

Town of Londonderry, Vermont

Planning Commission Meeting Minutes

Mon., Jan. 9, 2023 – 2:30 PM

Twitchell Building

Attending: Commission Members: Sharon Crossman, Elsie Smith, Larry Gubb, Dick Dale, Heather Stephenson, Maryann Morris, Mimi Lines, and Guests: Brandy Saxton, Paul Hendler, Will Goodwin, Paul Abraham, Ester Fishman, Margo Wright, Jon Wright, Mark Wright, David Key, Robin Key

1. Meeting was called to order at 2:35.
2. Additions to the Agenda: None
3. Minutes of the Planning Commission meeting on Nov. 12, 2022 and August 11, 2022 were unanimously approved. (Dick proposed, Elsie seconded).
4. Visitors and Concerned Citizens: After Brandy had reviewed the changes that were referenced in her memo indicating changes, she had made to version 5 of the proposed bylaws and answered a number of concerns and points of discussion raised by the public, during previous Planning Commission meetings, by Mr. Fisher, the town attorney, and by Will Goodwin, Sharon opened the floor for comments from the public. David Key and his wife Robin, 24455 Spring Hill Road, questioned the logic of redesignating their land from R-3 to Conservation because of restrictions imposed despite the family commitment to conservation. While they did not expect to do anything more than subdivide their land into building lots for children, they objected to the many restrictions the new zone designation would impose. Brandy did say that any subdivisions granted before the Selectboard started to formally begin to approve the Bylaws would be grandfathered into the rights to subdivide independent of the new regulations. Jon Wright and Mimi Wright also were concerned about the long-planned division of Wright owned land on Haven Hill Road which would no longer be permitted if the new "conservation zone" designation rather than R-3 Rural were passed. Both stated that the family was committed to stated goals of the logic behind the creation of the conservation zone. Jon was also concerned about the ability of Taylor Farm to financially survive if many of the farm and agricultural activities were not permitted. He was assured by Brandy that all of his various ways of raising revenue were permitted under the umbrella of agricultural use. Paul Hendler expressed continued concern over small lot size "residential zone" designation of his property on Windy Rise East and how it was in sync with the thought to conserve open spaces. He also raised the question of lot building density permitted by section 3302 E and F. The PC voted to eliminate 3302 F which allowed parcels to be joined with noncontiguous properties to justify and increase building density and to modify 3302 E to be consistent. There will be further discussion on establishing an additional residential zone of one acre as a n intermediate zone between every small lot sizes, and large parcels in more rural areas of town and to allow some expansion of village centers that would also include some larger lot sizes and less density.
5. 1 Brandy reviewed each of the nine changes she made in version 5 of the Bylaws. All reference to River Corridors has been eliminated. She pointed out the difference between a major and minor subdivision in both the R-3 and Conservation Zones referenced in section 4310. The DRB must hold a hearing on Major Subdivisions before they are granted and all issues related to the steepness of the lot, waste water, and other provisions related to property or business use must be satisfied in addition to other State provisions. Brandy added to the Conservation zone a provision allowing a Food and Beverage sales to be a permitted activity. It was agreed that grandfathered into the permitted subdivisions was a preexisting approved subdivision into three lots. The PC agreed what is currently proposed as the "Conservation" district that in the Conservation, the minimum size of a lot needed to be at least three acres and wondered whether the minimum lot size to be subdivided should be 10 acres, as a means to sustain as many larger lots as possible. Brandy pointed out that over half of the plots in the Conservation Zone are less than ten acres. Enforcement of the

preexisting provision is easy as the date of the consideration of the Bylaws by the Selectboard is the date that determines pre-existing subdivisions. The discussion turned to the question of how to correct misconceptions about perceived losses created by the movement from the R-3 to conservation zone. Next, Bed and Breakfast short term rentals need to be defined and made consistent with the elimination of all references in the proposed Bylaws to Airbnb or VRBO type of short-term rentals have been eliminated and will now be covered by the new Town Ordinance being created by the Selectboard. Brandy did remind all that most major Bylaw revisions need to be adjusted and revised to solve unintended results of particular provisions. Section 3006 was eliminated so that the State definitions for permitted activities relating to cannabis for retail, manufacturing, whole sale, cultivating (both indoor and outdoor), and multiple Locations, will govern zoning rather than local permitted use. Brandy said that the FAA determines all regulations related to both helicopter and airplane use. Brandy changed the regulations related to paved parking space requirements and will change the screening requirements of dumpster, temporary bathroom, utilities, and business solar panels to now relate to all roads in Londonderry. Individual property owners are not governed by the commercial requirements.

2. It was agreed that Brandy will submit a list of additional changes incorporated in new version 5 and summarize a list of unresolved questions that the PC needs to consider and return to her prior to her next meeting of the PC on Feb. 22, 2023 at 2:30 and any other concerns raised by the special meeting on Feb. 6 at 12:00 to resolve issues that need discussion like the question of minimum acreage for the Conservation Zone, the need for both a residential half-acre and one acre residential zone, what needs to be changed to what is currently proposed as “conservation” zone and uses permitted, to better reflect the needs of property owners and the town plan goals to conserve open spaces. It was agreed to use the attached comment form to the 255-page PDF version of the fifth version of the Proposed Bylaws.

6. The meeting was adjourned at 5:40 PM.

7. The next regular meeting will be at the Twitchell Building at 4:00 PM on Feb. 13, 2023 to review ongoing projects of the PC. Note the Special Meeting on Feb. 6, 2023 at 12:00 to consider Bylaw changes and the Special Meeting with Brandy on Feb. 22, 2023 at 2:30. All of the meetings will be Hybrid if the link can be established and published in the required warnings.

Respectfully Submitted,
Dick Dale