**Mendon Planning Commission Minutes (DRAFT)**

**August 19, 2024**

**Present:** Justin Lindholm, Dick Howe, Sarah Buxton and Teri Corsones were present in person. Fred Bagley participated by phone. Zoning Administrator Steve Ellerin was also present. The draft July 8, 2024 minutes were approved with no changes.

**Sachdev Site Plan Approval Application:** Anil Sachdevappeared with his attorney Frank Urson for a continuation of the July 8 hearing on Mr. Sachdev’s application for site plan approval. Also present in person were Mark Bergstrom, Cindy Bergstrom, Lisa Shaddock, Chris Shaddock, Keith Whitcomb, Andrew Stmiste and Brian Gates. Also present via the GoToMeeeting platform were Jodi Manning and Carol Gates.

Members reviewed matters referenced at the July 8 meeting. Mr. Urso provided an Act 250 Jurisdictional Opinion JO 1-480 written by Peter Kopsco and dated July 16, 2024. It provided that no Act 250 permit is required relative to the 1RO310 series on the basis of Mr. Urso’s representation that no additional parking or amenities are associated with the conversion of seven of the formerly approved two-room suites to separate one room units.

Members inquired about the status of the Sanitary Survey Letter dated June 14, 20024 to which a response was due July 1, 2024. Mr. Sachdev had indicated at the July 8 MPC hearing that he requested an extension on the response until July 16. Mr. Sachdev has not yet submitted a response to the Letter. He acknowledged that the Letter provides that a Boil Water Notice is currently in effect. Members noted the “significant sanitary deficiencies” listed in the Letter, including that the property owner does not have a permit to operate the water system; that the water system has not identified a Designated Operator with the required Class 1A water operator certification or greater; that the storage tank manway finish height is inadequate given the 6-inch extension when a minimum of an 18-inch extension is required; that the storage tank cover is inadequate; and that the storage tank inspection is past due. Several “minor sanitary deficiencies” were also listed, including an inadequate source cover; inadequate well integrity; a lack of a coliform sample plan; and missing source water quality results. Mr. Sachdev indicated that he was awaiting delivery of a new storage tank cover and that he would provide a written response to the Sample Survey Letter when the cover arrives in approximately two weeks’ time. He will provide a status report about his response to the Sample Survey Letter and an update on the deficiencies listed in the Sample Survey Letter at the next MPC hearing.

Mr. Sachdev provided a new two-page site plan entitled “Proposed Parking Plan” on the first page and “Existing Building – Front Elevation” on the second page, each dated 8-14-24. The new plan is based on the SVE Associates survey dated February 13, 2008. The new plan has a scale of 1/16th inch to 1 foot. The building is not to scale on the plan but the parking area is. The plan depicts 39 parking spaces, two of which are handicap accessible adjacent to the hotel building. The dimensions of each parking spaces is 8 x 18 feet. There are also three employee parking spaces to the rear of the building, adjacent to a loading space identified as Loading Zone 2. Mr. Sachdev indicated that there will never be more than three employees on site at any one time. A space identified as Loading Zone 1 is located to the north of the hotel building. Arrows drawn on the plan indicate the direction of traffic flow. Mr. Sachdev indicated that his brother is in communication with a paving company for a quote to pave and to stripe the parking lot to depict the location of the parking spaces and the traffic flow. He anticipates the paving work being done this year and he will provide the name of the paving company and the timeline at the next MPC hearing. He will also contact the Ruland City Fire Department regarding details about temporary signage in the meantime. Members emphasized the importance of persons using the parking lot to be able to identify where the parking spaces are located and what the vehicular/pedestrian traffic flow patterns are for safety and security reasons, particularly regarding the handicap spaces.

The new plan does not depict dumpster locations but Mr. Sachdev indicated two 6-yard dumpsters will be located next to the Loading Zone 2. He hand-drew the approximate locations of the dumpsters on the plan. One dumpster will be for trash and the other will be for recycling. He will provide fencing and vegetative screening around the dumpsters.

Regarding snow and ice removal, Rutland City Zoning Administrator Andrew Stmiste asked Mr. Sachdev to contact the Rutland City DPW regarding snow and ice treatment plans and de-icing strategies. He also inquired about plans in the event snow build-up exceeds the capacity of the proposed snow removal area and encroaches into the fire lane depicted on the plan. Mr. Sachdev indicated that he will confer with the Rutland City DPW to discuss. The current plan is to locate snow storage near the southwest corner of the building and to remove it if snow exceeds the storage capacity in that area.

The new plan also depicts the location of four proposed and four existing 8’ high light posts. Mr. Sachdev does not know the illumination spread of each lamp post but will investigate that and report the information at the next MPC hearing. He also noted by hand in red ink on the plan where twenty spotlights surrounding the building are located. He will also provide the lighting detail about the spotlights at the next MPC hearing.

The new plan does not depict the approximate 75-feet length of driveway connecting U.S. Route 4 with the parking area. Mr. Sachdev will provide a supplement to the plan depicting that stretch of driveway and the lighting plan associated with it. Mr. Ellerin has concerns about adequate lighting at the entrance area and questioned where signage will be located and what lighting is planned for the signage to prevent glare for oncoming traffic.

Members noted safety concerns about the Bus potentially stopping on U.S. Route 4 to pick up or to drop off passengers at the property. The stretch of U.S. Route 4 where the property is located has seen an increase in accidents in recent years. Although Mr. Sachdev does not plan to request a bus stop at the entrance persons in the audience indicated that the Bus stops at random to pick up or to drop off passengers on U.S. Route 4. Teri will inquire of the Bus what protocols are in place regarding passenger pick-up or delivery on U.S. Route 4 in Mendon.

Mr. Ellerin confirmed that the letter dated June 27, 2024 from the Town of Mendon submitted at the July 8 MPC hearing regarding fire services provided by the Rutland City Fire Department satisfies Section 503(d)(5) of the Mendon Zoning Regulations regarding fire protection services.

Mr. Urso had provided a memo to Steve Ellerin dated August 5, 2024 that questioned in part whether a letter from the Agency of Transportation is required per 24 VSA 4416 when a property fronts U.S. Route 4. He subsequently reviewed the statute and will request the letter on AOT letterhead.

The memo also provides that snow will be plowed by an independent contractor and will be plowed to the property’s northern boundary. Mr. Sachdev indicated during the hearing that the snow will be stored near the southwest part of the building. The memo also provided that “a mixture of salt and sand” will constitute the snow/ice treatment plan. Mr. Sachdev will contact the Rutland City DPW to ascertain the recommended details about the mixture.

The memo also provides that grass will be added to the side of the building. Mr. Sachdev indicated during the hearing that grass will not be added, but instead the existing grass areas will be maintained around the property.

The memo provides that a propane boiler has replaced an oil burning boiler and all lights have been fitted with LED bulbs to promote renewable energy resources.

The memo provides that the applicant will abide by the Mendon noise ordinance, that pool water will be removed from the site via a pump service and that all construction consisting of internal renovations as well as parking and landscaping improvements have been completed. Mr. Urso acknowledged at the hearing that the parking improvements have not been completed. As stated above, Mr. Sachdev will provide at the next MPC hearing the name of the paving contractor and timeline for completing the parking improvements and will detail how parking and traffic flow will be identified on a temporary basis until the parking improvements are completed.

The hearing on Mr. Sachdev’s site plan approval application is continued until the next MPC hearing when Mr. Sachdev will provide his response to the Agency of Natural Resources Sample Survey Letter of June 14, 2024 as well as an update on the deficiencies noted in the Letter; will provide the paving contractor and timeline for the paving work as well as a plan for temporary signage to identify the parking spaces and traffic/pedestrian flow until the paving and striping work is completed; will provide details regarding the snow/ice treatment plan after consulting with Rutland City DWW; will provide the illumination spread for the existing and proposed lampposts and spotlights; will provide a supplemental site plan for the driveway from where it intersects with U.S. Route 4 to the location where it’s reflected on the new site plan, including the lighting plan for that distance; and will provide the 24 VSA 4416 AOT letter on AOT letterhead.

Because the next MPC meeting date is Monday, September 2 and that is the Labor Day holiday, the next MPC meeting date is the following Monday, September 9. Because September 9 is a regularly scheduled Selectboard meeting date, Teri will inquire whether the MPC meeting can be re-scheduled to that date starting when the Selectboard meeting ends at approximately 6:30 pm so as not to conflict with the Selectboard meeting.

**Romano Site Plan Approval Application**: Nick Romano was present forthe hearing noticed for his application for site plan approval for a change of use application to convert a restaurant (formerly known as Flannels Restaurant) to a 12-bedroom single family residence for occupancy by the owner and as a rental property located at 5496 U.S. Route 4 in Mendon. The property is owned by Pineapple Properties, LLC of which Mr. Romano is a member. Herb Kuendig, who prepared the site plan, was also present.

The relevant Notice of Hearing was published in the Rutland Herald on August 3, 2024 and copies of the Notice were posted in three public places in Mendon. Mr. Romano stated that he mailed a copy of the Notice of Hearing and the requisite adjoining landowner letter via first class mail on August 5, 2024 to each of the adjoining landowners identified and at the addresses that Mr. Romano provided per a 100 Feet Abutters List Report. Adjoining landowners include: Birchwood Condo Association; Serge and Camille Avakian; Dorothy Orlowski; Stephen, Dana and Valerie Golterman; Ryan Hurst; Matthew and Kathryn Sweeney; William and Elizabeth Bock, Jr.; Navah Lemieux; Michael Forster; Bruce Pike and Mindybeth Gutzwiller-Pike; and Madelyn Burke et als. Matthew Sweeney, Serge and Camille Avakian, Bruce Pike, Madelyn Crudo Burke and Dorothy Orlowski attended the meeting via the GoToMeeting platform and Valerie Golterman attended in person in response to the notice.

Mr. Romano provided a site plan entitled “Proposed Residential Conversion: 74 US 4 (Formerly Flannels) Mendon VT” and dated August 19, 2024 that depicts the property boundaries, the existing building, a deck and two existing parking areas with 13 proposed parking spaces.

Mr. Romano provided brief background information regarding his and his wife Nicole’s plans for the property. They plan to convert the property to a residence for their and their four young children’s use at different times throughout the year, as well as for their and their friends’ occasional use, as well as for the use of renters wishing to rent the entire property (versus individual bedrooms) for specified periods of time.

The property is in the Commercial District. It meets the dimensional requirements in Section 304 of the Mendon Zoning Regulations. Renovations to the property will take place within the existing footprint. The property is connected to the Alpine Pipeline and will utilize 4 ERU’s. Mr. Romano provided a copy of the applicable Alpine Pipeline Access Agreement Summary. A well that services the property yields 40 gallons per minute. There will be 3 ½ bathrooms in the building. Mr. Romano has met with Josh Maxham and an application is in process with the Division of Fire and Safety for a fire suppression system. The construction sequence reflected in the application includes starting work when the application is approved and completion in February 2025.

Regarding parking, the site plan depicts the location of thirteen parking spaces located in the existing parking area to the west of the building. This number meets the requirements of Section 414 of the Mendon Zoning Regulations. The existing entrance to the parking area to the west will be reduced to 30’. An existing parking area to the east of the building will not be utilized except for service purposes such as filling the propane tank located at the rear of that lot. Mr. Romano will obtain a letter from the Town of Mendon regarding fire services provided by the Rutland City Fire Department. He will also obtain the 24 VSA 4416 letter from the Agency of Transportation.

Regarding lighting, the site plan depicts the location of an existing tall light pole with a street light at the top located in the central part of the parking area to the west. That light pole will be removed. The site plan also depicts in the same parking area the location of four residential 5’ black bollard light posts with a 10” onion shade at the top. Two are located at the parking area entrance and two are located on either side of the entry way to the building. The desired lighting effect is residential versus commercial. Two HEW spotlights will also be located at the building entrance. The tall street light located in the rear of the parking area to the east will remain. Adjoining landowners expressed a preference that that light remain.

Regarding noise and impacts on neighbors, members described the terms of the Mendon noise ordinance. Mr. Romano will include those terms in any rental agreement. Madelyn Burke indicated that she plans to post her property shortly to make clear that there is not access through the subject property to the VAST Trail located on her property. Mr. Romano will also indicate the same in any rental agreement. Landscaping will largely remain the same and will be maintained. Mr. Romano will install a wildlife proof enclosure around trash receptacles and contract with a waste removal service for regular trash removal.

Mr. Romano met with several of the adjoining landowners to answer their questions about his plans for the property. Landowners in attendance expressed appreciation for his addressing their questions and for improving the property.

Justin Lindholm moved to approve the Romano application for site plan approval subject to the provisions above including Mr. Romano providing a letter from the Town of Mendon regarding fire services and providing the 24 VSA 4416 letter from the AOT. Dick Howe seconded the motion and the motion unanimously carried. . .

The next regular meeting of the Mendon Planning Commission is scheduled for Monday, September 9, 2024 at approximately 6:30 p.m. when the Selectboard meeting ends, given the Labor Day holiday on September 2 and the Selectboard meeting starting at 5:30 pm on September 9. The MPC hearing will begin when the Selectboard meeting ends on September 9.

Respectfully submitted,

Teri Corsones