

**Town of Londonderry, Vermont  
Development Review Board**

**Regular Meeting Minutes - DRAFT**

**Wednesday, May 15, 2019**

**Twitchell Building - 100 Old School Street, South Londonderry, VT**

**Board Members Present:** Denis Pinkernell, Esther Fishman, Terry Hill, Bob Maisey, Sven Federow and Chris Laselle.

**Board Members Absent:** John Lancaster

**Others in Attendance:** Town Officials – Town Administrator/Zoning Administrator Shane O’Keefe, Assistant to the Town Administrator, Sharon Crossman.

1. **Call meeting to order** Board Co-Chair Esther Fishman called the meeting to order at 5:37 PM.
2. **Additions or deletions to the agenda** – Esther Fishman requested, and the Board approved, an addition under **Other Business** in order to discuss her participation in the 5/20/2019 Planning Commission meeting regarding the Zoning Bylaw rewrite project.
3. **Minutes Approval** - *Motion by Bob Maisey, seconded by Terry Hill, to approve the minutes of the meeting of April 17, 2019 as written. Motion PASSED unanimously.*

**4. Public Hearings as warned:**

**Application by Town of Londonderry for land disturbance to improve grading and drainage on Parcel 101015.000, located at 100 Old School Street.**

O’Keefe first introduced two new forms developed to help initiate responses to the Bylaw standards by permit Applicants and to facilitate project review by the Board - a Site Development Plan Checklist (Checklist) and a Site Plan Review Application Worksheet (Worksheet). He requested the Board’s consideration of the merit of the forms during the hearing for the Town’s permit application, in advance of his recommendation that the DRB adopt the forms and require they be routinely used in DRB proceedings, to made later in the meeting.

O’Keefe proceeded with testimony regarding the Town’s proposed project for Phase I of the Town Office Planning Project (TOPP) by referencing the site plans prepared by Marble Valley Engineering and the completed Worksheet and Checklist forms submitted with the permit application. He said the project work has been bid and awarded to Hodgkin and Sons who propose starting work as conditions permit and finishing by August 8, 2019. He stated that the work includes excavating around the building, installing drainage features to dry the site, and applying an exterior waterproof membrane. He confirmed that all work will be outside the designated 50-foot vegetated buffer required by local zoning standards and the State Wetland permit issued in 2017 for this project.

The public hearing was closed at 6:10 PM and it was noted that the Board would deliberate later in the meeting,

**Application by West River Montessori School for change of use from mixed use to school and apartment use only on Parcel 104012.000 located at 3650 VT 100 North.**

No one appeared to represent West River Montessori School (WRMS). On behalf of the Applicant, Shane O’Keefe provided a description of the project to the Board. He stated that Director Renata Sawyer prepared and submitted the permit application requesting Change of Use of the building that houses WRMS in order to accommodate up to 11 (eleven) more students. O’Keefe explained that previous allocation of building space to other uses will now be discontinued in favor of full use of the entire building and parking space by WRMS for the school and one residential apartment.

O’Keefe said the Applicant was advised that the local permit states that the Owner is required to obtain any necessary State permits, but as of the date of the hearing none had been submitted to the Town for the WRMS application.

The hearing was closed at 6:20 pm. It was noted that the Board would deliberate later in the meeting.

**5. Preliminary Review of permit applications:**

**Application by David and Nadine Van Houten to construct a detached accessory dwelling which must meet the requirements of Londonderry Bylaw Section 301 Accessory Dwellings and Section 503 Conditional Use Review.**

The Applicants did not attend the meeting for preliminary review of their application. O’Keefe provided an overview of the application as well as his action taken to date. He said his initial opinion is that the proposal constitutes adding a second dwelling on a single lot which would trigger Section 301 of the Bylaw and require that the proposed new structure have less than 60% of the total floor area of the existing primary dwelling. With this information, the Applicants have stated in writing that they will downsize the proposed new dwelling to meet the standards of Section 301.

The Board then questioned whether the property contains 2 (two) separate lots - in which case the application could be approved administratively - or the lots are effectively merged into 1 (one) lot, since one was non-conforming in lot size, (which would require more information and DRB review).

*After discussion, the Board and Zoning Administrator agreed by consensus that the Van Houten application is incomplete without confirmation as to the legal status of the lot(s) which requires a search and review of the property deeds.*

**6. Other Business –**

**Big Rock Gravel:** O’Keefe announced to the Board the sale of Big Rock Gravel’s gravel pit on Rowes Road to Hunter Kaltsas, dba/Mad King. He said the terms and condition of the Board’s decision to renew the Big Rock Gravel extraction permit will transfer to the new owner, together with a new the escrow agreement.

**Report from Co-Chair Fishman, addition to Agenda, approved in Item 2:** Esther Fishman reported on her participation in the 5/20/2019 Planning Commission meeting regarding the Zoning Bylaw rewrite project. She said she found the discussion with the PC and Brandy Saxton, the consultant hired for the project with state grant funding, quite interesting as a DRB member. Esther recommended that all Board members consider

attending the subsequent PC meetings with the Consultant, which will be held on second Mondays, the same date as PC regular meetings.

**Review of Zoning and DRB application forms:** O’Keefe requested that the Board authorize the Board’s two Co-Chairs to adopt and employ the Site Plan Review Assessment Form, Site Development Proposal once a final draft is complete. *By consensus, the Board agreed to the recommendation of the Zoning Administrator.*

O’Keefe also advised the Board that Vermont planning statutes (VSA 24; Ss 4416) require that applications for Site Plan Review for property adjoining a state highway must include a Letter of Intent addressed to VT Agency of Transportation. O’Keefe then left the meeting.

The Board entered deliberative session at 7:10 pm. At 7:15 pm the Board discontinued deliberative session and made the following announcements:

**Application by Town of Londonderry for land disturbance to improve grading and drainage on Parcel 101015.000, located at 100 Old School Street.**

*Motion by Denis Pinkernell, seconded by Sven Fedorow, to approve the application as submitted, with the condition that the Applicant consider using environmentally friendly erosion controls for the project as available and practical. The motion passed unanimously.*

**Application by West River Montessori School for change of use from mixed use to school and apartment use only on Parcel 104012.000 located at 3650 VT 100 North.**

*Motion by Denis Pinkernell, seconded by Sven Federow, to approve the application as submitted, conditioned upon receipt of all applicable state permits, specifically from VTrans. The motion passed unanimously.*

7. New Business – None

8. Next regular meeting date – June 19, 2019 at 5:30 PM.

9. Adjourn

Sven Fedorow moved to adjourn the meeting. Denis Pinkernell seconded the motion which was approved unanimously. The meeting was adjourned at 7:25 pm.

Respectfully submitted,

Sharon Crossman, Assistant to the Town Administrator/Zoning Administrator

*Approved on June 19, 2019*

---

Esther Fishman, Co-Chair