

Mendon Planning Commission Minutes
July 8, 2024
(DRAFT)

Present: Justin Lindholm, Dick Howe, Sarah Buxton and Teri Corsones were present. Dennis O’Connell was present via the GoToMeeting link for the entire meeting and Fred Bagley was present via the GoToMeeting link for the latter part of the meeting. Zoning Administrator Steve Ellerin was also present. The draft June 3, 2024 minutes were approved with no changes.

Howard Smith Subdivision Application: Howard Smith was present for the hearing on his subdivision application that had begun at the April 1 MPC meeting. The hearing was then initially continued to June 3 and further continued to the July 8 meeting. Adjoining landowner Kate McLaughlin was also present for the hearing via the GoToMeeting link.

Mr. Smith provided a slightly modified site plan entitled “Subdivision of Lands of H.S. Mendon LLC” dated February 2, 2024 and revised June 20, 2024. He explained that the site plan was modified to depict an abandonment of the existing well on Lot 2 and the location of a new proposed well on Lot 2 to the north of the existing well, in order to ensure that the isolation distance between the well and the septic system is adequate. The cul de sac to the west was also moved approximately 150 feet to better accommodate the locations of adjoining landowners’ various water sources. Lot lines were also modified to reflect these changes. Mr. Smith stated that the test holes as depicted on the modified site plan correspond to the actual test holes at the site.

A suggestion was made at the April 1 meeting that adjoining landowners’ water sources be tested in order to establish a base line for water quality. Mr. Smith stated that the water was tested accordingly, and the results shared with adjoining landowners Chris Page and the owner of the Thomas Kennedy-Riffon property. Ms. McLaughlin provided some background about a mobile home park that was contemplated for the area in years past but which was never pursued to completion.

Mr. Smith stated that he met with Mendon Road Commissioner Chris Baird, who walked the length of the roadway from its intersection with Cedar Lane to the terminus points of the cul de sacs. Given the grade, Mr. Smith indicated that Mr. Baird concluded that culverts are not required. Mr. Smith plans to crown the 22-foot wide road and install underground power lines along the roadway. Per a purchase and sale agreement that he has with Ms. McLaughlin, Mr. Smith shall construct or install a form of buffering over the eastern portion of the easement area separating that area from the remainder of Ms. McLaughlin’s property.

Mr. Smith will prepare an easement instrument for the roadway and for the underground power and provide it to the MPC. He confirmed that he had met with a representative from the utility company and identified locations for the transformer boxes. Mr. Smith will also inquire of Mr. Baird as to whether a stop sign or other directional sign is needed at the intersection of the

proposed roadway with Cedar Lane. If signage is required Mr. Smith will provide it. Mr. Smith will prepare a road maintenance agreement and provide it to the MPC. He confirmed that he does not intend to access the property from U.S. Route 4 via Lot 5, but instead plans to convey Lot 5 to Ed Allen. He will also apply for and obtain the necessary state water and wastewater permits. Mr. Smith described the property as rocky with no steep slopes. There is no exterior lighting planned and project signage, if any, will comply with the Town's ordinance. Lastly, members asked that an additional pin be located on the northerly boundary line midway between the two existing pins to better clarify that boundary line location.

Justin Lindholm moved to approve the subdivision permit application subject to Mr. Smith providing the easement instrument and road maintenance agreement described above, obtaining the necessary state permits including water and wastewater permits, making the signage inquiry, placing an additional survey pin and installing the buffering described above. Dick Howe seconded the motion and the motion carried.

Sachdev Site Plan Approval Application: Anil Sachdev appeared with his attorney Frank Urso. The following interested persons attended the meeting in-person: Scott Carmichael; Andrew Strniste; Nicole Kesselring, Keith Whitcomb; Mark Bergstrom, Cindy Bergstrom and Brian Gates. The following interested persons attended the meeting via the GoToMeeting link: Ted Manning, Jamie Belchak and Carol Gates.

The relevant Notice of Hearing was published in the Rutland Herald on June 21, 2024 and copies of the Notice were posted in three public places in Mendon. Mr. Urso provided a written statement that on June 25, 2024 he mailed a copy of the Notice of Hearing and the requisite adjoining landowner letter via first class mail to each of the adjoining landowners identified and at the addresses provided by Mr. Urso prior to the hearing. Adjoining landowners include: Corinne Kopec and Ross Almo; the City of Rutland to the attention of Rutland City Zoning Administrator Andrew Strniste; the United States of America to the attention of the U.S. Attorney's Office; Mr. and Mrs. Denis Brazil; and Jody Wilman.

Mr. Urso indicated that on June 20, 2024 he requested a formal opinion from the local Act 250 District Coordinator as to whether an Act 250 permit amendment is needed for the property but he has not yet heard back. Members inquired about a "Sanitary Survey Letter" dated June 14, 2024 from Meredith Maskell, Non-Community Operations Section Supervisor, that describe several "significant sanitary deficiencies" and several "minor sanitary deficiencies" at the property. The letter requested a written response to the letter no later than July 1, 2024. Mr. Sachdev indicated that he was not able to meet the deadline and requested additional time to respond. He expects to respond by July 16 and will provide an update on the topic at the next MPC meeting.

Mr. Sachdev provided a modified version of a survey map that had the date whited out but appeared to be a 1978 Landmark Surveying Company map of the property site with several hand-written notes. He also provided a copy of a mylar entitled "Lot "A" and Lot "B" Ross Almo Property" dated February 13, 2008 that was submitted by Mr. Almo in conjunction with a subdivision permit application in that year. The distances depicted on the mylar were not to scale

because the copy had been reduced from actual size. Mr. Sachdev also provided a hand-drawn plan that depicts an 86' by 143' motel, 44 parking spots including 2 handicap spots adjacent to the ramp access and 6 employee parking spots to the rear of the property. Existing and proposed lights were also depicted. The hand-drawn plan was not to scale.

Article V of the Mendon Zoning Regulations covers site plan and conditional use review. It provides that site plan review is used to ensure that the proposed use of the site will provide adequate parking areas, loading areas, vehicular circulation, pedestrian circulation, landscaping and screening and to limit any adverse impacts on adjacent properties from noise, light, odor, water runoff, or excess refuse. Section 503(d) provides that an applicant shall submit two sets of site plan maps, floor plans, elevations, and well and septic information which shall include specific information presented in drawn form and accompanied by written text.

The specific information to be provided includes a scale of map not less than one inch to twenty feet unless the Planning Commission determines that a different scale is needed to adequately show the size and relationship of the various parts of the plan. The Commission did not determine that a different scale was adequate.

Section 503(a) provides that in considering its action and holding its public hearings, the Planning Commission shall consider all relevant zoning provisions as well as all other Town ordinances. Reference was made to Section 1006 of the Zoning Regulations regarding Certificates of Occupancy and the requirement that a Certificate of Occupancy shall not issue until the applicant has received all necessary state and local permits including water and or wastewater permits from the Vermont Agency of Natural Resources.

Section 503(a)(2) references adequacy of circulation, parking and loading facilities and provides that the requirements of Section 414 (parking and loading facilities) shall also be met.

Section 414(a)(2) provides that hotels shall have one parking space for every two guests which the building is designed to accommodate. Mr. Sachdev indicated that the hotel occupancy is designed to accommodate 70 guests. Thirty-five parking spaces for guests are required. Section 414(b) provides that every hotel shall have one off-street loading space for every ten thousand feet of floor area. Mr. Sachdev indicated that the hotel comprises 17,000 square feet. Two loading spaces are required. Loading spaces were not depicted on the plan. Parking spaces are also required for each employee. Mr. Sachdev depicted six employee parking spaces on the hand-drawn plan. He indicated that each parking space is 9' x 20' and each of two handicap spaces depicted on the map is 12' x 20' with 4' in between the two spaces. He acknowledged that the dimensions of a brick pathway in the front of the building required adjustment and the adjustment will change the number of parking spaces proposed for that area.

Because the hand-drawn plan was not drawn to scale it was not possible to ascertain the area available for parking, or to ascertain how many parking and loading spaces the parking area can safely accommodate. The plan also does not depict traffic or pedestrian flow patterns, or the location and dimensions of dumpsters. Mr. Sachdev indicated that he will provide a plan drawn to scale which will depict the parking area and proposed parking, loading and handicap parking

spaces. It will also depict traffic and pedestrian flow patterns. It will also depict the location and dimensions of dumpsters that will be located in the parking area.

Rutland City Zoning Administrator Andrew Strniste inquired about snow storage and snow/ice treatment plans, in order to ensure that Rutland City Watershed resources are protected. Mr. Sachdev indicated a combination of salt/sand treatment will be used and that he will comply with whatever the City recommends. Mr. Strniste will confirm what treatment is recommended before the next hearing.

Nicole Kesselring inquired whether the parking area surface is going to be expanded and made note of storm water permit and impervious surface considerations that would be triggered in the event of an expansion. Although Mr. Sachdev indicated that the parking area is not going to be expanded, it appears from the hand-drawn plan that the parking area is being expanded to accommodate the employee parking spaces.

Section 503(a)(1) references safety of vehicular and pedestrian circulation. The hand-drawn plan depicts approximate locations of seven 6' high lamp posts along one side of the parking area and entrance route, five 6' high proposed lights along the other side of the entrance route, one 30' high lamp post with two lights in the rear of the building, one 30' high lamp post with two lights in the parking area in the front of the building and one 6' high lamp post proposed near the ramp access area.

Members inquired about bus service and whether there are plans for a bus stop at the property. Mr. Sachdev indicated not at this time. Concern was expressed about the safety of busses stopping on Route 4 for passengers to enter or exit and the high rate of accidents that have occurred in the vicinity.

Section 503(a)(3) references the adequacy of landscaping and screening with regard to achieving maximum compatibility and protection of adjacent property and pedestrian amenity and usability. The standards of Section 412 shall be met. Section 412 requires that landscaping shall take the form of regionally appropriate shade trees, deciduous shrubs, evergreens, well-kept grass areas and ground cover maintained in a healthy growing condition. The minimum landscape requirements in Article III regarding side, front and rear yards also need to be met.

Mr. Strniste also inquired about Section 503(a)(4-6) considerations potentially impacting the Rutland City Watershed. He asked that there be a restriction against the storage of oil, gas, hazardous materials or other contaminants. Mr. Strniste also inquired about pool drainage plans, given the use of chlorine and other cleaning agents in pool water and recommended removal of the water via a pump service versus draining into ground water.

Mr. Sachdev plans to pave the parking area and stripe the parking spaces within a year. He anticipates that the process should take 4-5 days.

Section 503(d)(5) requires a written statement from the Rutland City Fire Department that adequate fire protection is available for a proposed development. Mr. Sachdev provided a letter from the Town of Mendon dated June 27, 2024 which details what services the Town has

contracted for with the Department regarding services provided in Mendon. Steve Ellerin will follow up as to whether the letter complies with the regulations.

Sarah Buxton noted the 24 VSA 4416 requirement for a letter from the Agency of Transportation confirming whether a permit is needed when a business adjoins a state highway. Mr. Sachdev indicated that he will follow up with AOT.

Mr. Sachdev indicated that he plans to operate the property through Choice Hotels. He was asked if Choice Hotels regulates noise levels for guests but he was not certain.

Mr. Sachdev is to provide the following documentation to the Commission, not less than two weeks prior to the next meeting date of August 19:

1. Pursuant to 24 VSA 4416, a letter from AOT regarding the need for a permit.
2. Pursuant to Section 503(d) of the Mendon Zoning Regulations, two sets of a newly developed site plan that is (1) a scale of 1 inch to 20 feet, with (2) the name and address of the owner of record and (3) the names of current owners of adjoining lands, (4) the name and address of the person preparing the plan, (5) the north point (6) the date of the plan and (7) the plan should be layered on an actual survey showing (8) existing features, including (9) contours, (10) structures, (11) streets, (12) utility easements, (13) rights of way, and (14) land use and deed restrictions. The site plan must indicate (15) proposed structures, (16) driveways, (17) traffic circulation, (18) parking (guest, employee, and handicap) and loading spaces and (19) pedestrian walks, (20) landscaping plans, (21) site grading, (22) design, and (23) screening.
3. Commission members should be able to see either (A) on the plan or (B) in a written narrative that accompanies it, information showing or describing the following:
 - Visibility at intersections (plan should show lamp posts and indicate their height and brightness),
 - Traffic flow and control (with arrows for traffic movements), pedestrian safety and convenience (by showing distances, ramps, area of sidewalks and adjustments that are being made to walkways, where people might stand or congregate for things such as bus stops, if any),
 - Access points for evacuation or emergency vehicles in case of emergency,
 - Identification of parking and loading facilities as noted above and how these impact neighbors vis-a-vis noise, glare, and/or odors. This can be done by showing distances from neighboring boundaries, showing exhaust vents, any idling areas, the brightness of any lighting, and the position of any signage.
 - Adequacy of landscaping and screening to achieve maximum compatibility and protection of adjacent property and pedestrian amenity and usability per Section 412 of the regulations, including reference to the setback requirements in Section 304(g).
 - The visibility of any unsightly areas (such as a dumpster area) from the road or adjoining properties.
 - Existence of any storage areas for contaminants (fuel, chemicals, salt, gas, etc.).
 - Indication of any (1) areas of steep slopes, (2) surface waters, (3) wetlands.

- Location on the plan of any natural or constructed drainage areas or systems so members can assess the adequacy of the stormwater management system.

The written narrative should:

- Describe the snow removal and snow/ice treatment plans to ensure that they don't contribute to water runoff and that they protect biological, chemical, and physical conditions of any surrounding water bodies.
- Discuss any measures in place to minimize the extent of soil disturbance and erosion.
- Discuss or note what steps (if any) have been taken to promote renewable energy resources.
- Note intent to comply with the noise ordinance in Mendon.
- Note that pool water will be removed from site via a pump service.
- Confirm the (1) construction sequence and (2) time schedule for completion of parking spaces and landscaped areas for the project.

The items above that can't be indicated on a site plan should be addressed in the written narrative text. If an item is not applicable or information is not available, Mr. Sachdev should so indicate in the narrative so that members can make note of it when compiling the findings.

The hearing on Mr. Sachdev's application for site plan approval is continued until the next meeting of the Mendon Planning Commission scheduled for Monday, August 19, 2024. The continued hearing will resume at 5:30 pm on that date.

Given conflicts for earlier dates in August, the next meeting of the Mendon Planning Commission is scheduled for Monday, August 19, 2024 at 5:15 p.m. at the Mendon Town Office.

Respectfully submitted,

Teri Corsones