

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

**Regular Meeting Minutes
Wednesday, June 17, 2020**

DRAFT 2

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, John Lancaster, Bob Maisey.

Board Members Absent: Terry Hill, 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: Keith Konzelmann.

1. **Call the meeting to order.** At 5:32 pm, 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. **Interim election of a DRB Chair and Vice Chair.** Co-Chair Denis Pinkernell nominated Esther Fishman. Paul Abraham seconded the motion which passed unanimously. Chair Fishman called for nominations for Vice Chair. John Lancaster nominated Denis Pinkernell, Esther Fishman seconded, and the motion passed unanimously.
4. **Minutes Approval.** Denis Pinkernell moved to approve the minutes of the May meeting of the DRB. A motion to approve the minutes of May 20, 2020, made by Denis Pinkernell and seconded by Esther Fishman, passed unanimously.
5. **Public Hearing as warned.** Application 2020-13 by Keith and Irina Konzelmann requesting Variances from Zoning Bylaw sections 203(F), 411(B) and 412, regarding setbacks and extension of a non-complying structure, and authorization of land development on a private road per section 402(A), to construct an addition to the existing single-family dwelling, on Parcel 041021.000, located at 150 Hilltop Road.

At 5:38 pm, the Chair opened the public hearing and asked Keith Konzelmann (Applicant) to describe his application and request for Variances. The Applicant stated that he and his wife own a 2-story 1960’s ski chalet, measuring 24’ x 30’ on 0.63 +/- acres off Hill Top Road, purchased in 2018. They propose a 24’ wide by 28’ long, 2-story addition with unheated, unfinished garage /storage space on the ground level and 672 square feet of living space

above, with no bedrooms, that will connect to the second floor of the existing dwelling. The Applicant said the basis for the addition is in anticipation of retiring and moving his family to VT full-time in 7-8 years. He added that the project will provide work for local contractors and add value to the neighborhood.

The Board noted the Konzelmann lot and structure predate zoning regulations in Londonderry and constitute a legal, pre-existing, non-conforming lot and non-complying structure located in the R3 district, according to the 2009 Bylaw in effect. The Applicant said he realizes his project plan doesn't meet the current Bylaw setbacks but would conform to the "new" Bylaw which he understands will consider "lot coverage" instead of "setbacks".

The Chair noted that the DRB constrained by the current bylaw, with no guarantee of draft Bylaw revisions being approved, and asked if the Applicant had considered a plan that would meet the currently applicable standards. The Applicant stated that the 3-acre zoning district requires 50 feet setbacks from the side and rear of the property, and he is requesting a setback variance of 1.5 feet roadside and 18 feet opposite that, to construct the proposed addition in consideration of the lot constraints and the R3 standards. He said there is no other configuration that makes sense from the perspective of cost and his personal objectives, since conformance with the bylaw would allow the garage addition to be only 10 feet wide, which is essentially useless and the reason for his appeal.

The Board referred to the specific criteria of Section 606 Variances on appeal (A). In discussion, the Board agreed the subject lot as described appears to have "unique physical circumstances" creating the "unnecessary hardship" (1) and that there is no possibility for development in "strict conformity" with current zoning regulation for "reasonable use" of the property (2).

No one else joined the meeting to speak for or against the application. Hearing no other comments, the Chair called for a motion to close the Konzelmann public hearing at 6:07 pm. Denis Pinkernell made that motion, seconded by Paul Abraham, which passed unanimously. The Chair advised the Applicant/Owner that the Board would deliberate in private after the meeting is closed and deliver its written decision within 45 days, as required by State statute.

The Applicant left the meeting. Denis Pinkernell made a motion to adjourn the meeting, Esther Fishman seconded, and the motion passed unanimously.

6. **Next regular meeting** - Wednesday, July 15, 2020, at 5:30 pm.

7. **Adjourn.** The meeting was adjourned at 6:51 pm.

Approved by DRB:

_____ (Chair) _____ Date