

**Town of Londonderry, Vermont
Selectboard
Special Meeting Minutes
Monday, May 20, 2024
Twitchell Building - 100 Old School Street, South Londonderry, VT**

Board Members Present: Thomas Cavanagh, Martha Dale, ~~Taylor Prouty~~, and Jim Fleming.

Absent Board Members: ~~None~~ [Taylor Prouty](#).

Town Officials: Town Treasurer Tina Labeau, Town Clerk Kelly Pajala, Zoning Administrator Will Goodwin, and Town Moderator Doug Friant.

Others in Attendance: Dufresne Group Engineer Chrissy Haskins; and dozens of attendees interested in the proposed Zoning Bylaw, including the following: Julie Charlton, Dominique Boutin, Joe Gouiva, Maya Drummond, Anna Stoddard, Maud Maciak, Brandon Saunders, George Adzima, Jim Wilbur, Mike Arace, Tony Boston, Cindy Dryden, Bonnie Cobb, Dave Brown, Alicia Rose, Rebecca Skandera, Terry Merrow, Frank Johnson, Chad Stoddard, Sandra Clark, Amy Corwin, Emily Underwood, Kristen Bryant, Mike Doane, Trevor Powers, Natalie Boston, Jim Ameden, Hunter Kaltsas, Steve Twitchell, Melvin Twitchell, Brooke Cote, Nick Doane, Ben Sargent, Joel Jordan, Marcia Camp Kim Ray and Gary Longley, and members of the Press Howard Weiss-Tisman, Shawn Cunningham, and GNAT camera operator Bruce Frauman.

1. Call meeting to order

Selectboard Chair Tom Cavanagh called the meeting to order at 6:00 PM. Given the number of attendees, he spoke to the Board’s rules of procedure for the meeting, the need to address all matters to the Chair, and the need to remain civil. Comments would be limited to three minutes per individual he noted.

2. Additions or deletions to the agenda

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

Martha Dale moved to add to the Road and Bridges part of the Agenda an Access permit for Hunter Kaltsas, formerly 2687 Under the Mountain Road to modify an old access, and an Access permit for Wylie Construction, 252 Glebe View Lane, extending an existing access permit that was temporary, to delete from the Town Officials Business part of the agenda the Mountain Towns Recreation Director Advisory Committee policies, and to adjust the agenda to move the two Village Wastewater Project matters to the beginning of the Old Business part of the agenda, seconded by Jim Fleming. The motion passed unanimously.

3. Executive Session – The appointment or employment or evaluation of a public officer or employee per 1 V.S.A. 313 (a)(3)

Martha Dale moved to enter executive session to consider the evaluation of a public officer, pursuant to Title 1 V.S.A. Section 313(a)(3), seconded by Jim Fleming. The motion passed unanimously.

The Selectboard entered Executive Session at 6:03 PM and came out at 6:17 PM.

4. Discuss Selectboard member resignation and process to fill vacancy

Cavanagh read aloud a letter of resignation from the Selectboard submitted by Melissa Brown, dated 5/15/2024.

Martha Dale moved to regretfully accept the resignation of Melissa Brown from the Selectboard, seconded by Jim Fleming. The motion passed unanimously.

Cavanagh thanked Brown for all her hard work for the Board. On how to proceed, he explained that the Board could appoint someone to fill the position, or hold a special Town Meeting election, and he prefers the latter. Kelly Pajala explained the special election process. Board members discussed the alternatives

Jim Fleming moved, pursuant to Title 24 V.S.A. Section 961(a), to post notice of the vacancy on the Selectboard caused by the resignation of one of its members, and to hold a special election to replace said member, seconded by Martha Dale.

Pajala noted that the Board could approve the special Town meeting warning at its next Board meeting. It was generally agreed that the special Town Meeting should be held at the Town Hall on Saturday, 7/13/2024.

The motion passed unanimously.

5. Minutes Approval – Meeting(s) of 5/6/2024

Martha Dale moved to approve the minutes of the Selectboard meeting of May 6, 2024, seconded by Jim Fleming. The motion passed unanimously.

6. Selectboard Pay Orders

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

7. Announcements/Correspondence

There were no announcements.

Correspondence included in the Board's meeting packet was as follows:

- Notice of a flood recovery and resilience symposium on 6/4/2024 at the Stratton Mountain Resort sponsored by the State of Vermont and FEMA
- A 5/7/2024 letter from the Vermont Department of Environmental Conservation's Water Division accepting the Preliminary Engineering Reports for the Village Wastewater Projects.
- A report from the Vermont Department of Taxes of local option taxes received by the Town through 5/1/2024.

8. Visitors and Concerns

Resident Tony Boston read aloud a statement in opposition to the proposed Zoning Bylaw amendment.

9. Town Officials Business

a. Town Clerk - Approval of Special Town Meeting Minutes of March 5, 2024

Pajala explained that these minutes relate to the bond vote.

Martha Dale moved to approve the minutes of the Special Town Meeting of March 5, 2024, seconded by Jim Fleming. The motion passed unanimously.

b. Town Treasurer – Consider new financial software

Tina Labeau provided information about a new software package from gWorks that she would like to acquire for financial matters, but that it has expansion possibilities, including a website module that looks promising.

The one-time setup cost is \$2,000 and the annual expense going forward is \$3,695, she explained, and that the budget would allow for this and the website module.

Martha Dale moved that the Town engage gWorks for new financial software for a \$2,000 one-time fee for implementation, seconded by Jim Fleming. The motion passed unanimously.

10. Transfer Station/Solid Waste Management

a. Updates

Cavanagh reminded everyone of the next hazardous waste collection will be on 6/1/2024 from 9:00 AM to 1:00 PM.

11. Roads and Bridges

a. Updates

None.

b. Access Permit - Hunter Kaltsas for property formerly 2687 Under the Mountain Road – modifying old access

Jim Fleming moved to issue an access permit to Hunter Kaltsas for property formerly known as 2687 Under the Mountain Road, modifying an old access, seconded by Martha Dale. The motion passed unanimously.

c. Access Permit - Wylie Construction – 252 Glebe View Lane, extending an existing access permit that was temporary,

Jim Fleming moved to issue an access permit to Wylie Construction for property at 252 Glebe View Lane, extending an access permit that was temporary, seconded by Martha Dale. The motion passed unanimously.

12. Old Business

a. Village Wastewater Project – Consider Engineering Services Agreement(s)

Chrissy Haskins, P.E. spoke about the two contracts for final design and permitting before the Board for consideration; one for each village, noting that they are a standard format

required by the State of Vermont and have already been approved by the State. She explained that the State will pay 100% of the cost for the engineering services, with no Town match.

She confirmed that the projects were on track and that some timeframes had been extended by the State.

Jim Fleming moved to 1) accept the proposal from the Dufresne Group to provide engineering services related to the Village Wastewater projects, estimated to cost \$174,000 for the North Village area and \$235,000 for the South Village area, 2) authorize the Town Administrator to execute any documents necessary for the hiring of the contractor to conduct the necessary work, including a service contract subject to the approval of the Vermont Department of Environmental Conservation, and 3) authorize expenditure of up to \$410,000 for this effort to be 100% reimbursed through the State of Vermont, seconded by Martha Dale. The motion passed unanimously.

b. Village Wastewater Project – Consider Project Coordination Services Agreement(s)

Haskins and Cavanagh noted that this was the agreement between the Town and the Windham Regional Commission for project coordination services.

Martha Dale moved to 1) accept the proposal from the Windham Regional Commission to provide project coordination services related to the design phase of the Village Wastewater projects, estimated to cost \$21,362, 2) authorize the Town Administrator to execute any documents necessary for the hiring of the contractor to conduct the necessary work, including a service contract subject to the approval of the Vermont Department of Environmental Conservation, and 3) authorize expenditure of up to \$25,000 for this effort to be 100% reimbursed through the State of Vermont, seconded by Jim Fleming. The motion passed unanimously.

c. Discuss proposed Zoning Bylaw amendment

Cavanagh read aloud a statement outlining the Zoning Bylaw adoption process as set forth under 24 VSA Section 4442, noting that the Board is obligated to hold at least one public hearing, but that he envisions at least two given his feeling that there will be changes made by the Board.

Dale spoke about the process of rewriting the Zoning Bylaw and the Planning Commission's aim to reflect the adopted Town Plan, to have a Bylaw that conforms with State statutes and regulations, and to allow for proper administration and enforcement. She spoke of the Commission's process between 2018 and 2024.

Cavanagh stated that the proposed Bylaw is complicated, restrictive and don't represent the people of Londonderry, is so complicated that the average citizen couldn't make sense of them, and that even the Zoning Administrator has stated that there are provisions that are unenforceable. He stated that he has a number of issues throughout the document.

Cavanagh made clear that now that the Board has received the proposed Bylaw from the Planning Commission it must hold a hearing. It can then vote not to adopt the Bylaw, or start to make changes.

The meeting was opened up to the attendees.

There was question about how best to convey comments to the Board, and it was mentioned that speaking at public hearings and writing to the Board would be best.

Various comments and questions were voiced as follows:

- The Town is moving too quickly.
- Provision of affordable housing was being hindered by the Bylaw.
- “Grandfathering” of existing legal uses was explained. There was a request that the Zoning Bylaw clearly state that existing legal uses are “grandfathered”.
- Lack of adequate communication with property owners during the Bylaw process.
- The proposed Bylaw is too lengthy a document.
- The proposed Bylaw goes too far, and we should keep the town the way it is.
- The project consultant created a cookie-cutter Bylaw that it’s not necessarily related to Londonderry’s needs. Where the proposed bylaw provisions came from were questioned.
- The enforcement process, particularly having to do with Short-term Rentals, was discussed.
- Change is inevitable, and some change can be a step forward.
- Concern about inability to ask questions at a Planning Commission public hearing, and that there were only comments permitted. Doug Friant clarified that the chair of a board or committee sets the rules of a public meeting or hearing, but must allow for people to speak. Cavanagh stated that he will not tell people that can not ask a question during the Selectboard hearing process.
- Adoption of bylaws can lead to the degradation of a community.
- As people are reasonable about complying with zoning by getting permits, they should have a right to question the fairness of rules.
- The qualifications and responsibilities of the Zoning Administrator position were raised.
- The need to adhere to public order in the meeting was emphasized. Individuals should not be attached at meetings.
- The proposed Zoning Bylaw amendment should be dealt with and adopted in manageable pieces, not as a whole.
- Many people will be hurt by the provisions of the proposed Zoning Bylaw.
- The provisions dealing with wood processing are over-restrictive and anti-business.
- The Zoning Bylaw amendment process and timeframes was explained.
- The petition process to have a special Town meeting vote on the Selectboard’s decision on the Zoning Bylaw was briefly noted. A petition requires 5% of the Voters to sign on.
- The need to listen to the people voicing concern is very important.
- The need to get the word out more effectively to the community was stressed.
- The validity of the Planning Commission process was questioned.

Cavanagh thanked everyone for attending and expressing their opinions. Most of the attendees exited the meeting.

There was discussion about the requirements for and how to warn the public hearing. There was also discussion about the Board approving the warning for the special Town Meeting and providing notice thereof.

Martha Dale moved, with regard to the proposed Zoning Bylaw amendment establishing Unified Development Regulations, filed by the Planning Commission along with the associated report in keeping with Title 24 V.S.A. Section 4441(g), to hold a public hearing,

as required under Title 24 V.S.A. Section 4442(a), on June 17, 2024 at 5:00 PM, and direct the Town Administrator to ensure proper public notice of the hearing, seconded by Jim Fleming. The motion passed unanimously.

Doug Friant suggested establishing specific rules of procedure for the public hearing, and discussed with the Board some suggestions.

Goodwin stated that he would produce a draft of the Zoning Bylaw with notes in the margin to assist the Board, and suggested that the Bylaw would not likely be passed after just two hearings.

Pajala distributed advice from the Town Attorney on the hearing and adoption process. There was discussion about how best the hearing process should proceed; address the entire Bylaw? Or only by section? Pajala explained that changes can be made at the first hearing, but a second hearing would then be required. Changes can also take place at a Selectboard meeting, she noted, which would also require a subsequent public hearing.

The difficulties of the Zoning Administrator having to use both the existing and proposed Zoning Bylaws for any application, as required by 24 V.S.A. 4449(d), for a prolonged period was discussed as was the need to minimize this timeframe if possible.

There was discussion about the option of the Selectboard rejecting the proposed Zoning Bylaw and sending it back to the Planning Commission to consider any changes suggested by the Board. Pajala mentioned that once the Selectboard either approves or denies the proposed Zoning Bylaw, the Voters can then petition to reconsider the Board's vote at a special Town meeting.

d. Update on regional flood remediation efforts

Cavanagh noted that two weeks ago he met with a Weston Selectboard member and representatives of the Windham Regional Commission (Alyssa Sabetto) and the State of Vermont Department of Environmental Conservation (Marie Caduto) to discuss regional flooding issues, and in particular the "Flood Elevation and Restoration" program. A representative from the Town of Jamaica was not present. This program allows for expansion of floodwater storage areas, and there was discussion about various properties where this could be effective, and possible properties where this could be implemented were discussed, including the Transfer Station property, lands near the Londonderry Volunteer Rescue Squad and the Prouty land. The program also considers State purchases of flooding easements over private properties, he mentioned.

He clarified that the regional project to address regional flooding issues by conducting a hydrology study has devolved to possible replacement of a number of culverts in the region. He mentioned that the meeting was productive and there will be future meetings on this.

Dale spoke about a meeting with a north village business owner and the interest of others in flood remediation.

Cavvagh explained that flood remediation will be a long-term effort, and noted that a flood recovery workshop is scheduled for 6/4/2024 at Stratton Mountain Resort and several Town representatives will be attending.

e. Ratify 5/6/2024 decision to accept a subrecipient grant agreement with the State of Vermont Department of Public Safety related to FEMA Public Assistance Program

Because the Board voted on 5/6/2024 to accept a subrecipient agreement with the State of Vermont when the matter was not on the posted agenda, the Board must by its rules bring the matter up again and ratify its vote.

Jim Fleming moved to ratify the Board's 5/6/2024 decision to accept the subrecipient grant agreement with the State of Vermont Department of Public Safety related to the FEMA Public Assistance Program and its provisions for reimbursement of Town funds expended on flood recovery efforts stemming from the July 2023 flooding events, and authorize the Town Administrator to execute this and all related documents necessary to secure Public Assistance and other FEMA and/or State of Vermont funding, seconded by Martha Dale. The motion passed unanimously.

Lambeau mentioned that the Town had received its first reimbursement for flood recovery expenses.

f. Ratify 5/6/2024 decision to approve Itinerant Vendor permit for Mountain Fresh Bowls

Because the Board voted on 5/6/2024 to approve an itinerant vendor permit when the matter was not on the posted agenda, the Board must by its rules bring the matter up again and ratify its vote.

Martha Dale moved to ratify the Board's 5/6/2024 decision to approve Itinerant Vendor Permit #2024-02 for Mountain Fresh Bowls, seconded by Jim Fleming. The motion passed unanimously.

13. New Business

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

Cavanagh mentioned that the amendment was to clarify a few section references in the ordinance.

Jim Fleming moved to adopt the amendment to the Short-Term Rental Ordinance that provides for: 1) under Article 4.G, replace the reference to subsection D with a reference to subsection F; 2) under Article 4.H, replace the references to subsections D and E with references to subsections F and G, respectively; 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 Martha Dale. The motion passed unanimously.

b. Discuss One Londonderry Parkrun proposal

Dale asked that Cavanagh be able to sign a revised letter to the parkrun administration that includes dates beyond the original proposed dates, a period between Memorial Day Weekend to Columbus Day/Indigenous Peoples Day weekend, that were authorized at the 5/6/2024 meeting. She asked that the letter allow for greater flexibility on both sides of the approved timeframe to accommodate good weather conditions.

Martha Dale moved to change the date on the document and resign a new one that indicates the dates are approximately Memorial Day to Columbus Day, seconded by Jim Fleming. The motion passed unanimously.

c. 1st & 3rd Class Liquor Licenses & Outside Consumption Permit – Ski Magic, LLC (Magic Mountain Ski Area)

Jim Fleming moved to approve 1st and 3rd Class Liquor Licenses and an Outside Consumption Permit for Ski Magic LLC., also known as The Magic Mountain Ski Area, related to property located at 495 Magic Mountain Access Road, seconded by Martha Dale. The motion passed unanimously.

d. Discuss schedule for annual employee performance reviews

It was noted that there were requests not to hold evaluations on regular Selectboard meeting nights. There was discussion about setting dates at another time, and Labeau said she'd reach out to departments, as would Cavanagh.

14. Adjourn

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

The meeting was adjourned at 8:30 PM. The next regular meeting of the Selectboard is scheduled for 6/3/2024.

Respectfully Submitted,

Shane O'Keefe
Town Administrator

Approved June 3, 2024.

LONDONDERRY SELECTBOARD

Thomas Cavanagh, Chair