

Town of Londonderry, Vermont
Development Review Board

100 Old School Street
South Londonderry, VT 05155

MEETING MINUTES

Draft of 9/25/16

Wednesday, September 21, 2016

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

DRB Members present: Esther Fishman (Co-Chair), Denis Pinkerell (Co-Chair), George Mora, John Lancaster, Chris Laselle, Dwight Johnson, and Terry Hill.

DRB Members absent: none.

Guests: Jim Mullen (Zoning Administrator), Sharon Crossman (former Interim Zoning Administrator) Ian Jensen, Jeremy Brodney, Cullen Howe, Scott Howe, Daniel Cobb, Chad Stoddard, and Garrison Buxton (Jensen application).

Co-Chair Esther Fishman called the meeting to order at 7:00 pm.

Public Hearing on Application #014-15 submitted by Ian Jensen for approval of construction of a bridge over Lowell Lake Brook to access Parcel 110040.100, located at 4942 VT Route 11 East.

(A Preliminary Review occurred on 8/17/16.)

DRB Member Denis Pinkerell recused himself.

Ian Jensen and consultant Jeremy Brodney of Brodney Industries were present to address floodplain issues related to the proposed bridge construction over Lowell Lake Brook.

Jeremy said that John Broker-Campbell, ANR Floodplain Manager, has provided a 9/1/16 memo advising that the proposal to remove the old abandoned bridge abutments immediately downstream from the new bridge will result in a 56 cu. ft. net decrease in the volume of abutments on site. The new bridge has been sized and designed to pass the base flood without an increase in the level of the base flood.

A Stream Alteration Permit, US Army Corps of Engineers Permit, and VT Construction General Permit have been secured. The state might require some bank stabilization measures in the location of the old abutments once they are removed. The bridge will be constructed in 2017.

There were no public comments.

Discussion followed on whether the last paragraph of John Broker-Campbell's 9/1/16 memo indicated that the Town had or had not already fulfilled its requirement to provide John with a copy of the bridge application and received final comments back from John. Because the bridge will not be constructed until 2017, it was the consensus to close the public hearing tonight and have the Zoning Administrator

contact John, provide him with a full copy of the application, and receive back from John his official, final comments. The DRB could then issue its decision at its next meeting (10/19/16).

Co-Chair Esther Fishman closed the public hearing.

Public Hearing (continued from 8/17/16): Application #018-16 by William Cobb et al. For approval of a proposed 3 lot subdivision and lot line adjustment of a portion of Parcel #036023.1 (an 89.5 acre portion of a larger 331 acre parcel) off of Cross Road and Rowe's Road.

DRB Member Denis Pinkerell recused himself.

Applicant Daniel Cobb, consultant Jeremy Brodney of Brodney Industries, and attorney Denis Pinkerell presented the application.

Denis Pinkerell handed out copies of two easement deeds for the power line corridor along the westerly edge of the property. The deeds reserve the right of the underlying landowner (and his/her assigns) to “cross and recross” the easement area.

Jeremy handed out copies of a revised subdivision plan (dated 8/24/16) showing that access to proposed Lot 3 “for permitting purposes” is via a 50' wide right of way from Cross Road within the power line easement. He said that while it is legally and physically possible to access Lot 3 via this right of way, it is likely that the lot will be in fact accessed in the future via Rowe's Road (Town Highway #38), a Legal Trail. Providing this 50' ROW solves two issues: Lot 3 has less than 300' of frontage on Rowe's Road and Rowe's Road is not a Class 1, 2, or 3 Town Highway.

There were no public comments.

Co-Chair Esther Fishman closed the public hearing.

Public Hearing: Application #012-16, Anna and Chad Stoddard, Parcel #102039.000, 5855 Rte 100N, Barn to Retail for Gun Shop as Home Occupation

(A Preliminary Review occurred on 8/17/16.)

Chad Stoddard presented this application.

Chad reviewed the proposed partial site plan and floor plan. Five exterior parking spaces are provided and two more are located within the barn. The second floor of the 28' x 36' barn will be used for the retail store (a gun shop). The square footage of the Retail Store will be 908 sq. ft. He has obtained a VTrans Access Permit. The store will sell guns, clothing, and ammo (including some consignment sales). He will provide firearms instruction; all shooting practice will occur off site at one or more gun ranges. He has applied for a license from ATF to operate the store. He will provide a copy of the license to the Town when received. He has a partner in the business, who will sometimes staff the store.

ATF requires a compliance letter from the town. The ATF will initially limit the store's hours. Initially, the store will be open 2:00 – 6:00 on weekdays and from 9:00-6:00 on weekends. The ATF will usually allow extended hours after the store has proven itself. The property is in the Village Commercial Zoning District. Residences surround it and the Fire Department is across the street.

The DRB noted that as a Home Occupation he will not be able to advertise or post regular hours; why not amend the application to Mixed Use so that hours may be posted? Chad agreed to this suggestion. His wife used to operate a day care out of their home on the lot but no longer does so. The Mixed Uses will be the one family dwelling, his contracting business, and the Retail Store.

The exterior lighting for the Retail Store consists of lights on the front of the barn; he will add a few new lights along the left and rear sided of the barn leading to the store entrance. The lighting will be activated both by a timer and by photocell. He marked on the site plan the location of the existing landscaping and proposed new lighting.

There is no limit set by ATF on how many guns may be displayed for sale.

No changes to the site or exterior of the barn are proposed except for the addition of exterior lights on the left and rear sides of the barn.

There were no public comments.

Co-Chair Denis Pinkerell closed the Public Hearing.

Preliminary Discussion: Howe, Extraction, Rows Road, 5 year Extension of Existing 5 year Permit expiring in 2017.

Scott Howe and Cullen Howe explained that their permit to operate their gravel pit off Rows Lane expires in January of 2017. They have reviewed the operating permit for the gravel pit near theirs on Rows Lane (Rowe/Weston Island Logging/Yrsha) and wish to propose similar permit requirements for their operation: (1) They wish to change the maximum number of loaded truck trips per day from 10 to 20, and (2) they wish to be able to truck from their pit from 8:00 AM to 1:00 PM on Saturdays; presently trucking is not allowed on weekends. They would also like to increase the number of days that they are able to crush from 10 to 15 days per year to allow a “cushion” for equipment breakdowns. Cullen said that they are not aware of any complaints about their operation.

There were no public comments.

It was the consensus of the DRB to warn the application for a public hearing on October 19, 2016. The Howes should submit with their application a description of what activities occurred at the pit in the last 5 years and to describe exactly what changes they are requesting from existing requirements.

Preliminary Discussion: Future application by William Cobb et al. for approval of a proposed 2 lot subdivision of Parcel #036023.1 at 1751 Under the Mountain Road.

DRB Member Denis Pinkerell recused himself.

Applicant Daniel Cobb and consultant Jeremy Brodney of Brodney Industries presented the application.

Jeremy Brodney handed out copies of the proposed subdivision plat. A 28.81+/- acre lot is proposed to be subdivided from the underlying 193+/- acre lot. The smaller lot is already developed with a “camp” (i.e., one family dwelling). Access to the smaller lot is proposed via the existing driveway across the

bulk parcel to the camp (even though the lot has direct frontage on Under the Mountain Road) within a 50' right of way.

Jeremy noted that a small portion of the "Camp Lot" is within the Conservation Overlay District, however, this small portion of the lot is not readily developable. There are no development plans at present for the bulk parcel.

There were no public comments.

It was the consensus of the DRB to warn the application for a public hearing on October 19, 2016.

Preliminary Discussion: Future Application by David Jarvis for approval of an addition to a non-conforming One Family Dwelling on Parcel #103011.00 at 15 Cliffs Lane.

Sharron Crossman explained that David Jarvis has submitted a zoning permit application for a 10' x 12' addition to their one family dwelling on a small lot. The existing house as well as the proposed addition are within the required setbacks on one and possibly two sides. The lot is non-conforming as to area.

There were no public comments.

It was the consensus of the DRB that the Applicant will need to apply for a Variance and that a public hearing should be scheduled for October 16, 2016.

[DRB Member Denis Pinkerell left the meeting.]

Deliberations and Decisions

[The board entered into Deliberative Session at 9:18 pm.]

Re: Jensen: As previously discussed, it was the consensus to close the public hearing tonight and have the Zoning Administrator contact John Broker-Campbell, provide him with a full copy of the application, and receive back from John his official, final comments. The DRB could then issue its decision at its next meeting (10/19/16).

Re: Stoddard: A motion was made and seconded to approve the proposed Retail Store as part of a Mixed Use on the lot subject to the condition that the Applicant provide to the Town copies of any state or federal permits required for the Retail Store. The vote was 6-0 (with Denis Pinkerell absent for the deliberations); the motion carried. A written decision will be issued.

Re: Cobb: A motion was made and seconded to approve the proposed Subdivision. The vote was 6 -0 (with Denis Pinkerell recused); the motion carried. A written decision will be issued.

The Board emerged from Deliberative Session and adjourned at 10:18 pm.

Respectfully submitted: _____, Zoning Administrator
Jim Mullen

Approved by DRB: _____, Co-Chair – Esther Fishman