

Mendon Planning Commission Minutes (Draft)
December 6, 2021

Present: Phil Douglas, Fred Bagley, Justin Lindholm, Gary Sihler and Teri Corsones were present. The draft November 1, 2021 minutes were approved with no changes.

McDonough Subdivision: Charles McDonough was present for the hearing noticed for his application to subdivide a 4.52 acres +/- parcel located at 92 Bell Ridge Run off of the Notch Road in Mendon into two lots, one identified as Lot 4 comprising 1.02 acres +/- and the other identified as Lot 5 comprising 3.5 acres +/-

The relevant Notice of Hearing was published in the Rutland Herald on November 18, 2021 and copies of the Notice were posted in three public places in Mendon. Applicant provided a statement certifying that on November 16, 2021 he mailed a copy of the Notice of Hearing and the requisite adjoining landowner letter certified mail, return receipt requested to each of the adjoining landowners identified and at the addresses listed in the statement, including Richard C. Rose, Trustee, Matthew Bonsted and Justine Madore, Udayan and Tejal Dholakia, Mac, Israel, Bolton & Williams, Laura Mangan, William Mangan and Krista Raymond, Karl and Mary Felkl, and Lisa Kattenhorn. Return receipts were provided for each of the addressees except Matthew Bonsted and Justine Madore. Applicant also certified in the statement that he hand-delivered a copy of the Notice of Hearing and adjoining landowner letter to Amanda Wheeler on November 16, 2021.

Applicant reviewed the subdivision history of the property at issue during the past seven years, confirming that the proposed subdivision creating two new lots meets the definition of “Minor Subdivision” in Section 202 of the Mendon Subdivision Regulations.

Applicant provided an undated site plan entitled “Subdivision Lots 1, 2, 3, 4, 5 for Charles McDonough, 92 Bell Ridge Road, Mendon VT” drawn by State of Vermont Licensed Land Surveyor James L. Montrone, and amended on November 2, 2015 and again on October 11, 2021. It depicts Lots 1 – 5. Applicant also provided a draft document entitled “Declaration of Easements Charles P. McDonough Third Amendment”. The document provides that it is the Third Amendment to a Declaration of Easements dated December 19, 2012, and

references a First Amendment dated April 9, 2014 and a Second Amendment dated June 3, 2016. The document also provides that the purpose of the Third Amendment is to set forth the various rights and obligations running with the newly created Lots 4 and 5.

The property is located in Mendon's Residential 1 Zoning District, which requires a minimum of 1- acre overall lot size. Applicant stated that proposed Lot 4 comprises 1.02 acres +/- and contains an existing 625 square foot two-bedroom single-family residence. He provided State of Vermont Wastewater System and Potable Water Supply Permit WW-1-1257-6 dated April 8, 2021 and recorded in book 106 at page 302 of the Mendon land records, which provides that the residence is served by a previously permitted potable water supply and wastewater disposal system.

Applicant stated that proposed Lot 5 comprises 3.5 acres +/- and presently contains a shed. Permit WW-1-1257-6 provides that Lot 5 is approved for the construction of a four-bedroom single-family residence, served by a new on-site potable water supply well and an inground absorption trench-type wastewater system.

Members requested a copy of the Septic Detail Plan and the Septic Site Plan, each dated September 20, 2020, referenced in Permit WW-1-1257-6. Applicant provided the plans before adjournment of the hearing.

Permit WW-1-1257-6 also provides that the existing wastewater system and designated replacement disposal area for Lot 3 is located on Lot 4 and Lot 5, and requires the land deeds that establish and transfer ownership of these lots to contain permanent legal access which grants future owner(s) of Lot 3 the right to enter upon Lots 4 and 5 for the construction, repair, maintenance and other such reasonable purposes as may arise regarding the wastewater system.

The Declaration of Easements Third Amendment does not include a reference to the aforesaid wastewater easement rights. It does include a reference to the road maintenance agreement, ingress and egress rights, utilities easements rights, and well easements, and accords Lots 4 and 5 the same rights and obligations as previously afforded the source lot. Applicant did not provide deed descriptions for lots 4 and 5.

Members asked if culverts were planned and applicant indicated that he had consulted with the Mendon Road Commissioner and was advised to install 12"

culverts where the driveway serving Lots 4 and 5 branches off of Bell Ridge Run. Members recommended that applicant consider 15” culverts.

Applicant indicated that there are no water courses, wetlands, flood hazard areas or steep slopes in the subject area.

Applicant will provide a modified Declaration of Easements Third Amendment that includes the necessary wastewater easement provisions, as well as deed descriptions for the two proposed lots, per Section 400(B)(13) of the Mendon Subdivision Regulations before the next Mendon Planning Commission meeting on January 3, 2022. The hearing is continued until 5:30 pm on that date.

Interim Zoning Administrator: Members recommended to the Selectboard that Jesse Bridge be appointed as Interim Zoning Administrator until a new Zoning Administrator is appointed, given the unfortunate and unexpected passing of Mendon Zoning Administrator Steve Cosgrove on November 8, 2021.

Mendon Enhanced Energy Plan: The Mendon Planning Commission noticed a public hearing to afford interested persons the opportunity to express their views regarding the proposed Mendon Enhanced Energy Plan and a concurrent proposed amendment to the Energy Section of the Mendon Town Plan that was adopted on August 24, 2020. Residents Neil Langer and Larry Courcelle were present for the hearing.

The Notice of Hearing and Report for the Mendon Town Plan Update, New Energy Section of the Mendon Town Plan, and Mendon Enhanced Energy Plan were emailed to Planning Commission Chairs of adjoining municipalities, to the Executive Director of the Rutland Regional Planning Commission and to the DHCD on November 4, 2021. A supplement including the Mendon Town Plan and a copy of the Mendon Town Plan with the proposed Energy Section substituted for the current Energy Section was emailed to the same recipients on November 5, 2021. A Notice of Hearing with a summary of the materials including a statement of purpose, geographic areas affected, table of contents/listing of section headings, and a description of the place within the Town where the full text of the affected materials may be examined was published in the Rutland Herald and posted in three public places, one of which was at the Mendon Town Clerk’s Office.

The two residents in attendance spoke in support of the Mendon Enhanced Energy Plan and to the proposed amendment to the Energy Section of the Mendon Town Plan. Larry Courcelle commended the Planning Commission for its work. No

changes were made to the proposed materials as a result of the public hearing. The proposed materials will be submitted to the Mendon Select Board for public review and for the second required public hearing.

Miscellaneous: Teri reported that she was informed that a Notice of Zoning Violation was mailed to the owners of the green house across from the Sugar & Spice Restaurant on Route 4, regarding the large recreational vehicle that has remained parked in front of the house after the expiration of a temporary permit that allowed the vehicle to be parked there.

The next meeting of the Mendon Planning Commission is scheduled for Monday, January 3, 2022 at 5:15 p.m. at the Mendon Town Office.

Respectfully submitted,

Teri Corsones