

# Town of Londonderry, Vermont Development Review Board

DRAFT 2

Regular Meeting Minutes  
Wednesday, April 15, 2020

**Note: This meeting was held remotely online with no physical presence – all attendees participated by video or phone, per the instructions provided in the public hearing notice and in the agenda posted in advance of this meeting, as indicated within these meeting minutes.**

**Board Members Present:** Esther Fishman Co-Chair, Denis Pinkernell Co-Chair, Paul Abraham, Terry Hill, John Lancaster, Bob Maisey.

**Board Members Absent:** Chris Laselle (leave of absence)

**Others in Attendance:** Town Officials: Shane O’Keefe, Zoning Administrator, and Sharon Crossman, Assistant to the Zoning Administrator. Members of the Public: Philip Cloutman and Marty Trombetta (video), Don Kaiser (video), Jeffrey and Cheryl Nutter (video), Andrew Rackear (video), and Deborah Hazelton (phone).

1. **Call the meeting to order.** At 5:32, Development Review Board (DRB) Co-Chair Esther Fishman called the online meeting to order and read a prepared script describing the authority to hold an entirely online meeting and the procedures to be followed by Board members and others in attendance, depending on their mode of participation (script attached).
2. **Additions or deletions to the agenda** (to occur as Other Business). None.
3. **Minutes Approval.** Minutes of February 19, 2020 A motion to approve was made by Bob Maisey and seconded by Denis Pinkernell. The motion passed, with Paul Abraham abstaining due to not being a DRB member as of the February meeting. It was noted that there was no DRB meeting in March 2020 and so there are no minutes.
4. **Public Hearings as warned.**

**Application 2020-10 by Jeffrey and Cheryl Nutter for Conditional Use Review to establish an attached accessory dwelling (after the fact) to a single-family dwelling on Parcel 037004.100, located at 110 Cross Road.**

The Chair asked the Applicants to describe their application. The Nutters stated that they wish to obtain a local zoning permit for their residence at 110 Cross Road. They explained that they first built a guest house/garage where they resided until completing construction of the ‘main house’ which is now their residence. Jeffrey noted that at the time the main house was constructed, no permit was received for the guest house/garage as an accessory structure. He confirmed their objective to establish the guest house/garage as an ‘accessory unit’ to the ‘main house’, an existing single-family dwelling. In response to the Board’s questions, the Owner/Applicants testified as follows:

1. The on-site septic system is shared by 2 dwellings (5 lots total). A 2004 state certification of installation is on file.
2. 30’ setbacks for structures are depicted with blue dash lines on site plan.

3. The proposed accessory dwelling has primary access via an exterior door on left side of structure at garage level.
4. The proposed accessory dwelling has access via interior stairs from garage level to the second floor of the guest house.
5. Window units were installed in place of garage doors shown on plan submitted.
6. The Garage/basement level of the proposed accessory dwelling has a washer and dryer and is primarily used as storage by the owner.

The Chair called for a motion to close the Nutter public hearing at 5:48 pm. Denis Pinkernell made that motion, seconded by Bob Maisey, which passed unanimously. The Chair advised the Applicants that the Board would deliberate in private later in the evening and deliver its written decision within 45 days, as required by State statute.

**Application 2020-06 by Donald and Deborah Hazelton for Subdivision Review of proposed 4-lot subdivision on Parcel 013013.000 located at Hell's Peak Road.**

After various attempts to reach the Hazeltons who had not yet joined the meeting, Co-Chair Fishman decided to open the public hearing and proceed with review of the application for subdivision and any questions from the abutters present (by video). The Board began a discussion of the application with Philip Cloutman and Marty Trombetta, abutting property owners, attending via video. The Chair briefly described the application for subdivision of 29.5 acres into 4 lots total – 3 new lots to be created, and the remainder land being Lot 4. The abutters stated that they own 13 +/- acres on VT Route 100 along the northeast side of the remainder lot and were curious about the setback standards for development near the shared boundary. O'Keefe responded that the application does not include any plan to build on Lot 4 nor any proposed access from VT Route 100. These abutters said they had no further questions.

O'Keefe explained that access from Hells Peak Road via a 50' right-of-way (ROW) serving Lots 1, 2 and 4 has been granted by the Selectboard. He stated that the ROW remains part of Lot 4 as shown on the site plan. Terry Hill noted that the application states the ROW is over an existing logging road. Abutting property owner Donald Kaiser asked about the intended use and access point for Lot 4 when developed. O'Keefe stated that the application does not include a plan for either at this time, although there is 'adequate frontage' along VT Route 100. Mr. Kaiser said he had no other concerns.

Co-Chair Fishman asked for a motion to continue this hearing to the next regular meeting of the Board. Terry Hill moved to continue the hearing for Donald and Deborah Hazelton subdivision of Parcel 013013.000 until the May 20, 2020 meeting, Denis Pinkernell seconded, and the motion passed unanimously.

**Application 2020-07 by Donald and Deborah Hazelton for Conditional Use Review of proposed Accessory Dwelling on Parcel 013018.000 located off Pitchfork Lane.** At 6:06 pm, the Chair opened the public hearing, although the Applicants had not appeared by video or phone.

In response to a question from the Co-Chair Fishman, O'Keefe confirmed that a State wastewater permit for the accessory dwelling was not included in the application and needs to be requested now or made a condition of the permit approval.

Co-Chair Fishman asked for a motion to continue the hearing, since the Applicant had not yet joined

the meeting to respond to additional questions. John Lancaster moved to continue the public hearing for Application 2020-07 to the May 20, 2020 meeting, Terry Hill seconded, and the motion passed unanimously. Abutters Philip Cloutman and Marty Trombetta left the meeting stating they had no more questions or concerns about the project.

At 6:16 pm Deb Hazelton joined the meeting by phone, having had technical difficulty calling in earlier.

At 6:18 pm John Lancaster moved to rescind the previous motions to continue public hearings for Applications 2020-06 and 2020-07 to May 20, 2020, and Terry Hill (seconded) consented. All meeting participants then introduced themselves to Applicant/Owner Deb Hazelton.

Deb Hazelton provided the following information regarding the proposed 4-lot subdivision described in Application 2020-06:

1. Overall objective is to create and donate land to Habitat for Humanity to be developed with a single-family dwelling and owned by a qualified full-time resident - Lot 2.
2. Decided to subdivide entire parcel at same time, creating 4 lots total, Lot 4 to be retained.
3. All lots have been perked.
4. Lot 3 will likely be accessed from Hells Peak Road as the most safe and sensible location.
5. The 50' ROW shown is part of remainder parcel (Lot 4) and provides access to Lots 1, 2 and 4. Applicants plan to design and build ROW to conform with Town road specifications.
6. Tree clearing limited to house site preparation.
7. Corner of Lot 1 has steep bank, otherwise terrain is "rolling" and relatively flat.

The Board noted that the Agency of Natural Resources Atlas map provided does not include contours which should be added.

Don Kaiser asked about plans for development of lower portion of Lot 4, which abuts his property. The Applicant stated there are no plans at this time for Lot 4. Don Kaiser left the meeting.

A motion to close the public hearing for Application 2020-06, made by Denis Pinkernell, seconded by Terry Hill, passed unanimously.

The Chair then re-opened the public hearing for Application 2020-07. During discussion with the Board, Owner Deb Hazelton provided the following information:

1. Plan includes construction of an accessory dwelling, a detached single-story/single-family structure, to be located on Parcel 013018.000 a 5-acre parcel that contains the Applicants' existing single-family residence.
2. The accessory dwelling will be owned by the Hazeltons and occupied by a retired relative.
3. Parcel 013018.000 is accessed by a private road/ROW, a former farm lane off Pitchfork Lane. Pitchfork Lane is an improved Town road that does not extend to serve the subject parcel.
4. Setbacks shown are within the 5-acre lot, which is surrounded by land individually owned by, and separately deeded to, Donald Hazelton, which makes the 5-acre lot "technically landlocked."
5. There is no thought of selling the surrounding land, now or in the future. If sold, the existing driveway/ROW serving the 5-acre parcel would transfer with the land.
6. Applicants plan to have the septic system design prepared by Marquis and Marquis Engineers once local permit obtained.

At 6:47 The Chair moved to close the hearing on Application 2020-07, seconded by Denis Pinkernell, passed unanimously. The Chair stated that the Board would deliberate in private on Applications 2020-06 and 2020-07 later the same evening and render Findings and Decisions within the 45-day period required.

Deborah Hazelton and Andrew Rackear left the meeting.

5. **Next regular meeting** - Wednesday, May 20, 2020, at 5:30 pm.
6. **Adjourn.** The meeting was adjourned at 7:23 pm.

*Approved by DRB:*

\_\_\_\_\_ (CoChair) \_\_\_\_\_ Date