

Town of Londonderry, Vermont
Development Review Board
Regular Meeting Minutes Wednesday, January 20, 2021

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, Paul Abraham, Terry Hill, John Lancaster, Chris Laselle, Bob Maisey,

Others in Attendance: Zoning Administrator Will Goodwin, Ian Jensen, Chris Ponessi

Call the meeting to order: Meeting called to order at 5:35 P.M. by Esther Fishman

Ms. Fishman reviewed special protocols for virtual hearings during the COVID-19 pandemic.

Additions or deletions to the agenda were requested: None offered

Minutes of the December 16, 2020 meeting corrected. John Lancaster moved their approval, Chris Laselle seconded, motion passed with one abstention.

Public Hearing: Ms. Fishman opened a hearing on permit 2020-37, Mr. Ian Jensen's application to subdivide a 28.08 parcel on Rt.11 east.

The members of the Board and the Zoning Administrator introduced themselves to the applicant and his engineer.

Chris Ponessi, Mr. Jensen's engineer did a general presentation on the application, with various plans displayed on attendee's screens.

Mr. Ponessi said that the project involved the creation of four lots, one to be held in common by the other three and not developed. He said that lot A was steep and had poor soil, so it would not be worth developing. Paul Abraham asked about who would maintain lot A, and if there was any guarantee that it would not be developed. Chris Ponessi said that lot A would be owned in common by the owners of lot one two and three, and that deed covenants would require the sharing of the cost of maintaining lot A, the shared driveway, stormwater management elements, and the bridge, and that deed covenants would prevent any structures from being built on lot A. Paul Abraham asked why this would be done with deed covenants instead of a Homeowners Association Agreement (H.O.A). Mr. Ponessi explained that for a small subdivision, deed covenants are easier than incorporating a H.O.A.. Mr. Jensen will be responsible for maintaining lot A until such a time as Lots one two and three sell.

He described that lot number one was intentionally irregular in shape, so the homeowner had a wide access for landscaping as opposed to 50-foot wide right of way. Two of the lots have watercourses on them, the site plan was designed with these watercourses in mind, if a purchaser wants to change the location of the house or septic system, they will need state approval to do so.

The applicant said the access to Rt.11 had previously been approved by the State and the Town of Londonderry, but it was upgraded by the State to be access to three lots for this application. Construction of the road to the lots did not require a Town zoning permit. It was built following State standards for erosion control found in the Vt. Low Risk Site Plan Handbook, and the erosion control measures were inspected by the State. Before construction of any starts, the State will require that any new excavation follows state erosion control regulations

In order to protect the brook at the south end of the property, the road is crowned and ditched, and the ditches feed level spreaders which slow the stormwater down before it enters a vegetative buffer, and eventually the brook. The project does not have enough impervious surfaces to require a stormwater management plan be filed with the state, but any homeowner who puts the development over the threshold will be required to get a Stormwater Management Permit.

Several Board members asked questions about the steepness and the width of the driveway. Mr. Ponessi said that the maximum grade on the road is 12%, which is better than the state mandated maximum of 14%. The width of the road is 16' which is greater than the State mandated 12'. The road goes over the top of the plateau, to make getting up the hill easier, and helps prevent erosion. There is a pull off part way up the steep section of the driveway to facilitate two-way traffic. At the top of the driveway is an 80' turn around. There is one culvert already in place, the driveways may require more when they are built. The bridge is designed to support 100,000 pounds, which is enough for tri axle dump-trucks and concrete trucks. The bridge was inspected by the Londonderry Fire Chief. There was some discussion of the lack of guard rails on the bridge, but Will Goodwin reported that he had spoken to the Londonderry Fire Chief who said that the bridge was adequate, and a supervisor at Vtrans who said that there was no State standard for private bridges beyond the approval of the town Fire Chief. Paul Abraham had made a recent site visit, and found the road was steep in a few sections but not unreasonably so. He said that there was an adequate turn around at the top of the shared driveway for multiple emergency vehicles.

Ian Jenson said that the bridge was designed to be above most floods in cooperation with the D.E.C Rivers Program. Bob Abraham asked about flooding, and Mr. Jensen that there was no major flood damage from super storm Irene, and since the water has never come near the bottom of the bridge since.

John Lancaster asked whether any wells had been drilled. Mr. Ponessi explained that no testing of potable water sources is required by the state when creating small subdivisions.

Esther Fishman asked how much was cleared, Mr. Jensen said all the house sites and an area around the turnaround were cleared, but most of the high land was still wooded.

Esther Fishman asked whether the house sites and septic systems met Town setback requirements. Mr. Jensen said that the septic systems for some of the lots were within the setbacks of adjoining lots, but that is allowed by the state in subdivisions.

Dennis Pinkernell moved that the permit be approved with the conditions that no structures would be allowed on lot A, deed covenants will be written about the plowing and sanding of the shared driveway, maintenance of the turn-around, road crown, road ditches, level spreaders, and bridge. Any applications to build houses will require the applicant follow State Septic, erosion control, and stormwater management rules.

The hearing was closed at 6:04 P.M.

There was a brief discussion of the Walsh subdivision Permit 2020-42. Mr. Walsh would like to get his permit before the site plan and survey the DRB asked for are finished. The Board decided that he should not get the permit until the conditions were met.

Mr. Jensen and Mr. Ponessi left the virtual meeting, and the Board went into deliberative session.

Date of the next meeting (2/17//20 at 5:30 P.M.) was confirmed.

Chair Fishman adjourned the hearing at 6:21.

Respectfully submitted, Will Goodwin

Approved by the Development Review Board _____ / ____ / _____