

Town of Londonderry, Vermont
100 Old School Street
South Londonderry, VT 05155
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www.londonderryvt.org

Planning Commission

Notice of Proposed Zoning Bylaw Amendment

The Town of Londonderry Planning Commission hereby gives notice pursuant to 24 V.S.A. § 4441(d) and 4444, that on March 9, 2020 at 4:30 PM the Commission will hold a public hearing on a proposed amendment to the Londonderry Zoning Bylaw at the Town Offices, 100 Old School Street in South Londonderry. The only section of the Zoning Bylaw being amended is Section 402 - Access and Frontage Requirements. The proposed amendment affects all areas of the town, particularly properties along private roads and public roads not maintained by the Town or State. The purpose of the amendment is to allow for limited land development, when deemed appropriate by the Development Review Board through the conditional use review process on roads not maintained by the Town or State, and to allow for administrative review of some minor land development along such roads. The full text of the proposed amendment can be examined at the Town Office, 100 Old School Street, South Londonderry, and the Town website – www.londonderryvt.org.



Shane O'Keefe
Town Administrator/Zoning Administrator
February 19, 2020

Attached: Proposed Zoning Bylaw Amendment
 Report prepared and approved per 24 V.S.A. § 4441(c)

**Town of Londonderry, VT
Planning Commission**

**Proposed Zoning Bylaw Amendment
For Consideration at March 9, 2020 Public Hearing**

NOTE: Language to be added is underlined. Language to be deleted is in ~~strike~~through.

Section 402. Access and Frontage Requirements

(A) In accordance with the Act [Section 4412(3)], except as provided below, no land development may be permitted on lots which do not have either frontage on a maintained public road [Class I, II, III, state] or public waters, or ~~with the approval of the Development Review Board~~, access to such a road or waters by a permanent easement or right-of-way at least fifty (50) feet in width.

1. The Development Review Board may allow land development subject to Conditional Use Review procedures as set forth in Zoning Bylaw Section 503.
2. Exceptions to the foregoing are:
 - a. The Administrative Officer may allow for enlargements and renovations to existing structures, and/or construction of new structures accessory to existing legal uses on a lot, regardless of the width of the permanent easement or right-of-way providing access, provided such enlargements, renovations or new accessory structures contain less than 40% of total floor area of the existing primary structure.
 - b. The Administrative Officer may allow for land disturbance (though not mining, pond excavation or landfiling) on a lot, regardless of the width of the permanent easement or right-of-way providing access, provided such land disturbance is less than one-quarter acre in size.

An access road or driveway may serve a maximum of three (3) lots including frontage lots. Roads serving more than three lots must meet the Town of Londonderry Road Ordinance as adopted by the Select-board.

Access onto public roads shall also be subject to the approval of the Londonderry Select-board, and for ~~s~~State highways (Vermont Routes 11 and 100), the Vermont Agency of Transportation. As a condition to such permits, compliance ~~to~~with all local ordinances and regulations pertaining to highways and land use shall be required. The Select~~b~~-Board and/or Agency may, as a condition of the permit, provide for the elimination of accesses previously permitted and require the construction of a common frontage road or other access improvements which may serve more than one property or lot [19 V.S.A., 1111(f)].

For access subject to Development Review approval, the Development Review Board may consider intended use, safety, traffic, lot configuration and road and site conditions in granting or denying approval. Lots created after the effective date of this Bylaw are subject to all access and/or frontage requirements contained herein, as well as applicable provisions under Subdivisions (Section 314), and Site Plan Review (Section 504).

(B) No lot shall be served by more than one (1) access road or driveway unless otherwise permitted under Subdivision (Section 314) and Site Plan Review (Section 504). Accesses (curb cuts) are to be installed in accordance with ~~municipal~~Town and/or ~~s~~State regulations, and shall not be permitted to extend along the length of road frontage. Driveways are to be located at least one hundred (100) feet from a street or highway right-of-way intersection for all uses, except one-and two-family residential uses, which shall be at least fifty (50) feet from the same.

**Town of Londonderry, VT
Planning Commission**

Report on Proposed Zoning Bylaw Amendment
Prepared pursuant to 24 V.S.A 4441(c)
February 10, 2020

Brief explanation of the proposed Bylaw amendment:

Amend Zoning Bylaw Section 402 (Access and Frontage Requirements) to require conditional use review by the Development Review Board for proposed land development on properties along roads not maintained by the Town or State, and to allow administrative approval for such properties of enlargements and renovations to existing structures, and/or construction of new structures accessory to existing legal uses, provided they contain less than 40% of the total floor area of the existing primary structure, and to allow administrative approval of limited land disturbance.

Statement of Purpose:

The purpose of this amendment is to allow for limited land development, when deemed appropriate by the Development Review Board through the conditional use review process on roads not maintained by the Town or State, and to allow for administrative review of some minor land development along such roads.

Findings:

- 1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.*

The proposal conforms with the following goals and policies contained in the October 2017 Town Plan:

Land Use

- Encourage land use that is consistent with the maintenance of the Town's rural character and historic settlement patterns.
- Continue to employ the land use districts designations in order to retain the Town's rural character and natural beauty.
- Continue to support traditional land uses (e.g., forestry, farming, and recreation) within conservation and resource protection areas, and ensure that development does not diminish the scenic and ecological values associated with these areas.

Transportation

- Require that Land Use Regulations limit overall development density and discourage development in remote areas of the town in order to minimize the need for more road construction and consequent increased cost to the Town.
- Continue the existing policy of: (a) not maintaining, plowing, or resurfacing Class 4 Town roads; (b) not paying for the cost of improving a Class 4 to Class 3 standards to serve new development; and (c) only accepting new roads that meet specifications of the Town Road Ordinance.

- Review proposed residential and commercial development for its impact on current roadways and future transportation needs.

Housing

- Encourage retention, reuse, and rehabilitation of existing buildings where possible in priority over new construction to help preserve the town's rural character.
- Support the creation of accessory dwelling units within or attached to single family residences in order to provide affordable housing near cost-effective care and supervision for relatives or disabled or elderly.

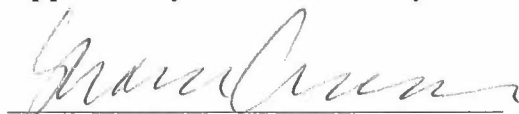
2. Is compatible with the proposed future land uses and densities of the municipal plan.

The proposed amendment is compatible with proposed future land uses and densities of the Town Plan as adopted in October 2017. It establishes a more structured and restrictive, yet predictable, process for new primary structures and uses on non-maintained and private roads, while acknowledging that there are existing structures in such locations and property owners should be able to maintain or improve these previously-developed properties without overreaching regulation.

3. Carries out, as applicable, any specific proposals for any planned community facilities.

Not applicable.

Approved by the Londonderry Planning Commission on February 10, 2020.



Sharon Crossman, Chair

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