

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

Regular Meeting Minutes - DRAFT

Wednesday, September 18, 2019

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

Board Members Present: Denis Pinkernell Co-Chair, Sven Federow, Terry Hill, John Lancaster, Chris Laselle, and Bob Maisey.

Board Members Absent: Esther Fishman.

Others in Attendance: Town Officials – Sharon Crossman, Assistant to the Town Administrator/Zoning Administrator. Members of the Public – Ed Shea, Sandra Diaferio, Raymond Smith, Rob and Carolyn Badger, Ron Bacon, Myrtle Bacon, Rachel Febbie, Mary Merrill, Tom and Judy Platt.

1. **Call the meeting to order.** DRB Co-Chair Denis Pinkernell called the meeting to order at 5:34 PM.
2. **Additions or deletions to the agenda.** There were two additions to the agenda proposed by Sharon Crossman and approved unanimously by the DRB, as follows:

Discussion with Rob and Carolyn Badger regarding a permit application for construction of a pergola over a pre-existing non-conforming cement pad.

Discussion with Mary Merrill regarding the matter of expiration of a subdivision permit issued in 2011, due to non-compliance with a condition of the decision of the DRB requiring subsequent timely filing of a mylar.

3. **Minutes Approval.** Motion by Denis Pinkernell to approve the minutes of the August 21, 2019 DRB meeting as drafted. Motion passed with John Lancaster and Sven Federow abstaining since they did not attend that meeting.
4. **Public Hearings as warned.**

Application 2019-33 by Scott and Rachel Febbie for Subdivision/Site Plan Review regarding a proposed 2-lot subdivision of Parcel 028007.000 located at 212 Edge Hill Road. Rachel Febbie outlined the proposal for a 2-lot subdivision which has an approved Access Permit from the Town and a Wastewater/Water Supply Permit from the State. She said that her parents, Ron and Myrtle Bacon, plan to construct a new home and garage this season on proposed Lot 1, and the Febbies will build their home on Lot 2 sometime in the future. Tom and Judy Platt, abutting property owners, said they welcomed the neighbors. No one else spoke for or against the proposed project. After discussion, the Chair stated that the DRB would deliberate in private later in the evening and closed the hearing.

Application 2019-31 by Sandra E. Diaferio for Conditional Use Review regarding proposed construction of an addition (deck) on Parcel 018024.000 located at 667 Boynton Road, within the Resource Conservation Overlay (RCO) District. Owner Sandra Diaferio described her plan to add a rear deck to her existing single-family home. She said the original construction plan and approved permit included a deck that was never built, and now she wants to add a deck as originally planned but smaller in dimension. The DRB confirmed that, as proposed, the new deck will occur within the portion of the property that lies in the RCO district, as does the existing single-family home, which received a zoning permit in 2006. No one else appeared to speak for or against this matter. The Chair stated that the DRB would deliberate in private later in the evening and closed the hearing.

Application 2019-30 by Raymond and Deborah Smith for Site Plan Review regarding proposed construction of a garage for an existing excavation business on Parcel 075001.000 located at 34 No Name Road. New garage replaces existing garage. Owner Raymond Smith appeared to discuss his current application for construction of a replacement garage. He explained that he previously received approval for this same project, but the permit expired before he was able to start construction. He stated that his current permit application is identical, other than the proposed structure will have a smaller footprint, due to downsizing his business. No one else appeared to speak for or against this matter. After discussion, the Chair stated that the DRB would deliberate in private later in the evening and closed the hearing.

5. Other Business – on the posted agenda for this date

Application 2019-35 by Edward and Carolyn Shea for review and approval of land development (new construction of a detached single-story shed with attached carport adjacent to existing single-family dwelling) located at 554 Howard Hill Road on Parcel 065098.000 being a lot without frontage on a public road that requires DRB approval per Zoning Bylaw Section 402(A).

Edward Shea appeared for the hearing and stated that he wants to construct a shed and carport as accessory to his existing single-family home in Magic Village. The DRB discussed the specific Bylaw requirement for DRB approval of the access. *Without deliberation, a motion was made by Sven Federow, seconded by John Lancaster to approve existing access to Parcel 065098.000 at 554 Howard Hill Road being a lot without frontage on a public road that requires DRB approval per Zoning Bylaw Section 402(A).*

Application 2019-34 by Charles Ribinsky for review and approval of land development (new construction of detached single-story garage adjacent to existing single-family dwelling) located at 248 Magic Circle on Parcel 004006.000 being a lot without frontage on a public road that requires DRB approval per Zoning Bylaw Section 402(A). Sharon Crossman reported that Charles Ribinsky had given prior notice that he could not appear for the hearing on this date. For the record, the DRB announced the case was identical to the previous one, requiring DRB approval of the access. *Without deliberation, a motion was made by Terry Hill, seconded by John Lancaster, to approve the existing access to Parcel 004006.000 located at 248 Magic Circle being a lot without frontage on a public road that requires DRB approval per Zoning Bylaw Section 402(A).*

At 6:07 PM Chair Denis Pinkernell closed the public meeting and the DRB entered deliberation session. After deliberation, the public meeting was re-opened and the following decisions were announced:

Febbie: Motion by John Lancaster, seconded by Terry Hill, to approve the 2-lot subdivision of Parcel 028007.000 located at 212 Edge Hill Road as proposed. (Chris Laselle recused himself from the decision, as an abutting property owner to the Febbie land.) The motion passed unanimously.

Diaferio: Motion by Terry Hill, Seconded by Bob Maisey, to approve the construction of a rear deck (or porch) at 667 Boynton Road within the RCO district as proposed. Motion passed unanimously.

Smith: Motion by Denis Pinkernell, seconded by Bob Maisey, to approve the application for construction of a new garage to replace the existing garage, including a provision that, to the greatest extent practical, any equipment that must be stored outside be kept out of public view with landscaping and screening per Zoning Bylaw Section 504 (D)(3)(c).

At 6:28 PM the DRB continued the public meeting to discuss two matters added to the agenda.

Owners Rob and Carolyn Badger described their application to build an open-sided wood framed pergola structure over an existing concrete pad that covers the basement to a home that has been torn down and dismantled. They explained that the former structure was built by Rob's parents over 40 years ago so does not meet today's side set-back requirements. The Badgers said the pergola will be used for private personal gatherings. After discussion, and without deliberation, the DRB concluded that the project described by the Badgers meets the Zoning Bylaw Section 701 Definition of a non-complying, pre-existing structure (remaining concrete pad) with insufficient setback to meet current standards for the R3 district and Section 412, that will not be increased by the proposed construction (open-sided pergola above the pad.).

Owner Mary Merrill appeared to discuss the matter of the expiration of Permit 005-11 issued 5/26/2011. She explained that during the recent process of selling a portion of her property at Old Stowell Hill she learned that the filing of the mylar within 180 days of the 2011 DRB decision had been unintentionally overlooked. She said that she has since submitted a zoning permit application and filed the mylar of the approved subdivision for recording in the Londonderry records. Acting Zoning Administrator Sharon Crossman confirmed that the permit application appears to be complete at this time. The DRB noted that the DEC-stamped plan provided appears to be "one and the same" as those previously referenced in the DRB procedural history, considered in deliberation and acted upon in 2011, and therefore sufficiently 'true and accurate' to inform a decision. Without deliberation, a motion was made by Sven Federow, seconded by Denis Pinkernell, to accept the mylar of a 2-lot subdivision of Parcel 059005 located at 199 Old Stowell Hill Road presented by Mary Merrill as identical to the paper copy filed with original Zoning Permit 005-11(expired) and, pursuant to the original DRB decision dated 5/26/2011, to reinstate Zoning Permit 005-11 upon recognition that the mylar now filed and recorded as required satisfies the condition issued in the original decision dated 5/26/2011. The motion passed unanimously.

6. Next regular meeting date - Wednesday, October 16, 2019
7. Adjourn. The meeting was adjourned at 7:422 PM.

Approved by DRB: _____ (CoChair) _____ Date

Posted and distributed September 24, 2019