

Town of Londonderry, Vermont

Planning Commission Meeting Minutes

Mon., April 10, 2023 – 3:30 PM

Twitchell Building

Attending: Commission Members: Sharon Crossman, Elsie Smith, Dick Dale, Heather Stephenson, Mimi Lines, Larry Gubb, and Guests: Paul Hendler, Seth Bongartz, Paul Abraham, Melisa Brown, Brandy Saxton, Mark Wright, Irwin Kuperberg, Emmitt Dunbar, Patti Eisenhaur

1. Meeting was called to order at 3:10 PM
2. Additions to the Agenda: none
3. No additions to the agenda
4. Visitors Concerns: none, but an opportunity to ask questions later was offered
5. Minutes of the Planning Commission meeting March 13, 2023 were unanimously approved. (Dick proposed, Elsie seconded).
6. Old Business: A. Seth Bongartz reported on the key elements of Senate Bill 100 where Seth's bill H-86 was considered for. Seth reviewed the three year-long study to deal with Vermont's Housing crisis which involves a need for over 40,000 additional units just to meet current needs. After over fifty different versions of H-86 with every expert weighing in, the final version considered by the Senate as S-100 did, with a few revisions, get passed and returned to the House for consideration by Seth's Committee with a substantial bipartisan supporting vote. Seth is confident that there is overwhelming support to address the housing crisis in this very carefully crafted and researched bill. He further reviewed the changes and benefits that the H-86 bill would make to existing law to begin to address the housing crisis. The bill seeks to address towns with municipal waste water and water systems and those without to remove zoning impediments to cluster housing, affordable housing, and multiunit buildings. Brandy handed out a sheet summarizing the necessary changes because the proposed bylaw draft would be nonconforming when the H-86 passes the House and is signed by the Governor. If the bill passes, she recommended changes to section 3104.C.1.a to 1.5 spaces instead of two. Practically due to rounding, the law set at 1.5 meant 2 spaces. The PC agreed to make the changes if the Bill passes. Section 3211.A5 needs be amended to make an exception for housing people in hotels who are experiencing homelessness. The PC agreed to make the change. Section 1104 needs to add emergency shelters to the list of community facilities. The PC agreed. section 4401.B needs to be revised with respect to the definition of interested persons and exclude "character of area ground" as a part of a DRB to reject a project to match the statute. The PC agreed to make the change. Finally, Section 4405.E needs to be revised to match section 4464.b.7.A of the statute with respect to the DRB which cannot require larger than minimum residential lot size, more parking than the minimum, limit building size or height to less than the maximum, and do the restrictions because of wetland, setbacks, floodplains, or river corridors. The PC agreed to the change following Seth's warning that in the Proposed Bylaws, the rules for each district need to be very carefully considered.
B. Paul Abraham summarized the Housing study final draft presented at the last Selectboard meeting and reviewed the proposed strategies to move forward on implementing many of the recommendations and recommended the public review of the report at Neighborhood Connections on Tuesday, April 11 at 5:30. As a member of the DRB, he asked the PC to make sure that any

decisions that had to be made by the DRB have clearly stated criteria, not ambiguous language, making decisions regarding approvals as straight forward as possible.

C. Because it had been agreed at the March 13, 2023 to try to resolve all outstanding issues still left to be decided by the PC from version IV so that Brandy could produce version 5 of the proposed bylaws which would likely be the version for the required public hearing, the next agenda item discussed was a resolution of the issues. Mark Wright and Irwin Kuperberg from the Conservation Commission reported on their special meeting to consider the CC's becoming involved in an advisory capacity during the subdivision procedures for the Rural and Resource Protection Zones during the site plan presentation stage. They stated that they were pleased to be involved to make sure that conservation be protected where necessary. They wanted clarification of what was meant by building envelope. They wanted that a required Resource Inventory be a part of the requirements to facilitate their decision making with respect to reaching a decision to take no action leaving the decision with respect to conservation to the Zoning Administrator, or taking an informal position with respect to a conservation impact based on the inventory, or taking a written, nonbinding position, presented to both the DRB and applicant. The CC was concerned that a site visit and a limit of 15 days to develop a response might be difficult, but did recognize that a decision did need to be made within thirty days of the site plan submission by the Zoning Administrator. Brandy agreed to forward to the CC section 3235.C where the building envelope was defined in the proposed bylaws. Later in the meeting, Dick made a motion seconded by Mimi that in the proposed draft, language relating to either the rural zone or resource protection zone subdivision process of approval, add the required resource inventory and require a CC advisory review if the building envelope in a proposed house site be restricted to a maximum elevation of 1400 feet, The motion passed unanimously. The PC considered the request by Emmitt Dunbar to restore the Village mixed-use zoning designation for his farm on Middletown Road rather than the proposed residential zone. His argument made sense and his property was changed from residential to Village mixed-use. In light of the report by Seth Bongartz, the previous vote to leave the properties on Windy Rise Lane East as Residential, was reconsidered. After considerable discussion with respect to moving the road and properties into an R-3 designation, Dick made a motion, seconded by Mimi, to move the road to an R-3 zone. While recognizing the character of the road with lot sizes well above the one-acre size currently and the fact that the properties border the West River area and West River trail, the motion was defeated 3-3 because of the need to provide for places where increased one-acre lot development would be permitted over time consistent with the Town Plan. The final issue discussed was the resolution of the minimum lot size in the new Resource Protection zone. The arguments for keeping the zone as R-3 were reviewed with an eye on the sense that the current owners had maintained a dedication to conservation and customary use, and the need protect against future development in the future if land ownership changed hands. A motion was made by Dick, seconded by Elsie to allow grandfathering of a right to subdivide using the current bylaws for five years if once the minimum lot size acreage was decided upon. Without trying to encourage subdivisions, the motion would allow current owners to act on long held plans. The motion passed unanimously and will be added to version 5 of the proposed bylaws. After lengthy discussion on 10, 15, 20, 25, and 30-acre minimum size; Dick made motion for 20-acre minimum size, seconded by Heather. Heather, Mimi, and Dick voted yes, Larry and Elsie voted no. Sharon abstained. The motion carried, but Sharon asked to change her vote to no. Dick and Heather, who voted yes made a motion to reconsider. It passed unanimously. The vote on the 20-acre minimum size lot for the Resource Protection area was Heather, Mimi, Dick: yes, and Larry, Sharon, and Elsie: no. The motion failed. In an effort to get a version 5 to move to the Warned Hearing on the Bylaws as soon as possible because a minimum acreage was necessary, Larry moved, seconded by Elsie, that the Resource Protection Zone have a minimum of fifteen Acres. Heather, Elsie, Larry, Dick voted: yes, Sharon and Mimi voted no. Brandy will make the appropriate adjustments in version 5. Brandy said she would forward version 5 by April 21, 2023. There is likely to be a Special meeting of the PC at 3:00 PM to consider any changes

or corrections to that version and then agree to use any corrections as the version to be the basis of the Planning Commission required Public Hearing.

7. There was no new business.
8. The meeting was adjourned at 7:00 PM
9. The next regular meeting of the Planning Commission will be on May 8, 2023

Respectfully Submitted,
Dick Dale

Approved June 21, 2023