

Town of Londonderry, Vermont

Selectboard Special Meeting Agenda

Monday, December 12, 2022 – 5:00 PM
100 Old School Street, South Londonderry, VT 05155

1. Call Meeting to Order
2. Additions or Deletions to the Agenda [1 VSA 312(d)(3)(A)]
3. New Business
 - a. Executive Session(s) – The appointment or employment or evaluation of a public officer or employee per 1 V.S.A. 313 (a)(3)
4. Transfer Station/Solid Waste Management
 - a. Discuss Transfer Station holiday schedule
5. Adjourn

Posted and distributed on December 9, 2022

**Town of Londonderry, Vermont
Selectboard
Meeting Minutes
Monday December 12, 2022
Twitchell Building - 100 Old School Street, South Londonderry, VT**

Board Members Present: Tom Cavanagh, Vincent Annunziata, Melissa Brown, Jim Fleming and Taylor Prouty.

Board Members Absent: None.

Others in Attendance: Town Officials – Highway Department employees Josh Dryden, Troy Maynard and Donald Lyon (5:37 PM), and Town Administrator Shane O’Keefe.

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 5:03 PM.

2. Additions or Deletions to the Agenda [1 VSA 312(d)(3)(A)]

Vincent Annunziata moved to add to the New Business section of the agenda consideration of Access permit application #2022-08 regarding 216 Landgrove Road, Parcel 001001.100, seconded by Taylor Prouty. The motion passed unanimously.

3. New Business

a. Executive Session(s) – The appointment or employment or evaluation of a public officer or employee per 1 V.S.A. 313 (a)(3)

Taylor Prouty moved to enter executive session to consider the employment or evaluation of a Town officer or employee, pursuant to Title 1 V.S.A. Section 313(a)(3), and invite Josh Dryden, Troy Maynard, Donald Lyon and Shane O’Keefe to attend the executive session, seconded by Vincent Annunziata. The motion passed unanimously.

The Board entered executive session at 5:04 PM, with O’Keefe, Dryden and Maynard in attendance. Maynard left the meeting at 5:18 PM. Lyon entered the meeting at 5:37 PM. Annunziata left the meeting at 6:03 PM. Lyon left the meeting at 6:13 PM.

The Board came out of executive session at 6:26 PM.

b. Access Permit #2022-08 – 216 Landgrove Road, Parcel 001001.100

The Board briefly reviewed an application for a temporary logging access.

Jim Fleming moved to approve access permit application No. 2022-08 for temporary logging, submitted by EJS Private Equity, for parcel #001001.100, located on the east side of Landgrove Road, seconded by Taylor Prouty. The motion passed unanimously.

c. Planning Commission concern with new structure opposite Town Hall

The Board was presented with a motion having just been passed by the Planning Commission as follows:

“The Planning Commission wishes to request that the Selectboard review immediately the placement of the new structure opposite the Londonderry Town Hall with respect to the setback and façade orientation which is not in compliance with current or proposed Bylaws.”

O’Keefe noted that he had mentioned to Zoning Administrator Will Goodwin the foundation excavation at the property appeared to be very close to Middletown Road, and that he had followed up with an email later in the week to Goodwin explaining that the newly poured foundation walls likewise seemed to be too close to the road. Goodwin had responded in an email to O’Keefe and the Development Review Board that it in fact was too close and went on to mention that he had issued the permit in error. O’Keefe stated to the Board that he felt that Goodwin was not in error and that the error was on the part of the property owner or contractor that improperly laid out the foundation. He added that the permit application and plan spelled out the proposed setbacks and in his view a permit need not include every dimensional limitation in its approved language, as the permit form itself states that “the project shall be completed in accordance with the application and all sketch or site plans of record...”

O’Keefe explained that the Zoning Bylaw requires the setback to be measured from a point 25 feet distant from the centerline of the road, and that the Zoning Administrator has no obligation to stake out the setbacks as that’s the developer’s responsibility.

Dryden left the meeting at 6:35 PM

There was further discussion about the situation and Board members suggested that a conversation on this with Goodwin should take place soon before additional construction commences.

O’Keefe noted that a letter had been written by Goodwin to the property owner stating that the permit issued should have specified that the Bylaw requires a 15 foot setback from the edge of the Town right-of-way and not the edge of the road, and that it was his error and “the building should be allowed as a non-conforming use, improperly authorized as the result of an error by the Zoning Administrator”.

On the Planning Commission motion, O’Keefe mentioned that he had been approached by one of the Commissioners that evening who inquired about the foundation location and that he had explained to them the situation.

Prouty said he was aware that there was supposed to be an engineer for the project to determine where the foundation was to be located.

Whether an appeal of the Zoning Administrator’s decision about the error is possible was briefly discussed.

There was discussion about trying to have work stopped somehow until things are worked out and that the owner should be made aware of the concerns, as time is of the essence. It was agreed that Cavanagh and O’Keefe would confer with the Town Attorney to clarify legal constraints and appropriate next steps.

4. Transfer Station/Solid Waste Management

a. Discuss Transfer Station holiday schedule

Cavanagh noted that he had spoken with Transfer Station staff who had indicated that they felt that it was not good to close two weekends in a row, and that 12/2 is one of busiest days of the year and not a good day to close. The Board discussed ramifications of facility closure on various user categories.

Jim Fleming moved to establish the following holiday schedule for the Transfer Station:

- *Open on Saturday, December 24, and closed on Sunday, December 25 and Monday, December 26*
- *Closed on Saturday, December 31 and Sunday, January 1, and open on Monday, January 2,*

Seconded by Taylor Prouty. The motion passed 3-1-0, with Cavanagh, Prouty and Fleming voting aye, and Brown voting nay.

5. Adjourn

Melissa Brown moved to adjourn the meeting, seconded by Jim Fleming. The motion passed unanimously.

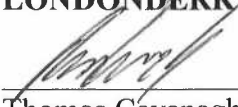
The meeting adjourned at 6:54 PM. The next regular meeting of the Selectboard is scheduled for December 19, 2022.

Respectfully Submitted,


Shane O'Keefe
Town Administrator

Approved December 19, 2022.

LONDONDERRY SELECTBOARD


Thomas Cavanagh, Chair