

Town of Londonderry  
Development Review Board  
100 Old School Street  
South Londonderry, VT 05155

**MEETING MINUTES**

**Wednesday, April 20, 2016**

**Town Office - Twitchell Building, 100 Old School St., South Londonderry  
DRAFT 4-23-16**

Present: Denis Pinkernell Co-Chair – recused from Yrsha matter, Esther Fishman, Co-Chair, John Lancaster, Chris Laselle, George Mora

Absent: Jim Boyle, Terry Hill

Guests: Sharon Crossman Acting Zoning Administrator, Lisa Yrsha, Cullen Howe, Kevin Beattie

Denis Pinkernell called the meeting to order at 7:03 pm.

**Public Hearing Application 008-16: Application by Weston Island Logging Inc, for Owners Leonard and Barbara Rowe, for approval to crush stone at previously permitted extraction operation at 293 Rowes Rd., Londonderry, VT Parcel ID # 035002.001 owned by Lenard and Barbara Rowe.**

Lisa Yrsha attended the hearing in this matter and stated that the crushing activity proposed is an activity that was not allowed by the current local permit for extraction on the same site. At the direction of Paul Dexter, Zoning Administrator at the time, and subsequent to preliminary discussion with the DRB on March 16, 2016, she submitted a zoning permit application on March 28 for an amendment to the original permit to allow stone crushing for a limited duration annually. She stated that Weston Island Logging Inc has received an Act 250 permit amendment to allow on-site crushing of rock (or tailings) which if not crushed would need to be trucked off the site because work space at the site is limited. The state permit provides a maximum 15-day period in May for stone crushing she now seeks the same from the Town.

Sharon Crossman, Interim ZA, noted that the ZA file shows that public notice of the hearing was published in the newspaper of record, posted on three bulletin boards in Town and mailed to all abutters and a hearing poster was provided to the applicant to place on the property by Paul Dexter. She also noted that the files contained no record of input from the public.

As instructed during Preliminary Discussion, Lisa Yrsha stated that she sent a copy of the local public hearing notice to all abutters by certified mail, return receipt, including to the Fokkens both in New Jersey and United Kingdom. She provided the returned receipts, noting that Knowles did not sign for receipt and the Fokken mail sent to NJ was signed for by another party, while there was no claim to date for the mail sent on April 1 to the United Kingdom address provided for the Fokkens.

Lisa Yrsha stated the application includes a 2-page letter/attachment addressing questions raised by the DRB during preliminary discussion on March 16<sup>th</sup> re: impacts of noise, dust, public services, surface

and groundwater, historic and aesthetic values per Section 308/C/1,2,3,4 of the Bylaw. She stated the operations plan will have no impact or be within known acceptable levels in these areas. In response to Sections 308/D/1-13, the attachment also includes a statement that the project area is the same as permitted in the original permit and the plan is to continue to reclaim annually as work proceeds toward the rear of the extraction area.

The tailing are 4-6 inch diameter and not easy to sell. Once crushed, they could be sold as sur-pack or as ¾ to 1 ½ inch diameter stones for drainage, both of which products are in demand. She stated that she chose May as the crushing period to minimize impacts on neighbors who visit seasonally (primarily during ski season and summer). She stated that the screening equipment currently in place would not run at the same time as the crusher and only then during the hours of daily operation allowed by the existing permit which are 8am to 4pm Monday through Friday.

No one else spoke in favor of or in opposition to the proposal. The Board stated they would deliberate and issue a written decision within 45 days. At 7:25 pm, they closed the hearing.

**Preliminary discussion with Kevin Beattie for Sarah Newhall regarding proposed plan to subdivide 59.49 acres more or less at 363 Reilly road (Parcel ID 008-004) into 2 parcels.**

Kevin Beattie appeared on behalf of Sarah Newhall and stated that 59.49 acre parcel received a state subdivision permit in 1987 to create a 9 acre lot, but no application was made then or since for a local subdivision permit. He stated that now the landowner is selling the larger part of her property and intends to subdivide 12 acres rather than 9 acres. In 2015 she received a boundary line exemption from the state for the change in acreage. He presented a base survey of the entire Newhall parcel with notations indicating the proposed boundary lines for the subdivision as permitted by the State and now proposed for local approval.

Paul Dexter, Zoning Administrator at the time the Newhall zoning permit application was submitted, referred the application to the DRB for Subdivision review per Section 314 of the Bylaw. The DRB determined the application will be reviewed as a Subdivision rather than a Boundary Line Adjustment.

Denis Pinkernell suggested Kevin Beattie inquire of Michaels Engineering regarding an amendment to the wastewater permit referred to in the revised 2 lot subdivision permit issued by the State in December 2015. In addition, the DRB referenced Sections 314, 504 and 402 as applicable to the completion of the permit application and requested abutters names and addresses in anticipation of warning a public hearing on May 18<sup>th</sup>.

**Deliberations and Decisions**

The Board went into deliberative session and discussed the Weston Island Logging Inc. (Yrsha) / Rowe crushing operation. After the deliberative session, Esther Fishman moved to approve the crushing operation as presented. Chris Laselle seconded and the Motion passed unanimously.

The meeting adjourned at 8 55 pm.

Respectfully submitted, \_\_\_\_\_, Interim Zoning Administrator  
Sharon Crossman

Approved by DRB: \_\_\_\_\_, Co-Chair – Esther Fishman