

Town of Londonderry  
Development Review Board

Meeting Minutes for August 15, 2018

**Present:** DRB members Esther Fishman, Terry Hill, Dwight Johnson, John Lancaster, Bob Maisey, Denis Pinkernell. **Guests:** Amanda George, Daniel Griswold, Geoff Hatheway, Jane Schilcher, Betty Sheldon, Adam Walsh.

1. The meeting was called to order at 5:33 PM.
2. Minutes from 7-18-18 approved by all in favor.
3. Schilcher/Sheldon – Public Hearing, Boundary Line Adjustment, following a public meeting held on July 18<sup>th</sup>.

Amanda George appeared on behalf of the Applicant/Owner. She provided information related to the application: Schilcher is to acquire by deed 1.5 feet along her westerly property boundary shared with Sheldon, and the BLA has been determined ‘Exempt’ by the state. Amanda agreed to submit the Determination document to the Town.

There being no other comments, the DRB closed the hearing at 5:37.

4. Walsh, 58 Stone Hollow Road – Public Hearing, Appeal of Denial of Zoning Permit Application & Request for Stay of Enforcement.

Adam Walsh appeared to appeal the Zoning Administrator’s decision to deny an ‘after the fact’ permit for a structure that exceeds district height and setback requirements. Mr. Walsh acknowledged that the Treehouse, built by his father without a local zoning permit and is now an insulated, heated, 2-story structure with power that is connected to the existing house by a 3-foot-wide deck. He said the land across the town road is undeveloped and unbuildable, therefore the Treehouse can have no impact on that parcel.

Regarding the non-compliance issues, Mr. Walsh suggested alternative diagonal means of measuring the height of the structure that would meet the town’s height standard of 35 feet. He also suggested that the front yard setback could be met by measuring the edge of the ‘paper road’ rather than the physical roadway, which he believes has ‘migrated’ toward his property line.

Adam Walsh stated that notwithstanding the above alternatives, compliance with the standards required ‘major effort’ (considering there is a ‘tree growing up through the structure) and then described potential mitigation remedies:

- A. Cut off the deck 'triangle' and re-attach where it won't impact front setback, or
- B. Winch the treehouse over and rotate to meet both height and setback standards.

There being no other comments, the DRB closed the Walsh hearing at 6:16.

- 5. Ski Magic – Public Hearing, Conditional Use Review Replacement Chairlift, extending into Resource Conservation District requiring Conditional Use Review and a public hearing.

Geoff Hatheway appeared for Ski Magic. Tim Jones participated via telecom. Mr. Hatheway gave a general update on previously permitted recently completed and in-progress projects at the ski area, including a new mid-mountain lift to Sunshine Corner and snow-making pond improvements. He said the current application is for installation of a new quad chairlift (Red Chair) purchased from Stratton Mtn. to replace the existing triple chairlift (Black Chair circa 1980s, to be removed). The Red Chair will start a bit higher at the base area and extend into a clearing to the summit. Mr. Hatheway explained that the new quad will double the capacity to the top of the mountain without overcrowding the ski slopes. The project is proposed to begin fall 2018 and be completed 2019.

Tim Jones said DEC has cleared the project, stormwater permits are pending, and no comments have been received from abutters to date. Abutting property owner Daniel Griswold attended the hearing and had no comment.

The DRB closed the Public Hearing at 6:50.

- 6. Jonathan Wright (Taylor Farm) – Continuation of Public Hearing, Appeal of Notice of Violation for signage non-compliance.

Jonathan Wright was not in attendance. Zoning Administrator Robert Neid stated that Mimi Wright called on this date to say she had not received notification of the hearing and was not able to attend. He confirmed that the hearing was duly warned and posted.

Mr. Neid stated that since the July hearing the number of signs had decreased to 6 or 7 and the hay wagon had been moved to the south side of the road. However, on this date (August 15<sup>th</sup>) he noted at least 23 signs on or around the property, including the 'Cheese' truck.

Board members re-iterated their frustration with the Signage standards that only permit a maximum of 20 square feet of signage for agricultural use. They discussed the potential applicability of Section 418 (F) which exempts signs considered to be of 'artistic or historic merit.'

The DRB voted unanimously to continue the public hearing to September 19 to provide an opportunity for Jonathan Wright to demonstrate to the Board which, if any, of Taylor Farm's

signs might qualify for the Section 418 (F) Exemption, by presenting pictures and any other supporting information. Such information will be conveyed in a letter sent by certified mail.

7. At 7:40 the Board entered deliberative session. At 8:20 the Board discontinued deliberative session and made the following announcements:

Schilcher: Unanimous decision to grant approval of Boundary Line Adjustment of 1.5 feet, as described in preliminary draft prepared by Dwight Johnson, DRB.

Walsh: Unanimous decision to deny Request for Appeal and uphold Zoning Administrator's Denial of Ex Post Facto Zoning Permit Application, pursuant to Zoning Administrator's Response to the Appeal by Adam Walsh, dated July 24, 2018, Setbacks and Height pages 1-5.

8. The meeting was adjourned at 8:23 PM.

Respectfully submitted,

Sharon Crossman  
Assistant to Zoning Administrator