

**Mendon Planning Commission Minutes**  
**June 4, 2012**

**Present:** Ernie Smalley, Bill Godair, Justin Lindholm, Phil Douglas and Teri Corsones were present. Zoning Administrator Steve Cosgrove was also present. The May 7, 2012 Mendon Planning Commission Minutes were approved.

**Richard and Elizabeth Swartz:** Richard and Elizabeth Swartz were present for a continuation of the April 2, 2012 hearing, regarding their application to subdivide a 47 acre parcel they own located off the Currier Road in Mendon. Also present were adjoining landowners Brian Kerns, Bronson Spencer, and Harry Ryan. Attorney Gary Kupferer was present on behalf of Harry Ryan and Sam Ryan. T.R. Ryan was present as an observer. Mr. Swartz indicated that he sent Michael Curran, who lives across Meadow Lake Drive, a copy of the Notice of Public Hearing and Minutes of the April 2, 2012 Mendon Planning Commission meeting, and notified him of the June 4, 2012 meeting.

Mr. and Mrs. Swartz presented the following documents at the hearing: A cover letter dated June 3, 2012, referencing materials from Hogg Hill Design, LLC that purport to confirm that a road can be constructed within the proposed easement which would not exceed a 10% grade, including a portion of the road that is within the 25% grade zone; a letter dated April 5, 2011 from Chris Leister (VT Designer #554), opining that a conforming waste water disposal mound can be designed and permitted in the proposed waste water mound area; a revised "Reservation of Right of Way and Easement" that references a right of way and easement 50' in width and a driveway not more than 30' in width; and Profile Sheets 1 – 3 prepared by Hogg Hill Design, LLC, dated April 2012, depicting proposed grades of 6.5% to 10%. They also presented a "Road Plan" with 20' contours prepared by Hogg Hill Design, LLC dated April 2012, with the names of adjoining landowners hand-written in around the Swartz property boundaries; a survey map entitled "Vacation Acreage Corp. Lots 1 – 10" with 5' contours prepared by A.C.F. Precision Surveys, Inc., dated April, 1973, with the names of adjoining landowners hand-written in around the Swartz property boundaries, as well as hand-drawn proposed boundary lines and the approximate road location; and a document entitled "Legend Ridgeline Districts & 25% Slope Districts" dated April 10, 2012 obtained from the Rutland Regional Planning Commission.

With respect to the proposed roadway, members noted the proximity of the roadway to the property boundary lines at Stations 11 + 50 and 5.0. They questioned whether slope and drainage easements would need to be obtained from adjoining property owners at those locations. They also inquired as to the nature of Mr. Leister's licensure. Mr. and Mrs. Swartz acknowledged that portions of the proposed roadway are located in the 25% Slope District. Attorney Kupferer questioned whether any of the property is located within the Ridgeline District or the 300' Elevation District. Mr. and Mrs. Swartz indicated that it is their understanding, from the RRPC maps and their discussions with various officials, that none of the property is within the Ridgeline District or the 300' Elevation District.

Attorney Kupferer provided a copy of State Subdivision permit EC-1-1224 dated December 20, 1989, which approved a 2-lot subdivision, one comprising 4.58 acres and the other comprising

3.16 acres, obtained by Hans and Kathy Entinger, the predecessors in title to Mr. and Mrs. Swartz. Attorney Kupferer believes that the subdivision permit impacts the property at issue. Mr. and Mrs. Swartz were not familiar with the subdivision permit. They will contact the Agency of Environmental Conservation, to inquire as to whether the permit can be amended or otherwise nullified, given that the lots were apparently never conveyed as separate lots pursuant to the permit. It is unclear whether a Mendon Subdivision Permit was ever issued for the lots in question; Attorney Kupferer did not locate such a permit.

Harry Ryan expressed concern about the possible effects of blasting on adjoining properties. Brian Kerns had questions about whether construction of the proposed roadway might affect his water supply. He is not certain of the location of the spring that is the source of his water supply.

Given the topography of the property and the potential steepness of the proposed roadway, members would like additional information before proceeding to the Final Plat stage. They are satisfied that the property is not within the Ridgeline District or the 300 Elevation District. They request clarification however, by a professional engineer, as to what portions of the proposed roadway are within the 25% Slope District, and request that a professional engineer depict the slope and drainage easement areas at Stations 11 + 50 and 5.0 on a plot plan that includes the necessary contours and the proposed boundary lines. If slope and drainage easements impact adjoining properties, the necessary easement instruments will need to be provided. They also request clarification as to the present status of State Subdivision Permit EC-1-1224, and Mr. and Mrs. Swartz's intentions regarding the permit if it does in fact affect the subject property.

Ernie Smalley made a motion to require the additional information described in the paragraph above. Phil Douglas seconded the motion. The motion carried.

Because of the 4th of July holiday, the next meeting of the Mendon Planning Commission is scheduled for Monday, July 9, 2012 at 5:15 p.m. at the Mendon Town Office. The Swartz subdivision permit application hearing is continued until 5:30 p.m. at the July 9, 2012 meeting.

Respectfully submitted,

Therese Corsones