

Town of Londonderry
Vermont Development Review Board
Regular Meeting Minutes Wednesday, May 17, 2023
DRAFT

Board Members Present:

Esther Fishman Chair, Denis Pinkernell Co-Chair, Paul Abraham, Chris Laselle, Bob Maisey, Scott Denkman, Rich Phelan

Others in Attendance:

For the applicant-Jack Baribault, Jessica Turner, Joel Jordon
Members of the Public- Eryn Ryan

Meeting called to order at 5:30 by Chair Esther Fishman.

Additions or deletions to the agenda (REQUIRES A VOTE):

The ZA asked to add a discussion of a complaint about the ATM at the Heritage Credit Union in South Londonderry to the agenda. Moved by Denis Pinkernell, seconded by Paul Abraham, passed unanimously.

Minutes Approval:

Motion to approve the minutes of 4/19/23 by Paul Abraham, seconded by Scott Denkman, passed unanimously.

Public Hearing:

Application 2023-12 from Johnathan M. Turner et al for outdoor seating at a restaurant in a flood zone.

The applicants described their plan to convert 5 parking spaces in front of the New American Grill Restaurant and Bar into a 16x'24' outdoor seating area. The outdoor seating area is to be enclosed by a fence made from prefabricated sections of deck railing. Inside the fence there will be 5 tables, with four seats at each table.

The ZA explained that the outdoor seating area will be in a flood zone, so he had shown the sketch plans to the Regional Floodplain Manager at the Vt Agency of Natural Resources, who had approved the project on the condition that no components of the fencing or the table be permanently attached to the ground.

The Board discussed whether the application constituted "Land Development" as defined in the bylaws. The Z.A. explained that he felt it was an extension of the use of the land, which the bylaws say constitute "Land Development".

The Board asked if the landowner had approved this project, and the ZA explained that he was a cosigner of the application.

The Board asked about the license for serving liquor outdoors, and the applicant said it had been granted by the state.

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The Board asked if the seating area would stick out into the traveled portion of the parking lot, and the applicants said it would not.

The Board discussed whether people in the seating area would be safe from motor vehicle traffic, and whether a more substantial barrier was needed.

The board discussed whether they should require proof of insurance from the applicant.

The Board asked whether there would be music playing outdoors, and the applicants said that there might be if it was allowed by the DRB.

The Board reviewed the site plan criteria from the bylaws and the flood regulations, touching on the hours of operation, lighting, the goals of the village district in the bylaw.

The owner of another business in the Shopping Plaza spoke in favor of the project, saying it would make the Plaza a livelier and more interesting place.

Scott Denkman moved that discussion be closed at 6:02 P.M., seconded by Rich Phelen, passed unanimously.

Z.A. Report:

The Z.A. said he had received a second complaint from a resident of West River Street about excessive light coming from the ATM at the Heritage Credit Union in South Londonderry. No one on the board said that they had observed a problem, but it was agreed that whoever could, should make a night-time site visit. The resident of West River Street had reported to the Z.A. on an earlier occasion that the Credit Union had agreed to change the lighting and do some additional plantings.

Deliberations

The DRB went into executive session from 6:10 P.M. to discuss whether the permit for the outdoor seating area would be approved; they left executive session at 6:25 P.M.

Next meeting:

The Board briefly discussed the next regular meeting which will be June 21, 2023, and then they adjourned.

Respectfully submitted, Will Goodwin

Approved by the Development Review Board on ____/____/____

Esther Fishman chair