

**Town of Londonderry, Vermont
100 Old School Street
South Londonderry, VT 05155**

Development Review Board

**AGENDA
February 20, 2019**

The Londonderry Development Review Board will meet at 5:30 PM on Wednesday, February 20, 2019 at the Twitchell Building Town Office, 100 Old School Street, South Londonderry.

1. Additions or Changes to the Agenda

2. Public Hearings as warned:

Application 2019-02 by Stratton Corporation (Applicant) and Joseph Donahue (Owner) for Change of Use of property known as Swiss Inn and Restaurant, located on Parcel 112058.000 249 VT Route 100 and proposed to be used as workforce housing for Stratton Mountain Resort.

3. Other Business:

Mole-Polk: update on activity at wood-working shop and display showroom and proposed additional uses at former Doane Real Estate building VT 11.

Tom and Judy Platt: update on FEMA elevation project at former Londonderry Post Office VT Route 11 and status of local zoning permit application.

Other – as added in Item 1.

4. Next regular meeting date – Wednesday, March 20, 2019 at 5:30pm.

5. Adjourn

Town of Londonderry, Vermont
Development Review Board
Meeting Minutes for February 20, 2019

Present: DRB members Esther Fishman, John Lancaster, Bob Maisey, Sven Fedorow; **Staff:** Shane O’Keefe, Zoning Administrator/Town Administrator and Sharon Crossman, Assistant to the Town Administrator. **Guests:** Jeff Cavagnino, Thomas Gramling.

1. The meeting was called to order at 5:30 PM.
2. Changes or Additions to the Agenda:
Shane O’Keefe requested discussion of Terms of Office for DRB members. The Board agreed to discuss this item under “Other Business.”
3. Public Hearing as warned. Application No. 2019-02.

Jeff Cavagnino appeared for Stratton Corp Applicant to represent the application for Change of Use by Joseph Donahue Owner of the Swiss Inn located on +/-15 acres more or less at 249 VT 11. Mr. Cavagnino referred to a narrative entitled ‘Building Management Plan’ included in the application as he described the project proposed by Stratton Corp. He also submitted a State of VT Department of Environmental Conservation Wastewater System and Potable Water Supply Permit No. WW-2-1008R issued on December 1, 2010 for the proposed project to convert the existing Swiss Inn and Restaurant to seasonal employee boarding for a maximum occupancy of 50 people and discontinued restaurant, with reference to a Water /Wastewater Reference Plan by Andrew G. Mills dated 01/11/19. This new Exhibit will be added to the permit application previously submitted and deemed complete by the Board.

Abutting property owner Thomas Gramling expressed concern about property maintenance, citing a previous arrangement by Stratton Corp for employee housing at Magic Mountain which resulted in significant property damage.

Mr. Cavagnino and the Board discussed the following topics in consideration of Site Plan Review for the application: plans for property management, parking and transportation needs of boarders/occupants, seasonal aspect of occupancy, concerns of neighboring property owners, and changes/additions to the existing structure as well as the need for a local permit for any new signage.

The hearing was closed at 6:00 pm.

4. Other business.

Michael Mole appeared to update the Board on his woodworking business located on VT Route 11 within the former Doane Real Estate building. He submitted a written description of his current efforts to design and activate a website for “Vermont Hands” which will feature several products in development by him as well as other ‘Vermont’ products made by others. Mr. Mole explained that the facility he envisions will function more as a design studio and showroom rather than a typical retail store, with ‘drop-in’ customers directed to the website for orders and sales. In this style, he says no additional employees or parking spaces are needed.

The Board instructed Mr. Mole to complete and submit a permit application to the Zoning Administrator for the proposed retail sales since that use was not specifically included in the local permit application submitted, now was it included in the permit granted for mixed use in 2017.

The Board acknowledged the receipt of a narrative prepared by Beck Engineering for a post-tropical storm Irene FEMA project proposed for the old Post Office building owned by Thomas and Judith Platt, located in the flood hazard area along VT Route 11. The Platts submitted a local permit application that was stalled for lack of engineer certification that the plan to elevate the structure above flood level would meet all applicable standards of Bylaw Section 205 Flood Hazard Overlay District. The consensus of the Board on this evening was that the narrative submitted by Beck Engineering satisfied the remaining applicable local requirements and the application can now be scheduled for a public hearing.

At 6:48 pm the Board entered private deliberative session. At 7:29 the Board discontinued deliberative session and made the following announcements:

Application No. 2019-02: Change of Use of the Swiss Inn and Restaurant. ***Motion by Sven Federow, seconded by John Lancaster to approve the application of Joseph Donahue Owner and Stratton Corp for a Change of Use of the property known as Swiss Inn and Restaurant to a boarding house for seasonal employees of Stratton, 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;***
- 3. no public use is approved with this permit.***

Motion passed unanimously.

5. Adjournment

The meeting was adjourned at 7:31 PM.

Respectfully submitted,

Sharon Crossman, Assistant to Zoning Administrator

Approved on March 20, 2019



Esther Fishman, Co-Chair

TOWN OF LONDONDERRY, VERMONT
Development Review Board

Findings and Decision

Site Plan Review
Property of Joseph Donahue, Swiss Inn
249 VT Route 11

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review an application submitted by Stratton Corporation for Joseph Donahue, Owner of Swiss Inn and Restaurant for Site Plan Review for a Change of Use to workforce housing for Stratton Mountain Resort employees, situated on Parcel 112058.000, at 249 VT Route 11,
2. The application was received by the Zoning Administrator for the Town of Londonderry 01/16/2019. A copy of the application is available at the Town Offices in Londonderry.
3. On 1/29/2019, notice of a public hearing for review of the Swiss Inn application was posted at the following places:
 - The Londonderry Town Clerk's Office
 - The Londonderry Post Office
 - The South Londonderry Post Office
4. On 1/29/2019, a copy of the notice of public hearing was mailed to the Applicant and Owner. Adjoining property owners were notified by certified mail:

Shannon Rose Sheldon, 61 South Oxford St, Brooklyn, NY 11217
Baneberry N. LLC, c/o Joanne Scanlon, 1196 Maple St., Rocky Hill, CT 06067
Barbra Duffy and Arthur J. Lundgren Jr., 363 Reilly Rd, Londonderry, VT 05148
Savannah and Thomas Gramling, 22 Castaldo Rd, Andover, VT 05143
Wayne & Katherine Conn, 23 Sherwood Forest, Londonderry, VT 05148
Richard & Deborah Gotshall, POB1, Peru, VT 05152
Bennington Rutland Supervisory Union, 6378 VT Rte 7A, Sunderland, VT 05250
5. On 1/30/2019, notice of a public hearing for the Swiss Inn application was published in the *Vermont Journal*.
6. The application was considered by the Board at a public hearing opened on 2/20/2019. Present through the proceedings were the following members of the Board: Esther Fishman (Co-Chair), Sven Fedorow, John Lancaster and Bob Maisey. On 2/20/2019 the public hearing was closed.
7. During the course of the proceedings the following exhibits were submitted to the Board by the Applicant, Jeffrey Cavignano of Stratton Corporation, along with the permit application:

Exhibit 1: State of VT Department of Environmental Conservation Wastewater System and Potable Water Supply Permit No. WW-2-1008R issued on December 1, 2010 for the proposed project to convert the existing Swiss Inn and Restaurant to seasonal employee boarding for a maximum occupancy of 50 people and discontinued restaurant, with reference to a Water /Wastewater Reference Plan by Andrew G. Mills dated 01/11/19.

Exhibit 2: Parking Plan, submitted by the applicant on 3/15/2019.

These exhibits are available at the Town Office.

8. Mr. Cavignano discussed the proposal of Stratton Corp to use the existing layout of the (former) Swiss Inn to house seasonal employees throughout the year. He stated that Stratton will: retain the kitchen for use by the resident boarders, house 2 persons per room, employ a Resident Manager who will live on site, and provide transportation for the residents to and from work and for occasional shopping trips. Mr. Cavignano said the transportation vans may be used to provide transportation for the general public in the future.
9. Mr. Cavignano discussed existing and necessary parking and traffic flow relevant to the proposed use as workforce housing with the Board. He stated that he has discussed the proposed change of use with some abutting property owners as well as Flood Brook School Principal. He mentioned that there is sufficient land for future development of trails that could be shared with Flood Brook School, if desired.
10. Abutting property owner Thomas Gramling expressed concern about property maintenance, citing a previous arrangement by Stratton Corporation for employee housing at Magic Mountain which resulted in significant property damage. Mr. Cavagnino responded that Stratton Corporation is aware of this criticism and has worked to improve living conditions at all its offsite employee housing accommodations.
11. After deliberative session that evening, the Board approved a preliminary decision on the application, with conditions as follows:
 - 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;
 - 3) No public use is approved with this permit.

- 4) Any and all required state permit approvals to be received and submitted to the Town, prior to undertaking the specific improvements approved herein.
12. In response to the condition requiring submittal of a parking plan, the applicant submitted a plan on 3/4/2019 showing the parking area with no delineation of parking spaces or circulation details. On 3/7/2019, the Zoning Administrator found that the parking plan was inadequate and informed the applicant accordingly.
13. On 3/8/2019 the applicant submitted revised plans showing 25 parking spaces. The Zoning Administrator indicated to the applicant that the spaces and circulation areas did not meet specifications laid out in the Zoning Bylaw. That same day the applicant submitted a request for waiver pursuant to Section 413(E)(4) of the Zoning Bylaw, which provides as follows:

“On-site parking... requirements may be reduced or waived by the ...Board...based on the Board’s determination under one or more of the following provisions, that, due to circumstances unique to the development, the strict application of these standards is unnecessary: ...(4) The proposal is for the development of elderly and/or affordable housing units”
14. Upon further review of the application, the Zoning Administrator 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 proposed change of use. On 3/15/2019 the applicant submitted a new parking plan showing 17 parking spaces and adequate vehicular circulation within the designated parking area.
15. At the next meeting of the Board, on 3/20/2019, the parking plan was reviewed by the Board and found to be generally acceptable. The Board then voted as follows:
 1. To amend condition 1 of the Board’s decision from 2/20/2019, 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. To amend condition 3 of the Board’s decision from 2/20/2019, 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 3/15/2019.

A vote on the following motion failed:

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.

The stated basis for the failure of this motion to pass was that the proposed use of the property is neither Elderly Housing nor Affordable Housing, as such terms are defined in the Zoning Bylaw.

FINDINGS

Based on the application, testimony at the hearing by Jeff Cavagnino, exhibits and other evidence presented, the Board makes the following findings:

1. The Owner of Record of Parcel 112058.000, located at 249 VT Route 11, is Joseph Donahue, (“Owner”), per a deed recorded in Book 48, Page 598 of the Londonderry Land Records.
2. In this application, the Owner, Joseph Donahue and Applicant, Stratton Corporation, represented by Jeff Cavagnano, seek approval to utilize an existing property known as the Swiss Inn and Restaurant as a Boarding House for work-force housing for up to 50 employees of Stratton Mountain Resort, based on existing room space and updated state wastewater permitting.
3. The property is located in the R3 Zoning District as described on the Town of Londonderry Zoning Map and Article II of the Bylaw.
4. The use of the property as an inn and restaurant for the past 40 years or so constitutes a pre-existing, non-conforming use that pre-dates the current Zoning Bylaw.
5. Approval for the requested change of use is pursuant to review under Section 203 (District Standards), Section 404 (Conversions and Changes of Use), Section 502 (Site development Plan) of the Zoning Bylaw.
6. As proposed by the Applicant and Owner, and consistent with the provisions of the Zoning Bylaw, the requested new use of the former Swiss Inn and Restaurant constitutes a Boarding House, as defined in Section 700 Definitions.
7. A Boarding House is a Permitted Use in the R3 Zoning District, and is defined as follows:

“A dwelling in which lodging is provided by the owner or operator to more than three(3) unrelated people for profit. Boarding houses are distinguished from Motels/Hotels by the sharing of bathrooms, living rooms and /or kitchens”.
8. The Board finds that the proposed plan for change of use as described appears to

comply with all applicable local Zoning Bylaw standards together with intentions of Stratton Corporation as expressed by the Applicant to provide workforce housing for seasonal employees.

DECISION AND CONDITIONS

Based upon the Findings above and any Conditions set forth below, the Board grants approval of the application of Joseph Donahue (Owner) and Stratton Corporation (Applicant) for a Change of Use of the property known as Swiss Inn and Restaurant to a Boarding House for seasonal employees of Stratton Mountain Resort, with the following conditions:

1. Ongoing compliance with the Zoning Bylaw, particularly Section 414 (Performance Standards);
2. 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. Any and all required State permit approvals are to be received and submitted to the Town, prior to undertaking the specific improvements approved herein.

Dated at Londonderry, Vermont, this 26th day of March 2019.



Esther Fishman, Co-Chair

NOTICE OF RIGHT TO APPEAL: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.