

Town of Londonderry, Vermont
Development Review Board
Regular Meeting Minutes
Monday, March 20, 2019
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Esther Fishman, Denis Pinkernell, John Lancaster, Bob Maisey, Terry Hill and Sven Fedorow.

Board Members Absent: Chris Laselle.

Others in Attendance: Town Officials – Town Administrator/Zoning Administrator Shane O’Keefe. Members of the Public – Tom and Judith Platt, and Matt Beck, P.E.

1. Call meeting to order

Board Co-Chair Esther Fishman called the meeting to order at 5:30 PM.

2. Additions or deletions to the agenda

Sven Fedorow asked to add a discussion on procedural matters prior to future hearings. Esther Fishman added this discussion to New Business.

3. Minutes

Motion by Bob Maisey, seconded by John Lancaster, to approve the minutes of the meeting of February 20, 2019. Motion PASSED with Esther Fishman, John Lancaster, Bob Maisey and Sven Fedorow voting aye, and both Denis Pinkernell and Terry Hill abstaining due to their not being in attendance at the meeting.

4. Public Hearing as warned:

- A. Application 023-17 by Judith and Thomas Platt (Owners) for approval to elevate existing structure known as the old Post Office, located on Parcel 102016.000 along the southerly side of VT 11 and 100 within the Village Commercial zoning district and Flood Hazard Area.**

Co-Chair Esther Fishman opened the public hearing on this matter at 5:35 PM. All present introduced themselves to one another.

The Board reviewed a written narrative, dated February 13, 2019 from Matt Beck, P.E. that addresses Section 205 of the Zoning Bylaw pertaining to compliance with the floodplain regulations. Beck spoke in detail about the letter and its attached plans, noting that the new floor of the building would be approximately 5 inches above the base flood elevation. There would be no basement in the building as the existing basement would be filled with aggregate material topped by a concrete slab, thus resisting unbalanced hydrostatic loads.

Beck stated that the project is not altering any watercourse, or further impacting the flow of the river, as there is no change to the building footprint. He provided to the Board several maps depicting the building in relation to the special flood hazard area and the floodway. He claimed that the building is not in the mapped floodway, but all but the front of the building is in the special flood hazard area.

The heating oil tank will be removed from the building basement, and it is likely that it will be replaced by a buried propane tank stated Mr. Platt. Platt also state that There will be no changes to the existing onsite wastewater system, which dates from approximatey1963.

The Board reviewed with Beck the specific standards under Zoning Bylaw Section 205(m). It was agreed that subsections 6, 10, 11,12 and 13 were not applicable to this project.

It was noted that an elevation certificate would need to be issued after the building is elevated.

The public hearing was closed at 6:05 PM, and it was noted that the Board would deliberate on this matter later in the meeting.

Beck and the Platts left the meeting.

5. Other Business

A. Stoesser-Veech, Subdivision. Consider acceptance of full-scale revised subdivision plat and narrative relevant to Bylaw Section 314 (2), Section 502 and Section 504 of the current Londonderry Zoning Bylaw, per condition of approval previously granted by DRB.

Following up from the public hearing and Board vote on this matter on December 19, 2018, the Board reviewed a revised plat and letter dated February 27, 2019 from surveyor Brownson Spenser requesting waivers from Sections 314 and 504 of the Zoning Bylaw. This information was submitted in response to the Board's decision on this project, dated February 3, 2019, whereby the proposed subdivision was approved conditioned upon "(r)ceipt and acceptance of a full-scale revised plat with additional information as applicable and required by Section 314(2), Section 502 and Section 504 of the current Londonderry Zoning Bylaw".

There was lengthy discussion about some of the information for which waiver is requested being readily available from the Vermont Agency of Natural Resources mapping resources.

Due to lack of adequate information in the submittals from the applicant, the Board did not vote to approve or accept the plat or requested waivers.

It was the consensus of the Board that the Zoning Administrator should write a letter to the applicant requesting a written rationale/justification for each requested waiver or, in alternative, inclusion in the plat of the readily available mapping information, particularly the following:

- Critical wildlife habitat (including rare and endangered species)
- Steep slopes/shallow soils
- Prominent geological features.

B. Swiss Inn-Stratton Corporation, Change of Use. Consider request for waiver from parking requirements for former Swiss Inn per Zoning Bylaw Section 413, and /or acceptance of parking plan for new use submitted per condition of approval previously granted by DRB.

Following up from the public hearing and Board vote on this matter on February 20, 2019, the Board reviewed a revised parking plan submitted on March 15, 2019. This information was submitted in response to the Board’s vote on February 20, 2019 to authorize a change of use to a boarding house for seasonal employees, with the following conditions: “1) Submittal of a parking plan depicting a minimum of 25 spaces meeting the specifications of the Zoning Bylaws Section 413 Parking and Article IV General Regulations for Lodging – Parking Spaces, prior to receipt of the zoning permit; 2) Compliance with the Zoning Bylaws Section 414 Performance Standards; and 3) no public use is approved with this permit”.

O’Keefe noted that the applicant had submitted a parking plan that he had determined was inadequate, and that the applicant resubmitted another plan that again did not meet required dimensional specifications. The applicant had also submitted a request for waiver pursuant to Section 413(E)(4) of the Zoning Bylaw, which pertains to parking reductions for elderly and/or affordable housing units. O’Keefe stated that he subsequently rendered a decision on the number of parking spaces actually required, noting that the new use, absent the restaurant, would have a diminished parking requirement and the site was coming into greater conformance with the Zoning Bylaw by virtue of the approved change of use. The applicant submitted a new parking plan showing 17 parking spaces and adequate vehicular circulation within the designated parking area, which the Board had before them for consideration.

There was discussion about additional parking areas on the property should there be a need in the future, and the applicability of the parking waiver requested by the applicant. The Board also discussed the nature of the public use restriction approved at the previous meeting.

Motion by Sven Fedorow, seconded by Bob Maisey, 1) to amend condition 1 of the Board’s decision from February 20, 2019, to reflect that a minimum of 17 parking spaces are to be delineated for this project, the basis for this being that the change of use reduces the degree of noncompliance of the property; 2) amend condition 3 of the Board’s decision from February 20, 2019, to reflect that there shall be no non-employee use of the Boarding House until such time as a revised parking plan is accepted by the Board that delineates or reserves additional parking areas; and, 3) to accept the parking plan as submitted on March 15, 2019. Motion PASSED unanimously.

Motion by Terry Hill, seconded by Denis Pinkernell, to accept the request for waiver of the number of required parking spaces for this specific project per Zoning Bylaw Section 413(E)(4) of the Zoning Bylaw. Motion FAILED unanimously.

At 6:45 pm the Board entered private deliberative session. At 6:47 the Board discontinued deliberative session and made the following announcements:

Application 023-17 by Judith and Thomas Platt (Owners) for approval to elevate existing structure known as the old Post Office, located on Parcel 102016.000 along the southerly side of VT 11 and 100 within the Village Commercial zoning district and Flood Hazard Area.

Motion by Bob Maisey, seconded by Terry Hill, to grant conditional use approval, per Zoning Bylaw Section 205(H), to elevate the subject building at or above the base flood elevation with the following condition: 1) that the property owner shall provide an updated elevation certificate acceptable to the Zoning Administrator prior to any occupancy or use of the subject building. Motion PASSED unanimously.

6. New Business

A. Discussion of terms of service for DRB members

The Board discussed O’Keefe’s recommendation that the Board members have defined terms of office to allow for there to be opportunities for others to serve the community, and also to allow existing members to step off the Board without having to resign. It was recommended that terms be for three years, but that there be staggered transitional terms at this time that would become three-year terms at their end. He also suggested that terms begin and end in the fall of the year as the work of the Board heads into a slower time of year.

There was a brief discussion about the number of meetings attended by Board members each year, and a lengthy discussion about how appointments are made by the Selectboard and which staggered terms were preferred by existing Board members.

Motion by Denis Pinkernell, seconded by Sven Fedorow, to recommend the following terms of office for its existing members, commencing on October 1, 2019:

Three 3-Year Terms: Denis Pinkernell, Chris Laselle and John Lancaster

Two 2-Year Terms: Esther Fishman and Terry Hill

Two 1-Year Terms: Bob Maisey and Sven Fedorow

Motion PASSED unanimously.

It was noted that an alternate Board position remains vacant and still needs to be filled.

B. Discussion of DRB regular meeting dates and public notice requirements

The Board reviewed three Board meeting schedules for the coming year prepared by O’Keefe, with each including hearing notice deadlines and application deadlines. He noted that the present practice does not provide adequate public notice and the schedule needs to change accordingly. Either the application submission deadline needs to be extended, establishing a 36-day period between application deadline and the Board meeting on the third Thursday each month, or meetings could be held on the third Thursday which would allow for a 30-day period.

It was noted that the Planning Commission just had its terms of office approved by the Selectboard this week.

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The consensus of the Board was to continue to hold its meeting on the third Wednesday of the month, and to adopt a schedule that provides for notice 21 days before the meeting and application deadline 36 days before the meeting. The 2019 schedule adopted was as follows:

Month	Meeting Date	Newspaper Posting	Newspaper Deadline	Application Deadline
	Wednesday	Wednesday	Friday	Tuesday
JAN	January 16, 2019	December 26, 2018	December 21, 2018	December 11, 2018
FEB	February 20, 2019	January 30, 2019	January 25, 2019	January 15, 2019
MAR	March 20, 2019	February 27, 2019	February 22, 2019	February 12, 2019
APR	April 17, 2019	March 27, 2019	March 22, 2019	March 12, 2019
MAY	May 15, 2019	April 24, 2019	April 19, 2019	April 9, 2019
JUN	June 19, 2019	May 29, 2019	May 24, 2019	May 14, 2019
JUL	July 17, 2019	June 26, 2019	June 21, 2019	June 11, 2019
AUG	August 21, 2019	July 31, 2019	July 26, 2019	July 16, 2019
SEP	September 18, 2019	August 28, 2019	August 23, 2019	August 13, 2019
OCT	October 16, 2019	September 25, 2019	September 20, 2019	September 10, 2019
NOV	November 20, 2019	October 30, 2019	October 25, 2019	October 15, 2019
DEC	December 18, 2019	November 27, 2019	November 22, 2019	November 12, 2019
JAN	January 15, 2020	December 25, 2019	December 20, 2019	December 10, 2019

3rd Wednesdays*
at 5:30 PM

Vermont Journal
 Ref: 24 VSA 4464(a)(1)(A)
 and 24 VSA 4303a

Submit to:
 Zoning Administrator
 100 Old School Street
 Londonderry, VT 05155

* Unless otherwise indicated (See also 1 VSA 138 & 174)

C. Procedural matter for public hearing process


Sven Federow suggested that, prior to any public hearing and to show transparency and openness of the hearing process, Board members affirmatively state whether or not they have had ex-parte communications with interested parties to a matter under consideration. O’Keefe asked him if he could share with the Board any narrative that he can suggest.

7. Next regular meeting date – Wednesday, April 17, 2019 at 5:30pm.


8. Adjourn

The meeting was adjourned at 7:20 PM.

Respectfully submitted,


 Shane O’Keefe, Zoning Administrator

Approved on April 17, 2019


 Esther Fishman, Co-Chair