

Town of Londonderry, Vermont Development Review Board

Regular Meeting Minutes
Wednesday, November 18, 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 Chair, Denis Pinkernell Co-Chair, John Lancaster, Chris Laselle, Bob Maisey. **Absent:** Paul Abraham, Terry Hill

Others in Attendance: Town Officials: Shane O’Keefe, Zoning Administrator, and Sharon Crossman, Assistant to the Zoning Administrator, Myles Moberly Owner of the Subject Property, Andie Fusco Real Estate Agent for Owner, Heather Stevenson, P. McKechnie, potential buyer of Subject Property and Tom Walsh, observing as property owner with an application in process.

1. **Call the meeting to order.** At 5:35 pm, Development Review Board (the Board) Chair Esther Fishman (the Chair) 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.
2. **Additions or deletions to the agenda** (to occur as Other Business). None
3. **Minutes Approval.** Denis Pinkernell made a motion, seconded by John Lancaster, to approve the minutes of the October 21, 2020 DRB meeting. The motion passed unanimously.
4. **Public Hearing.** At 5:38 pm, the Chair opened the public hearing for Application 2020-43 by Myles Moberly requesting Conditional Use Review and Site Plan Review per Bylaw Section 503 & 504 for proposed Change of Use from a 2-family dwelling to a 3-family multifamily dwelling on Parcel 1011025.000 at 377 Main Street. She asked the Applicant to describe the proposed project.

Myles Moberly (Owner) stated that during recent legal preparation to sell his property as a 3-family dwelling, he learned that it was instead considered a 2-family dwelling, although he has known there to be 3 dwelling units since the time his father purchased it in 2003. He said he went to great lengths to establish proof that the property has been “as is” for over 15 years which would constitute “grandfathering,” but found no such acceptable evidence, so chose to request Change of Use approval to avoid further debate and delay with closing on the pending sale as soon as possible.

As to the Board’s further questions, the Owner confirmed that there are 5 existing parking spaces, and the septic system has recently been examined and determined to be in proper working order. He added that the State Fire Marshall has completed and signed off on applicable safety standards for the 3 dwelling units and agreed to submit a copy of the

report to the Town as soon as he receives the original.

Shane O’Keefe stated that he also spent considerable time searching for permit records for the subject property and found no evidence to support the Owner’s assertion that it had been established a 3-family dwelling for 15 years or more, necessitating the application for Change of Use in order to correct the permit deficiency for clear title.

No one else joined the meeting to speak for or against Application 2020-43. Hearing no other comments, the Chair advised the Owner/Applicant that the Board would deliberate in private later in the evening and deliver its written decision within 45 days, as required by State statute. The hearing was closed at 6:04 pm and the Applicant left the meeting.

5. Denis Pinkernell requested that deliberative session occur prior to the review of the Bylaw draft. There being no objection from other Board members, the Chair recessed the meeting at 6:07 pm in order to privately conduct deliberations on Application 2020-43.
6. At 6:19 pm the Board discontinued deliberations and resumed the regular meeting agenda.
7. **Review proposed comprehensive Zoning Bylaw amendment – continued from 10/21/2020.** The Chair announced that Paul Abraham was unable to appear and complete the discussion of his comments and suggested edits to Version .02 of the proposed Bylaw amendments dated June 16, 2020. Starting at item Page 3-77, the Board discussed the remainder of Paul’s list. O’Keefe offered to complete insertion of all potential edits proposed by Abraham and discussed by the Board into the draft Bylaw as a “red-lined” version to eventually be submitted to consultant Brandy Saxton of PlaceSense for consideration and incorporation into the final draft document as appropriate.
8. **Adjourn:** At 7:11 pm, the Chair made a motion to adjourn, seconded by Chris Laselle, which passed unanimously.
9. **Next meeting:** December 16, 2020 at 5:30 PM.

Respectfully submitted,

Sharon Crossman

Approved by the Development Review Board on _____