

Mendon Planning Commission Minutes
March 11, 2025

Present: Fred Bagley, Sarah Buxton, Steve Ellerin and Teri Corsones were present in person. Dick Howe was present via the GoToMeeting platform. Zoning Administrator Gregg Smith was also present. The draft February 3, 2025 minutes and the draft March 3, 2025 minutes were each approved with no changes.

Sachdev Update: Neither Anil Sachdev nor his attorney Frank Urso were present to provide updated information regarding the Econolodge property. Present in person was Brian Gates. Present via the GoToMeeting platform were Cindy Bergstrom and Carol Gates.

At the November 13, 2024 MPC meeting Mr. Sachdev had indicated that he had an extension until December 9, 2024 to resolve the safety deficiencies identified in the Agency of Natural Resources sanitation letter detailed in prior minutes. He was to report on the status of the deficiencies at the December 2 MPC meeting. He did not attend the December 2 MPC meeting and the matter was continued until the January 6 MPC meeting. Given his absence at the January 6 MPC meeting, the matter was continued again until the February 3 MPC meeting. Given his absence at the February 3 MPC meeting, the matter was continued again until the March 11 MPC meeting. Given his absence at the March 11 MPC meeting, the matter will be continued again until the April 7 MPC meeting.

Weinberg Subdivision Permit Application: Andrew Weinberg was present for the hearing noticed for his application to subdivide a 53.4+/- lot located at 320 Old Stockbridge Path into three lots, Lot 1 comprising 2.0 +/- acres, Lot 2 comprising 4.2 +/- acres and Lot 3 comprising the balance of 47.2 +/- acres.

The relevant Notice of Hearing was published in the Rutland Herald on February 22, 2025. The Notice was posted in three public places in Mendon. Mr. Weinberg stated that he mailed a copy of the Notice of Hearing and the requisite adjoining landowner letter via first class mail to the following adjoining landowners at the addresses submitted at the hearing: Robert Butler; Brian Boyden and Boyden Gimel LLC; Michael Khilkin; TCM LLC; Marc Katsky (sic) Latsky; Methodist Community Church; and Carol St. Pierre. None of the adjoining landowners attended the meeting.

Mr. Weinberg provided a copy of a survey map entitled “Lands of Weinberg” dated August 2, 2019 prepared by Spencer & Lapre LLP, which depicts the original subdivision that resulted in his and his wife Sloan Weinberg’s ownership of the lot proposed to be subdivided. In a project description that Mr. Weinberg provided at the meeting, Mr. Weinberg stated that he has retained Van Dusen and Steves Land Surveyors in Queensbury NY to prepare a survey of the proposed subdivision and that the survey is expected shortly. Per Section 400 of the Mendon Subdivision Regulations, a survey plat meeting the requirements of Section 400 is required before a subdivision application can be approved.

Mr. Weinberg also provided a “Concept Subdivision Plan” that Van Dusen and Steves prepared that provides that Lot 1 comprises 2.7 +/- acres; Lot 2 comprises 4.3 +/- acres; and Lot 3 comprises 45.5 +/- acres (versus the acreages referenced in the Notice of Hearing). He also provided a document depicting proposed Lot 2 (identified as Lot 1D) with the proposed house, driveway, well, utility pole and septic locations. Lastly, he provided a hand-drawn document identifying adjoining landowners and the Old Stockbridge Path location vis a vis the various adjoining landowners.

Inquiry was made as to whether the proposed subdivision is a minor or a major subdivision. Section 202(1) of the Mendon Subdivision Regulations provides that the creation of four or fewer lots is classified as a minor subdivision, taking into consideration how many lots were created during the seven years prior to the date of the subdivision application. Because the proposed subdivision results in three lots and one other subdivision took place during the past seven years, for a total of four lots, the subdivision is considered a minor subdivision. The property is in the Residential One District, which requires a one-acre minimum lot size.

Members reviewed the Subdivision and Final Plat Submission Requirements in Section 400 of the Mendon Subdivision Regulations. As noted above, Mr. Weinberg must submit a survey plat that meets the size, number and content detail requirements set forth in Section 400, including contours. He must also submit a deed description for each of the proposed lots, including any relevant easement descriptions, and a vicinity map as described in the regulation. In addition, he must submit a copy of all necessary municipal and state permits including but not limited to highway access permits, wastewater and potable water permits and letters from the school district officials and emergency service providers regarding the adequacy of existing facilities.

Regarding a highway access permit, 24 VSA §4463 provides that whenever a proposed subdivision is adjacent to a state highway, the application for subdivision approval shall include a letter from the Agency of Transportation confirming that the Agency has reviewed the proposed subdivision and determined whether a permit is required under 19 V.S.A. § 1111. Given that a portion of the subject property adjoins US Route 4, Mr. Weinberg will contact AOT to request the review and letter. He was provided the name of the AOT contact person.

Regarding a wastewater and potable water permit, Mr. Weinberg provided a letter from Chase & Chase Surveyors and Septic Designers dated December 27, 2024 that explained the process for obtaining a permit and that included an estimate for assistance in obtaining a permit. Test pits have been dug but the design has not been completed. He also provided an estimate from Parker Water Wells for drilling an adequate quantity of water for a domestic household and a pump system. It's unclear whether a well permit is needed. Mr. Weinberg will inquire of Parker Water Wells. Regarding electrical power, Mr. Weinberg provided an estimate from Green Mountain Power dated February 20, 2025 to install underground power to Lot 2. Mr. Weinberg indicated that he has not yet decided whether he will install power or go "off grid". If he intends to arrange for power through a utility company he will provide the necessary easement language and anticipates the power line being underground.

Regarding letters from the school officials and emergency service providers, members will inquire of the town clerk whether a blanket letter from the Rutland City Fire Department and a blanket letter from the Barstow School are available.

Regarding deeded access to the property, Mr. Weinberg will need to provide the necessary easement language for a deeded right of way as depicted on a final survey plat as well as provide a private road maintenance agreement. It appears that there is an existing "Declaration of Covenants for Road Maintenance of Pumpelly Lots" that Mr. Weinberg will obtain a copy of and will review with his lawyer for possible relevance.

Section 400(E) references Stormwater Management Plans and Erosion Control and Sedimentation Plans. Mr. Weinberg indicated that Lot 1 has no steep slopes but Lot 2 does have a steep area where it adjoins US Route 4. He will consult with his surveyor regarding whether either type Plan is required given the topography and other relevant factors.

Sarah indicated that there is a new state law that requires a determination of whether a stormwater permit is needed for any lots larger than one-half acre in size, based on the degree of impervious surface. Mr. Weinberg will check with his surveyor regarding this new law and any impact it may have on his project.

Members confirmed that a complete survey plat that meets Section 400 requirements; a deed description of the three proposed lots; relevant access and utility easements; a road maintenance agreement; the AOT letter; and a determination as to whether a stormwater management plan, stormwater permit, erosion control plan or well permit are required are all needed in order to proceed with the subdivision application process. Steve made a motion to continue the hearing to the next regularly scheduled MPC meeting on Monday, April 7 at 5:30 pm. Sarah seconded the motion and the motion carried.

Rules of Conduct: Sarah reported that on March 10, 2025 the Selectboard adopted “Rules of Conduct & Procedure at Public Meetings” to provide for reasonable public comment and participation during public meetings. The Rules pertain to all town public body meetings, including MPC meetings, but may be amended by majority vote of the MPC for MPC meetings. The Rules provide that persons attending the meeting may make a public comment at the end of the meeting for two minutes’ time, limited to the topics on the agenda unless the public body votes otherwise. A joint meeting is being scheduled for all public bodies to review various town policies in June.

Zoning Regulations Update: The RRPC consultant who is assisting with the zoning update will be invited to the April 7 MPC meeting to go over his recommendations regarding any changes to the current regulations that the town may wish to consider. No changes have been made to the zoning map or to the zoning regulations in the meantime. Any potential changes that have been discussed to date for the town’s consideration have been detailed in MPC minutes. If the consultant is available for the April 7 meeting it will be noted in the agenda for the meeting. Any changes for the town’s consideration will also be discussed at the minimum of one MPC public hearing dedicated to the zoning update and at the minimum of one selectboard public hearing dedicated to the zoning update before a town-wide vote on any changes.

Public Comment: Carol Gates inquired about questions raised in her and her husband’s recent open meeting law complaint. She was told that the MPC issued its decision regarding the complaint on March 3, 2025. She was also told that no

changes have been made to the zoning map or to the zoning regulations. Mr. Gates inquired about the same questions and was given the same response.

The next regular meeting of the Mendon Planning Commission is scheduled for Monday, April 7, 2025 at 5:15 p.m. at the Mendon Town Office.

Respectfully submitted,

Teri Corsones