

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

DRAFT 7/17/14

MINUTES
Wednesday, July 16, 2014
Town Offices, Twitchell Building, School Street, South Londonderry

Present: Denis Pinkernell, Co-Chair, Esther Fishman, Co-Chair, Jim Boyle, Terry Hill, John Lancaster, Chris LaSelle

Absent: none

Guests: Paul Dexter, Zoning Administrator, Hunter Kaltsas, Chelsea DeVries, Paul Fear, Pascal Wilkens, Cindie St George, William St. George

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

- 1. Application 014-14: Public hearing in the matter of Hunter Excavation's request for approval of a Revised Site Plan for expanding business onto abutting (former Lundin) properties for improved access and screening - 2218 Route 100, Londonderry, VT.**

Hunter Kaltsas appeared to explain the revised Site Plan which he stated was prepared by a surveyor and submitted for approval in this proceeding. He started by describing the current entrance from Route 100 which, he stated was used for almost all of his business and personal operations until he purchased the abutting property at 2294 Route 100 (the former Lundin shop property). Hunter stated that he narrowed the entrance and added landscaping to improve screening. He also planned to limit that entrance to personal use and clients use. He shifted the majority of the excavation business traffic to the existing entrance at 2294 Route 100, which Hunter stated was a better grade for heavy equipment. Employees would use this entrance and adjacent parking and then walk up to the existing property for morning meetings before heading to job sites with the heavy equipment needed. Hunter stated he narrowed the entrance and added landscaping to improve screening from Route 100.

Next, Hunter stated that he added a significant earth berm to help screen his work yard from Route 100 and from his residence. He stated that grass was beginning to grow thereon. He moved his material storage bins so that the berm would help screen those bins from Route 100 and his residence. Also, no heavy equipment would be parked in the work area behind his residence. He moved the heavy equipment parking to other areas on the existing parcel and the former Lundin shop parcel away from his residence and to where the equipment would be screened from Route 100 by existing buildings and landscaping. Large pieces of equipment that need work and hay would also be stored parked behind the former Lundin shop building.

Paul Fear asked about any plans Hunter had for the 18 acre parcel referred to on the Site Plan as the former Lundin residence. Hunter stated that the cabin remained on the property and that he had no plans to use the property in his business except to store small pieces of accessory equipment that are used seasonally such as snow plows and buckets in the off season. No engines would be stored at the cabin. Hunter stated that at some point he would like to put a house on the 18 acre parcel but that was not proposed at this time. The Board held a discussion about what zone the various parcels were in and concluded, with input from Paul Dexter that Hunter's existing lot and the former Lundin shop parcel were entirely within the Service Commercial ("SC") zone and that the 18 acre former Lundin residence parcel was split diagonally with about 60% of it being in the SC zone and the remaining approximately 40% in the Residential (R-1) zone. The former Lundin cabin is located near the back of the 18 acre parcel and is in the SC zone.

John Lancaster asked the hours of operation for Hunter Excavating and Hunter stated that under normal circumstances his employees arrived for work at 6:15 – 6:30 am and returned to the headquarters between 4:30 and 6:30 pm. He stated that circumstances were rarely normal in his operation because he handles many emergencies at Stratton Mountain and he handles many water and sewer emergencies. Also, in the winter his company snowplows sometimes throughout the night.

Pascal Wilkens asked if Hunter he screened materials at the facility and Hunter said that he did in the work area which would now be behind the berm.

Jim Boyle asked Hunter if he had any plans to crush stone on the property, as he had last summer. Hunter stated no, because the property was too small to make rock crushing economical and that if circumstances changed he would seek a permit amendment prior to crushing. Hunter stated that he no longer planned to store large quantities of logs at the facility, as he had in the past.

Jim Boyle asked if an Act 250 permit amendment was needed for the expansion onto adjoining properties and Hunter stated that he did not think so.

Hunter stated again that he did not plan to use the 18 acres parcel in his operations, with the exception of off-season storage of accessory equipment at the cabin, to keep it out of view from Route 100. Hunter estimated the length of the driveway to the cabin at about 500 feet.

The hearing closed at 7:38 pm.

2. Preliminary Review of Site Plan by William and Cindie St. George for a Two Room Bed and Breakfast and Music Rehearsal Studio.

William and Cindie St. George described a preliminary site plan showing their plan to turn the barn at the former Joy of Junk property into a 2 bedroom Bed and Breakfast on the first floor and the second floor would be a music rehearsal studio for B&B guests and other musicians. Cindie pointed out on the site plan that the barn is in a special flood hazard area, but that the house and the garage are not. Paul Dexter noted that if the existing barn was being "substantially improved", then a Section 205 Conditional Use review would be required. Cindie stated that the only work they were doing to set up the

B&B was painting and installing a septic system, but that her understanding was that septic work was not included in the substantial improvement calculation. Paul Dexter led a lengthy discussion about the analysis needed to determine whether Section 205 review would be needed. He noted that the definition of Substantial Improvement included a statement that a substantial change constituted a substantial improvement. He stated that as Zoning Administrator, would make the determination concerning what review was needed and would refer the case to the DRB accordingly. He stated that his referral decision can be appealed to the DRB. He stated that he would try to make that decision in time for issuing a Notice of Hearing for a hearing on August 20, 2014.

William and Cindie St. George stated that they played a bass guitar at full blast and took a noise meter reading in the studio and at the front edge of the property at Route 11, where a neighbor lives across the street and found that the reading was well below the maximum allowed under the zoning performance standards. The St. Georges' stated that during Tropical Storm Irene they were at the property and the house, barn, garage and pool did not flood.

3. Review of Minutes

Paul Dexter distributed draft minutes of the DRB meetings held April 16, 2014, May 21, 2014, and June 19, 2014. Denis Pinkernell moved to approve the minutes as drafted. Jim Boyle seconded. The Motion passed unanimously. Esther Fishman abstained. Jim Boyle abstained with respect to the April and June meetings, Terry abstained with respect to the May and June meetings, and Chris Laselle abstained with respect to the June meeting.

4. Deliberative Session

The Board deliberated the Hunter Excavation matter in Application 014-14 and voted unanimously to approve the Site Plan with conditions. The Board asked Paul Dexter to draft a decision in accordance with the vote.

The Board deliberated the Hart/Chaves appeal in Application 043-14. The Board voted unanimously to deny the appeal (Denis Pinkernell was recused). Esther Fishman will draft a decision denying the appeal for the Board to review.

At 9:40 pm, the meeting adjourned.

Respectfully submitted,

_____, Paul B. Dexter, Zoning Administrator

Approved by DRB at meeting held _____, 2014

_____, Denis Pinkernell, Co-Chair