

Town of Londonderry, Vermont

Planning Commission Special Meeting Minutes

Weds., June 21 2023 – 4:30 PM

Twitchell Building

Attending: Commission Members: Sharon Crossman, Elsie Smith, Dick Dale, Mimi Lines, Larry Gubb, Mary Ann Morris; and Guests: Brandy Saxton, Oliver Olsen, Patti Eisenhour, Will Goodwin

1. Meeting was called to order at 4:37 PM
2. Additions to the Agenda: none
3. Visitors Concerns: none, but an opportunity to ask questions later was offered
4. Minutes of the Planning Commission meeting April 10, 2023 and May 8, 2023 were unanimously approved. (Dick proposed, Elsie seconded). The Special Hearing Minutes for June 12, 2023 minutes' approval was postponed because four had not read them. There was discussion about getting posted in two places: the Planning Commission Web page and where they have been posted in Agendas and Minutes as drafts within the five days required for draft minutes to be posted. All of the 2023 minutes are still recorded as drafts. Dick was authorized to work with Shane to resolve the issue. (On Friday, Dick met with Shane. Shane has not had time to update draft minutes as approved. Dick will now resubmit minutes marked in bold, approved with a date after they are approved by the PC, so that it is easier and faster for Shane to update the record.)
5. The PC agreed to discuss all comments and concerns raise during Bylaw Hearing. There was considerable discussion over Oliver Olsen's statement that based on his extensive experience concerning further testimony, that the statement that the PC could no longer accept further testimony because the hearing was closed. It was noted that the recent passage of the new Housing Law to take effect on July 1, 2023, that five sections needed to be updated to accord with state law. The April 10th meeting did discuss the needed changes to section 3104.C.1.a, Section 3211.A.5, Section 1104, Section 4401.B, and section 4405.E as Brandy had outlined at the April 10th meeting in a memo which was then reviewed. Since the law had changed recently, Brandy agreed to update the next version 6 expected to be the version submitted to the Selectboard for their approval. Map corrections were next reviewed to make sure that all changes previously approved in earlier meetings were accurately reflected in the published paper maps and online versions. Town owned lands were adjusted to reflect previous votes: The Prouty Land, 22 acres of the Custer Sharp land, the Town owned land near both Windham and Peru, the transfer station, Town Hall and the Twitchell Building and Highway building will be general business or rural three to match adjoining land. The Shamburg property controlled by the Conservation Commission will remain in the Resource Protection Zone, Concerns about properties being categorized in two or three zones were reviewed as to whether the whole parcel should one zone. The decision was to not spot zone reacting to testimony but draw the boundaries to match abutting property zone lines. The testimony comments were mostly focused on the Rural Protection Zone and Rural 3 with several requesting a return to the current bylaw zone of Rural 3. Oliver Olsen appreciated the new 5-year opportunity for current property owners to subdivide their property, but stated that that would work directly against the whole rational for the Resource Protection zone of keeping large parcels protected rather than becoming more fragmented. There were several comments during the hearing that 15 acres seemed arbitrary and unfair. The PC voted to continue the goals of the Resource Protection zone reminding all that housing sites be clustered near existing roads with driveways not extending deep into the parcel to protect forests integrity and free flow of animals. After reviewing the two properties at 2344 and 1896 Middletown Road with two zones, rural and natural protection, Dick Dale made a motion to put both parcels in the Rural zone, but the motion did not get a second and was tabled because the PC should be consistent and not spot zone. Windy Rise East's zone was again left at residential because it is the closest property out of the Flood Zone that could become a

place for additional residential housing. Larry Gubb reflected the conflict over how to treat rural, residential, and natural resource areas that he witnessed at a conference over how to treat all three districts. The experts disagree.

6. The PC turned next to discussing turning the Bylaws over to the Selectboard. Because the changes are extensive to the out-of-date 2008 Bylaws due to legal changes, new data on climate, new housing objectives, rural preservation, flood control issues, and new requirements for what must be included; the PC feels strongly that the Selectboard should be advised to pass the Bylaws and allow the twenty-day period for a petition to force a townwide vote. Evidence from other towns suggests that the special votes usually result in a rejection of the Bylaws. Brandy reminded us again that it is easy to address unintended results of new bylaws and get incorporated small changes quickly. She also reminded us that another hearing would need to be scheduled if the changes were judged as extensive and substantial rather than minor. That decision is left to the PC, but another hearing would eliminate questions about changes that the public was not aware of. Brandy also reminded us that the Selectboard has the right to make changes on its own.
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 July 10, 2023 at 4:30.

Respectfully Submitted,
Dick Dale

Approved 7/25/2023