

**Town of Londonderry, Vermont**

**Planning Commission Bylaw Hearing Minutes**

**Mon., June 12, 2023 – 7:00 PM**

**Twitchell Building**

Attending: Commission Members: Sharon Crossman, Elsie Smith, Dick Dale, Heather Stephenson, Mimi Lines, Larry Gubb, Maryann Morris

Guests: Paul and Shelly Hendler, Will Goodwin, Paul Abraham, Melissa Brown, Brandy Saxton, Jon Wright, Mimi Wright, Irwin Kuperberg, Emmett Dunbar, Patti and Samuel Eisenhour, Martha Dale, Marty Tombetta, Paul Schwartz, Elyes Abi-Antoun, Oliver Olsen, Michael Carey, Bob Massey, Kia Cating, Bill Smith, Will Goodwin, Ester Fishman, Mike Goodbody, Sandy and Jim Wilbur, Terry Hill, Robin and David Key, Grace Powers, Ben Sargent, Shane O'Keefe, Jeremy Dworkin, Linda Grossman Kato, Nancy Kemper, Stuart Osrow, Bruce Frauman, Tom Cavanagh, Michelle Carry

1. The Hearing was called to order at 7:05 PM
2. Sharon Crossman announced that the purpose of the hearing was to hear questions, comments, and concerns of the public and would not be a debate. Some issues would be clarified by the Bylaw consultant, Brandy Saxton, but decisions as to the next steps would be dealt with at another meeting of the Planning Commission later in the month in light of the public comment.
3. The floor was opened to questions and comments from the public attending and those online.

Michael Goodbody asked why his property at 17 Main Street in South Londonderry was divided into three different zones. It fell in the Business District, in the Village Residential District, and part was in the flood plain. The twenty-four acres is uniquely situated, but there is little difference between the Village Residential and Business districts with respect to how the land can be used.

Emmett Dunbar from 395 Middletown Rd was concerned about the residential designation of his 200 year old farm, but was informed that his land per his previous testimony had been designated as Village Residential by the PC following his testimony. The map will be corrected.

Jeremy Dworkin requested the Resource Protection District be changed from 15 acres to 10 because he felt fifteen acres placed too many hardships on current owners and is too constraining. He questioned how the restrictions on the number of employees could be enforced. Enforcement by the local Zoning Administrator is dependent on being initiated by complaints especially if there are no local police available to enforce or investigate. Finally, he questioned the Village District twenty-foot setback for parking as the topography of both Villages make parking very difficult now. The DRB can grant exceptions.

Ben Sargent from Crossroads repeated his previous testimony concerning the new regulations governing his development of his Crossroads property being unfairly limiting because of the cluster housing requirement in the Resource Protection District which he said would disrupt the rural character of new developed housing because it would become more visible to neighbors. He objected to the change in the rules which would limit his planned development and create unfair economic consequences to his family.

A question was asked about the ability to build a house on two adjoining lots and was assured that the new residential zoning did not preclude building houses on now nonconforming lots resulting from a change in Bylaws if issues like water and wastewater and lot frontage and site size were appropriately addressed.

Patti Eisenhour questioned the Natural Resource designation of the Prouty land and was assured that the land was no longer so designated and the map will be changed to reflect the PC vote on the matter.

Tom Cavanagh questioned which town properties were still designated as belonging in the Natural Protection District. There are very few of them. He questioned the Flood Hazard area and was assured that that was governed by Federal and State Law and should not be confused by the River Corridor designation because the PC had decided not to pursue such regulation because the town did not have the manpower to enforce it, the town will be governed by State and Federal regulation. Lastly, he stated that he felt that the impervious regulations were not fair and were intrusive. He was told that that was to discourage long driveways and development that would be potentially disruptive to forests becoming fragmented and the movement of animals.

Oliver Olsen was concerned that he never heard back to comments he had written on the PC Google Document set up to accept comments. He was assured that all comments offered at meetings, by letter, by E-Mail, or other means were taken into account during the development of the Bylaws. He was particularly concerned that there were no minutes of the Planning Committee meetings under the Planning Committee section of the website. He was informed that all minutes had been posted in a timely manner on the Agenda and Meeting minutes section of the Town Website. He wanted the PC to commit to a public vote approving the bylaws and was informed that was a decision made by the Selectboard. Lastly, he was concerned that his property had been divided into a Resource Protection District and Residential District undermining the value of his land.

The Keys Family 2455 Spring Hill Rd questioned the rationale of designating their 50-acre land bordering Winhall had been placed in the Resource Protection District with respect to the goals of the designation and the family commitment to various forms of land protection from development.

Michelle Carry of Haven Hill said that much of her land is regulated by Act 250 and questioned the need to restrict her land to 15 acres.

Paul Hender from Windy Rise East questioned again the designation of the road as Residential given that he has to get into his car to go to South Londonderry and also questioned the 20% lot coverage from his current 15% lot coverage requirement. He again questioned the Residential designation of Windy Rise East.

The Turcaule Family asked if they could build a house on 2.67 acres in a proposed designated Rural District. Assuming a septic system road frontage of forty feet, they were assured they could build.

Jim Wilbur stated that the Town Plan was sixty-seven pages, but the new zoning laws was 217 pages. He asked why it needed to be so long and asked that the PC consider offering the changes in smaller increments. He was told that this was a comprehensive rewrite and that new regulations require that the process of approval took up fifty pages. The difference in the Zoning Bylaws of Weston, Chester, and Peru in length and detail of the Londonderry Bylaws is due to the now required inclusion the regulations the Federal and in particular, by State procedures. The changes were necessary because the 2008 Bylaw was legally out of date and very difficult for the DRB to make consistent decisions concerning applications. Further, while most individuals and businesses will use only some sections, the Bylaws must offer every possible development of land or subdivision or use. Finally, he was assured that exceptions to the stated Bylaws could be granted by the DRB as a variance assuming a physical problem, an exception for appropriate cause, or by a change in Zoning regulations usually accomplished in about two months where warranted.

Ben Sargent questioned a variance to his plans. He was reminded that under Section 2108 E on page 2-25 that there is a new grandfather process over five years to allow current owners to use the current bylaws to subdivide and develop their land.

Paul Abraham questioned the number of people affected by properties divided into two districts or impacted with land development being constrained. There are currently 30 Parcels in a Flood Hazzard Areas. There are 119 parcels with two district designations with 32 having restrictions due to wetlands, water, ledge, or steep topography. Of the 87 remaining mostly in the Natural Protection Zone or Rural 3 Zone, 46 are less than fifteen acres or three acres and cannot be subdivided.

4. The Hearing was adjourned at 8:57 PM (moved By Elsie, seconded by MaryAnn.)
5. The next regular meeting of the Planning Commission will be on June 21, 2023 at 4:30 PM

Respectfully Submitted,  
Dick Dale

**Approved 7/25/2023**