

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

**Regular Meeting Minutes
Wednesday, July 15, 2020**

DRAFT

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 Chair, Denis Pinkernell Co-Chair, Paul Abraham, Terry Hill, John Lancaster, Chris Laselle. **Board Members Absent:** Bob Maisey.

Others in Attendance: Town Officials: Shane O’Keefe, Zoning Administrator, and Sharon Crossman, Assistant to the Zoning Administrator. Members of the Public: Andy Hoak-Dubois & King, Ron Rhodes-Connecticut River Conservancy.

1. **Call the meeting to order.** At 5:32 pm, Development Review Board (DRB) 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). The Board agreed to add discussion regarding progress of the Zoning Bylaw rewrite suggested by Paul Abraham.
3. **Minutes Approval.** Denis Pinkernell made a motion, seconded by Paul Abraham, to approve the minutes of the June 17, 2020 DRB meeting. The motion passed, with Chris Lasalle abstaining due to not being present at the June meeting.
4. **Public Hearing as warned. Application 2020-21** by the Connecticut River Conservancy (CRC) for property owner Ski Magic, LLC (Owner) requesting Conditional Use Review per Zoning Bylaw sections 205(H) and 503 for the proposed removal of an unused dam located within a Flood Hazard Overlay District on the Thompsonburg Brook, on Parcel 070004.000, in the vicinity of VT Route 11.

At 5:38 pm, the Chair opened the public hearing and asked the Applicant to describe the proposed project. Andy Hoak, representing contractor Dubois & King (D&K), explained that the project is a collaborative effort by CRC and VT Fish and Wildlife (VTF&W) on behalf the Owner who has agreed to the removal of an historic dam on Lowell Lake Brook & Thompsonburg Brook. He stated that both excavation and fill are necessary to accomplish the project including: excavation to remove existing concrete dam wingwalls and stream sediment; fill material to attain the existing hydraulic grade as observed up and down stream; with a net balance overall of 91 cubic yards of fill, as shown in the project plans included in the application. Hoak pointed out that there will be a temporary coffer dam in place for diversion during the project, expected to be 2-3 weeks. He added that all necessary state and federal permits for the project have been approved, including wetlands, stream

alteration and historic significance of the old mill site.

Applicant Ron Rhodes, CRC, confirmed that the current project is completely separate from a prior Magic Mountain Act 250 project. He said the VT state fisheries biologist brought the project to CRC after getting the Owner to agree to removal, then CRC wrote grants and contracted with VT Fish and Wildlife Service staff to run the project with equipment from Conte Refuge and a local contractor to haul and dispose of material offsite. In closing, Rhodes said that brook trout are the "species of concern" that will "move freely" after the dam is removed.

No one else joined the meeting to speak for or against the application. Hearing no other comments, the Chair advised the Applicant 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 stated that with completion required by October 1st it would be ideal to be able to move from a project nearby onto the Thompsonburg Brook project by August 15th.

The Chair closed the public hearing at 5:49 pm. Ron Rhodes and Andy Hoak left the meeting.

5. **Other Business** (b. as approved in Item 2).

- a. Update on Appeal of Application 2019-42 (VT Woodchips Real Estate Holdings, LLC)
O'Keefe reported that the VT Environmental Court held a hearing on 6/22/2020 and ordered mediation between the parties by 9/30/2020 and the hiring of an acoustics consultant at cost to the Applicant to occur during July. He reminded that the Board's approval of the permit was appealed by an abutter. O'Keefe added that Town is a party to mediation, and he plans to attend the on-site testing yet to be scheduled.
- b. Update on progress of Bylaw rewrite. Paul Abraham said the Planning Commission (PC) has completed a final draft of the proposed new Bylaw and stressed that as a stakeholder group, the DRB should attend a presentation by the PC along with the Selectboard. Sharon Crossman, PC Chair, confirmed that the draft is a totally new and comprehensive document, and that thorough review, questions and comments will be valuable, particularly if synthesized into one set per Board. She agreed to arrange for paper copy sets for those interested and said the draft will soon be posted on the Town's website.

6. **Next regular meeting** - Wednesday, August 19, at 5:30 pm.

7. **Adjourn.** A motion to adjourn, made by Denis Pinkernell and seconded by Paul Abraham, passed unanimously. The meeting was adjourned at 6:01 pm.

Approved by DRB:

_____ (Chair) _____ Date