

Mendon Planning Commission Minutes
May 6, 2024
(DRAFT)

Present: Justin Lindholm, Dick Howe, Sarah Buxton, Dennis O’Connell and Teri Corsones were present. Fred Bagley was present via the GoToMeeting link. Zoning Administrator Steve Ellerin was also present. The draft April 1, 2024 minutes were approved with one change – adding the word “wide” to the reference to “50’ right of way” in the second paragraph of the Smith Subdivision Permit Application section.

Econolodge: The following interested persons attended the meeting in-person: Jack Kennelly; C.J. Abatiell, Jr.; Lisa Shaddock; Chris Shaddock; Scott Carmichael; Heidi Jeromin; Stephen Montanez; Anna Montanez; Corey Potter; Heather Jeromin; George Brunt; Liam Donovan; Mike Smith; Giles Hamlin; Judy Hamlin; Justin Carlstrom; Bill Ackerman; David Lewis; Richard Peyton; Robert Hussak; Larry Gold; Kasia Karazim; Jamie Belchak; Nicole Kesselring; Cort Jones; Corinne Kopec; David Gouchberg; Karen Gouchberg; Abby English; Val Taylor; Keith Whitcomb; and Cindy Bergstrom. The following interested persons attended the meeting via the GoToMeeting link: Hannah Abrams; Trish Molloy; Chuck Claffey; Rebecca Claffey; Lisa Jajack; Paula McNeill; Claire McDonnell; Terry McDonnell; Al Wakefield; Lisa Brooks; Lindsay Beattie; Jennifer Adams-Brazil; Whit Montgomery; Mark Bergstrom; Jodi Manning; Michael Tully; Teri Bradley; Nick Fisher; Catherine Potter; L. Thayer; Hannah Abrams; Margaret Liguori; Ashley Arnold; Andrea Johnson and Diane Wilcox.

Anil Sachdev appeared with his attorney Frank Urso, Esq.

Teri Corsones provided background for the Econolodge discussion, referencing the April 1 MPC minutes and the matters which Mr. Sachdev indicated at that meeting that he would address at the May 6 meeting. She also noted that “Hotel, Motel, Lodge” is a permitted use in the Commercial District and that in the definitional section of the Mendon Zoning Regulations “no unit of a Hotel, Motel or Lodge may be occupied as a residence”.

Teri also referenced a Vermont Division of Fire Safety (DFS) Report dated April 19, 2024 that provides that two of the inspection conditions were completed and

fourteen remain. The two that were completed included documentation from the engineer certifying that the structural work was done per the specifications and that electrical cabling must be examined by a licensed electrician and a report of findings issued. Teri invited Mr. Sachdev to go through the remaining items, one-by-one, and provide updates. After stating his present intent not to participate in the current hotel voucher program, Mr. Sachdev provided the following information regarding the remaining fourteen items:

1. The fire alarm system has been installed but not yet inspected. Mr. Sachdev reported that he believes that he can't schedule an inspection until the town issues a certificate of occupancy (CO). Steve Ellerin indicated that he does not intend to issue a CO until all of the DFS and other required conditions are satisfied.
2. Exit and emergency lights are working but have not yet been inspected by Fire Marshall GJ Carroll.
3. All exterior landings and exit stairs are built but have not yet been inspected. An awning over the stairs and landing has not been installed. The awning installation completion deadline is November 2024 per the DFS Report.
4. A mold and mildew specialist has not yet submitted a report regarding the most recent mold/mildew inspection conducted on May 3. The report is anticipated in the next 10 days or so. It's not clear whether the report will indicate that the mold/mildew issues have been remediated or whether further treatments are needed. The DFS Report provides that walls are not to be closed by sheet rock prior to documentation from a specialist that the mold/mildew issue has been remediated. Mr. Sachdev indicated that the sheet rock has been completed and suggested that this was done with approval from DFS as the testing occurred prior to completion. There is some question about the order of activity in this condition. Mr. Sachdev also suggested that the continued testing is targeting the quality of the air circulating rather than the condition of the walls.
5. Mr. Sachdev provided a laboratory report from Endyne Inc. dated March 15, 2024. It reflects that "Rakesh" is the sampler and that he provided a sample from a well on March 12, 2024 for a project identified as "WSID 4262 Budget Host Inn NO3". Steve Ellerin noted that the report provides results only for nitrate levels. The report does not appear to provide potability results. Mr. Sachdev will follow-up with further documentation. There was discussion about the history of Legionnaires' Disease outbreaks in the area and the prevalence of PFAS in Killington.

Nicole Kesselring indicated that the water system is a “transient non-community system” and as such requires testing through the Agency of Natural Resources. That testing has not taken place. Steve will follow up to confirm what specific testing is required.

6. The interior water system has been chlorinated but there is no documentation or testing results to that effect. It was noted that several wells in the area have contamination issues.

7. All corridor fire doors are self-closing and latching but have not yet been inspected.

8. The threshold on the second floor to the south wing has been repaired and a ramp has been provided but not yet inspected.

9. Inspections of the chimneys and fireplaces are not required because there will be electric inserts.

10. Ten-pound ABC fire extinguishers have been provided within 75 feet of every portion of the building for a total of “about six to eight” fire extinguishers, but this has not been confirmed.

11. Any 110-volt smoke alarms within rooms have been replaced or removed. If they have been removed a blank cover has been placed over the base. This has not been confirmed.

12. The electrical work has not yet been inspected and passed by the electrical inspector.

13. The plumbing work has not yet been inspected and passed by the plumbing inspector.

14. Steve Ellerin as Mendon Zoning Administrator has not issued a CO, given the list of conditions in the DFS Report that remain to be completed. Steve will contact Joshua Maxham from the Division of Fire Safety to discuss an appropriate time to inspect the property given the status of the conditions. Regarding the mold/mildew report findings referenced in condition #4 above, if the mold/mildew report provides that additional remediation is required, the inspection will not take place until such time as a mold/mildew report provides that remediation has been completed. Steve will also follow-up on any additional water testing requirements.

Regarding the representation made at the April 1 MPC meeting that Mr. Sachdev intends to operate the hotel as an Econolodge franchisee, Mr. Sachdev provided a “Property Improvement Plan” dated April 2, 2024 from Choice Hotels that listed 96 different items before the property could be utilized as an Econolodge facility. Mr. Sachdev has not yet decided whether to operate as an Econolodge facility or as a Super 8 hotel or as an independent hotel. He is considering each and anticipates a decision within 15-20 days. He indicated that he will provide confirmation of the hotel facility once decided.

Regarding the exterior lighting questions at the April 1 MPC meeting, Mr. Sachdev indicated that he removed two light poles near Route 4. He indicated that there are about 10 lights about 8 feet high placed every 20 feet along the sides of the parking lot. Fred Bagley questioned whether there is adequate lighting and whether there is any glare on adjoining properties.

Regarding a parking plan to clearly designate the requisite number of parking spaces, Mr. Sachdev has yet to provide a parking plan. He indicated that he would provide one.

Regarding Alpine Pipeline ERUs, Mr. Sachdev stated that he has 11.5 ERUs for the property. One ERU equates to 450 gallons per day. 50 gallons per day is needed for one person per day. 11.5 ERUs would accommodate 103 persons per day. Mr. Sachdev will provide documentation confirming the number of ERUs allocated to the property.

Mr. Sachdev was asked how many rooms are included in the project, inasmuch as the DFS Reports reference 32 units and he has indicated in the past that there are as many as 36 units. He was unclear in his response but referenced a plan to operate 35 rooms with a two-person occupancy for each.

Teri noted that the property is subject to Act 250 Permit 1R0310, which approved a “28-unit motel with a maximum of one double bed or two twin beds and two occupants per unit”. Mr. Urso indicated that he was unaware of the permit. Teri noted that an email that referenced the permit was emailed to Mr. Sachdev and a copy to him the week prior. Mr. Urso indicated difficulty accessing the on-line database for Act 250 permits. Teri provided a copy of the permit and Mr. Urso indicated that he would research the permit and its requirements.

Mr. Sachdev has not yet applied for a sign permit and acknowledged that he would need to submit one. This will happen after he decides if/whether he will become a franchise of a national chain.

In response to questions from those in attendance, Mr. Sachdev indicated that he does not intend to serve food of any kind on the premises. The rooms will have microwaves and a coffee maker but no cooking equipment. There will be two handicap accessible rooms and two handicap parking spots. There is no elevator at the property but there is a handicap ramp. He has not applied for an Agency of Natural Resources Department of Environmental Conservation water supply or wastewater permit. Nor has he checked with the Stormwater Division as to whether a stormwater permit is required. There are no underground fuel oil tanks; propane heat will be provided. The Department of Health does not show that a water test has been submitted to it for the property as of May 6, 2024. The WFID# is 4262 Budget Host Inn.

In response to questions as to whether he intends to participate in the hotel voucher program, Mr. Urso provided several copies of an affidavit dated May 6, 2024 that states in pertinent part:

“I, Anil Sachdev, swear to the truth of the following facts based upon my personal knowledge:

1. I am the managing member of Maruti Hospitality, LLC (hereafter, the “LLC”), a Vermont limited liability company, the new owner of the former Econo Lodge in Mendon, Vermont (hereafter, the “Hotel”). The LLC is not affiliated with the Cortina Inn in Rutland.
2. I am presently negotiating with a reputable hotel chain to flag our Hotel for the purpose of providing pleasant accommodations in Mendon to transient guests only.
3. I have no present intention of completing the necessary application to qualify for the General Assistance Emergency Housing programs which provides (sic) vouchers for hotels and motels to area homeless individuals. If I ever decide to complete said application, I shall notify the Mendon zoning administrator in writing or via e-mail at least 30 days prior thereto.”

Persons in attendance noted that the affidavit as presently worded would not prevent Mr. Sachdev from participating in the current voucher program in the future, or in any additional voucher programs that the state of Vermont provides. It

was recommended that the language be tightened up. Mr. Sachdev indicated that he would sign an affidavit with more restrictive language.

Mr. Urso indicated that the current voucher program is ending June 30, 2024. Teri noted that the Legislature is advancing a bill that will extend the voucher program until at least March of 2025 at a rate of \$80 per unit per day. Mr. Urso indicated that Mr. Sachdev could not afford to operate at \$80 per unit. It was then estimated that with 32 units the amount paid per year at a rate of \$80 per unit under the voucher program would be \$934,400.

Mr. Sachdev indicated that the property does not have a sprinkler system. The DFS Report provides that if the property is used for any purpose other than a hotel, such as for long-term accommodations, then a change of use is required and the building may be subject to installation of a full sprinkler system.

Teri noted that the Environmental Division has issued a decision regarding the Cortina Inn property in Rutland Town that was owned by Mr. Sachdev in the past and sold to a company of which his daughter is a principal. The decision provides that the issue before it was whether participation in the DCF Transitional Housing Program whereby housing was provided on a long-term basis required an Act 250 permit amendment. The court noted the many different impacts that a property being occupied as a residence by individuals and households has, versus impacts that a hotel serving guests on a short-term basis has. The court concluded that such a change of use constituted a material change and had the potential for adverse significant impacts under Act 250 criteria.

Sarah Buxton noted that the Legislature passed a bill last session that restricts a municipality's ability to adopt bylaws that prevent a hotel from participating in a voucher program. It was suggested that interested persons contact their legislators regarding such legislation and regarding the voucher program legislation to relay their opinions regarding the bills.

Persons in attendance expressed that their many concerns regarding the property are based on documented issues that have occurred at hotels owned by Mr. Sachdev after participation in a voucher program. The issues that have been widely reported include an increase in criminal activity such that Rutland Town had to hire an additional full-time police officer. Mr. Sachdev acknowledged that the Cortina Inn owners have had to pay considerable law enforcement expenses in settlement with the Town for the adverse impacts. Members expressed that they

“did not want Mendon to turn into Route 7 South” as a result of similar adverse impacts.

A resident inquired whether fines could be included as a condition in a Certificate of Occupancy in the event violations occur. The MPC will research that question.

Community members asked what would happen if Mr. Sachdev sold the property and whether conditions imposed would be applied to subsequent owners. The Commission indicated that typically any such conditions run with the land. Community members also acknowledged that Rutland Town does not have zoning regulations like Mendon does and suggested that Mendon’s zoning regulations provide some protections against adverse impacts. They also noted that the Act 250 permit affecting the property should afford additional protections.

Mr. Sachdev will appear at the next MPC meeting to report on the status of the Division of Fire Safety conditions and other matters addressed herein. Teri advised that the next MPC hearing is scheduled for June 3, 2024. Another matter has been noticed for 5:30 pm on that date, which will last until approximately 6:30 pm when the Econolodge discussion will resume. Teri thanked Mr. Sachdev, Mr. Urso and the persons who attended in-person and remotely for their attendance.

The next meeting of the Mendon Planning Commission is scheduled for Monday, June 3, 2024 at 5:15 p.m. at the Mendon Town Office.

Respectfully submitted,

Teri Corsones