

Town of Londonderry, Vermont

Selectboard Meeting Agenda

REVISED

Monday, June 17, 2024 – 5:00 PM

Town Hall - 139 Middletown Road, South Londonderry, VT 05155

1. Call Meeting to Order
2. Additions or Deletions to the Agenda [1 VSA 312(d)(3)(A)]
3. **PUBLIC HEARING** – Proposed Zoning Bylaw amendment establishing Unified Development Regulations [24 V.S.A. 4442(a) & 4444]
4. Discuss next steps with proposed Zoning Bylaw amendment process
5. Consider taking action on proposed Zoning Bylaw amendment
6. Adjourn

Meeting documents will be available at <http://www.londonderryvt.org/town/agendasminutes/> approximately 24 hours before the meeting.

Posted and distributed on June 13, 2024

Live video of meetings available at:

<https://www.youtube.com/user/GNATaccess>

<https://www.facebook.com/GNATtelevision>

Public Hearing Notice Londonderry Selectboard

Notice is hereby given, pursuant to 24 V.S.A. §§ 4442(a) and 4444, that the Londonderry Selectboard will hold a public hearing on Monday, June 17, 2024, at 5:00 PM at the Londonderry Town Hall, 139 Middletown Road, South Londonderry, Vermont.

The purpose of the hearing is to take public comments on the proposed comprehensive revision of Londonderry's Zoning Bylaw to establish Unified Development Regulations, including the Zoning Map. The proposed changes affect all property in the town of Londonderry. The list of section headings of the proposed Regulations is as follows:

1. GENERAL
2. ZONING DISTRICTS
3. DEVELOPMENT STANDARDS
4. ADMINISTRATION AND ENFORCEMENT
5. DEFINITIONS

Copies of the full text of the proposed regulations are available for review at the Twitchell Building/Town Office, 100 Old School Street, South Londonderry, VT, and on the Town website: www.londonderryvt.org. The Planning Commission has prepared a report summarizing the Zoning Bylaw changes that are also available at the locations listed above.

The Selectboard encourages residents and property owners to also submit written comments on the proposed Unified Development Regulations in advance of or at the public hearing. Comments may be sent to Londonderry Selectboard, 100 Old School Street, South Londonderry, VT 05155, and/or townadmin@londonderryvt.org.

It was agreed that the rules of procedure would be as follows:

- 1) Those who allowed to speak:**
 - a. Voters, Property Owners and Interested Parties.**
- 2) Speaking Time:**
 - a. Each person will have 5 minutes to speak and can only speak once until everyone has a chance to speak. Two follow-up questions can be asked. (Time for answers from the select board or experts do not count toward a person's speaking time.)**
 - b. Once everyone has had a chance to speak once, people can speak one more time for 3 minutes each.**
- 3) All questions are to be directed to the moderator.**
- 4) Before you speak, please state your name.**
- 5) All comments must be germane to the by-laws.**
 - a. Comments directed at individuals will not be permitted.**

How to address written questions and comments received prior to the public hearings was discussed at length, and Goodwin will compile responses which will be read aloud at the hearing.

There was discussion about how to minimize the amount of time that the Zoning Administrator needs to review permits under the existing and proposed Zoning Bylaws, as required by 24 VSA 4449(d), and still continue the amendment review process.

The Board reviewed the various options it has once the hearing takes place, including the following:

- ADOPT the proposed Zoning Bylaw
- WARN A TOWN MEETING VOTE on the adoption of the proposed Zoning Bylaw
- REJECT the proposed Zoning Bylaw
- TAKE NO ACTION
- MAKE MINOR CHANGES to the proposed Zoning Bylaw
- MAKE SUBSTANTIAL CHANGES to the proposed Zoning Bylaw

There was discussion about how to minimize the amount of time that the Zoning Administrator needs to review permits under the existing and proposed Zoning Bylaws, as required by 24 VSA 4449(d), and still continue the amendment review process.

O'Keefe suggested that at a few Selectboard meetings after the hearing the Board discuss changes suggested by the public, by Goodwin and by Board members themselves, and then draft changes acceptable to the Board, after which another public hearing on the changed Zoning Bylaw would be held and considered for adoption. The changed Zoning Bylaw would need to be filed with the Town Clerk and Planning Commission, and the Commission would need to update its report on the Zoning Bylaw.

Prouty mentioned that, except for making changes to the proposed Zoning Bylaw, the Board could take any of the other listed actions immediately after the hearing. And the main purpose of the hearing process is to get all the community concerns understood.

Dale mentioned Goodwin should be the Board's guide for the process and spoke of four criteria that he was charged with determining for the proposed Zoning Bylaw and any changes:

- Whether it is legal

TOWN OF LONDONDERRY
100 Old School Street, South Londonderry, Vermont 05155

**PLANNING COMMISSION REPORT
ON PROPOSED BYLAW AMENDMENTS**

In accordance with 24 V.S.A. §4441, the Town of Londonderry Planning Commission (PC) prepared and approved this written report on February 28, 2024, prior to warning and holding a public hearing on the adoption of revised Town of Londonderry Unified Development Regulations (UDRs).

Brief Explanation of the Proposed Amendments

The Town of Londonderry currently has an adopted Zoning Bylaw that was initially adopted in 1975 and last amended in 2009. The town does not currently have a subdivision ordinance but does regulate the subdivision of land through the Zoning Bylaw.

The 2017 Londonderry Town Plan recommended a number of zoning changes to realign the bylaws with the town's current planning policies. There was also a need to address inconsistencies resulting from the many changes that have been made to state statutes since the regulations were last updated and fix identified shortcomings of the current regulations that had resulted in confusion or difficulties for applicants, the Administrative Officer, and Development Review Board over the years. There was also a commitment from the PC to improving the clarity of the regulations and the town's development review and permitting processes.

To achieve those aims, the PC has prepared the UDRs to replace the Zoning Bylaw, including a Zoning Map with new districts and boundaries. The proposed UDRs include subdivision regulations under the authority provided in 24 V.S.A. § 4418. While the draft UDRs appear very different from the Zoning Bylaw in their structure and organization, the overall planning policies the UDRs are implementing remain largely the same. There are a discrete number of substantive policy and procedural changes that are critical to aligning the UDRs with the goals and objectives of the Town Plan and to conform with the statute, which is described in more detail below

1. The list of exemptions (structures and activities that do not need a permit) has been expanded and clarified (Section 1101).
2. The process for allowing for multiple uses or buildings on a lot has been simplified (Sections 2005-06).
3. The requirement for a minimum amount of land per dwelling unit on a lot has been replaced with a new lot coverage standard, offering greater flexibility for creative responses to the current housing shortage (Section 2007).
4. The dimensional standards in the village districts have been modified so that the town would be eligible to seek a state Neighborhood Development Area designation in the future in support of housing creation in the village (Sections 2101-03).
5. A requirement to designate building envelopes that specify where buildings will be placed on a parcel has been added to the Rural district to guide development away from significant agricultural and natural resources (Section 2107-08).
6. In the districts intended to accommodate businesses (Village Business, Village Mixed Use, General Business, and Recreation), more businesses and other non-residential uses will be

permitted rather than conditional. This will simplify the development review process for those uses, reducing the time and cost of permitting (Sections 2101, 2102, 2104, 2105).

7. The town's policy for development on Class 4 roads has been clarified and further residential development accessed from Class 4 roads will not be allowed without upgrading the road (Section 3002).
8. Specific requirements for erosion prevention and sediment control (Section 3011) and stormwater (Section 3024) have been added. In practice, the DRB sometimes asks applicants to address erosion control and stormwater management when it is deemed an issue on a particular site, but the proposed regulations establish specific triggers related to the amount of disturbance or impervious surface being created to determine whether applicants will need to meet the standards. As the town now has responsibility for run-off and sediment once it travels off private property and into the public road drainage system under a state general permit, it is in the town's interest to ensure that private development is responsible and appropriately managing its stormwater and controlling erosion.
9. Steep slope provisions (Section 3021) have been strengthened with a definition of what constitutes a steep slope and additional criteria for reviewing development on steep slopes. The draft UDRs establish a conditional use approval process for considering applications to disturb steep slopes that include a requirement that applicants demonstrate that the proposed development cannot reasonably be accommodated elsewhere on the lot. A Steep Slopes Advisory Map, separate from the official Zoning Map, has been created for advisory purposes.
10. Chapter 310 adds more detailed site design and performance standards for landscaping, parking, outdoor lighting, outdoor use areas, and other aspects of proposed multi-unit or nonresidential development. The current zoning bylaw addresses these elements but has very broad, general standards for the DRB to interpret and apply. The proposed standards make it clear what the community wants and make it easier for applicants to propose projects that meet community expectations.
11. Chapter 330 and Section 4310 will regulate subdivision of land. The adoption of subdivision regulations in accordance with the statute will change Londonderry's status from a 1-acre town under Act 250 to a 10-acre town. In practice, Londonderry has been reviewing land subdivisions under the Zoning Bylaw following the procedures for site plan review.
12. . In the Conservation Overlay District(COD), development in these areas must be reviewed carefully with the applicant and the Development Review Board to encourage development that recognizes sensitive environmental and aesthetic considerations. In reviewing Conservation Overlay District development, the Development Review Board(DRB) must consult with the Conservation Commission, and the landowner must obtain conditional use approval within this COD.
13. The authority of the Administrative Officer (AO) to review signs, minor projects, boundary adjustments, sketch plans, and small modifications to approved development has been expanded. The intent is to streamline the permitting process for small projects and avoid unnecessary delays and expense. (Section 4204, 4303, 4304, 4307, and others)
14. The zoning districts and map have been replaced in their entirety. This affects all property in town, although the extent to which zoning district standards are proposed to change varies depending on the district. For most existing homeowners, the zoning change is unlikely to affect typical projects like small additions, sheds, carports, pools, etc. The dimensional standards of Rural districts remain largely unchanged. The changes to the zoning districts were guided by clear and specific strategies laid out in the 2017 Town Plan and include:

- The village areas are being zoned for higher densities (smaller lots, more units per acre, higher lot coverages) in response to the planning policies expressed in the Town Plan to guide housing and businesses to the villages and for the villages to be places with the highest intensity of development and use in town. It is recognized that without supporting infrastructure, the land in the village zones cannot be developed to the full potential that would be allowed under the draft UDRs.
- Residential areas have been re-shaped to reflect existing settlement patterns and the potential for housing creation on lands in proximity to the villages and major travel corridors where development is feasible with less impact on significant natural resources.
- Currently, most outlying land is part of the Rural zoning district. The proposed zoning map creates a new Conservation Overlay district for more remote, higher elevation, and development-restricted land. The proposed district provides a more accurate indication of lands that are generally not available or are very poorly suited for development. The General Business and Recreation districts have been re-shaped to reflect the availability of developable land. The district standards offer a broad range of uses and encourage full utilization of buildable land and existing facilities in alignment with the town's economic development goals.

The Londonderry PC began work on the proposed UDRs in 2019 and has been offering community members an opportunity to ask questions and make comments at all meetings. Community members have also had an opportunity to offer verbal comments at several public information sessions. The draft UDRs proposed for public hearing incorporate the PC's response to that community feedback.

Statement of Purpose

The purpose of the proposed amendments is to further the goals and objectives of the 2017 Londonderry Town Plan. The proposed UDRs include a purpose statement in Section 1003, which enumerates a set of 13 guiding principles. The overarching principle of the Town Plan and the UDRs is to guide future development into the villages and away from sensitive natural resources.

Municipal Plan Goals and Policies

The Londonderry PC commenced the process of preparing the UDRs with a technical review that recommended regulatory approaches to effectively implement the goals and policies of the 2017 Town Plan. The proposed UDRs include many of the recommendations from the technical review.

Municipal Plan Future Land Use

The 2017 Town Plan states:

The primary objective and challenge of Londonderry's land use plan is to retain its rural character and compact villages while providing an appropriate economic and employment base for its citizens. The Town should direct commercial development in the designated commercial areas, retaining large open spaces and agricultural uses between the commercial areas as well as open spaces among residential development. Additionally, Londonderry's land use plan must provide for a sustainable forestry base, recreational opportunities, public and quasi-public facilities, as well as recognize the need to provide space for and protect flood plains, wetlands, ridgelines, and conservation and fragile areas.

The proposed are compatible with the future land uses and densities outlined in the 2017 Londonderry Town Plan. They designate the existing village, business, and recreation areas for the highest density of development and seek to protect important natural resources in the more remote areas of town. The

Plan identifies land use area designations and guides how those designations should direct land use policy as implemented :

- **Commercial.** The proposed UDRs provide for commercial and industrial uses, including recreation and tourism-oriented businesses, primarily in the Village Business, Village Mixed Use, General Business, and Recreation districts. Some provision is made for traditional rural businesses, primarily resource or recreation-based, in the Rural district. The Village Residential and Residential districts have limited opportunities for commercial and industrial uses beyond home occupations and home businesses.
- **Residential.** The proposed UDRs allow for residential uses in all districts except General Business. They seek to expand housing choices in Londonderry by allowing for a range of housing types in most districts. The Village Residential and Residential districts are crafted to promote a neighborhood residential setting with small to moderate lot sizes. The Rural district will continue to offer a rural residential setting with moderate to large lot sizes. The Resource Protection district is intended to discourage residential development but does allow for housing at a low density with thoughtful siting to minimize natural resource impacts.
- **Conservation Overlay District COD** The proposed is intended to guide development away from high-elevation land, and other important resources.

The area and density standards for the adopted and proposed districts are summarized below for comparison:

ADOPTED DISTRICT	TOTAL AREA	MINIMUM LOT SIZE
Village Commercial	211 acres	1 acre
Village Residential	575 acres	1 acre
Service Commercial	122 acres	1 acre
Recreation Commercial	232 acres	1 acre
Rural Residential 1	3,952 acres	1 acre
Rural Residential 3	17,246 acres	3 acres
Shoreland	687 acres	10 acres

PROPOSED DISTRICT	TOTAL AREA	MINIMUM LOT SIZE
Village Business	36 acres	0.25 acre
Village Mixed Use	227 acres	0.25 acre
Village Residential	371 acres	0.25 acre
General Business	451 acres	3 acres
Recreation	250 acres	1 acre
Residential	1519 acres	1 acre
Rural	20,167 acres	3 acres

PROPOSED OVERLAY DISTRICT	Total Area
Aquifer Protection Overlay	603 acres
Conservation Overlay	1707 acres
Flood Hazard Overlay	1525 acres

Planned Community Facilities

The proposed amendments do not directly implement any specific proposals for planned community facilities. The draft continues to implement a community vision and set of land use policies that have been in place for many years. Growth will be directed to the villages, business, and recreation districts. Residential areas will welcome new housing in the villages, existing neighborhoods, and nearby suitable lands. Outlying development will fit into the landscape, seek to preserve rural character and protect natural resources. Further fragmentation and development of high-elevation, inaccessible, and environmentally sensitive lands will be discouraged. Given that there is no substantive change in direction, the draft UDRs are not anticipated to create new or different demand for community facilities than the current Zoning Bylaw.

END

The Vermont Statutes Online

The Vermont Statutes Online have been updated to include the actions of the 2023 session of the General Assembly.

NOTE: The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated that is provided as a convenience.

Title 24 : Municipal and County Government

Chapter 117 : Municipal and Regional Planning and Development

Subchapter 009 : Adoption, Administration, and Enforcement

(Cite as: **24 V.S.A. § 4442**)

§ 4442. Adoption of bylaws and related regulatory tools; amendment or repeal

(a) Public hearings. Not less than 15 nor more than 120 days after a proposed bylaw, amendment, or repeal is submitted to the legislative body of a municipality under section 4441 of this title, the legislative body shall hold the first of one or more public hearings, after public notice, on the proposed bylaw, amendment, or repeal, and shall make copies of the proposal and the written report of the planning commission available to the public upon request. Failure to hold a hearing within the 120 days shall not invalidate the adoption of the bylaw or amendment or the validity of any repeal.

(b) Amendment of proposal. The legislative body may make minor changes to the proposed bylaw, amendment, or repeal, but shall not do so less than 14 days prior to the final public hearing. If the legislative body at any time makes substantial changes in the concept, meaning, or extent of the proposed bylaw, amendment, or repeal, it shall warn a new public hearing or hearings under subsection (a) of this section. If any part of the proposal is changed, the legislative body at least 10 days prior to the hearing shall file a copy of the changed proposal with the clerk of the municipality and with the planning commission. The planning commission shall amend the report prepared pursuant to subsection 4441(c) of this title to reflect the changes made by the legislative body and shall submit that amended report to the legislative body at or prior to the public hearing.

(c) Routine adoption. A bylaw, bylaw amendment, or bylaw repeal shall be adopted by a majority of the members of the legislative body at a meeting that is held after the final public hearing and shall be effective 21 days after adoption unless, by action of the legislative body, the bylaw, bylaw amendment, or bylaw repeal is warned for adoption by the municipality by Australian ballot at a special or regular meeting of the municipality.

(d) Petition for popular vote. Notwithstanding subdivision (c)(1) of this section, a vote by the legislative body on a bylaw, amendment, or repeal shall not take effect if five percent of the voters of the municipality petition for a meeting of the municipality to consider the bylaw, amendment, or repeal, and the petition is filed within 20 days of the vote. In that case, a meeting of the municipality shall be duly warned for the purpose of acting by Australian ballot upon the bylaw, amendment, or repeal.

(e) Multipurpose hearings. Nothing contained in this chapter shall be construed to prohibit any public hearing held under this chapter to be held for more than one purpose under this chapter. A municipality may prepare and adopt a plan, one or more bylaws, and a capital budget and program in the same proceedings. However, all the provisions of this chapter applicable to each purpose of the hearing shall be complied with.

(f) Unorganized towns and gores. A bylaw, amendment, or repeal of a bylaw of an unorganized town or gore shall be adopted by a majority of votes cast at a meeting of the regional planning commission in which the unorganized town or gore is located at which a quorum is present. However, a bylaw, amendment, or repeal of a bylaw of the unified towns and gores of Essex County, namely Averill, Avery's Gore, Ferdinand, Lewis, Warner's Grant, and Warren's Gore, shall be adopted by the board of governors.

(g) Time for action. If the proposed bylaw, amendment, or repeal is not approved or rejected under subsection (c) of this section within one year of the date of the final hearing of the planning commission, it shall be considered disapproved unless five percent of the voters of the municipality petition for a meeting of the municipality to consider the bylaw, amendment, or repeal, and the petition is filed within 60 days of the end of that year. In that case, a meeting of the municipality shall be duly warned for the purpose of acting upon the bylaw, amendment, or repeal by Australian ballot. (Added 2003, No. 115 (Adj. Sess.), § 100; amended 2005, No. 30, § 2; 2005, No. 105 (Adj. Sess.), § 1, eff. April 5, 2006; 2007, No. 121 (Adj. Sess.), § 20; 2011, No. 155 (Adj. Sess.), § 15; 2023, No. 47, § 13, eff. July 1, 2023.)

Selectboard Decision Alternatives – After Closing the Public Hearing:

	POSSIBLE ACTIONS	STATUTE
1	Selectboard may vote to ADOPT the proposed Zoning Bylaw amendment as presented by the Planning Commission. Bylaw amendment becomes effective 21 days later unless a petition of 5% of Voters is filed within 20 days of the Selectboard decision, in which case a Town Meeting vote by Australian ballot on an override of the Selectboard decision will decide the matter.	24 VSA 4442(c) & 4442(d)
2	Selectboard may vote to WARN A TOWN MEETING VOTE on the adoption of the proposed Zoning Bylaw amendment as presented by the Planning Commission via Australian ballot.	24 VSA 4442(c)
3	Selectboard may vote to REJECT the proposed Zoning Bylaw amendment as presented by the Planning Commission. Bylaw amendment is rejected unless a petition of 5% of Voters is filed within 20 days of the Selectboard decision, in which case a Town Meeting vote by Australian ballot on an override of the Selectboard decision will decide the matter.	24 VSA 4442(c) & 4442(g)
4	Selectboard may decide to TAKE NO ACTION . If no action is taken within one year of the 4/17/2024 final hearing of the Planning Commission, it shall be considered disapproved unless 5% of the Voters petition for a Town Meeting to consider the Zoning Bylaw amendment, and the petition is filed within 60 days of the end of that year.	24 VSA 4442(g)
5	Selectboard may MAKE MINOR CHANGES to the proposed Zoning Bylaw amendment at a Selectboard meeting, and then must warn and hold a public hearing prior to voting on whether to adopt the changed amendment or to warn a Town meeting vote on the adoption. The changed Bylaw must be filed with the Town Clerk and Planning Commission at least 10 days prior to the hearing, and the Planning Commission must amend its report and submit it to the Selectboard prior to the Selectboard public hearing. [Same process as #6 below]	24 VSA 4442(b)
6	Selectboard may MAKE SUBSTANTIAL CHANGES to the proposed Zoning Bylaw amendment at a Selectboard meeting, and then must warn and hold a public hearing prior to voting on whether to adopt the changed amendment or to warn a Town meeting vote on the adoption. The changed Bylaw must be filed with the Town Clerk and Planning Commission at least 10 days prior to the hearing, and the Planning Commission must amend its report and submit it to the Selectboard prior to the Selectboard public hearing. [Same process as #5 above]	24 VSA 4442(b)