

Mendon Planning Commission Minutes
June 3, 2024
(DRAFT)

Present: Justin Lindholm, Dick Howe and Teri Corsones were present. Fred Bagley, Sarah Buxton and Dennis O’Connell were present via the GoToMeeting link. Zoning Administrator Steve Ellerin was also present. The draft May 6, 2024 minutes were approved with no changes.

Howard Smith Subdivision Application: Teri explained that prior to the meeting Mr. Smith asked that the hearing that began at the April 1 MPC meeting and that was continued to June 3 be further continued to the July MPC meeting, given the surveyor’s unexpected unavailability for the June 3 meeting. The request was granted and the Smith Subdivision Application hearing was continued to Monday, July 8, 2024 at 5:30 pm. (The July MPC meeting is scheduled for July 8, 2024 instead of July 1, 2024 due to members’ scheduling conflicts.)

Kerns Home Occupation: Lisa Kerns resides on the South Mendon Road in Mendon. Her affiliation with the Vermont Donor Milk Center was highlighted in a recent Rutland Herald story and a question arose as to whether a home occupation permit might be required. Ms. Kerns was present to provide information which included details about her involvement with the Vermont Door Milk Center and two other businesses she owns. She described how customers contact her online or by phone and that she provides services to customers at a hospital, their home, or by meeting them somewhere other than her home. She noted that her home insurance policy does not allow her to provide services at her home. Ultimately it was determined that a home occupation permit is required but since none of the businesses involve clients coming to the home, none involve employees other than Ms. Kerns, the space dedicated to the businesses is well within the requisite percentage of overall space for home occupations and no signage is involved, the home occupation application process should be straight-forward. Ms. Kerns will connect with Steve Ellerin to make the application.

Flannels Restaurant: Steve reported that Mike Fucillo has been in contact with him regarding plans to purchase the former Flannels Restaurant on U.S. Route 4, and to convert it to a 7-bedroom home for personal and short-term rental use. Steve will advise Mr. Fucillo that a change of use permit would be needed to change the

property use from a restaurant to a residence/rental property. Mr. Fucillo is also exploring the idea of constructing a number of “tiny homes” at the rear of the property. Steve will advise Mr. Fucillo that an application for site plan approval for new commercial construction would be needed. Mr. Fucillo plans to connect to the Alpine Pipeline. The property adjoins the Rutland City Forest and Watershed. Commission members noted that future review of zoning regulations should consider the evolving uses of residential properties or portions of commercial properties for short-, intermediate-, and long-term rental arrangements.

Econolodge: The following interested persons attended the meeting in-person: Lisa Shaddock; Chris Shaddock; Scott Carmichael; Heidi Jeromin; George Brunt; Bill Ackerman; Stephen Montanez; Keith Whitcomb; Karim Chapman, Mark Bergstrom and Cindy Bergstrom. The following interested persons attended the meeting via the GoToMeeting platform: Dennis Charles; Lisa Brooks; Jodi Manning; Alex Johnson; Brian Gates; Carol Gates; and Larry Gold.

Anil Sachdev appeared with his attorney Frank Urso, Esq.

Attorney Urso indicated that he reviewed the Act 250 permit that was brought to his attention at the May 6 meeting. He believes that the hotel was approved for 28 units and that there were additional eight 2-room suites that an earlier owner converted to 7 additional individual bedroom units. As such, he does not believe that there was an increase in water or sewer usage or an impact on the ten Act 250 criteria. It is his opinion that an amendment to the Act 250 permit is not needed under the circumstances. Teri asked if the existence or approval of the additional suites was documented anywhere in the original Act 250 permit materials or in the amendment to the permit in 2008. It does not appear that it was. Sarah Buxton pointed out that the amended Act 250 Permit 1R0310-2 in 2008 provides that no changes shall be made in the design or use of the project without a jurisdictional opinion from the District Coordinator or a permit amendment from the Commission. Mr. Urso indicated that he will seek a jurisdictional opinion as to whether an amendment to the existing Act 250 permit is needed given the discrepancy in number of approved bedrooms.

Mr. Urso requested site plan approval for the property. Teri requested an application for site plan approval so that a hearing could be noticed. The next MPC meeting is scheduled for Monday, July 8, 2024. In order to provide the requisite notice for that hearing a complete application would be needed before Thursday, June 20. Mr. Urso indicated that he would timely submit the application. Teri

noted Sections 501 – 503 of the Mendon Zoning Regulations regarding site plan application criteria and requirements and Section 402 regarding performance standards for all activities. She also noted Section 1006 regarding Certificate of Occupancy criteria and requirements. Regarding the Certificate of Occupancy requirements that include receiving water permits from the Vermont Agency of Natural Resources, Steve shared information he received earlier in the day from Meredith Maskell, Non-Community Operations Section Supervisor at the Vermont Agency of Natural Resources. Ms. Maskell indicated in an email to Steve dated June 3, 2024 that the property is regulated as a public Transient Non-Community (TNC) drinking water system under the name Budget Host Inn, WSID #4262.

In her email Ms. Maskell noted that the water system was identified as inactive February 2016 through February 2024 because it was reportedly closed to the public. She referenced an email that was sent to Dave Dholakia and Anil Sachdev on February 29, 2024 summarizing the requirements for operation of the public drinking water system in accordance with state and federal regulations. As of June 3, 2024, Ms. Maskell indicated that the water system had only satisfied the requirement to collect pre-opening water quality samples for total coliform bacteria and nitrate.

After citing certain observations made during the Division of Fire Safety inspection on March 14, 2024, Ms. Maskell indicated that she contacted the owners to conduct a full sanitary survey of the water system. She indicated that she would provide a copy of the sanitary survey letter to the Town of Mendon. Mr. Sachdev indicated that the sanitary survey is scheduled for Monday, June 10 at 12:30 pm.

Regarding two other outstanding issues from the May 6 MPC meeting, Mr. Sachdev provided a report from a mold and mildew specialist who indicated that remediation is not necessary. Upon questioning as to whether walls were closed by sheetrock prior to documentation by the specialist, Mr. Sachdev represented that only walls in the basement were closed and that mold had not been discovered in the basement. Regarding the water sample reports, additional testing will take place in conjunction with the full sanitary survey being undertaken by the Agency of Natural Resources.

Sarah Buxton noted that as part of the site plan application, 24 VSA 4416(b) requires a letter from the Agency of Transportation whenever a property abuts a state highway. Mr. Urso indicated that he would follow up.

Comments from others in attendance included continuing concerns about the property participating in the voucher program and related issues that have plagued Rutland Town coming to Mendon. Mr. Sachdev repeated that he does not intend to participate in the voucher program. The provision in the Mendon Zoning Regulations that provides that no unit of a hotel, motel or lodge may be occupied as a residence was also cited. Mr. Urso referenced the affidavit that was submitted at the May 6 MPC meeting that purports to preclude Mr. Sachdev from participating in a voucher program. Inquiry was made about fines being included in the event of a violation and Teri indicated that possibility was being researched.

The next MPC hearing is scheduled for July 8, 2024. The Smith subdivision matter has been noticed for 5:30 pm on that date, which will last until approximately 6:30 pm when the Econolodge site plan application will be considered, assuming that a complete application is timely submitted. In that event the hearing will be noticed and adjoining landowners notified.

The next meeting of the Mendon Planning Commission is scheduled for Monday, July 8, 2024 at 5:15 p.m. at the Mendon Town Office.

Respectfully submitted,

Teri Corsones