

## Danbury Planning Board

July 14<sup>th</sup>, 2020

### Un-Adopted

The Danbury Planning Board met on Tuesday, July 14<sup>th</sup>, 2020 at the Danbury Town Hall in accordance with the schedule adopted and posted. John Taylor called the meeting to order at 7:00 p.m. and welcomed everyone present. John asked if anyone had a conflict of interest and Jim Phelps recused himself from the meeting.

#### **Present:**

John Taylor, Chair

Bernie Golden, Vice Chair

Jim Phelps

Anna Offen, clerk/secretary

Gary Donoghue

Christine Caron

#### **Not Present:**

Rick Swift

**Guests:** Douglas Colby, Jessica Hatch, Dick Gness

Previous meeting minutes were reviewed. Bernie Golden made a motion to accept the minutes of June 23<sup>rd</sup>, 2020, Jess Hatch seconded. **Motion passed unanimously.**

Jim Phelps recused himself from the meeting and was replaced by Jessica Hatch as the Board of Selectmen Ex-Officio representative.

At 7:04pm John Taylor continued the public hearing on the Site Plan Review for Douglas Colby at Dick's Store. Doug Colby brought up his concerns that Jim Phelps has a conflict of interest in the matter of the Site Plan Review and Doug feels that Jim Phelps should not be present during the meeting. However, the board explained that because he recused himself from the board and had no authority to vote on the Site Plan Review, he was within his rights as a taxpaying member of the town of Danbury to be present at the meeting and to also be heard by the board. Doug presented the septic system plan to the board and it was discussed. It looks like the ramp addition on the plan is not meeting the current setback requirements that are in place, and will need a variance from the Zoning Board. Bernie asked a few questions about the additions that are listed on the plan to get more information on whether the footprint of the building is expanding. There are four items listed on the application.

1. Enclosing existing porch

2. Building a Walk-in Cooler, 7' X 12' to store beer
3. Addition in the rear of the building – on stilts, to extend the kitchen and add more storage
4. ADA entrance ramp to store

The septic system plan also shows the wetland delineation, as was requested by the board at the previous meeting. Jess Hatch asked a question about the capacity of the septic and if it is sufficient to support the building as it is currently - Doug answered that it is. Bernie asked if the whole application would need to be denied or just the line item of the ramp – it was discussed that the application could be approved with contingencies. Jim Phelps asked for a more in depth explanation of what each addition on the application would be used for. Jim asked if by extending a kitchen, should that be considered a change of use? Doug agrees that he would like at some future point, to serve food from the store, but that he still needs to get his food service license and that is in the future. Once he receives that license and decides to go through with the process of opening a restaurant, he will need to come back to the board for a change of use. Jess Hatch asked the applicant directly if he intends to open a restaurant and what is he currently licensed for. He currently has a license to serve unprepared food – deli style and he has a license to cook and prepare food in the food truck that is on the premises. Jim asked if the board had ever approved the food truck that is currently located there, and if the site plan can be considered correct if it does not show the food truck on the site plan. Discussion was held about the licensing. Christine asked if the food preparation license was for the property or for the truck, and Doug stated that it was for the truck and not the property. Doug asked if the food truck could be included in the site plan review, as it came up in conversation that the food truck was not licensed or approved by the town. Doug feels that the board is getting too much into the details of what the additions are going to be used to and he wants the decision of the board to be focused on the application at hand, not future enhancements. Gary Donoghue brought up that the issue at hand is not the future aspirations of the applicant, but the Site Plan Review for the application that was submitted.

Bernie Golden made a motion to approve the application contingent upon the ZBA issuing a variance for the ramp and for it to be stated that the approval is confined to the physical changes to the building and not for any change of use to the existing business, Christine Caron seconded. Roll Call Vote: Bernie Golden – yes, Gary – yes, John – Yes, Anna – yes, Christine – yes, Jess – Hatch – yes. **Motion passed unanimously.** At 8:01 pm Bernie Golden made a motion to close the public hearing, Jess Hatch seconded. **Motion passed unanimously.**

Gary Donoghue brought up section 10.1.4 in the LUZOs and that his understanding is that once a special exception permit is issued for a NEW business from the ZBA for a commercial use of a

property that the permit will stay with the property and any future tenants. The town does not allow commercial properties, so they need the special exception permit to be able to operate a commercial use.

John is going to reach out to Doug and Toni and let him know that if Doug wants to open a restaurant in the future, he would need to come before the board for a Site Plan Review for a change of use for the business.

Jim Phelps is going to research what other towns require on their Site Plan Review checklist and then the board can review and amend our checklist as we determine to be necessary. He will email examples out to the board members prior to the next meeting.

John read the following building permits into record:

Laura Messer, 168 Taylor Hill Rd, **Tax Map 405, Lot 017**, New a8 X 24 storage/outbuilding on supports. Old shed to be torn down

At 9:21pm Gary Donoghue made a motion to adjourn, Bernie Golden seconded. **Motion passed unanimously.**