

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

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* April 8, 2024**

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

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

**OTHERS PRESENT:** None.

**MEETING CALLED TO ORDER: 6:55 P.M.**

**APPROVE MINUTES:**

Joe Profera moved to approve the November 20, 2023, seconded by Carol Brown. Unanimous.

**PUBLIC COMMENT: None.**

**NEW/OLD BUSINESS:**

**Reorganize the Commission** – This was tabled until their next meeting.

**Review Zoning Bylaw and Town Plan** – The Commission would like to review Fence and Flood regulations next.

**Other Business** – The Commission discussed items for their next meeting.

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

**ADJOURNMENT:**

Joe Profera moved to adjourn at 7:28 PM, seconded by Carol Brown. Unanimous.

*The minutes were taken by Carol Brown.*

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

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* April 22, 2024**

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

**MEMBERS ABSENT:** Carol Brown.

**OTHERS PRESENT:** Sean Ryan, Glenn Ingalls, Emily Cromie, Devin Van Bockler, Elias Gardner, Bob Kelley.

**MEETING CALLED TO ORDER: 6:55 P.M.**

**APPROVE MINUTES:**

The minutes to the April 8<sup>th</sup> meeting were not ready for approval.

**PUBLIC COMMENT: None.**

**NEW/OLD BUSINESS:**

**Reorganize the Commission** – Joe Profera moved to elect Bob DeRoehn as Chair, seconded by Hazen Converse. Unanimous.

Joe Profera moved to elect Hazen Converse as Vice-Chair, seconded by Bob DeRoehn. Unanimous.

Bob DeRoehn moved to elect Carol Brown as Secretary, seconded by Hazen Converse. Unanimous.

**To consider a proposed Bylaw Amendment to add “Private School” as a permitted or Conditional use in the Village Commercial Derby Center (VCDC) zoning district** – Sean Ryan led the discussion. New School is looking for a place in the Derby-Newport area for their school which instructs children with developmental issues with the goal of integrating them into the Public School system. They are looking at the former Derby Veterinary Hospital located in the VCDC, but current zoning does not allow Private Schools in the district. New School is a for profit company and they would be leasing the land and therefore it would be taxable. The Commission agreed that this type of school is needed in the area. Joe Profera moved to proceed with a bylaw amendment to add Private School as a Conditional Use in the VCDC zoning district, seconded by Bruce Penfield. Unanimous.

A public hearing will be scheduled for May 20<sup>th</sup>. Joe Profera moved to have Bob DeRoehn approve the report required for the hearing on behalf of the Commission, seconded by Hazen Converse. Unanimous.

**Other Business** – Joe Profera announced that this would be his last meeting as he is moving to Pennsylvania. The Commission thanked him for his years of service on the Commission.

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

**ADJOURNMENT:**

Joe Profera moved to adjourn at 7:38 PM, seconded by Hazen Converse. Unanimous.

*The minutes were taken by Bob Kelley.*

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

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* May 20, 2024**

**MEMBERS PRESENT:** Bob DeRoehn, Gwen Bailey-Rowe, Hazen Converse, Carol Brown.

**MEMBERS ABSENT:** Bruce Penfield.

**OTHERS PRESENT:** Sean Ryan, Glenn Ingalls, Emily Cromie, Elias Gardner, Bob Kelley.

**MEETING CALLED TO ORDER: 6:55 P.M.**

**APPROVE MINUTES:**

Carol moved to approve the minutes of the April 4, 2024 meeting as written, seconded by Hazen. Unanimous.

Hazen moved to approve the minutes of the April 22, 2024 meeting as written, seconded by Gwen. Unanimous.

**PUBLIC HEARING – BYLAW AMENDMENT:**

Carol moved to recess the meeting to go into a Public Hearing for public comment on a proposed bylaw amendment to add “Private School” as a conditional use in the Village Commercial Derby Center (VCDC) district, seconded by Gwen. Unanimous.

Bob K read an email from Alison Low (NVDA) regarding the proposed amendment. Her main concern was that 24 VSA §4413 put limitations on how a private school can be regulated. There were no further comments from the public.

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

**PUBLIC COMMENT: None.**

**NEW/OLD BUSINESS:**

**To consider a proposed Bylaw Amendment to add “Private School” as a permitted or Conditional use in the Village Commercial Derby Center (VCDC) zoning district** – Carol moved to approve the proposed bylaw amendment for submission and approval by the Select Board, seconded by Hazen. Unanimous.

**Review Zoning Bylaw** – The Commission decided to direct their review to fencing, parking, and flood regulations.

**Other Business** – The Commission welcomed Gwen Bailey-Rowe as the newest member of the Commission.

**Mail** – Mail will be reviewed at the next meeting.

**ADJOURNMENT:**

Hazen moved to adjourn at 7:15 PM, seconded by Gwen. Unanimous.

*The minutes were taken by Bob Kelley.*

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

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* June 3, 2024**

**MEMBERS PRESENT:** Bob DeRoehn, Gwen Bailey-Rowe.

**OTHERS PRESENT:** Bob Kelley.

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

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

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* July 15, 2024**

**MEMBERS PRESENT:** Bob DeRoehn, Gwen Bailey-Rowe, Hazen Converse, Carol Brown.

**MEMBERS ABSENT:** Bruce Penfield.

**OTHERS PRESENT:** Frank Davis, Bob Kelley.

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

**APPROVE MINUTES:**

Gwen moved to approve the minutes of the May 20, 2024 meeting as written, seconded by Carol. Unanimous.

**PUBLIC COMMENT:**

Frank Davis spoke about a breaking and entering on Caswell Ave which included vandalism and was a hate crime. He would like the Town to have a statement saying Derby is a welcoming and believes in equality. Bob D told him that this would be an issue for the Selectboard, not the Planning Commission and that he should go to a Selectboard meeting.

**NEW/OLD BUSINESS:**

**Review Fencing, Parking, and Flood Regulations** – Bob K will research changes to State Statute relating to parking. Bob K will check with NVDA to get clarification of their review of Derby's Flood Regulations. The Commission will research fence regulations from other towns.

**Other Business** – None.

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

**ADJOURNMENT:**

Next meeting is scheduled for August 12, 2024. Hazen moved to adjourn at 7:38 PM, seconded by Carol. Unanimous.

*The minutes were taken by Bob Kelley.*

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

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* August 12, 2024**

The meeting was cancelled.

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

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* August 26, 2024**

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

**MEMBERS ABSENT:** Gwen Bailey-Rowe, Carol Brown.

**OTHERS PRESENT:** Bob Kelley.

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

**APPROVE MINUTES:**

Bruce moved to approve the minutes of the July 15, 2024 meeting as written, seconded by Hazen. Unanimous.

**PUBLIC COMMENT: None.**

**NEW/OLD BUSINESS:**

**Review Fencing, Parking, and Flood Regulations** – The Commission reviewed fencing regulations from other towns and made changes as follows:

**§402.2 Fences and Walls**

No zoning permit shall be required to erect, enlarge or alter a fence or wall six feet in height or less with the exception of fences four feet in height or more erected within the front setback along public rights of way. A fence or wall in excess of six feet in height proposed in the industrial, commercial or commercial/industrial zones may be approved by the Development Review Board in a site plan review proceeding for the purposes of security or the public health, safety and welfare. Fences or walls in excess of six feet proposed for all zones other than industrial, commercial or commercial/industrial are a conditional use subject to public notice, public hearing and approval by the Development Review Board. However, the following shall apply:

- A. Fences may be placed within the required setback along a property line, but shall be setback sufficiently to provide for the maintenance of both sides of the fence without entering onto the adjacent property and shall present a finished side to the adjoining property and public street; Fences and walls six feet in height or less shall not be required to meet side and rear setback requirements for the zoning districts where located;
- B. This regulation does not apply to fences existing or erected on property lines designed for agricultural use;
- C. No wall, fence or shrubbery shall be erected, maintained or planted on any lot in a position where it could obstruct or interfere with either traffic visibility or the vision of a motorist, cyclist or pedestrian on a highway, road or right-of-way. This restriction applies to, but is not limited to, areas on a curve or on a tangent to a curve and on a corner lot to the triangular area formed by the lot lines along highways, roads or rights-of-way and a line connecting them at points thirty (30.00) feet from the intersection. Fences four feet in height or higher erected within a front setback along a public right of way shall be a conditional use and must receive a conditional use permit from the Development Review Board in accordance with the applicable regulations under §209.
- D. Fences must be constructed with natural and typical building materials and shall be compatible with the context of the neighborhood and use of the property;
- E. Canvas and/or cloth fences are prohibited, except when used to protect shrubs and vegetation;
- F. Snow control fences shall be allowed from November 1 through the following May 1.

Parking was looked at and it was thought that the only change needed was to reduce parking for multi-family dwellings to 1 per dwelling unit if on a lot with public water and sewer.

Bob K confirmed that Flood Regulations only need a couple of minor tweaks.

**Other Business** – None.

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

**ADJOURNMENT:**

Next meeting is scheduled for September 9, 2024. Bruce moved to adjourn at 7:26 PM, seconded by Hazen. Unanimous.

*The minutes were taken by Bob Kelley.*



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

**DERBY PLANNING COMMISSION \*\*\*MINUTES\*\*\* September 9, 2024**

**MEMBERS PRESENT:** Bob DeRoehn, Hazen Converse, Gwen Bailey-Rowe, Carol Brown.

**MEMBERS ABSENT:** Bruce Penfield.

**OTHERS PRESENT:** Bob Kelley.

**MEETING CALLED TO ORDER: 6:52 P.M.**

**APPROVE MINUTES:**

Hazen moved to approve the minutes of the August 26, 2024 meeting as written, seconded by Gwen. Unanimous.

**PUBLIC COMMENT: None.**

**NEW/OLD BUSINESS:**

**Review Fencing, Parking, and Flood Regulations** – The Commission reviewed the fence regulations from their last meeting and no further changes were made. Bob K contacted NVDA about Flood Regulations and everything is fine with them as they are currently written. The minor changes to parking regulations are good.

**Other Business** – The Commission reviewed a proposed bylaw amendment from Alan McCain to add Warehouse/Trucking Terminal to the Village Commercial Derby Center (VCDC) zoning district. The Commission did not think this would appropriate in the VCDC and will not proceed with the amendment.

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

**ADJOURNMENT:**

Next meeting is scheduled for September 23, 2024. Hazen moved to adjourn at 7:33 PM, seconded by Hazen. Unanimous.

*The minutes were taken by Bob Kelley.*