

Town of Londonderry, Vermont
Development Review Board Meeting Agenda
Wednesday April 21, 2021-5:30 P.M.
100 Old School Street, South Londonderry, VT 05155

Call Meeting to Order

Additions or Deletions to the Agenda, Announcements

Minutes Approval – Meeting of 3/17/21

Visitors and Concerned Citizens
Restivo Home Occupation hearing

Old Business
Permit extension for Old Post Office (applicant's name is Platt)

New Business
Gardiner Drive subdivision
Houses on a class IV roads, Hobart Rd, Mountain Lake Lane, Under the Mnt Rd
Difference between an office that sees clients and one that doesn't.

Adjourn

Join Zoom Meeting
<https://us02web.zoom.us/j/81197168043>

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Town of Londonderry, Development Review Board
Meeting Minutes
Wednesday 4/21/21
Twitchell Building - 100 Old School Street, South Londonderry, VT

Board Members Present: Esther Fishman-Chair, Christopher Laselle, Denis Pinkernell, Paul Abraham, Bob Maisey

Board Members Absent: Terry Hill

Others in Attendance: Stacy and Huzon Alexander abutters to an applicant's property, Jon Restivo, an applicant, Will Goodwin Zoning Administrator.

1. Call meeting to order

Chair Esther Fishman called the meeting to order at 5:34 P.M.

2. Additions or deletions to the agenda

Discussion of how DRB paperwork is displayed on the Londonderry web site.

3. Minutes Approval – Meeting of 3/17/21

Minutes of 3/17/21 were approved with one correction-that Sharon Crossman was in attendance.

4. Old Business

a. Platt Permit Extension

Permit 2019-12 was originally issued 4/30/19 to Judith and Thomas Platt, for their property at 2152 N. Main St., Parcel I.D. 102016, the "Old Post Office". The work approved was delayed by a slow turn-around time from FEMA, and a principal contractor who had to stop work due to Covid 19 exposure. The board discussed how this application fit in with the organizations working to improve the beauty and functionality of the village. The technical details of permit extensions were discussed.

Paul Abraham moved the permit be extended for one year, Esther Fishman seconded. The motion passed unanimously.

b. The Gardiner Drive PUD Subdivision

Will Goodwin Z.A. spoke about receiving a request for a letter of zoning compliance for several lots on Gardiner Dr., a PUD subdivision that was started in the 80's, receive some approvals, but never finished. Mr. Goodwin said that he had spoken to Londonderry's town lawyer about how to write the Zoning Compliance Letter, and he was advised to share what had been filed, and what appeared to be missing.

c. Houses on Class IV roads

The town received a permit for a house on a class IV road. The landowner already had an access permit, but the Zoning Administrator told the applicants that they would also need a conditional use permit to build on a class IV Rd. A discussion followed of the rules regarding building on class IV roads and private roads.

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5. New Business

a. Restivo Application for a home business

Jon Restivo presented his application for a home business making candies and baked goods. The board and two abutters asked questions about wastewater permits, traffic (and other impacts on abutters, such as odors), waste disposal and the possibility of future expansion. A deliberative session was held later in the meeting. The board decided to make the submission of emails about the business' septic requirements be a condition of the permit.

6. Deliberative Session for the Restivo Application

The board made the submission of emails about the business' septic requirements be a condition of the permit. There was discussion of the merits of the application.

Paul Abraham moved that the site plan be approved, Bob Maisey seconded. The motion passed unanimously.

7. Adjourn

The meeting was adjourned at 6:54 P.M.

The next regular meeting of the DRB is scheduled for 5/19/21.

Respectfully Submitted,
William Goodwin, Zoning Administrator

Approved:



Esther Fishman Chair

May 3, 2021

TOWN OF LONDONDERRY VT.
DEVELOPMENT REVIEW BOARD
Application for Site Plan Review, Findings and Decision
Jon Restivo Permit Application No. 2021-8
469 Rt. 100 Parcel I.D.#: 104025

INTRODUCTION AND PROCEDURAL HISTORY

This proceeding involves review of an application for Site Plan review submitted by Jon Restivo under the Town of Londonderry Zoning Bylaw.

The application was received on 3/22/21.

A copy of the application is available at Londonderry Town Offices or by contacting the Zoning Administrator.

On 4/7/21, notice of a public hearing was published in the Vermont Journal.

On 3/23/2021 notice of a public hearing was posted at the following places:

- The municipal clerk's office.
- 4669 Rt. 100, the public-right-of-way most nearly adjacent to the property for which the application was made.
- The Londonderry and South Londonderry Post Offices.

On 3/23/21 a copy of the notice of a public hearing was mailed to the applicant.

On 3/23/21 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 public hearing on 4/21/21.

The Development Review Board reviewed the application under the Town of Londonderry Zoning Bylaw, as amended December 2020.

Present at the hearing were the following members of the Development Review Board:
Esther Fishman, Chair, Bob Maisey, Christopher Laselle, Denis Pinkernell, Paul Abraham

Also attending were Nash Lancaster, prospective board member, applicant Jon Restivo, Zoning Administrator Will Goodwin..

The following exhibits were submitted to the Development Review Board: An Application, a Site Plan worksheet, Site Plan sketch. After the hearing the applicant submitted paperwork pertaining to the D.E.C.'s approval of using the existing septic system for the home business.

These exhibits are available at: Londonderry Town Offices or by contacting the Zoning Administrator.

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FINDINGS

Based on the application, testimony, exhibits, and other evidence the Development Review Board makes the following findings:

The applicant seeks a Site Plan review for a home business.

The subject property is a 151.5-acre parcel located at 4669Rt100 in the Town of Londonderry (tax map parcel no. 104025).

The property is in the R3 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.

Site Plan Approval is requested for a Home Occupation as that term is defined in section 309 of the Zoning Bylaw.

The application requires review under the following sections of the Town of Londonderry Zoning Bylaw: 309,414,504

The proposed business will employ only residents of the property, and no more than two non-resident employees.

It will only use a minor portion of the dwelling

There will be no exterior storage or display

There will be a de minimis increase in traffic

The state has approved using a septic system that served a second dwelling unit on the property becoming the septic system for the home business.

The property is very large, and the buildings are well setback from the boundaries, so the neighbors will not notice any changes, and the business will not violate any of the performance standards in section 414. No additional screening will be needed.

The location has been used for home-businesses in the past, and there is a lot of existing parking, and room for loading and unloading.

There are no plans to have the business open to the public.

If dumpsters are used will be screened by terrain. The applicant was advised about state laws regarding the disposal of food waste.

No commercial signs are planned.

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The applicant has no immediate plans to expand beyond what is allowed for a home business in the Londonderry Zoning Bylaws, and he understands that expansion could require application for a new permit.

Highway access is adequate, although it should be better identified with a small sign (no permit will be required for a directional sign less than two-foot square with no advertising)

No historic or natural resources will be harmed.

The character of the neighborhood will not be harmed.

DECISION AND CONDITIONS

As conditioned, the proposed development meets the requirements of Sections 309,414,504 of the Zoning Bylaw.

The applicant must reapply if the business grows to a point where it no longer meets the restrictions placed on Home Businesses.

This permit is non-transferable.

There is a 30-day appeal period before work can commence.

The Development Review Board approves the application.

Signed



Esther Fishman, Chair

Dated at Londonderry, Vermont, this 27 day of April, 2021.

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceedings 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.