

Town of Londonderry, Vermont
Development Review Board

Meeting Minutes for January 16, 2019

Present: DRB members Esther Fishman, Terry Hill, Dwight Johnson, John Lancaster, Bob Maisey, Chris Laselle and Denis Pinkernell; **Staff:** Shane O’Keefe, Zoning Administrator/Town Administrator and Sharon Crossman, Assistant to the Town Administrator. **Guests:** Ralph Michael, Douglas Stevens, Raymond Smith, Jeff Cavagnino, and Sven Federow .

1. The meeting was called to order at 5:33 PM.
2. Changes or Additions to the Agenda – None.
3. Public Hearings as warned.

Application No. 2019-01, 3133 Winhall Hollow Road. Ralph Michael appeared to represent the application of Owner Elizabeth Dugan Trustee for new construction of an agricultural barn, a private paddle tennis court and excavation/driveway improvements on a 6.6 acre parcel located at 3133 Winhall Hollow Road. Mr. Michael presented a site plan and various attachments to the application prepared by Michael Engineering, including a narrative relevant to zoning standards for Conditional Use review and Flood Hazard Overlay Area.

Mr. Michael and the Board discussed the following topics in consideration of the application: the size of the new barn and its intended use, the unique construction and features of a private paddle tennis court including size, lighting specs and hours of operation, the standards for state exemption for ‘agricultural’ buildings and the possible need for a town Access Permit for the driveway improvements.

The hearing was closed at 6:25

Application No. 044-18, 2454 VT Route 11. Joshua Wengerd appeared to present an application for Change of Use to Mixed Use of an existing dwelling and detached garage located at 2454 VT Route 11 within the Village Commercial District and Flood Hazard Overlay Area. He stated that he and his wife Nicole purchased the property – abutting their residence at the time - in 2015, with no specific plan then for its reuse. Joshua said that they have since sold their place next door (the church-house) and now conduct most of his ReNew Construction business at their new residence in Landgrove. He described general plans for 2454 VT 11 as above-ground exterior improvements to make the property and structures more attractive and potential reuse of the structures for fabrication/woodworking and short-term storage for tools and extra building materials.

The Board and Mr. Wengerd discussed the Permitted/Conditional Uses listed in the VC zoning district with the Zoning Administrator. Zoning Administrator Shane O’Keefe explained that the potential uses discussed seemed to best fit the Bylaw definition of ‘warehouse’ but that use is not listed in the Bylaw Table of Uses and is therefore prohibited, unless the Board allowed by the DRB as a ‘Use Not Provided For’ per Bylaw Section 203 (D).

It was agreed that the Applicant will confirm the intended new use(s) and then submit a revised application for a Change of Use which requires Conditional Use Review and public hearing by the DRB to be scheduled in accordance with the necessary time to legally warn once deemed complete.

This hearing was closed at 6:50 pm.

4. Other business:

Jeff Cavagnino presented a permit application for Stratton Mountain Resort proposing the change of use of the Swiss Inn and Restaurant located along the northerly side of VT Route 11. Mr. Cavagnino stated that Stratton has signed a purchase and sale agreement contingent on the ability to use the former Swiss Inn as employee housing for seasonal workers at Stratton Mountain Resort. Jeff previously met with the DRB and with the ZA for preliminary discussion of the proposed change of use and the local permit process. He says Stratton is now anxious to move ahead to meet the contractual obligations for the purchase and confirm a closing date.

Shane O’Keefe stated the proposed new use best meets the definition of ‘Boarding House ‘ as defined in the 2009 Zoning Bylaw and is permitted in the R-3 district within which the property is located. The DRB will warn the Stratton Mountain Resort proposal/project for a public hearing on Wednesday, February 20th, 2019 and deem it complete at the commencement of the proceeding.

Esther Fishman Co-Chair, introduced Sven Federow, Londonderry resident, who is an attorney, now working as Zoning Administrator for the Town of Weathersfield. Sven has submitted a letter of interest and resume indicating his wish to be appointed to the DRB as an alternate. Alternates are permitted by statute and the DRB, and after discussing the matter it was the consensus of the Board to recommend Sven be appointed by the Select Board at their regular meeting next Monday, January 21st.

Esther also distributed copies of an informational handout related to local standards and procedures for land use and development. This document, known as ‘Frequently Asked Questions,’ came about as a result of the Summit held in October, 2018, when participants agreed that compliance with zoning regulations could be improved with clear and concise guidance for property owners, real estate agents, contractors and others involved in matters of land and land use in Londonderry.

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At 7:05 the Board entered private deliberative session. At 7:25 the Board discontinued deliberative session and made the following announcements:

Application No. 2019-01, 3133 Winhall Hollow Road. Motion by Esther Fishman, seconded by Terry Hill, to grant Conditional Use approval for excavation within the flood hazard area [Section 205(H)] and a lighting installation of up to 20 feet in height for a proposed paddle tennis court [Sec. 410(E)(4)], in conformance with all documents submitted by the applicant in support of the project, with the following conditions:

1. that complete manufacturer specifications for the proposed lighting installation are submitted in a form acceptable to the Zoning Administrator prior to issuance of the required zoning permit for the proposed paddle tennis court;
2. that the lights from the lighting installation shall not be used or otherwise illuminated after 9:00 p.m. on any night of the year.
3. that the new barn indicated in the plans submitted in support of the application, and reviewed by the Board, shall be used for “required agricultural practices” as such practices are defined by the Vermont Department of Agriculture, Food [24 V.S.A. 4413(d)(1)], to be supported by a written determination by the Secretary of Agriculture submitted to the ZA prior to start of construction. Any other proposed use of said barn shall require the issuance of a zoning permit prior to the change of use.

Motion passed unanimously.

The meeting was adjourned at 8:23 PM.

Respectfully submitted,

Sharon Crossman
Assistant to Zoning Administrator

Approved on _____