

Lincoln DRB meeting October 05 2022 6:30- 8:15

****PENDING APPROVAL****

Location of meeting: Town Office (62 Quaker Street, Lincoln, VT, 05443) and online via Zoom.

ZBA members In attendance: Brian Frazier-BF (Chair), Nicole Lee NL (Vice Chair), Emmet Moseley EM (Clerk), Steve Halnon SH, James Needham JN, and Alison Zimmer (alternate),

Members of the public in attendance in person: Dave Wood, Jim Carroll Esq. in an Advisory Role to the DRB, Steve Gutowski (Lincoln Zoning Admin)

Members of the public in attendance via Zoom/Phone: None

- 1. BF Call to Order 6:35**
- 2. Establish quorum is present**
- 3. Acknowledged by NL**
- 4. Agenda Adjustments/ Approval (*)**
- 5. Move to move general housekeeping ahead of public comment**
-Seconded, no discussion. Carried 5-0-0
- 6. AZ Moves to adopt new agenda, BF Seconded, Carried 5-0-0**
- 7. Public Comment– (5 minutes each)-None**
- 8. Public Hearing for Waiver Application # 22-057, as requested by Donna and Dave Wood for solar panels on a wooden structure, Parcel I.D. #01070179 at 233 East River Road, Lincoln, VT**
- 9. Request for guidance from James Carroll (JC) on how to proceed.**
- JC acknowledges that his capacity is advisory and procedural only, he will not opine or influence the board's decision.
- JC defines the quasi judicial nature of the proceedings.
- 10. The materials provided for the board's review, received by ZA Steve Gutowski are 22 pages and labeled (Exhibit 1):**
 - 1. Letter from Solar developer overseeing the proposed project**
 - 2. Written Permission from abutting property owners:**
 - a. Mark and Stephanie Atkins**
 - b. William F Smith III**
 - c. Mary and Paul Wood**
 - d. Matt Atkins (Across the street) did not respond but DW says Matt gave his verbal agreement**
 - 3. Aerial Photos of site plan with adjoining properties labeled.**
 - 4. Underground Utilities plans.**

11. JC places Mr Wood under oath.

- Mr. Wood intends to offset his electric bill with a solar array/shade timber frame structure 28 ftx 20 ft. to augment existing roof mounted solar.

12. Question from SH about a propane line that was not able to be located by the surveyor. Mr Wood felt that all utilities had been located.

13. Question from BF-Any easements on the property for utilities etc?

-DW says not to his knowledge.

14. Question from NL- Could the canopy be moved at all?

-DW feels that it would be too close to the septic and diminishes the capacity.

15. JC Advises that the full array of documents (22 pages) submitted by the Appellant should be included in the official record marked as a single exhibit, dated and stapled.

16. JC asks DW is there anything else you'd want included?

-DW: Not at this time.

17. NL how do you feel about the alternate location proposed in the application, on the road side of the property?

-DW: Strong preference for the back yard location vs the road facing part of the property better solar collection, trees block the light.

18. EM would you move forward with a solar array on the road side if your appeal isn't granted?

-DW: No.

19. JC could the board listen to the project managers testimony from the original hearing November 2021?

-DW no objections to that.

20. JC Could the DRB conduct a site visit?

-DW no objections to that.

21. NL are there any other back yard locations for the canopy that can be considered?

-DW There are 4-5 large trees that would obscure morning sun in other locations in the backyard.

22. JC describes the process of closing the evidentiary part of the hearing and moving to the deliberative session. A site visit can't be conducted if the hearing has been closed.

23. BF does the board wish to conduct a site visit?

NL- A site visit was conducted during the initial hearing NL

24. EM-Move to cancel site visit

4-1-0

-No Site Visit will be conducted

25. SH-Woods have a long history in town, SH has some personal connection through the school and church, full disclosure.

26. BF- Move to close hearing

NL-Without Matt Atkins consent are we ok to move forward?

27. SG: Matt Atkins was notified in writing-his prerogative to respond or not

28. BF- Move to close public hearing, taking the matter under advisement for the next hearing, November 2nd?

EM- seconded

29. DW-If possible please render the decision quickly because of winter weather

30. JC- the board can deliberate outside of public hearings as long as the hearing has been closed.

31. Motion to Close Carried 5-0-0.

JC- Deliberations can be public or private, Board's choice

Deliberations will be held after the public hearing

32. Discussion/ Possible Decision on Waiver Application ()**

33. Approval of Minutes from 08.31.2022 or Amend/ Approve (*)

NL-Motion to approve Minutes 8.31.202

SH-Seconded

Motion carried 5-0-0

34. Old Business

-None

35. New Business

-Welcome to James Needham, newest member of the DRB

36. Em- How does the revision of the zoning bylaws impact our work?

37. We continue with our work under the old zoning bylaws until new bylaws have been approved and enacted by the selectboard.

38. SG the bylaws are under discussion but no formal changes have been proposed.

39. JN what about interim zoning? The select board is considering that.

40. JC if *interim zoning* is adopted it immediately becomes the rules of record but has a built in expiration date, if new bylaws haven't been adopted any denied permits can be reheard with the old bylaws.

41. Adjournment (*)

EM- Motion to Adjourn

NL- Second

Motion carried 5-0-0. Meeting Ajournd 8:15pm