

Mendon Planning Commission Minutes (Draft)
December 4, 2017

Present: Justin Lindholm, Phil Douglas, Nicole Kesselring, Fred Bagley, Bill Godair, Neil Langer and Teri Corsones were present. Zoning Administrator Steve Cosgrove was also present. Inasmuch as there was no meeting in November, no minutes were presented for review and approval.

Latzky Site Plan Review Application: Marc Latzky was present regarding his application for site plan approval and change of use for his residential property located at 2596 U.S. Route 4, in order to utilize three bedrooms of the property for short term rentals. (Mr. Latzky verbally modified the application at the hearing to seek approval to utilize two bedrooms for short term rentals). A notice of public hearing was published in the Rutland Herald on November 17, 2017, and posted in three public places in Mendon. Mr. Latzky provided a written listing of the adjoining landowners and the methods of public hearing notification he provided them. He notified Timothy McBain of Mendon Mini-Golf via e-mail and received electronic acknowledgement of receipt of notice on December 2, 2017 from Mr. McBain; he notified Lynn Manney of Sugar & Spice via hand-delivery of the notice on November 30, 2017; he notified the Mendon Community United Methodist Church via regular mail and received an acknowledgement of receipt from the pastor on December 3, 2017; and he notified Andrew Weinberg via regular mail on November 2, 2017. Seward Hawley and Phil Swords, Trustees of the Mendon Community United Methodist Church, appeared on behalf of the Church. No other adjoining landowners appeared at the hearing.

The property is located in the Village District. Bed and Breakfast operations are a permitted use in the Village District. A Bed and Breakfast is defined as "an owner-occupied lodging facility within a residential dwelling with up to six rooms for transient guests." Mr. Latzky indicated that he lives at the property. The property meets the dimensional and landscaped area requirements in the Village District. Mr. Latzky provided a site plan he drew up depicting the rooms on the ground floor and the top floor of the house, the relative location of Route 4, the location of a shared driveway, parking areas and the approximate septic and well locations. Members reviewed the Site Plan Review criteria set forth in Sections 501 – 503 of the Mendon Zoning Regulations, including parking, vehicular and pedestrian circulation, landscaping and screening, and impacts on adjacent properties from noise, light, odor, water runoff, or excess refuse.

With respect to parking, the site plan does not show the number of parking spaces or dimensions of the parking spaces. Mr. Latzky will need one parking space for each of the bedrooms he plans to let, and a parking space for himself. There appears to be adequate space for parking, but the site plan isn't clear in that respect. Members requested Mr. Latzky to submit a site plan that comports with Section 503(d), including depictions of the structure and parking area with proposed parking spaces. With respect to snow

removal, Mr. Latzky described a system that is used to ensure that plowed snow will not infringe on the number of available parking spaces.

With respect to landscaping and screening, the subject property is in the Village District in Mendon. Section 303 of the Mendon Zoning Regulations provides that each lot in the Village District shall have a strip of land at least fifteen feet in width in the front yard and at least ten feet in width in the rear and side yards which shall be maintained as a landscaped area. Mr. Latzky indicated that requisite size grass areas will be maintained in the front, rear and side yards. He will add the relevant dimensions to the site plan.

With respect to impacts on adjacent properties from noise, light, odor, water runoff, or excess refuse, no adverse impacts are expected. The existing single access point will not change. Vehicular and pedestrian circulation is adequate, based on the projected number of persons at the property at any one time.

Members reviewed a document entitled "Preservation and Conservation Covenant", dated April 22, 2004 and recorded in Book 79 at pages 759-768 of the Mendon land records. The Covenants were drawn up when Mr. Latzky purchased the property from Phelps House, LLC. The document references Exhibits A and B, which are described as photographs depicting the exterior surfaces of the building, further described as the Facades" The Covenants prohibit Mr. Latzky from making any changes to the Facades absent prior express written permission of the Phelps House. Exhibits A and B were apparently not recorded in the land records, so Mr. Latzky will look for the exhibits in his records. It's unclear whether the State of Vermont will require Mr. Latzky to install a fire escape or fire escapes for the bedrooms he intends to rent. He plans to meet with the Fire Marshal's Office and with Permit Specialist Rick Oberkirch to confirm what state permits are needed, and to confirm whether fire escapes are required. The site plan also depicts the approximate location of a private septic system and a well that's shared with the Methodist Church. Mr. Latzky will also inquire about any conditions that may be triggered because of the shared well with the Methodist Church. He does not plan any structural changes to the property, or signage for the Bed and Breakfast use.

Mr. Hawley and Mr. Sword had questions regarding maintenance expenses for the shared driveway. They indicated that the Methodist Church has been responsible for the plowing and other maintenance expenses in the past, but would like to explore a shared maintenance agreement for those expenses given Mr. Latzky's plans for short term rentals. They and Mr. Latzky will meet outside of the hearing to discuss such an agreement.

Nicole Kesselring made a motion to continue the application hearing to the January meeting scheduled for Monday, January 8, 2018 at 5:30 p.m. (The usual monthly meeting falls on the New Year holiday, so the meeting is being held on the second Monday of the month.) Mr. Latzky is to: (1) amend the site plan to comport with Section 503(d) of the Mendon Zoning Regulations, including a depiction of the necessary parking spaces; (2) confirm what state permits are needed, and if structural changes such as a fire escape or escapes are required, will provide Exhibits A and B so members can ascertain whether

the changes are permitted given the Covenants; and (3) confirm the status of the shared driveway agreement discussions with the Methodist Church. Bill Godair seconded the motion and the motion carried.

Municipal Planning Grant Application: Teri indicated that Elysa Smigielski from the Rutland Regional Planning Commission has confirmed that the application for a Municipal Planning Grant to update the Mendon Town Plan was successful. Elysa is available to come to the January meeting to discuss next steps.

The next meeting of the Mendon Planning Commission is scheduled for Monday, January 8, 2018 at 5:15 p.m. at the Mendon Town Office (one week later than the usual meeting date given the New Year Holiday.)

Respectfully submitted,

Teri Corsones