

Town of Londonderry, Vermont
Development Review Board Meeting Agenda
Wednesday, 5/19/2021 at 5:30 PM

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

- Call Meeting to Order
- Additions or Deletions to the Agenda
- Minutes Approval – Meeting of 4/21/2021
- Announcements/Correspondence
- Visitors and concerned citizens
- Old Business
 - a. Gardiner Dr subdivision
- New business
 - a. Public Hearings as warned: Rackear conditional use to build on a class IV Rd
 - b. Derry Woods contractors yard

Pursuant to 24 VSA Sections 4464(a)(1)(C) participation in the local proceeding is a prerequisite to take any subsequent appeal. Application materials are available by emailing the towns Zoning Administrator at zoningadmin@londonderryvt.org.

1. Next regular meeting date – Wednesday, 6/16/2021 at 5:30
2. Adjourn

Meeting may be attended remotely as follows:

Will Goodwin is inviting you to a scheduled Zoom meeting.

Topic: Londonderry DRB

Time: May 19, 2021 05:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/84691068457>

Meeting ID: 846 9106 8457

One tap mobile

+19292056099,,84691068457# US (New York)

+13017158592,,84691068457# US (Washington DC)

Dial by your location

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 846 9106 8457

Find your local number: <https://us02web.zoom.us/j/84691068457>

+1 301 715 8592 US (Washington DC)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 840 0971 0570

Find your local number: <https://us02web.zoom.us/j/84009710570>

Town of Londonderry, Vermont Development Review Board (DRB)

100 Old School Street, South Londonderry, VT 05155

MEETING MINUTES May 19,2021

Meeting held online using zoom software

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.

DRB members present: Esther Fishman: chair, Terry Hill, Bob Maisey, Paul Abraham.

DRB members absent: Chris LaSelle, Denis Pinkernell (problem with zoom software)

Others in attendance: Ben Benedict applicant, Andrew and Karen Rackear landowners, Chris Ponessi: engineer for Hunter Kaltsas, Will Goodwin Zoning Administrator.

Meeting called to order at 5:39 P.M.

Chair Esther Fishman:

- Explained rules for public meetings under covid pandemic rules.
- Introduced board members, the Zoning Administrator and members of the public,
- Asked if anyone had changes to the agenda, suggested putting new business before old business,
- Asked for approval of the minutes of the 4/21/21 meeting.

Motion was made by Paul Abraham to accept the minutes; Motion was seconded by Terry Hill and passed unanimously.

Benedict/ Rackear Hearing

At 5:46 the board began the hearing for the Benedict/ Rackear application for conditional use to build a single-family home on a class 4 road.

Mr. Rackear explained how he purchased a recently subdivided lot on a class IV Road in 2007.

He went over the criteria for access subject to development review approval in section 402(a) paragraph III, and said that his single family home would not harm public safety, cause an increase in traffic, and that the 170 feet of class IV road he would be using was not unsafe.

Chair Fishman and Will Goodwin asked if the applicants understood that the maintenance of Hobart Rd was not done by the Town of Londonderry, but instead was done by the homeowners on the road. The Rackears said they understood, and that they were willing to reach an agreement with other homeowners on sharing the cost of road maintenance.,

Paul Abraham asked if the lot could possibly have enough frontage on Hell's Peak Rd. which is a class 3 Rd. The applicants said their survey said they didn't have enough frontage, and they weren't contesting that it did.

There was discussion of the road having to be upgraded if a fourth house were added in Londonderry, pursuant to Section 402(a) paragraph one. The board discussed how to communicate proactively that this was a requirement. The board also clarified that if the road was required to be upgraded to town standards, it would not mean that the town would take over the maintenance of the road.

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Hunter Kaltsas' Contractors Yard on Derry Woods Rd.

The board discussed whether the current activity on Hunter Kaltsas' contractor's yard was grandfathered, and the discussed fact that Mr Kaltsas' had plans to submit a site plan for the yard in the next few years.

This discussion came about because Mr Kaltsas had planned to add a food scrap composting operation to the site. He had come before the select board, and people had spoken against it, and against the stockpiling of garden mulch at the property.

Mr Ponessi said that he advised Mr.Kaltsas against composting, because it would cause permitting problems.

He also asked for the Z.A. to determine whether adding an office trailer at the site would require a new site plan.

Chair Fishman said that the ZA should share pending bylaw changes with my Ponessi.

Gardiner Drive Subdivision

Will Goodwin said that he is working with the town lawyer to determine whether the Gardiner Rd subdivision was fully approved, or whether any more hearings were required before lots could be sold.

Rackear Deliberative Session

Paul Abraham moved that the DRB go into deliberative session for the Rackear Hearing at 6:24, and Terry Hill seconded. The DRB found that the Rackear application met all the conditions for such approval in section 402 of the bylaws. At 6:34 Paul Abraham moved the DRB approve the Rackear application to build a single-family home on a class IV Rd.

Next Meeting

Esther Fishman asked if there were any concerns about the next meeting on 6/17/21. Paul Abraham raised the possibility of meeting in person. Discussion followed as to whether guests could be required to attend face to face meetings yet. Meeting was adjourned at 6:41.

Approved by the Development Review Board on the 16th day of June,2021



Esther Fishman Chair

TOWN OF LONDONDERRY VT.

DEVELOPMENT REVIEW BOARD

Application for a Conditional Use, Findings and Decision

Henry Benedict for Rackear Permit Application No. 2021-11
Single Family Home at T.B.D Hobart Rd Parcel I.D.#: 013017

INTRODUCTION AND PROCEDURAL HISTORY

This proceeding involves review of an application for conditional use submitted by Ben Benedict for Andrew and Karen Rackear under the Town of Londonderry Zoning Bylaw.

The application was received on 4/15/2021.

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

On 4/28/21 notice of a public hearing was published in the Vermont Journal.

On 4/26/21 notice of a public hearing was posted at the following places:

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

On 4/26/21 a copy of the notice of a public hearing was mailed to the applicant.

On 4/26/21 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 5/19/21.

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

Present at the hearing were the following members of the Development Review Board:

Esther Fishman chair, Paul Abraham, Terry Hill, Bob Maisey.

Andrew and Karen Rackear, landowners, Ben Benedict, applicant and Will Goodwin Z.A. also attended the hearing also. Chris Ponessi attended to talk about an unrelated matter.

The following exhibits were submitted to the Development Review Board:

- Application
- Site plan
- Highway access permit from the select board

These exhibits have been available at: The Londonderry Town Offices, or by contacting the Z.A.

FINDINGS

TOWN OF LONDONDERRY VT.

DEVELOPMENT REVIEW BOARD

Application for a Conditional Use, Findings and Decision

Henry Benedict for Rackear Permit Application No. 2021-11
Single Family Home at T.B.D Hobart Rd Parcel I.D.#: 013017

The application requires review under section 402 of the Town of Londonderry Zoning Bylaw which says that any land Development on a class IV road requires review and approval by the DRB.

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

The owners of record of parcel 013017.400 located at the southeastern corner of Hell's Peak and Hobart Rd are Andrew D. and Karen M. Rackear, according to a deed recorded in book 63-page 402 of the Londonderry Land Records.

The parcel is 15.5 acres

The property is located in the R3 District as described on the Town of Londonderry Zoning Map on record at the Town of Londonderry municipal office and section 200 of the Zoning Bylaw.

There are already two houses on Hobart road in Londonderry and one in Weston.

The applicants have a Highway Access Permit issued by the select board in 2007.

Class IV roads have a 50 foot right of way as required by Section 402(A).

The lot is well suited for a single-family home.

The construction of a single-family home as shown on the site plan meets all requirements for this district, will not cause undue additional traffic, or safety hazards.

The other homeowners on Hobart Rd. have an informal agreement for road maintenance, and the Rackears understand that they will be expected to contribute money for the maintenance of the part of the road that they will use.

The Rackears were informed that the addition of a fourth house on the Londonderry portion of Hobart Rd. in the future would require that the road be brought up to town standards pursuant to Section 402(a).

Nothing about approval of this permit shall be construed to indicate that the town is willing to take over the maintenance of the road.

TOWN OF LONDONDERRY VT.

DEVELOPMENT REVIEW BOARD

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DECISION: Based upon these findings, and subject to the conditions set forth below, the Development Review Board approves the application for a single-family home on a class IV Rd.

CONDITIONS

Notify the D.R.B. of any changes to the project.

The applicant should contact the other homeowners on the road and enquire about sharing the costs of road maintenance.

Dated at



Signed _____ Esther Fishman, Chair

Londonderry Vermont, this 11th day of June, 2021.

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