

**Town of Londonderry, Vermont**  
**Selectboard**  
**Special Meeting Minutes**  
**Monday, March 25, 2024**  
**Twitchell Building - 100 Old School Street, South Londonderry, VT**

**Board Members Present:** Thomas Cavanagh, Martha Dale, Jim Fleming, Melissa Brown, and Jim Fleming.

**Absent Board Members:** Taylor Prouty

**Town Officials:** Town Administrator Shane O’Keefe, Village Wastewater Committee members Sharon Crossman, Tom Metcalf, and Larry Gubb

**Others in Attendance:** Mercedes Ross, Scott Ross, and GNAT camera operator Silas Bullock.

**1. Call meeting to order**

Selectboard Chair Tom Cavanagh called the meeting to order at 6:00 PM.

**2. Additions or deletions to the agenda**

[1 VSA 312(d)(3)(A)]

Crossman said the Village Wastewater Committee would like to share a draft document to provide property owners with more information of the affected areas.

*Melissa Brown moved to add to Old Business, a report from the Village Wastewater Committee, seconded by Martha Dale. The motion passed unanimously.*

**3. Selectboard Pay Orders**

*Martha Dale moved to approve the pay orders for payroll and accounts payable, seconded by Melissa Brown. The motion passed unanimously.*

O’Keefe added that the pay orders include \$1,200 in payments for State permits.

**4. New Business**

Cavanagh said that with no objections he would like to start with item 4b. There were no objections.

**b. Discuss participation in FEMA Hazard Mitigation Grant Program**

O’Keefe said they received an application regarding the FEMA Buyout Program. They also just received a letter indicating that the Buyout Program deadline is 3/29/2024 to submit an expression of interest notice or to attempt to apply. The Board reviewed the information submitted by Scott and Mercedes Ross.

Mercedes Ross spoke about the history of flooding of property at 2486 and 2508 VT. Route 11 Londonderry, VT. and that it has affected them severely. The place was basically devastated and they are looking for options. One possibility is to build up high. Both homes on the two properties were basically under water. He is living at the farmhouse, but the next flood will be flood him out again. She suggests looking at what the Town would do as that property has

flooded 3 times and rebuilt. The double-wide must be towed away as it is totaled along with the barn, she added. If the home is not considered for a buyout, is it possible to raise it otherwise the house is going to flood. Mr. Scott said the farmhouse is more in the flood zone than the modular home according to the flood map. It is just a matter of time before it floods again. Fleming asked if it has a concrete basement and Ross confirmed. Cavanagh asked them if they were aware that if the Town did do a buyout the property could never be built on again. He said he understands that as the surrounding properties that were bought out still have a drainage problem. Even 3 inches of rain covers the drainage pipe. She said the only option is to build up high on the structure or raise the farmhouse. If there is no buyout is there the ability to mitigate to raise the farmhouse and build up higher on the structure.

O’Keefe said the Town has done an elevation project and it is too risky for the Town. He said the downside is the properties come off the grand list and the taxes are then spread off to the others on the list. Dale asked about the buyout benefit to the property owners. O’Keefe said historically the owners receive 75 percent of the property value, but he understands now that it’s 100 percent, which is a good deal. That value is what is appraised the day before the disaster event. Ms. Ross said they have quotes to demolish the doublewide and farmhouse and to build on a higher level. They just added two SBA loans to the mortgage that he already has, which adds another \$500,000 worth of debt on that property which in the end won’t be worth this amount; it’s a lose-lose situation. She said if the Board would do something about the dam it would be helpful. Mr. Ross said the Mill Pond water across the street is one of the biggest problems the Selectboard has. Some mitigation needs to be done. O’Keefe said the dam is under study at this time. Cavanagh said they are in the process of multiple mitigations throughout the Town but some of the projects could take another 10 years to resolve. Ms. Scott said she has 6 contractors waiting and the amount of money they have will barely build a tiny little house. The insurance wouldn’t pay for the items in the container because it wasn’t attached to the ground, she added. The problem is that it was everything he used to make a living, Mr. Scott stated. Ms. Scott said they don’t know what to do as it’s one hit after another, and this is why they are at the meeting to see if the Town will do a buyout and then they can begin to start over. Cavanagh said he didn’t think they could do a subdivision and build up high and still do a buyout. She said the two properties became one when he bought it. O’Keefe said the first step is to see if the Board is okay with the application. Then they can find out more information on the history of the two properties and if there is an opportunity to subdivide and put a house on that property. His sense is that the answer is no. She said someone has cleared a spot that indicates they were going to build up high on the property. O’Keefe said the key is to get in the program first and then it’s a commitment on the Town to move forward. The Board agreed to submit the application by 3/29/2024. Discussion ensued.

*Martha Dale moved to have the Town Administrator submit the written expression of interest to the State of Vermont Hazard Mitigation Grant program for the buyout of properties at 2486 and 2508 VT Route 11 for Scott Ross, seconded by Melissa Brown. The motion passed unanimously.*

**a. Consider amendments to the Ordinance to Regulate the Operation of Short-Term Rentals**

Cavanagh and O’Keefe met with the State of Vermont Fire Marshals last week, and reported being told that the Division of Fire Safety does not have the staff to do any inspections on a Short-Term Rentals (STR) where there is an occupancy of less than 9.

O’Keefe referenced the handout page 3 of 3 of the STR Ordinance. Brown said that she would like to find a solution for inspection of STRs with occupancy of 8 and below. O’Keefe said that the Town could require that the owner do an inspection. Gubb said this has been a problem state-wide even for residential inspections. The owner is liable. Perhaps the State could provide a checklist for owners to go through. O’Keefe said there is one already in place for self-reporting. Fleming said these forms will need to go in all STR for confirmation that it has been done. If they don’t, they can’t get a certificate. Brown would like to talk to the 2 fire chiefs in Town to get their input.

O’Keefe asked the Board if they wanted to change the deadline for the STR registration from 7/1 to 10/1. The Board agreed to keep it at 7/1.

*Matha Dale moved to adopt the amendment to the Short-Term Rental Ordinance that provides for:*

*1) under Article 4.F.8, deletion of the requirement to provide proof of inspection from the Vermont Division of Fire Safety for dwelling units with a capacity of 8 or less;*

*2) under Article 4.G.2, insertion of language noting that a satisfactory inspection result from the Vermont Division of Fire Safety must be provided for dwelling units with a capacity of greater than 8 occupants;*

*such amendment to take effect after 60 days unless a petition is filed as provided for under 24 V.S.A. § 1973(b), seconded by Jim Fleming. The motion passed unanimously.*

The ordinance amendment as adopted is included as an addendum to these minutes.

## 5. Roads and Bridges

### a. Consider application(s) for excess weight permits [23 VSA 1400a]

The Board reviewed the excess vehicle weight permits that were submitted.

*Jim Fleming moved to approve the excess weight permit(s) for:*

- *AmeriGas*
- *Fuller Sand & Gravel Inc.*
- *Camp Precast Concrete Products, Inc.*
- *New England Quality Service, Inc.*
- *Dead River Company*
- *Resource Management, Inc.*

*and authorize the Town Administrator to execute the permit(s) on behalf of the Town, seconded by Martha Dale. The motion passed unanimously.*

## 6. Other Business

### a. Report from the Village Wastewater Committee

Metcalf referenced a letter that was handed out to the Board. He spoke to the need to send this letter to those eligible for connection to the proposed wastewater system. With this letter the eligible owner can decide on what they want to do; connect or not connect to

the systems. The point is to drive home that these systems have limited capacity but that limited capacity it intended for priority areas, and if you don't commit to connect now that you would be relinquishing that right of that capacity. The purpose is to get this information to the designer to move forward. The deadline to return the form is 4/8/2024.

*Melissa Brown moved to approve the letter to the residents in the North and South Villages that have been identified as possible hookups to the Village Wastewater System, provided that engineer Chrissy Haskins from the Dufresne Group is agreeable with its terms, seconded by Jim Fleming. The motion passed unanimously.*

## **7. Adjourn**

*Jim Fleming moved to adjourn the meeting, seconded by Martha Dale. The motion passed unanimously.*

The meeting adjourned at 6:56 PM. The next regular meeting of the Selectboard is scheduled for 4/1/2024.

Respectfully Submitted,

Deborah Carleton  
Minutes Taker

*Approved April 1, 2024.*

**LONDONDERRY SELECTBOARD**

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Thomas Cavanagh, Chair

## **ADDENDUM**

### **ORDINANCE TO REGULATE THE OPERATION OF SHORT-TERM RENTALS Town of Londonderry, Vermont**

Pursuant to 24 V.S.A. § 2291(29) and 24 V.S.A. § 1971 *et seq.*, and other such general enactments as may be material hereto, it is hereby ordained by the Selectboard of the Town of Londonderry that the Ordinance to Regulate the Operation of Short-Term Rentals (also referred to as the "Short-Term Rental Ordinance") adopted on December 19, 2023, is hereby amended for the Town of Londonderry, Vermont.

<p>NOTE: Language to be added is <u>underlined</u>. Language to be deleted is in <del>strikethrough</del>. All other ordinance language shall remain unchanged.</p>
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#### **ARTICLE 4. SHORT TERM RENTAL REGISTRATION.**

- A. The short-term rental of a dwelling unit requires the annual issuance of a Short-Term Rental Registration from the STR Administrator. A person shall not commence the use of a dwelling unit as a short-term rental unless and until the STR Administrator issues the requisite Short-Term Rental Registration.

- B. Any application made by a person other than a single individual must detail the other members of any Corporation, LLC, or Partnership (“Common Ownership”), and any out-of-state entity must provide a valid and current copy of the articles of organization for the entity.
- C. All STRs must be offered via an STR rental platform to satisfy any reporting requirements and the payment of any municipal, state and federal taxes. The operator must also have a Vermont Meals and Rooms Tax account and post the number on any advertisements for the STR.
- D. Operators of three or more STRs must show proof of registration with the Corporations Division of the office of the Vermont Secretary of State.
- E. The dwelling unit overnight capacity of a short-term rental shall be a maximum of two occupants for every bedroom indicated in the Town Listers property database for the dwelling unit, plus an additional two occupants. For example, a three-bedroom dwelling unit shall have a dwelling unit capacity of eight persons ((3 bedrooms X 2) + 2) when used as a short-term rental. An owner shall not advertise or permit occupancy by more than the capacity set forth in this section.
- F. An operator shall provide the following information in an application for Short-Term Rental Registration for dwelling units with an occupancy of 8 or less, on a form provided by the Town:
  - 1. The number of bedrooms to be rented and the requested dwelling unit capacity to be approved in the Short-Term Rental Registration.
  - 2. The Operator’s name, mailing address, email, and a cell phone number or other number (such as a property management company) that will be answered 24 hours a day during the time that the short-term rental unit is being rented.
  - 3. The property owner’s and, if applicable, tenant’s name, address, phone number, email, date of birth, driver’s license and license state, and military status (active or not), and if the owner is a corporation, the registered corporate agent and president of the corporation and their name and address, and if the owner is a partnership, the registered partnership agent and the names and addresses of the general partners (information that is needed to enforce a municipal complaint before the Judicial Bureau).
  - 4. Property owners who are not in residence at the property the entire time it is being rented shall designate and provide the name and contact information of a designated agent located in Windsor, Bennington or Windham Counties who shall be responsible for responding to emergency situations occurring at the Short-term rental dwelling unit.
  - 5. The Posting of Contact Information required by 18 V.S.A. § 4467 within the Short-term rental dwelling unit.
  - 6. The education materials required by 18 V.S.A. § 4468(a), including without limitation the self-certification form pertaining to health and safety precautions that Operators must take into consideration prior to renting a dwelling unit required by 18 V.S.A. § 4468(b).
  - 7. Confirmation of liability insurance of not less than \$1,000,000 to cover each short-term rental unit, unless such short-term rental is offered through a hosting platform that maintains equal or greater coverage, and that the liability insurance policy that covers the dwelling unit extends bodily injury and property damage insurance coverage that occurs during or as a result of the use of the dwelling unit as a short-term rental.

8. Proof, satisfactory to the Town, that the Operator has obtained and performed all necessary licensing and registrations with the State of Vermont Department of Health, Division of Fire Safety and Department of Taxes necessary to operate a Short-term rental. A short-term rental is a "public building" as defined by 20 V.S.A. § 2730, subject to inspection and regulation by the Vermont Division of Fire Safety. ~~An owner shall provide to the STR Administrator proof of satisfactory inspection results for the most recent inspection required by the Vermont Division of Fire Safety prior to the first occupancy by an occupant as defined in this Ordinance, and with each annual registration of the short term rental.~~
  9. Annually, beginning with the first renewal of said registration, the Operator shall file with the Town an accounting/printout of the total number of days the property was rented on a short-term basis during the previous year. Failure to submit said accounting/printout will result in the renewal registration being denied.
- G. An application for Short-Term Rental Registration, for dwelling units with a capacity of greater than 8 occupants, shall require compliance with subsection D above, plus the following:
1. Confirmation that the septic capacity is at least equal to the requested short-term rental dwelling unit capacity. This shall be evidenced by a) a valid State of Vermont Wastewater and Water Supply Permit for the property for dwelling units or wastewater and water supply systems constructed, modified or occupied after June 30, 2007, OR, b) a local zoning or septic permit for dwelling units constructed before July 1, 2007 indicating the number of bedrooms permitted, OR, c) by the number of bedrooms indicated in the listers property database if a local zoning or septic permit does not exist for dwelling units constructed before July 1, 2007.
  2. An inspection report, [showing satisfactory inspection results for the most recent inspection](#), with occupancy approved from the State of Vermont Division of Fire Safety for the requested short-term rental dwelling unit capacity.
- H. No registration for the short-term rental of a dwelling unit shall be issued unless the applicant has complied with subsection D above (for dwelling units with an occupancy of 8 or less) or has complied with subsection E above (for dwelling units with a capacity of greater than 8 occupants).
- I. Short-Term Rental Registrations shall expire on June 30 of each year and require renewal to continue use of a dwelling unit as a short-term rental. In the event that a property for which a Short-Term Rental Registration has been filed is transferred or conveyed to a new property owner, the new owner/operator shall file a new application for a new Short Term Rental registration.
- J. The number of lessees, guests, or other persons using a dwelling unit pursuant to the short-term rental lease or other agreement with the Operator shall not exceed the approved dwelling unit capacity on the Short-Term Rental Registration.
- K. This occupancy standard is for overnight guests and is not intended to unreasonably limit visitors to the property.

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