

Town of Londonderry  
Development Review Board

100 Old School Street  
South Londonderry, VT 05155

**MEETING MINUTES**

**Wednesday, October 21, 2015**

**Town Office - Twitchell Building, 100 Old School St., South Londonderry**

Present: Denis Pinkernell, Co-Chair, Esther Fishman Co-Chair, , Terry Hill, John Lancaster, Chris Laselle, George Mora

Absent: Jim Boyle

Guests: Paul Dexter, Zoning Administrator, Ian Jensen, Jeremy Brodney, Kevin Beattie, Mike England

Denis Pinkernell called the meeting to order at 7:00 pm.

**Public Hearing in Application 025-15 – Application by John Ellsworth for a 2 lot subdivision at 260 Mansfield Lane, Londonderry, whereby the existing lot, owned by John Ellsworth and consisting of 19 acres, would be divided into a lot consisting of 6.24 acres and another lot consisting of 12.76 acres. (Parcel ID # 029011.200)**

Paul Dexter indicated that public notice had been made as required in this matter. Jeremy Brodney distributed a survey, and a river crossing permit from Vermont Agency of Natural Resources, and a draft deed concerning the proposed subdivision and a abutting parcel owned by Mr. Ian Jensen. Mr. Brodney stated that Mr. Ellsworth proposed to subdivide his lot, whereby the back section consisting of 12.76 acres +/- would be divided and then sold to Ian Jensen. Jeremy Brodney stated that Ian Jensen would then merge the newly divided piece into his abutting land which has is adequate road frontage on Route 11. Ian Jensen confirmed this.

Jeremy Brodney indicated that Mr Ellsworth had applied for water/wastewater permit from the State of Vermont for the subdivision and the application was pending. Jeremy Brodney stated that the retained Ellsworth lot would conform to the requirements for lots in the R-1 Zoning District and the newly created lot would be conforming when it was merged into Mr. Jensen's existing parcel on Route 11.

Ian Jensen stated that he planned to build a house on the newly merged parcels.

Kevin Beattie asked that the Applicant confirm that no additional access was being proposed on Mansfield Lane, which Jeremy Brodney confirmed. Mr. Beattie and Mr. Brodney discussed whether there was an Act 250 permit in place restricting further subdivision of Mr. Ellsworth's parcel. Jeremy Brodney indicated that the parcel was part formed as part of a subdivision in the 1980s by Patten Real Estate.

**Preliminary Discussions regarding zoning permits needed for a bridge over a small stream by**

**Ian Jensen at his Route 11 location.** Jeremy Brodney stated that Ian Jensen planned to build a bridge over a small stream that runs through his land along Route 11, near the Magic Mountain access road and was asking whether he needed a permit from the Town under its zoning bylaws. He noted that the project had been approved by the section of the Vermont Agency of Natural Resources (“ANR”) that deals with river management as well as the U.S. Army Corps of Engineers and the ANR division that regulates stormwater run-off. Paul Dexter stated that he had sent Mr. Jensen an email stating that, after reviewing the zoning bylaws concerning structures in a Special Flood Hazard Area, plus having conversations with an attorney from the Vermont League of Cities and Towns as well as a river specialist with the Vermont Agency of Natural Resources, he was of the opinion that a permit was needed under Section 205 of the Zoning Bylaws. Mr. Dexter indicated that only some of the many criteria listed under Section 205(M) would apply to the bridge project. Mr. Dexter stated that this regulatory treatment was consistent with that afforded to the Town of Londonderry's box culvert replacement on Lowell Lake Rd. during the summer of 2015.

Mr. Brodney asked that the Board provide more specific guidance as to what information it would need to review in the process other than what had been stated in the various permits already received. The Board agreed to try to provide such guidance.

**Preliminary Discussion:** The Board held a discussion with Mike England about use of a large parcel in the R-3 zone which borders the Village Commercial zone for commercial activity. The Board reviewed the various sections of the bylaws that would likely apply to such a request.

### **Deliberative Session**

The Board held a deliberative session regarding the Ellsworth subdivision. Esther Fishman moved to approved the 2 lot subdivision as presented, with the requirement that the newly created lot be merged into Ian Jensen's lot on Route 11. George Mora seconded and the Motion passed unanimously. Denis Pinkernell recused himself from the vote.

At 8:45 pm, the meeting adjourned.

Respectfully submitted,

\_\_\_\_\_/s/ Paul B. Dexter\_\_\_\_\_, Paul Dexter, Zoning Administrator

Approved by DRB:

\_\_\_\_\_/s/ Denis Pinkernell\_\_\_\_\_, Co-Chair – Denis Pinkernell