

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

MINUTES

Wednesday, November 19, 2014
Town Offices, Twitchell Building, School Street, South Londonderry

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

Absent: Jim Boyle, George Mora

Guests: Paul Dexter, Zoning Administrator, Bonnie Stevens, Mark Stevens, Doug Stevens, Matt Scot, Jeremy Brodney, Ray Smith, Debbie Smith, Amanda George

Denis Pinkernell called the meeting to order at 7:04 pm.

Application 030-14: Public Hearing on Application by Walter A. Scott, Agent, for approval of a Two Lot Subdivision of a 102.7 acre parcel +/- at 549 Cross Rd., Londonderry, VT, owned by Alisa A. Scott, Trustee of the Glebe Mountain Pasture Trust #1 and C. Reed Scott, Trustee of the Glebe Mountain Pasture Trust #2, into two - 51 acre parcels +/-; Parcel ID # 037009.

Denis Pinkernell recused himself from this matter and Esther Fishman chaired the hearing.

Jeremy Brodney appeared on behalf of the Applicant, Mr. Walter Scott to present the proposed two lot subdivision. He stated that he had submitted paperwork to the Zoning Administrator indicating that he had been authorized to act on Mr. Scott's behalf and that Mr. Scott had been authorized to act on behalf of the two owners of the land to be subdivided: Alisa A. Scott, Trustee of the Glebe Mountain Pasture Trust #1 and C. Reed Scott, Trustee of the Glebe Mountain Pasture Trust #2.

Mr. Brodney explained that the parcel proposed to be subdivided consist of 102 +/- acres and has frontage on Cross Rd. As proposed, Lot A would consist of 51.62 acres +/- with an existing house and frontage on Cross Rd. Lot B would consist of 51 +/- acres and would have access to Under the Mountain Rd. using a right of way across the land currently owned by Raymond Kretschmer, Sr. and Claire Kretschmer. Mr. Brodney submitted a draft "Easement Deed" for this access which he indicated would be finalized once the subdivision was approved. Mr. Brodney stated that while the vast majority of the land to be subdivided was in the R-3 zone, a very small piece of proposed Lot B fell in the R-1 zone. He stated that both lots would comply with the zoning requirements of the R-3 zone and the R-1 zone.

Mr. Brodney stated that the land to be divided was primarily dry and wooded and he submitted an aerial photograph from the Vermont Natural Resources Atlas in support of this statement.

Paul Dexter stated that he had undertaken the required steps for public notice of the hearing, which includes mailing a copy of the Hearing Notice to all abutting property owners and that 2 of the notices were returned by the Post Office. One notice was mailed to the address of the abutter as it appears on the Town's Grand list and the other was mailed to the correct street and house number on the Grand List but was addressed Londonderry VT when it should have been labeled South Londonderry, VT After a lengthy discussion, it was decided that Mr. Dexter would contact the two landowners whose notice was returned and inform them of the proposed subdivision and inform them that they could raise any questions or concerns at the DRB's next hearing December 17, 2014.

At 7:35 pm, the Board continued the hearing until December 17, 2014 at 7 pm.

Application 032-14: Public hearing on the Appeal of Raymond Smith of Zoning Administrator's Denial of Application for a Contractor Shop/Yard for an Excavation Business at 34 No Name Rd., South Londonderry, VT, Parcel ID # 075001.

Jeremy Brodney appeared on behalf of Raymond and Debbie Smith to present an appeal of the Zoning Administrator's denial of a permit application for a Contractor Shop/Yard for the Smith's existing Excavation Business. He explained that earlier in the year the Smith's had received a letter from the Zoning Administrator that no permit existed for their excavation business and that operating without a permit is a violation of the Zoning Bylaws. Subsequently, the Smith's filed an application for such a permit and for a 40 by 60 foot shop/barn to house the excavation equipment but that application was denied because the use the proposed "Contractor Shop/Yard" for an Excavation Business did not appear on the list of uses allowed in the Town, either permitted or conditional.

Subsequently, the Smith filed an appeal of the Zoning Administrator's denial under the provisions of Section 203(D) of the Zoning Regulations which allows the DRB to permit Uses Not Provided For if certain criteria are met.

At the hearing, Mrs. Smith stated that they had been operating the excavation business at the site since the early 1980s. She also asked when the zoning regulations were adopted and whether they should apply to their business. Mr. Smith stated that the shop would be used for vehicle and equipment maintenance and storage, although he noted that not all of his equipment would fit in the new building. He stated that the new shop would replace an existing garage.

Several neighbors (Matt Scott, Mark Stevens, Bonnie Stevens, Doug Stevens) spoke in favor of granting the Smith's a permit to allow their business and said the business created no problems in the neighborhood and that their business should be encouraged by the town. No one spoke in opposition to the Smith's business. .

Mr. Brodney stated that Section 203(D) allowed the DRB to approve the use if it was of the same general character of the uses permitted in the district and would not adversely affect the uses in the district. He stated that the Smith's property is in the Service Commercial zone and that it is consistent with other uses in the zone and is consistent with the purpose of the SC zone as stated in the Bylaws. He further stated that the Smith's business would not adversely affect the zone or abutters, as evidenced by the statements by the neighbors. He stated that the siding for the proposed shop building would be wood and that there would be a motion light on the side to discourage theft. He stated that the building would meet the setbacks of the SC zone. He also stated that the building might be built be smaller than proposed and that it would meet the required setbacks at any size built.

The Board closed the hearing at 8:00 pm.

Application 034-14; Public hearing on the Application by James A. Young, P.C on behalf of Amy Law, for Conditional Use Approval for an Accessory Dwelling at 89 Derry Woods Rd., Londonderry, VT, Parcel ID # 064014

Denis Pinkernell recused himself from this matter and Esther Fishman chaired the hearing.

Amanda George, from the Law office of James A. Young, appeared on behalf of the property owner, Amy Law to present the request for approval of an accessory dwelling and related deck. Ms. George stated that the apartment, with steps and a deck/platform at the top of the steps was over the garage and had been constructed over 10 years ago for use by family members during visits. She stated that the primary single family home on the property was 2176 square feet and the apartment was 560 square feet.

Ms. George submitted a photograph that showed three cars parked near the two car garage over which the apartment is built.

Ms. George submitted an email from the State Agency of Natural resources to Speath Engineering regarding the Law residence confirming that all septic and well systems in place as of January 1, 2007 are exempt from the state water/wastewater rules. Ms. George stated that both the house and apartment are served by one well and one septic system and that both systems were in place prior to 2007. She also stated that Amy Law had stated that she has had over 18-25 people at the house and apartment over holidays and never had a problem with septic or well.

The Board closed the hearing at 8:30.

Deliberations

The Board deliberated the Smith appeal. After deliberations, Esther Fishman moved to grant the appeal and approve the Site Plan for the proposed shop. John Lancaster seconded and the Motion passed unanimously.

The Board deliberated the Law Accessory Dwelling. After deliberations, John Lancaster moved to approve the Accessory Dwelling as presented. Terry Hill seconded and the Motion passed unanimously.

At 8:50 pm the meeting adjourned.

Respectfully submitted,

_____/s/ Paul B. Dexter_____, Paul B. Dexter, Zoning Administrator

Approved by DRB at meeting held ____12/17_____, 2014

_____/s/ John C. Lancaster_____, Acting Chair