

Town of Londonderry, Vermont

DRAFT

**Planning Commission Meeting Minutes
Mon., August 28, 2023 – 3:30 PM
Twitchell Building**

Attending: Commission Members: Sharon Crossman, Elsie Smith, Dick Dale, Mimi Lines, Larry Gubb, Heather Stephson. Guests: Will Goodwin, Paul Hendler, Mark Wright, Esther Fishman, Elyes Abi-Antoun

1. Meeting was called to order at 3:50 PM because of the difficulty getting Zoom started.
2. Deletions from the Agenda: Item 6, the appointment of a recommendation to the Selectboard was removed as Maryann Morris was forwarded to them in July.
3. Minutes of the Planning Commission meeting July 25, 2023 was unanimously approved. (Larry proposed, Mimi seconded.)
4. A letter sent to the Selectboard from a Cross Road/Under the Mt. Rd group which proposed a limit to the number of Air B&B's an individual property owner could own and operate in Londonderry by an Ordinance. The PC concluded that an Ordinance would be more enforceable than any restrictions written in the proposed By-laws which would be very difficult to write because the enforcement would be a Civil Court matter and much easier to adjust in the future. The consensus was that an Ordinance should be encouraged with no attempt to regulate Air B&B's written into the proposed Bylaws.
5. After considerable discussion, Dick Dale made a motion, seconded by Elsie which was unanimously approved. The motion was "to remove the Resource Protection District from the Proposed Bylaws and to make all designated land as the Resource Protection in the proposed Bylaws be returned to the current Zoning Bylaws designation of R-3 or the same designation as the land was categorized in the current Bylaws." As part of the discussion of the motion, specific reference was made that provision 4310.C would now read that if the land would be subdivided in a Rural District that "...", and should be enforced as part of the permitting process. The involvement of the Conservation Commission in the process of development of land is appreciated and an important element protecting the principle of conservation and resource protection that motivated the PC to create the now eliminated from the proposed Bylaws the Resource Protection District in the first place. The Planning Commission noted that the provisions associated with restrictions on Site Plans and Building Envelopes and other legal restrictions that apply to development needed to be specifically a part of the proposed permitting process. Finally, The Planning Commission wanted to somehow include in the proposed Bylaws, the "Conservation Overlay District" from the current Bylaws. Will Goodwin suggested revising some areas of the current Conservation District Map because the DRB found it difficult to precisely interpret where the boundaries were, perhaps by using a specific altitude instead of a range of altitudes. Since Brandy Saxton said that she needed a final map indicating all changes previously decided on by the PC be submitted to her to make sure that there was one final official map before hearings on the Bylaws were scheduled, a subcommittee of Mimi, Sharon, Dick, and Elsie (assisted by Heather) was created to make sure that the final map was accurate. It would be left to that committee to decide how best to incorporate the "Conservation Overlay District" in the final official map.
6. Sharon raised the concern of how to capitalize on what was learned from the 2023 flood and Irene so as to try to not just rebuild, but do so in a way to mitigate the damage in the future. After a review of the provisions in the proposed Bylaws from sections 2201 thru 2202.E and of a number of studies and plans trying to understand how to avoid the repeated effects of major flooding, it was agreed to keep the language as proposed because they were written to follow the guidelines governing floods and flood plains by State and Federal regulations. In an effort to better understand who and how many were directly affected by this flood, Will reviewed who was most effected by

the floods and what might need to be adjusted in the proposed Bylaws going forward. Will had no suggested changes despite the fact that as required by FEMA, he had been in contact with the approximately 100 homes and businesses in the flood plain. Most of the 100 merely had flooded basements, but there was one historic home in South Londonderry and five business in Londonderry which were close to meeting the “substantial” repair costs of 50% of the of the pre—flood value of the building. None the less, both the members of the PC and Selectboard are concerned that businesses have had to spend considerable capital in 1973, in 2011, and again in 2023 to repair significant flood damage. It was agreed to follow the lead of the Selectboard in finding ways to significantly reduce the damage caused by floods. It was agreed to continue to reference the visionary proposals of the Main Street study which offered several possible ways of minimizing flood damage in the future. Paul and Heather brought the PC up to date on some of the current thinking of the Selectboard Dam Committee. It was agreed to press forward with a similar visionary study for South Londonderry as a way of continuing to gather data in a potentially useful way when charting the future.

7. There was no new business.
8. The next meeting of the Planning Commission will be on Sept. 11 at the Twitchell Building at 3:30. It will also be a hybrid meeting.
9. The meeting was adjourned at 5:35 PM.

Respectfully Submitted,
Dick Dale