

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

**Regular Meeting Minutes**

**Wednesday, November 20, 2019**

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

**Board Members Present:** Esther Fishman Co-Chair, Denis Pinkernell Co-Chair, Sven Federow, John Lancaster, Bob Maisey.

**Board Members Absent:** Terry Hill, Chris Laselle

**Others in Attendance:** Town Officials – Shane O’Keefe, Zoning Administrator Sharon Crossman, Assistant to the Zoning Administrator. Members of the Public – Michael Evans, Peter Cottrell, Dominic Mangano, Seth Howe, Janice Pugliese, Cheyanne Pugliese.

1. **Call the meeting to order.** DRB Co-Chair Denis Pinkernell called the meeting to order at 5:36 PM.
2. **Additions or deletions to the agenda** (to occur as ‘Other Business.’) Shane O’Keefe requested, and the Board granted time to discuss and distribute a draft of the 2020 DRB Meeting and Application Schedule.
3. **Minutes Approval.** Motion by Denis Pinkernell to approve the minutes of October 16, 2019, as drafted. Motion passed unanimously.
4. **Public Hearings as warned.**

**Application 2019-45 by Pete Conrad Construction for review and approval of land development** (add a screened porch, a mudroom and increase size of existing entry in an existing single-family dwelling) located at 563 Spruce Hill Road on Parcel 008006.200, being a lot without frontage on a public road that requires DRB approval per Zoning Bylaw Section 402(A).

Peter Cottrell appeared for Pete Conrad Construction, and Rob Hulem and Mariene Boyaner, Property Owners. He described the proposed project as exterior improvements to an existing single-family home, specifically replacement of an existing deck, addition of a 3-season porch and extension of existing entry to connect new porch. A public hearing and approval by the DRB are required for this application because the lot is accessed by a private road. After discussion, **a motion to “approve as submitted” was made by Sven Federow, seconded by Denis Pinkernell and passed unanimously.**

**Application 2019-42 by Scott and Jennifer Howe for Conditional Use and Site Plan review in support of earth materials processing and storage** as a “Use Not Provided For” per Zoning Bylaw Section 203 (D).

The public hearing was opened at 6:05. Seth Howe appeared on behalf of Scott and Jennifer Howe to describe the activities of their current operations adjacent to Jamaica Cottage Shop (formerly Smith's Mill) on Winhall Station Road. He said presently they are a small excavation company with 5 tri-axel trailer trucks and a dump truck, conducting asphalt grinding, rock crushing and screening. He stated that the business has an Act 250 permit that allows "unlimited truck trips." Seth Howe said they operate a hydraulic excavator during summer and fall, fewer than 7 days a week and trucks are in and out 5-5 ½ days a week. He stated that he wants to "hammer and screen at any time," but is okay with limits on crushing.

Abutters Janice Pugliese and Cheyanne Pugliese stated their concerns about the Howe operations, including: a statement in the Act 250 applicaiton that "no town permit is required" for these activities; lack of enforcement of standards that do apply; presence of hazardous materials; guns being fired into stone piles. Cheyanne stated that "even without crushing, it's too loud." She said she believes the numbers of days of operation and truck trips per day (often up to 30) are excessive.

Zoning Administrator Shane O'Keefe said the purpose of the hearing was for the DRB to consider whether the proposed Howe land use can be approved as a "use not provided for" by way of a determination that it is of the same character another use provided for in the Bylaw. **Sven Fedorow made a motion, seconded by Denis Pinkernell, "to continue the Howe hearing to December 4, 2019 at 5:30 pm." The motion passed unanimously.** Prior to that date, the Howe permit application and related documents will be scanned and sent to the Board for review.

**Application 2019-44 by AGS Vermont, Inc., request for a Variance for new commercial roof sign which exceeds size limitation per Zoning Bylaw Section 418 (E) (4).**

Michael Evans, Owner of the Londonderry Village Market (formerly Clark's Quality Foods) described his plan for a new sign on the market as repainting the existing sign with the new store name and logo, and otherwise retaining the current sign's size, shape and location on the roof of the store. He stated that his request was for a variance is based on the existing sign being previously permitted by the Town by way of a variance.

After some discussion, the Board agreed to deliberate in private and deliver their decision later in the evening.

The public meeting was closed at 7:06 PM. The Board reopened the public meeting at 7:15 pm and announced their **approval of the AGS Vermont, Inc. request for a Variance as a continuation of a non-conforming sign, with no increase in the existing non-conformance.** Esther Fishman stated that she did not vote in favor of the decision.

5. Other business: As agreed in Agenda Item 2.

Shane O'Keefe distributed the draft 2020 DRB Meeting and Application Schedule. After discussion, Denis Pinkernell made a motion to "approve as submitted," seconded by Bob Maisey, passed unanimously.

6. Next regular meeting - Wednesday, December 18, 2019 at 5:30pm

7. Adjourn. The meeting was continued to December 4, 2019 at 5:30 pm.

*Approved by DRB:* \_\_\_\_\_ *(Co-Chair)* \_\_\_\_\_ *Date*

*Posted and distributed November 25, 2019*