

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

Regular Meeting Minutes - DRAFT

Wednesday, August 21, 2019

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

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

Board Members Absent: Sven Federow, John Lancaster.

Others in Attendance: Town Officials – Town Administrator/Zoning Administrator Shane O’Keefe, Assistant to the Town Administrator/Zoning Administrator, Sharon Crossman. Members of the Public – Hiland Clough, Mildred C. Dunn, Donald H. Clough, Dorothy Clough, Malcolm L. Clough, Pamela J. Spaulding, James Young, Matthew and Tamy Mosher, Julie Lowe, Chris Lowe and Greg Burnes.

1. **Call the meeting to order.** DRB Co-Chair Esther Fishman called the meeting to order at 5:34 PM.
2. **Additions or deletions to the agenda.** There were no additions or deletions.
3. **Minutes Approval.** Motion by Denis Pinkernell, seconded by Robert Maisey, to approve the minutes of the meeting of July 17, 2019 as written. Motion passed unanimously.
4. **Public Hearings as warned.**

Application #2019-29 - Appeal of Notice of Violation for land development without the issuance of a zoning permit, and Zoning Administrator’s decision regarding the applicability of the Zoning Bylaw with regard to storage trailers, by Ruth H. Clough, et al, c/o Hiland Clough, related to placement of a storage trailer on Parcel 007032.000 located at 1888 Winhall Hollow Road.

Co- Chair Esther Fishman opened the hearing and announced that the discussion of the Appeal of the Zoning Administrator’s decision filed by Hiland Clough would be limited to the description posted in the legal notice and the meeting Agenda (as above). She read the definition of ‘structure’ from 2009 Zoning Bylaw currently in effect. Appellant Hiland Clough, agreed that the ‘storage trailer’ in question meets the Bylaw definition of a ‘structure’ and stated that it is used to store “equipment.”

Zoning Administrator Shane O’Keefe confirmed the definition of an ‘interested person” and qualified interested persons in attendance were offered copies of the information packet containing correspondence between the Appellant and the Zoning Administrator and relevant attachments. O’Keefe gave a summary of the case and timeline to date including initial notification that the Clough trailer required a zoning permit, the Notice of Violation issued due to the delayed response in applying for a zoning permit and the receipt of a permit application after the due date, which has not yet been processed. O’Keefe stated that the permit application submitted will cure the violation,

if the DRB decides that a permit is required; and if the DRB determines that no permit is required, the one submitted can be destroyed and the fee will be refunded to the applicant.

Matthew Mosher, adjacent property owner, described his complaint with the Clough storage trailer as a “visual issue” with potential impact for loss of property value. Malcom Clough stated that he read the Bylaw prior to purchasing the 28’ trailer for storage and believed the size would be compliant. He said he found the Bylaw language confusing and that there appear to be similar violations in town that are not being addressed. O’Keefe explained that there are some exemptions to the zoning standards and permit enforcement in Londonderry is most often a response to complaints from neighbors.

No one else asked to speak regarding this matter and Esther Fishman closed the hearing, stating that the DRB would deliberate later in evening.

5. Other Business

Preliminary Review regarding possible re-use and landscaping options for property of (former) Sigda Lumber Company, Parcel 105007.000, located at 2046 VT Route 100.

Greg Burnes, new owner of the former Sigda property, Julie Lowe (broker) and Chris Lowe (caretaker) described potential plans to establish indoor/ outdoor, temperature-controlled storage for large items (including boats, vehicles etc.) within the former 8800 square-foot retail store with a high ceiling. O’Keefe said that the proposed Change of Use as described could be addressed as a ‘Use Not Provided For’ with Conditional Use Review/ Site Plan Review by the DRB and would likely require state review and permitting as well. Esther Fishman instructed Mr. Burnes to work with the Zoning Administrator to prepare a complete local permit application to be scheduled for a required public hearing in October.

Other Business: O’Keefe briefly described a permit application for a 2-lot subdivision of land located along Edge Hill Road submitted by Scott and Rachel Febbie. He said the application is complete and will be warned for Site Plan Review at the regular meeting of the DRB in September.

6. Esther Fishman closed the public meeting and the DRB entered deliberation session. After deliberation, the public meeting was reopened. A motion was made by Bob Maisey, seconded by Terry Hill, as follows: *“ to accept the Zoning Administrator’s decision regarding the applicability of the Zoning Bylaw with regard to placement of a storage trailer on Parcel 007032.000 located at 1888 Winhall Hollow Road, pursuant to Zoning Bylaw Section 412(B) which states that “(a)ny trailer used for storage or other accessory use for a period exceeding thirty (30) days shall be considered a structure subject to all the terms and conditions of this bylaw.” Therefore, the Appeal of Notice of Violation for land development without the issuance of a zoning permit is denied, and a zoning permit shall be required for the subject structure. “* The motion passed unanimously.
7. Next regular meeting date - Wednesday, September 18, 2019
8. Adjourn. The meeting was adjourned at 6:40 PM.

Posted and distributed August 28, 2019

Approved by DRB: _____ (Co-Chair) _____ Date

Co-Chair
