

Town of Londonderry
Vermont Development Review Board
Regular Meeting Minutes Wednesday, July 19, 2023

DRAFT

Board Members Present: Esther Fishman Chair, Denis Pinkernell Co-Chair, Paul Abraham, Chris Laselle, Bob Maisey (zoom), Scott Denkman (zoom), Rich Phelan

Others in Attendance: Ryan Foster, Taylor Prouty, Mark Reilly

Call the meeting to order: 5:32

Additions or deletions to the agenda: none

Approval of the minutes of 6/21/23 moved by Rich Phelan, seconded by Chris LaSelle

Public Hearing: Application 2023-21 from Taylor Prouty for a single family home on a lot that is partially in the Resource Conservation Overlay (RCO) District.

There was a discussion of whether a board member had a conflict of interest, and the board determined that he did not.

Ryan Foster, a licensed architect speaking for the applicant explained how he came to the conclusion that the house site in question was not in the RCO. He says that the official zoning map is quite old, and the boundary of the RCO does not follow the elevational contours on the map, and the boundary is not set back a uniform distance from any town road. There was discussion of the fact that Under The Mountain Rd, which is one of the boundaries of this lot, was moved after the official zoning map was created.

There was a discussion of why there were two septic permits for the same lot, the applicants say that the original permit was amended for a larger house in a different location, and that the two permits did not reflect a desire to apply for two buildings.

There was a discussion of what restrictions might be put on the house if it were found to be in the RCO, a maximum driveway grade, pull-offs so firetrucks could pass, remotely monitored smoke alarms, sprinklers, restrictions on outdoor lighting, input from the conservation commission and Fish and Wildlife.

Rich Phelan made the following motion: based on the most current map, and the testimony of the applicant, the house site chosen is found to not be in the RCO District, and the application is subject to only the conditions of an administrative permit for a single family home in the R3 district. Denis Pinkernell seconded, passed with one abstention.

The hearing was closed at 6:18 pm and the Applicant left the meeting.

There was discussion of an appeal of a permit for a single family home and accessory dwelling in the R3 district which will be heard by the board in August. The appellant feels that these dwellings are intended to be short term rentals, and that short term rentals are not an allowed use in the R3 district. The board

discussed relevant case law, specifically Tooms vs Grand Isle Vt. The board asked the ZA to consult with Town Counsel before the August hearing.

Next meeting: August 16, 2023

Adjourn 6:35

Respectfully submitted, Will Goodwin

Approved by the Development Review Board

Esther Fishman chair

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