

**Town of Londonderry, Vermont**  
**Selectboard**  
**Regular Meeting Minutes - DRAFT**  
**Monday, June 17, 2024**  
**Town Hall, 139 Middletown Road, South Londonderry, VT 05155**

**Board Members Present:** Thomas Cavanagh, Martha Dale, Taylor Prouty, and James Fleming.

**Board Members Absent:** None.

**Town Officials:** Town Administrator Shane O’Keefe, Zoning Administrator Will Goodwin, and Town Moderator Doug Friant.

**Members of the Press:** Shawn Cunningham of *The Chester Telegraph*, GNAT-TV videographer Ari Santos.

**Others in Attendance:** Approximately 130 members of the public attended, with the following actively participating that identified themselves: Paul Abraham, Tony Boston, Natalie Boston, Bonnie Cobb, Pete Cobb, Abe Crossman, Maya Drummond, Jeremy Dworkin, Terry Merrow, Megan Mosher Checkalski, Pamela J. Spaulding, Randy Stowell, Robert Wells, Steve Twitchell, Hillary Batchelor, Caroline Cating, Dominique Boutin, Marcia Camp, Susan Stoddard, and Jim Wilbur.

**1. Call meeting to order**

Selectboard Chair Tom Cavanagh called the meeting to order at 5:04 PM.

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

[1 V.S.A. § 312(d)(3)(A)]

There were none.

**3. PUBLIC HEARING - Proposed Zoning Bylaw amendment establishing Unified Development Regulations**

[24 V.S.A. § 4442(a) & 4444]

*James Fleming moved to open the public hearing on the proposed comprehensive revision of Londonderry’s Zoning Bylaw to establish Unified Development Regulations, as received from the Planning Commission on May 1, 2024. Taylor Prouty seconded. Motion carried unanimously.*

Town Moderator Doug Friant explained the purpose and procedures for a public hearing. Highlights included:

- This is for the Selectboard to collect public comment on the proposed zoning bylaws.
- Please be specific about your questions and comments, rather than using generalities.
- The Town must have zoning bylaws.
- The Selectboard and Planning Commission will use your questions and comments to make changes to the proposed bylaws to make them the best they can be.
- The Selectboard is the final voice here on the hearing process, not Town Meeting.
- The Selectboard wants to hear from all interested parties: voters, property owners, and business owners.

- Everyone gets to speak for five minutes maximum.
- After everyone has had a chance to speak, those who have already spoken may speak again, but this time for three minutes maximum.
- Please direct all comments and questions to the Moderator only; not toward anyone else. This will remove the possibility of making it personal.
- Please state your first and last name for the record.
- All comments must pertain to the proposed bylaws.
- At the end of the meeting, the Selectboard's options are as follows:
  - Adopt the bylaws as presented.
  - Warn a Town Meeting so the town can vote on the bylaws.
  - Reject the bylaws.
  - Take no action.
  - Make minor changes.
  - Make substantial changes.

Zoning Administrator Will Goodwin spoke briefly about the proposed zoning bylaws.

Mr. Friant opened the hearing to public comments. He read some comments and questions into the record that were submitted prior to the public hearing by the public and the Development Review Board. Members of the public presented their comments and questions. Mr. Goodwin responded to most of them by making suggestions that he will submit to the Selectboard and Planning Commission. Questions, comments, and answers shared during this portion of the hearing included:

- Firewood delivery and processing.
- The lack of ability to build a new fire station or emergency medical services building.
- Helicopter landing pads.
- Retaining walls and do-it-yourself versus professional projects.
- Multi-unit dwellings and mobile home parks.
- Short-term rentals.
- Camping, campers, campgrounds, tents, and other camping units.
- Maximum building height and allowances in village and rural areas, and how buildings' heights are measured.
- Holiday and outdoor lights.
- Clarifying that many of these restrictions are for commercial buildings, not homes.
- Seasonal and workforce lodging.
- Clarification on the regulations on tiny houses.
- Food trucks.
- Signs and flags.
- Equipment and vehicle repair outside of garages.
- Restrictions on using campers as dwellings.
- Swimming pool size.
- The number of vehicles (registered and unregistered) allowed on a property.
- Professional landscape design.
- Garage sales.
- The number of parking spaces on different types of properties.

- State regulations on abutting lots owned by the same person, and buildable lots.
- Driveway standards.
- Materials storage.
- Portable structures for permanent uses.
- How many employees are allowed at home occupations and home businesses.
- Quarries and stone manufacturing and trucking.
- Contractors' yards and storage.
- Changes to dimensional requirements for lots, lot sizes, setbacks, height of buildings, apartments, and building square footage are all changing.
- Provision that car wash doors must not face the road.
- Animal service / kennels, dog grooming regulations.
- Noise, pollution, and smoke regulations.
- Aquifers / districts / septic systems.
- Resorts are in the proposed bylaws.
- Noise ordinances.
- A suggestion to add more procedural language to the bylaws.
- Whatever seems unenforceable can be appealed to the Development Review Board.
- What "grandfathering" is, and how it is applied to bylaws.
- What happens when someone uses insurance to replace a fire-damaged home, and how does "grandfathering" affect the rebuilt home's size?
- New state regulations necessitate a need to change the bylaws. The Planning Commission has to make these changes to conform with the current Town Plan, and so they can draft the next Town Plan.
- The Selectboard will hold more public hearings to collect public comments. Either the Selectboard or the Planning Commission will approve a new draft, and that entity will hold another hearing after their approval.
- It is too early for the Selectboard to vote on these bylaws at this public hearing.
- These bylaws seem to be generic and made for another town. Reviewing them creates a lot of extraneous work.
- The Selectboard should listen to the will of the public.
- The need for the majority of these proposed bylaws, and why they are being revised now.
- Procedural questions and details.
- A reminder to participate in Town governance, and to join the Development Review Board and the Planning Commission.
- How the public can find out which boards have vacancies.

Town Administrator Shane O'Keefe explained that the Town Plan was implemented a number of years ago. Part of that Town Plan implementation process is to adopt new zoning regulations, as appropriate, to match the new Town Plan. Town officials have been working on this since 2018, with some COVID-related interruptions.

***Mr. Fleming moved to close the public hearing. Mr. Prouty seconded. Motion carried unanimously.***

The public hearing was closed at 6:38 PM.

#### **4. Discuss next steps with proposed Zoning Bylaw amendment process**

Mr. Fleming said he thought it was a productive meeting, that the Selectboard is making progress, and that Mr. Goodwin has a lot to take into consideration. He noted these things take time to do right.

Mr. Cavanagh reviewed the procedures: Once the Selectboard warns the public hearing, they have 150 days to adopt the proposed bylaws in some form; otherwise, the existing bylaws go back into effect. The Selectboard can have up to five public hearings within that timeframe, but that many is unlikely due to the immense amount of work that has to happen in-between. What is more likely is for there to be three public hearings. He said there will probably be a special meeting every week until October 25th.

Martha Dale said she appreciates the public comments. She thinks the Selectboard has a good start on a revised set of bylaws. She recommended the Selectboard work to get them ready by the October 25th deadline.

Mr. Prouty said it is imperative for the Selectboard to represent the will of the people, so the bylaws will not be something the Selectboard is inflicting upon the public.

Mr. Cavanagh said the Selectboard can pass a motion to reject the proposed bylaws and send them back to the Planning Commission. Then, they would receive the information from the public questions and comments. He noted he has nine additional pages of comments that he was not able to address at this hearing.

Mr. Cavanagh recommended the Selectboard reject these proposed bylaws and send them back to the Planning Commission. Unlike the Selectboard, the Planning Commission has no timeframe with which they must approve them, and they would have to hold only one public hearing before sending the proposed bylaws back to the Selectboard. Then, the Selectboard would hold a public hearing, too. It is possible to have multiple public hearings. The goal is to try to make many people happy, but not everyone will be happy.

Mr. Cavanagh noted that, during the entire time the Selectboard is going through this process, Mr. Goodwin has to use both sets of bylaws (the existing and the proposed). If something comes up and there is a conflict between the two sets, the project must be put on hold. One project may already be affected by this, and this affects contractors' ability to do their work in Londonderry. The only way to revert back to only using the existing set of bylaws is for the Selectboard to reject the proposed bylaws and send them back to the Planning Commission.

Bonnie Cobb recommended that when the Selectboard sends the bylaws back to the Planning Commission, they not hire the same consultant who drafted the current, proposed bylaws. Mr. Cavanagh asked Mr. Goodwin if he can draft new, proposed bylaws himself, without the use of a consultant. Mr. Goodwin responded: Yes.

Ms. Dale asked Mr. O'Keefe how long it will take should the Selectboard send the bylaws back to the Planning Commission. Mr. O'Keefe responded: This is unknown, and there are many factors that go into this work.

Mr. Cavanagh noted this process is not designed for the Selectboard to make a major overhaul of the bylaws; it is designed for making minor changes.

Bonnie Cobb asked if the Planning Commission can refuse to take back the bylaws for further work. Mr. Cavanagh responded: If they did, that would be a dereliction of duty. Mr. Prouty added: The Planning Commission acknowledges the proposed bylaws need work.

#### **5. Consider taking action on proposed Zoning Bylaw amendment**

Ms. Dale advocated for taking no action, pausing and collecting more information, and allowing Mr. Goodwin to make changes based on public comments.

Mr. Cavanagh advocated for rejecting the proposed bylaws.

*Mr. Cavanagh moved to reject the proposed amendments to the Londonderry Zoning Bylaws as submitted by the Planning Commission, and send it back to the Planning Commission. Mr. Fleming seconded. Motion carried 3-1, with Cavanagh, Prouty and Fleming voting yea, and Dale voting nay.*

#### **6. Adjourn**

*Mr. Fleming moved to adjourn the meeting. Mr. Prouty seconded. The motion passed unanimously.*

The meeting was adjourned at 7:07 PM. The next special meeting of the Selectboard is scheduled for 6/20/2024. The next regular meeting of the Selectboard is scheduled for 7/01/2024.

Respectfully Submitted,

Wendy M. Levy  
Minutes Taker

*Approved July 1, 2024*

**LONDONDERRY SELECTBOARD**

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Thomas Cavanagh, Chair

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