

Mendon Planning Commission Minutes (Draft)
December 7, 2015

Present: Justin Lindholm, Phil Douglas, Neil Langer, Bill Godair, Teri Corsones and newly appointed member Fred Bagley were present. Zoning Administrator Steve Cosgrove was also present for a portion of the meeting. The November 2, 2015 draft minutes were approved with no changes.

McDonough Subdivision Permit Application: Charles McDonough submitted an application to subdivide a previously permitted 7.4 acre parcel located at 431 Notch Road into two parcels, one comprising 4.63 acres, +/- and the other comprising 2.75 acres, +/- . A notice of public hearing was published in the Rutland Herald and posted in three public places in Mendon on November 20, 2015. Mr. McDonough submitted a copy of the cover letter and notice of public hearing that he mailed to the following adjoining landowners on November 24, 2015: Udayan and Tejal Dholokia; Stephen Dolphin; Michael and Sara Tully; Robert and Celeste Walker; Richard Rose; Amanda Wheeler; Gilbert and Jennetta Rorison; Nils Trahnstrom; Karl and Mary Felkl; Thomas and Laura Mangan; William Mangan; and, Mac, Israel, Bottom and Williams. Israel Mac and Cookie Mac were present as adjoining landowners.

Mr. McDonough provided a site plan entitled: "Subdivision Lots 1, 2, 3, 4 for Charles McDonough 431 Notch Road Mendon VT Rutland County" drawn by Licensed Land Surveyor James Montrone on October 16, 2013. The plan depicts the proposed boundary lines for Lot 1 comprising 2.75 acres, +/- and Lot 4 comprising 4.63 acres, +/- . Mr. McDonough indicated that the actual acreage for Lot 1 is 2.69 acres, +/- and for Lot 4 is 4.59 acres, +/- . He indicated that the surveyor will depict the actual acreage on the finalized version of the site plan. Lot 1 includes an existing single family residence and Lot 4 is undeveloped.

With respect to access to a public road, Lot 4 fronts the Notch Road. The proposed access for Lot 1 is via a twenty foot easement that crosses the westerly section of Lot 4, as depicted on the site plan. Mr. McDonough referred to a "Declaration of Easements" dated December 19, 2012 and recorded on December 20, 2012 and recorded in book 95 at page 758 of the town of Mendon land records, that references the access easement. The Declaration will need to be amended in order to accurately reference the proposed access easement benefitting Lot 1 in the subject application. The Declaration will also need to include road maintenance provisions for the proposed access easement.

With respect to septic and water considerations, Mr. McDonough submitted a copy of Wastewater System and Potable Water Supply Permit WW-1-1257-4 dated September

21, 2015, which was recorded on October 5, 2015 in book P2 at page 397 of the Mendon land records. WW-1-1257-4 provides that an existing residence and accessory living unit located on Lot 1 are approved for the existing on-site shared drilled well and existing on-site shared wastewater disposal system, each of which systems are shared with a residence located on Lot 2. An existing wastewater disposal system is located on Lot 4, which serves an existing residence located on Lot 3. Lot 4 shall remain undeveloped unless and until the owner applies for a wastewater system and potable water supply permit that permits development of Lot 4. The Declaration of Easements referenced above will need to be amended to accurately reflect the water and septic easements associated with the proposed subdivision.

With respect to the deed descriptions for the proposed lots, Mr. McDonough provided a narrative description for Lot 1. It did not include a reference to the road easement that crosses Lot 4, or specify that a portion of the roadway that crosses Lot 1 is subject to a right of passage benefitting Lot 2. It also did not reference the septic and well rights benefitting Lot 2. Mr. McDonough provided a proposed deed description for Lot 4. It did not indicate that it was subject to road easements benefitting Lots 1, 2 and 3. Both proposed deeds should include the aforesaid easements, and should reference the original and amended Declaration of Easements described above, including road maintenance provisions. A mylar of the finalized version of the site plan will need to be recorded within the applicable statutory timeframes.

Bill Godair made a motion to continue the hearing until 5:30 p.m. at the next regular Mendon Planning Commission meeting scheduled for January 4, 2016, at which meeting the applicant is to provide the various items specified above. Phil Douglas seconded the motion and the motion carried.

Cortina Inn & Resort: Patrick Kitchin is the general manager of Bhakta Management d.b.a. the Cortina Inn. He would like to install a 50' x 65" ice skating rink at the rear of the hotel property, to be used by guests, only, during the winter season. No new structures would be involved. Six temporary LED light fixtures would be directed towards the rink. No loudspeakers for music or other noise are planned. Members noted that the pond and a warming hut were approved for ice skating purposes on October 16, 1995. They indicated that an application to amend the existing site plan approval would only be needed if there is a proposal to open the ice skating activity to the public.

The next meeting of the Mendon Planning Commission is scheduled for Monday, January 4, 2016 at 5:15 p.m. at the Mendon Town Office.

Respectfully submitted,

Teri Corsones