

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

Wednesday, December 16, 2020 at 5:30 PM

Meeting will be held remotely online with no physical presence - see information below

1. Call Meeting to Order
2. Additions or Deletions to the Agenda
3. Introduction to new Zoning Administrator/Floodplain Administrator
4. Minutes Approval – Meeting of November 18, 2020
5. Public Hearings as warned:
 - A. Application 2020-41 by Christopher Ponessi, PE for Hunter Kaltsas, requesting an appeal of a decision of the Zoning Administrator, including a Variance from Zoning Bylaw section 411(C), Conditional Use Review for land development on property without frontage on a Town/State maintained road per Zoning Bylaw section 402(A)1 and 503, and Site Plan Review per Zoning Bylaw section 504 for an office trailer for a contractor’s yard on property at 2218, 2194 & 2292 VT Route 111 involving Parcels 105003.000, 105005.000 & 105007.100.
 - B. Application 2020-42 by Thomas Walsh, requesting Site Plan Review for a 3-lot subdivision of a 41.95 acre property per Zoning Bylaw sections 314 and 504, and Conditional Use Review for land development on property without frontage on a Town/State maintained road per Zoning Bylaw sections 402(A)1 and 503, for property located off of Stoney Brook Road on Parcel 110017.100.
6. Other Business
 - A. Review and approve 2021 Board meeting schedule
7. Next regular meeting date – Wednesday, January 20, 2021
8. Adjourn

Meeting may be attended remotely as follows:

Join Zoom Meeting: <https://us02web.zoom.us/j/88229297143>

By Phone: 929-205-6099

Meeting ID: 882 2929 7143

It is strongly recommended that potential participants familiarize themselves with Zoom software (<https://zoom.us/>) prior to the meeting as the Board will not dedicate time to educating the public in its use.

Posted and Distributed on December 10, 2020

Town of Londonderry, Vermont
Development Review Board (DRB)
100 Old School Street
South Londonderry, VT 05155
MEETING MINUTES December 16,2020
Meeting held online using zoom software

DRB members present: Esther Fishman: chair, Terry Hill, Bob Maisey, Chris Laselle, John Lancaster, Paul Abraham

Others in attendance: Shane O'Keefe, former Zoning Administrator, Will Goodwin current Zoning Administrator, Chris Ponessi: engineer for Hunter Kaltsas, Hunter Kaltsas, Thomas Walsh, Reggie Cyr,

Meeting called to order at 5:35 P.M.

Chairperson Esther Fishman:

Explained rules for public meetings under covid pandemic rules.
Introduced board members, town employees and members of the public.
Asked if anyone had changes to the agenda.
Asked for changes or corrections to the minutes of the 11/18/20 meeting.

Motion was made by Paul Abraham to accept the minutes.
Motion was seconded by Chris Laselle.
Motion was passed with two abstentions.

Chris Ponessi presented an application for a boundary line adjustment, a conditional use permit to have a right of way under 50 foot wide, and site plan review for a trailer that was installed without a zoning permit, for 3 adjoining lots, all owned by Mr. Kaltsas. He said that the application would "clean up a mess" by consolidating Mr. Kaltsas' existing commercial operations on two lots and correct a lack of proper setbacks for a structure that was erected without a zoning permit. He said that since the two commercial lots were growing in size, they would not require a septic or potable water permit from the state of Vt., and that the residential lot already has a permit for a new septic system. The narrow right-of-way that serves the third lot was preexisting, and to widen it would restrict Mr. Kaltsas' ability to use the property, and that the application would not affect the access, traffic, parking, historic structures, natural features, or scenic areas.

Shane O'Keefe said that this plan would reduce the frontage on the residential lot from de minimus to none, and thus would require a 50-foot right-of-way, or conditional use permission for a smaller right-of-way from the DRB. He also said that he had done a site visit, and he had found that the trailer did not present any visual or traffic problems.

Esther Fishman asked if the narrow right of way would hinder emergency traffic, Mr. Ponessi replied that the right-of-way had existed for many years without any problems.

Ms. Fishman asked if anyone else had questions or comments, and hearing none, she closed the Kaltsas hearing at 6:17 P.M., and informed the public that the board would have a deliberative session on the permit later in the evening.

Esther Fishman opened the next hearing, describing the application for a three-lot subdivision for a 41.95-acre lot with no frontage on a town or state rd.

Tom Walsh Described buying the land, extending the private road known as Stoney Brook Rd in order to subdivide a lot off the land in 2013. He wants to divide the rest of the land into three lots, two to be sold, and one to be retained by the owner for a possible future home.

Ester Fishman asked about bringing the road up to town specifications as required by the Zoning Bylaws, and Mr. Walsh responded, "whatever it needs, we will do".

There was discussion of what this would entail, and Sean O'Keefe said that the town road foreman had looked at Stoney Brook extension and he said some widening, drainage work, and larger culverts would be required.

There was discussion of whether the property was steep, and Mr. Walsh and Sean said that the property was not exceptionally steep.

There was some discussion of whether the application was complete, the need to upgrade the private road to town specifications, and the need for a plat which included the 50-foot right of way up to the last driveway.

The hearing was adjourned, and the applicants were told that the board would have a deliberative session later in the meeting.

The next item of business was a discussion of the DRB meeting schedule for 2021, which includes submission dates. Bob Maisey made a motion to adopt the schedule, the motion was seconded by Esther Fishman, and approved by all the members.

The meeting went into deliberative session at 6:40 and was adjourned at 7:38.

Approved by DRB:



(Chair)

1/20/2021

**TOWN OF LONDONDERRY VT.
DEVELOPMENT REVIEW BOARD**

Application for Conditional Use Review Findings and Decision

In re: Kaltsas boundary line change and site plan review
Permit Application No. 2020-41.A, 2020-41.B,2020-41.C
Location: 2218 Vt. Rt 100
Parcel I.D.#: 10-50-03.000, 10-50-05.000, 10-5007.100

INTRODUCTION AND PROCEDURAL HISTORY

This proceeding involves review of an application for conditional use submitted by Christopher Ponessi for landowner Hunter Kaltsas under the Town of Londonderry Zoning Bylaw.

The application was received by 11/16/2020

A copy of the application is available at Londonderry Town Hall.

On 11/25/2020, notice of a public hearing was published in the Vermont Journal.

On 12/3/2020 notice of a public hearing was posted at the following places:

- a. The municipal clerk's office.
- b. Rt.100, which is the public-right-of-way most nearly adjacent to the property for which the application was made.
- c. The Londonderry and South Londonderry Post Offices
- d. The Londonderry Town web site

On 12/3/2020 a copy of the notice of a public hearing was mailed to the applicant.

On 12/3/2020 a copy of the notice of public hearing was mailed to the owners of properties adjoining the property subject to the application (see attached).

The application was considered by the development review board at a virtual public hearing on 12/16/2020

The development review board reviewed the application under the Town of Londonderry Zoning Bylaw, as amended December 2009.

Present at the hearing were the following members of the development review board:
Esther Fishman, chair, Paul Abraham, Terry Hill, John Lancaster, Christopher Laselle, Bob Maisey

Mr. Ponessi and Mr. Kaltsas were present and spoke at the virtual hearing.

The following exhibits were submitted to the development review board: Zoning permit application, land use application review forms, site plan application worksheet, information on the structures present, site plans.

These exhibits are available at: Londonderry Town Hall.

FINDINGS

- Based on the application, testimony, exhibits, and other evidence the development review board makes the following findings:
- The applicant seeks a conditional use permit for a boundary line adjustment
- The applicant seeks a zoning permit for a previously unpermitted trailer.
- The subject's properties are a 3-acre parcel, a 1.91-acre parcel, and a 18.22 acre parcel located at 2218, 2194 and 2292 Rt 100, in the Town of South Londonderry (tax map parcels # 10-50-03.000, 10-50-05.000, 10-5007.100).
- The property is located in the SC and R1 District as described on the Town of Londonderry Zoning Map on record at the Town of Londonderry municipal office and section 201 of the Zoning Bylaw.
- Conditional use approval is requested for a boundary line change, involving a lot with insufficient frontage as defined in section 314 of the Zoning Bylaw.
- The application requires review under the following sections of the Town of Londonderry Zoning Bylaw: Section 314, Section 200, Section 504.

DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, the development review board grants the application for a boundary line change, and a permit for an office trailer.

- As conditioned, the proposed development meets the requirements of the Zoning Bylaw.
- The application will not have an undue adverse impact on the capacity of existing or planned community facilities.
- The application will not have an undue adverse effect on the character of the area affected, as defined by Section 200 of the Town of Londonderry Zoning Bylaw.
- The application will not have an undue adverse effect on traffic, roads and highways in the vicinity.
- The application will not have an undue adverse effect on utilization of renewable energy resources.

- The application will satisfy the requirements of the bylaw with respect to minimum lot size/distance from adjacent or nearby uses/performance standards/site plan review criteria.
- The right of way for lot 105005.000 is not up to current standards, but it is preexisting.
- The development review board approves the application subject to the following conditions:
- The applicant must record a mylar copy of the plat within 90 days of receiving the permit.
- Future subdivision of parcel number three will require widening of its right-of way or a variance.

Dated at Londonderry, Vermont, this 5th day of January 2021.

Signed: 
Esther Fishman, Chair

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the [planning commission/zoning board of adjustment/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.

**TOWN OF LONDONDERRY VT.
DEVELOPMENT REVIEW BOARD
Application for Conditional Use Review Findings and Decision**

In re: Walsh Subdivision
Permit Application No. 20-20-42
Location: Stoney Brook Rd Extension (private)
Parcel I.D.#: 11-00-17.100

INTRODUCTION AND PROCEDURAL HISTORY

This proceeding involves review of an application for conditional use submitted by Thomas Walsh under the Town of Londonderry Zoning Bylaw.

The application was received by 10/9/2020

A copy of the application is available at the Londonderry Town Office.

On 11/25/2020, notice of a public hearing was published in the Vermont Journal.

On 12/3/2020 notice of a public hearing was posted at the following places:

- a. The municipal clerk's office.
- b. Stoney Brook Rd., within view of the public-right-of-way most nearly adjacent to the property for which the application was made.
- c. The Londonderry and South Londonderry Post Offices
- d. The Londonderry Town web site

On 12/3/20 a copy of the notice of a public hearing was mailed to the applicant.

On 12/3/20 a copy of the notice of public hearing was mailed to the owners of properties adjoining the property subject to the application (see attached)

The application was considered by the Development Review Board (DRB) at a virtual public hearing on 12/26/2020.

The DRB reviewed the application under the Town of Londonderry Zoning Bylaw, as amended December 2009.

Present at the hearing were the following members of the development review board:
Esther Fishman, chair, Paul Abraham, Terry Hill, John Lancaster, Christopher Laselle, Bob Maisey

Mr. Walsh was the only member of the public who presented any evidence at the hearing.

The following exhibits were submitted to the DRB: Zoning permit application, conditional use application, site plan review application, site development plan checklist, application review forms, copies of emails between Mr. Walsh and Mr. O'Keefe, former Zoning Administrator, paperwork pertaining to the original Stoney Brook subdivision and road, a preliminary site plan.

These exhibits are available at: The Londonderry Town Office.

FINDINGS Based on the application, testimony, exhibits, and other evidence the DRB makes the following findings:

- The applicant seeks a conditional use permit for a subdivision of parcel no. 11-00-17.10 on the Londonderry Town Property Map
- The subject property is a 41.95-acre parcel located at Stoney Brook Rd (private) in the Town of Londonderry.
- The property is located in the R1 District as described on the Town of Londonderry Zoning Map on record at the Town of Londonderry municipal office and section 201 of the Zoning Bylaw.
- Conditional use approval is requested for a subdivision as defined in section 314 of the Zoning Bylaw.
- The application requires review under the following sections of the Town of Londonderry Zoning Bylaw: 314: Subdivisions, 402: Access and Frontage requirements, 504: Site Plan Review

DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, the development review board grants the application for a three-unit subdivision, with a right of way through the previous sub-division.

As conditioned, the proposed development meets the requirements of Sections 314, 402 and 504 of the Zoning Bylaw.

- Lots will meet the dimensional requirements of the district.
- Important existing features will be preserved.
- Agricultural land will not be harmed
- No major regrading is proposed.
- There will be no burden on public facilities.
- Private roads will be up to town specifications.
- Driveways will be up to state specifications.
- Water and sewage will be up to state specifications.
- The application will not have an undue adverse effect on traffic and roads and highways in the vicinity.

- The application will not have an undue adverse effect on utilization of renewable energy resources.

The development review board approves the application subject to the following conditions:

Before a permit is issued, the applicant must provide a plan to upgrade Stoney Brook Road extension to Londonderry town road specifications from the end of Stoney Brook Rd to the beginning of the last driveway, and also show that all driveways will be built to Vtrans driveway specification # B.71. Londonderry's Town road specifications are available online on the Londonderry Town web page (Under ORDINANCES AND POLICYS/TOWN ROAD AND BRIDGE STANDARDS).

The applicant must also provide the Zoning Administrator with a plat plan that is compliant with 24 VSA chapter 17 before receiving a permit and file a mylar copy of the same plat within 90 days of receiving his permit.

Before the new structures are occupied the applicant and his engineer must meet with the road foreman and the road commissioner and prove to them that town road and State driveway specifications have been met.

Dated at Londonderry, Vermont, this 5th day of January, 2021.

Signed:

A handwritten signature in black ink, appearing to be 'E. H. ...', written over a horizontal line.

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the [planning commission/zoning board of adjustment/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.