

**Mendon Planning Commission Minutes (Draft)**  
**March 13, 2023**

**Present:** MPC members Fred Bagley, Justin Lindholm, Dick Howe and Teri Corsones were present. Steve Ellerin was also present. The draft February 6, 2023 minutes were approved with no changes.

**Hughes Subdivision:** Douglas Hughes was present for the hearing noticed for an application to subdivide a 28.1 +/- acre parcel located at 435 South Mendon Road into two lots, one comprising 14.8 +/- acres and the other comprising 13.3 +/- acres. John Lapre from Spencer & Lapre, LLP was also present for the hearing.

The relevant Notice of Hearing was published in the Rutland Herald on February 24, 2023 and copies of the Notice were posted in three public places in Mendon on the same date. Applicant provided a written statement dated March 13, 2023 in which John Lapre certified that on February 24, 2023 he mailed a copy of the Notice of Hearing and the requisite adjoining landowner letter via First Class Mail to each of the adjoining landowners identified and at the addresses listed on a “100 Foot Abutters List Report” also submitted. Persons who attended the hearing in response to the notice included John Rizk; Mary Rizk; Karin Stamy; Steven Duboff; JoAnn O’Hagen; Mary Byrne; Peter Oswald; Larry Courcelle; and Wanda Courcelle. Bronson Spencer also attended a portion of the hearing.

Members noted that two new lots would result from the proposed subdivision, and determined that the proposed subdivision met the definition of “Minor Subdivision” in Section 202(2) of the Mendon Subdivision Regulations: “Minor subdivisions shall include the subdivision of land which results in the creation of two (2), three (3) or four (4) lots.”

The applicant provided a site plan entitled “Lands of Douglas Hughes, Mendon Ridge Subdivision” drawn by Spencer & Lapre, LLP and dated December 15, 2022. It depicts Proposed Lots A and B located at 435 South Mendon Road. Applicant also provided proposed narrative descriptions of Lots A and B.

Proposed Lot A comprises 14.8 acres +/- and fronts the South Mendon Road. It includes an existing house with a shallow well in the basement, an existing disposal field, a barn and a shed. The westerly half of the lot is located in the Residential 1 Zoning District and the easterly half is located in the Wheelerville

Zoning District. Mendon's Zoning Regulations for the Residential I Zoning District require a 2-acre minimum lot size and for the Wheelerville Zoning District require a 5-acre minimum lot size. The proposed description for Lot A includes a provision that the premises are conveyed subject to a forty-foot wide easement for ingress, egress and utilities in favor of Lot B as generally depicted on the survey drawing.

Proposed Lot B comprises 13.3 acres +/- and is located in the Wheelerville Zoning District. A proposed house, proposed disposal fields, a proposed well and a pond are depicted on the site plan. The rough area where trees have been cleared for the proposed improvements is also depicted. The proposed description for Lot B includes a provision that the premises are conveyed benefitted by a forty-foot wide easement for ingress, egress and utilities over Lot A as generally depicted on the survey drawing. Applicant indicated that he intends to install utilities underground within the easement area.

Applicant provided a Vermont Department of Environmental Conservation Wastewater System and Potable Water Supply Permit WW-1-3644 dated November 17, 2022. It affects proposed Lots A and B. The existing residence on Lot A was approved for a 3-bedroom single family residence with a 6-persons maximum occupancy and the proposed residence on Lot B was approved for a 4-bedroom single family residence with a 7-persons maximum occupancy. Lot A was approved to utilize the existing potable water supply and the existing onsite wastewater disposal system. Lot B was approved to install the onsite water supply and inground trenched wastewater disposal system as detailed on plans submitted by applicant in conjunction with his application for the wastewater and water supply permit.

Section 614 of the Mendon Zoning Regulations governs the construction and management of ponds. It provides that any pond that impounds more than 100,000 cubic feet of water or includes a structural element greater than ten feet high shall be designed and certified by a Vermont licensed professional engineer with experience in pond design. Applicant indicated that the pond was constructed in the summer of 2021 and was not designed by an engineer. Mr. Lapre indicated that the pond has approximately 3,800 square feet of surface area and a depth of approximately 10 feet. He estimated the volume of water in the pond to be approximately 25,000 cubic feet at the height of spring run-off it. Applicant indicated that the pond is dry during the summer. He had hoped that he could have

fish in the pond but that has not been possible. He indicated that he may fill the pond back in as a result.

Mr. Lapre indicated that the location of the pond on the survey is approximate but the pond is located well in excess of the required fifty feet isolation distance from the proposed septic system.

Applicant indicated that he consulted with a person at the Vermont Department of Conservation (DEC) who indicated that a permit was not needed if a pond is not filled with water year-round. Applicant indicated that he also contacted Josh Carvajal, a river management engineer in the DEC Rivers Program shortly before the hearing. Applicant indicated that Mr. Carvajal did a site visit and stated that the volume of water in the pond did not necessitate a permit. Applicant asked Mr. Carvajal to provide written confirmation of the same but did not have the written confirmation at the time of the hearing.

Applicant roughed in a driveway approximately nine months ago in the location of the proposed drive on the site plan to access Lot B. The driveway is approximately 15' in width and is unpaved. Applicant indicated that he consulted with Mendon Road Commissioner Bill Ellis at the time and that Mr. Ellis noted a long-standing issue with standing water collecting on the South Mendon Road in the vicinity of where the proposed driveway would intersect with South Mendon Road. The standing water ices up on occasion. Applicant indicated that Mr. Ellis recommended a 15" culvert running parallel to the South Mendon Road. Applicant installed an 18" culvert that he indicates Mr. Ellis has approved.

Adjoining landowners expressed concerns about runoff water flowing down the driveway and potentially impacting the integrity of the South Mendon Road and potentially impacting the property located directly across the road in Spencer Meadows. Discussion ensued about the possibility of installing different-sized culverts, and the possible benefits of installing a ditch parallel to the South Mendon Road running north to the area of the driveway accessing the existing residence on Lot A. Concern was then expressed about the potential impact that measure would have on property located across from the existing residence on Lot A. Concerns were also expressed about erosion control along the driveway and the potential impact of runoff from the pond on Lot B.

Applicant expressed his willingness to consult with an engineer regarding measures appropriate to the adjoining landowners' concerns.

Fred made a motion to approve the subdivision permit application, subject to: (1) the applicant providing written confirmation from the VT Department of Environmental Conservation that a state permit is not required for the pond on Lot B; and (2) the applicant engaging a qualified licensed engineer to inspect the driveway, determine whether additional measures are needed to reasonably address the potential run-off, erosion and drainage concerns cited, and report in writing as to the engineer's conclusions. If the engineer determines that additional measures are reasonably needed, the subdivision approval is conditioned on applicant implementing those measures. Dick Howe seconded the motion and the motion carried.

**Zoning Administrator/ MPC Positions:** Steve Ellerin is a long-time Mendon resident and business owner who served for many years on the Mendon Planning Commission. Mr. Ellerin met with members regarding the Mendon Zoning Administrator vacancy. Members unanimously recommended Mr. Ellerin for the Mendon Zoning Administrator position, effective April 1 when Fred Bagley's current term as Interim Zoning Administrator ends. Fred also offered to serve as Acting Zoning Administrator in the future in the event of Steve's absence or in the event of a conflict of interest. Members unanimously recommended Fred Bagley for Acting Zoning Administrator under those circumstances.

Fred also indicated that Lisa Swett, a long-time Mendon resident, has expressed a willingness to serve on the Mendon Planning Commission. Members unanimously recommended Ms. Swett for the position. Teri will relay the recommendations to the Select Board for action at the next Select Board meeting.

**Signage Violations:** Fred reported that the owners of the Snow Angel and the Edelweiss properties on Route 4 have each indicated that they will paint over the lettering on their signs before May 1, 2023.

The next meeting of the Mendon Planning Commission is scheduled for Monday, April 3, 2023 at 5:15 p.m. at the Mendon Town Office.

Respectfully submitted,

Teri Corsones