

**TOWN OF LONDONDERRY**  
**DEVELOPMENT REVIEW BOARD**  
PO BOX 118  
SOUTH LONDONDERRY, VT 05155

**MINUTES**  
**Wednesday, January 15, 2014**  
**Town Offices, School Street, South Londonderry**

Present: Denis Pinkernell, Co-Chair, Esther Fishman, Co-Chair, Jim Boyle, Terry Hill, Patricia Moulton-Powden

Absent: John Lancaster, Chris LaSelle

Guests: Paul Dexter, Zoning Administrator, Nate Stearns, Barry E. Hart, Nathan Chaves, Trevor Dryden, Samantha Chaves, Matthew Prouty, Paul Emmanuel, Domenic Mangano, Jeff Smith, Kelly Pajala, Julie Adams, Sandra L. Clark, Dorena M. Hart, Kraig Hart

**1. Application 041-13:**

**Public hearing in the matter of Domenic Mangano, Jamaica Cottage Shop, Inc. – Conditional Use review for request to construct a 120 foot tall flagpole at Jamaica Cottage Shop’s operation, 170 Winhall Station Rd., South Londonderry, VT (Parcel 046004)**

Denis Pinkernell opened the hearing at 7:05 pm.

Domenic Mangano stated that he wanted to construct a 100 foot flag pole on top of an existing building at his Jamaica Cottage Shop (“JCS”) complex in South Londonderry. He stated that he wanted to be patriotic. He stated that he plans to fly a 20 by 30 foot American flag and a smaller state flag.

Paul Dexter stated that although he drew up the hearing notice as an appeal, this case was actually not an appeal but was referred to the DRB as a Conditional Use review under the provisions of Section 407 of the Zoning Bylaws. This provision specifies nine specific criteria that the Board should review, in addition to the Conditional Use review criteria under Section 503.

Mr. Mangano continued stating that he does not plan to use the flag pole as communication device. He also stated that he may put the flagpole on the ground if an engineering study that is planned for the upcoming week showed that the existing building would not support the flag. It that case, the flagpole would be 100 feet high instead of the proposed 120 feet. Mr. Mangano stated that did not believe anyone could climb the flagpole because the ropes are stored inside the flag pole and they would not have access to it if were on the roof of a building.

Mr. Mangano stated that the flagpole would meet the required setbacks, even as they are increased per Section 407. He stated that an existing smokestack at the facility is 75 feet high and that the boiler feeding the smokestack is not currently used and that the smokestack may be removed in the future. He stated that he currently uses the smokestack as a guide to people trying to find his operation and that he would use the flag in the same fashion. He stated that a 75 foot flagpole might interfere with the smokestack. He stated that he planned to light the flag from the ground, consistent with flag flying etiquette.

Trevor Dryden and Jeff Smith, both neighbors to the JCS supported the proposal stating it would be a “cool” and “awesome” way to welcome to people to town. Sandra Clark thought it might set a precedent for other business to use flagpole to advertise businesses. Paul Emmanuel asked if etiquette required lighting the flag at night and would prefer it unlit to preserve the dark night sky. Trevor Dryden noted that there is a one hundred foot flagpole at Town Hall in Winhall.

Mr. Mangano agreed to provide to the Board the results of his engineering review which would help he decide whether the flag pole would be mounted on a building or on the ground.

The hearing was closed at 7:29 pm.

## **2. Application 043-13**

### **Public hearing in the matter of Dorena and Kraig Hart, Frog’s Leap Inn - appeal of Zoning Administrator’s determination that neighboring Chaves Londonderry Gravel Pit, LLC’s operation on Route 100 Londonderry, VT (Parcel 103016) is a pre-existing non-conforming use that is grandfathered.**

Denis Pinkernell opened the hearing and the Appellants identified themselves as Dorena and Kraig Hart. Mrs. Hart asked that the matter be postponed due to heavy workload between January and April, the fact that their appeal of the Chaves Act 250 permit was still ongoing and that they were preparing some geological information that needed time to be completed. Paul Dexter stated that he supported the delay because the matter has been ongoing for several years, grandfathering was a complicated issue and he had allowed the Chaves many months to respond to question about the operation. Nate Stearns, an attorney for Chaves, stated that he did not object to the requested extension but would like a chance to respond to whatever information the Harts submitted in April, prior to the next hearing in the matter.

Based on these statements, the Board granted the requested extension and established the following case schedule:

April 14, 2014 – Any additional information and pre-filed testimony to be filed with the DRB and all parties.

April 28, 2014 – Any response to this information and testimony to be filed with the DRB and all parties.

May 21, 2014 – Hearing re-convenes.

The Board established that the parties to this appeal are:

Paul Dexter, Londonderry Zoning Administrator

Kraig and Dorena Hart, Owners of the Frogs Leap Inn

Chaves Londonderry Gravel Pit, L.L.C., represented in this matter by Nate Stearns, attorney with the firm of Hershenson, Carter, Scott and McGee, P.C.

Paul Dexter agreed to submit an email to these parties containing this schedule

At 8:10, the hearing was recessed until May 21, 2014.

**3. Discussion about Compliance of Hunter Excavation regarding Rock Crushing and Storage of Materials.**

Jim Boyle stated that he believes Hunter Excavation had exceeded the terms of his site plan and permit because he was operating a rock crusher in the summer and fall and he is storing large quantities of rock on his premises. Paul Dexter stated the he was made aware of the crushing in the fall that he spoke to Hunter Kaltsas about the crushing telling him that it was not allowed under his current permit. Hunter told him that it had stopped and that he would not crush rock again without first seeking a permit amendment. Paul Dexter agreed to look into other actives at the site that to determine if they exceed the current permit limitations

**4. Discussion about sign replacement at Stoddard Restaurant**

Paul Dexter stated that he was reviewing a permit for a sign replacement at Stoddards restaurant. He stated that under a strict reading of the Flood Zone regulations, that a sign permit could be considered a structure and that the permit would require Conditional Use review and Flood Hazard review. He stated that the applicant planned to use the existing support structure and change only the face of the sign and that the applicant stated that the sign structure had been there since the 1970s and was in good condition.

Paul Dexter stated he was inclined to approve the sign permit application if it met all the other sign criteria, without referring it to the Board for Conditional Use and Flood Hazard review. The Board agreed that that would be a reasonable course of action.

**5. Town Website**

Esther Fishman stated that Paul Gordon approached her about DRB related information for the town website. Paul Dexter agreed to coordinate with Paul Gordon and provide the names of all DRB members for the site, and approved minutes of DRB meetings. The Board agreed that the website should contain links to the Zoning Bylaws and Zoning application forms.

**6. Deliberations**

The Commission deliberated about the JCS flagpole matter and decided not to vote that night. They wanted to review the engineering information that was forthcoming and would resume deliberations at its February 19, 2014 meeting.

At 8:40 pm, the meeting adjourned.

Respectfully submitted,

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

Approved by DRB at meeting held \_\_\_\_4/16/\_\_\_\_\_, 2014

\_\_\_/s/ Denis Pinkernell \_\_\_\_\_, Denis Pinkernell, Chair