, seconded by Bruce Penfield. Unanimous.

**Prouty Drive** – This is to change properties along Prouty Drive to Commercial. Residents along Prouty Drive expressed their opinions about this change. Joe Profera moved to approve the proceed with a bylaw amendment for this map change, seconded by Bruce Penfield. The motion was Unanimously DENIED. The Commission will not be proceeding with this change.

**Review Zoning Bylaw** – Nothing to review.

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

**ADJOURNMENT:**

Joe Profera moved to adjourn at 7:35 PM, seconded by Hazen Converse. Unanimous.

*The minutes were taken by Carol Brown.*

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

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* October 23, 2023**

**MEMBERS PRESENT:** Bob DeRoehn, Bruce Penfield, Hazen Converse, Joe Profera, Carol Brown.

**MEMBERS ABSENT:** None.

**OTHERS PRESENT:** Bob Kelley.

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

**APPROVE MINUTES:**

Hazen Converse moved to approve the August 28, 2023, seconded by Bruce Penfield. Unanimous.

**PUBLIC COMMENT: None.**

**NEW/OLD BUSINESS:**

**Draft Report for Bylaw Amendment for Map Change** – The Commission reviewed the report. Hazen Converse moved to approve the report, seconded by Carol Brown. Unanimous.

**Review Zoning Bylaw** – From the last meeting it was unclear if the St Onge property was all in one zoning district. Bob Kelley explained that currently a small sliver is in the Shoreland district and the rest of the property is in the Commercial district. Bruce Penfield moved to change it so that all of the St Onge property would be in the Commercial district, seconded by Carol Brown. Unanimous.

A public hearing for the map amendment to the Gonyaw and St Onge properties will be scheduled for November 20<sup>th</sup>.

Bob Kelley will check into changes to State Statute made this summer and see if the bylaw needs to be amended to be in compliance with any new laws.

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

**ADJOURNMENT:**

Joe Profera moved to adjourn at 7:05 PM, seconded by Hazen Converse. Unanimous.

*The minutes were taken by Bob Kelley.*

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

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* November 20, 2023**

**MEMBERS PRESENT:** Bob DeRoehn, Bruce Penfield, Hazen Converse, Joe Profera, Carol Brown.

**MEMBERS ABSENT:** None.

**OTHERS PRESENT:** Sharon Gonyaw, Jay Gonyaw, Bob Kelley.

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

**APPROVE MINUTES:**

Joe Profera moved to approve the October 23, 2023, seconded by Bruce Penfield. Unanimous.

**PUBLIC COMMENT: None.**

**PUBLIC HEARING:**

Carol Brown moved to recess the meeting to go into a Public Hearing for a proposed bylaw amendment, seconded by Joe Profera. Unanimous.

The public hearing is for public input on a Zoning Map amendment to make Parcel TRD41008G3T (479 Crawford Rd) entirely in the Commercial (COM) zoning district and Parcel TRD41008G3T2 (553 Crawford Rd) entirely within the Shoreland (SD) zoning district by changing the portion of TRD41008G3T currently in SD to COM and by changing the portion TRD41008G3T2 currently in COM to SD. Currently both parcels have portions each in both the COM and SD zoning districts.

There were no public comments.

Joe Profera moved to close the Public Hearing, seconded by Hazen Converse. Unanimous.

**NEW/OLD BUSINESS:**

**To consider the Proposed Bylaw Amendment to the Zoning Map** – Joe Profera moved to approve the proposed map amendment and send it to the Select Board for their consideration, seconded by Hazen Converse. Unanimous.

**Review Zoning Bylaw** – The Commission has completed review of the bylaw and decided to take a break before starting review of the Town Plan. It was decided to meet next on March 11<sup>th</sup> unless something comes up needing their attention.

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

**ADJOURNMENT:**

Joe Profera moved to adjourn at 6:50 PM, seconded by Hazen Converse. Unanimous.

*The minutes were taken by Bob Kelley.*