

Mendon Planning Commission Minutes (Draft)
August 21, 2019

Present: Justin Lindholm, Phil Douglas, Neil Langer and Teri Corsones were present. The draft August 13, 2019 minutes were approved as written.

Weinberg Subdivision Application: The following persons were in attendance for the continued hearing: Applicant Andrew Weinberg, Juliana Secches and Robert Butler. Mr. Weinberg provided the road easement information requested at the August 13, 2019 hearing, consisting of the road easement language in his source deed from Chimayo, LLC: “Rights of way, in common with others as recited in the deed from Shirley Pumpelly to Jamac Corporation dated September 2, 1969, recorded at Book 21, Page 515 of the Mendon Land Records. Right of way in common with others over the Old Stockbridge Road as conveyed and recited in an Amendment to Deed Covenant between Jamac Corporation and General Land Company dated January 7, 2002, recorded at Book 68, Page 221 of the Mendon Land Records.” The easement language will be included in the deed for the subject parcel.

Mr. Weinberg also provided a letter dated August 19, 2019 from R.B. Spencer, PE to the Mendon Planning Commission, addressing the request at the August 13, 2019 hearing for a written statement from a licensed Vermont engineer stating (1) whether any adverse stormwater impact will result from the proposed subdivision and construction, and (2) whether any stormwater permits are required for the proposed subdivision and construction.

Mr. Spencer responded to the first question in the negative: “In my opinion, barring some extraordinary weather event or an unwise action taken on another property which drains toward the Weinberg/Butler lands, the Weinberg subdivision and the construction of the Butler house will not result in an adverse stormwater impact on Old Stockbridge Path or abutting properties.”

Mr. Spencer likewise responded to the second question in the negative: “Vermont has two relevant stormwater permit programs; each is addressed by a General Permit: GP-3-9015 is an operational permit required for projects that have over 1 acre of impervious surface. The area of the Weinberg residence and drive is approximately 0.57 acres (25,000 SF). The area of the proposed Butler residence and drive is approximately 0.23 acres (10,000 SF). When completed, the 2 projects will have a total of around 0.80 acres of impervious surface. This is less than the 1-

acre trigger for jurisdiction under GP-3-1015, thus, this permit is not required. GP-3-9020 is a stormwater construction permit (commonly referred to as an “erosion control” permit) required for construction permits that will disturb over 1 acre of land. Construction of the proposed Butler residence will disturb around 0.35 acres total, comprised of lawn, driveway and building. Again, as 1-acre is the trigger for jurisdiction, GP-3-9020 is not required.”

Juliana Secches presented a letter from Jeffrey Brusco that he had asked her to submit at the hearing. He was not present. In the letter, he asked that it be included into the record. Teri copied it for those in attendance. The letter asked that Phil Douglas, the Mendon Constable, address vehicular passage on the Old Stockbridge Road. Those in attendance who regularly travel on the road described how persons using the road have historically allowed for passage when there is more than one vehicle using the road at a time. One vehicle will move to a location on the side of the road so as to permit the other vehicle to safely pass. Phil indicated he would be happy to meet with Mr. Brusco should he have any follow-up questions.

Mr. Brusco also requested members to require a performance bond for past and any future damages “with construction due to this subdivision”. Members noted that the Declaration of Covenants for Road Maintenance for Pumpelly Lots 1, 2, 3, 4 & 5 Mendon Vermont” referenced in the August 13, 2019 minutes includes a mechanism for repairs or reconstruction of the road. They also noted that the Mendon Subdivision Regulations permit, but do not require the Planning Commission to condition a subdivision permit on issuance of a performance bond “to assure one or more of the following: the completion of the project, adequate stabilization, or protection of public facilities that may be affected by a project.” Persons in attendance spoke at length about discussions among the persons utilizing the road regarding road maintenance and repairs. They are using the above-described road maintenance agreement as the basis for discussion, and Ms. Hecches is formulating possible modifications to the agreement for the affected property owners’ consideration, if needed. Members did not believe that requiring a performance bond was appropriate or necessary under the circumstances.

Mr. Brusco also requested a copy of a permit that the Casella Company obtained when it worked on Mr. Weinberg’s property in the past. He acknowledged that all state permits were obtained. Mr. Weinberg indicated that he would provide a copy of the permit for the file.

Phil Douglas made a motion to approve the subdivision application as submitted, and Justin Lindholm seconded the motion. The motion was approved.

The next regular meeting of the Mendon Planning Commission is scheduled for Monday, September 9, 2019 at 5:15 p.m. at the Mendon Town Office, given the holiday conflict.

Respectfully submitted,

Teri Corsones