

Mendon Planning Commission Minutes

April 7, 2025

Present: Justin Lindholm, Fred Bagley, Sarah Buxton, Dick Howe and Teri Corsones were present in person. Dennis O’Connell was present via the GoToMeeting platform. Zoning Administrator Gregg Smith was also present. The draft March 11, 2025 minutes were 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 via the GoToMeeting platform were Brian Gates 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 Mr. Sachdev’s 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 was continued again until the April 7 MPC meeting. Given his absence at the April 7 MPC meeting, the matter will be continued again until the May 5 MPC meeting.

Weinberg Subdivision Permit Application: Andrew Weinberg was present for the hearing that was continued from the March 11 MPC meeting regarding his application to subdivide a lot located at 320 Old Stockbridge Path into three lots.

Mr. Weinberg explained that in the process of his attorney gathering the information detailed in the March 11 MPC minutes, he learned that covenants affecting the property require a minimum 5-acre lot size. As a result, the acreage for each lot has been adjusted to meet the minimum lot size condition. Lot 1 was adjusted from 2.7 acres +/- to 5.17 acres +/- and will be identified as Lot 5B on the revised survey map. Lot 2 was adjusted from 4.3 acres +/- to 5.2 acres +/- and will be identified as Lot 5C on the revised survey map. Lot 3 was adjusted from 45.5 acres +/- to 42 acres +/- and will be identified as Lot 5A on the revised survey

map. The minimum lot size covenant appears in the “Declaration of Covenants, Conditions and Restrictions Pumpelly Lots 1,2,3,4 & 5 Mendon, Vermont” dated December 22, 2014 and recorded in book 98 at pages 78-81 of the Mendon land records.

Mr. Weinberg provided a packet of materials in response to the matters in the March 11 MPC minutes, with a cover sheet listing Items A – T. The aforesaid covenants are listed as Item “P” in the packet.

Regarding the survey map matter referenced in the minutes, Mr. Weinberg’s surveyor provided a survey map based on the original acreage figures. He is revising the survey map to reflect the adjusted acreage. The survey map when finalized must comport with Section 400 of the Mendon Subdivision Regulations.

Regarding a deed description, Mr. Weinberg provided a draft deed identified as Item “A” in the packet. The deed is from Andrew and Shannon Weinberg to Jade Weinberg, conveying 5.17 acres +/- . It includes a right of way in common with others for ingress, egress and utility lines to and from the property over Old Stockbridge Path as more particularly shown on the survey map. The description did not indicate that the right of way extended to where Old Stockbridge Path meets U.S. Route 4, however. An easement for ingress and egress has to ultimately connect to a public road to provide lawful access. The deed will be revised accordingly.

Regarding all necessary municipal and state permits, Mr. Weinberg provided a letter from Chase & Chase Surveyors and Septic Designers dated April 4, 2025 and identified as Item “E” in the packet that indicates that Chase & Chase has begun work on obtaining the wastewater and potable water supply permit. The letter provides that the work will be completed and submitted to the State for permitting within 6-8 weeks.

Regarding a letter from school district officials, Mr. Weinberg provided a letter from Barstow School Principal Robert Myers dated March 31, 2025 that indicates that the proposed subdivision would have little impact on the school’s operations and that the school has ample capacity for any increase in student numbers. The letter is identified as Item “F” in the packet.

Regarding a letter from emergency service providers, Mr. Weinberg shared that the Rutland City Fire Department no longer provides a letter indicating if the Department can access properties for emergency services. Zoning Administrator

Greg Smith explained that in lieu of a letter, confirmation that the driveway accessing the property meets certain criteria that would allow emergency vehicle passage will suffice. The criteria include a width of at least 16', a grade of no more than 12% and the ability to withstand 50,000 lbs. of vehicular weight. The criteria will be included in the Mendon Zoning Regulation update currently underway.

Regarding a highway access permit, Mr. Weinberg provided a letter from Vermont Agency of Transportation Permitting Services Supervisor Theresa Gilman dated April 5, 2025 that provides that a 19 VSA 1111 permit is not required for the proposed subdivision inasmuch as access to lands being subdivided shall be from the private road, Old Stockbridge Path, and that no work is proposed in the U.S. Route 4 right-of-way. Mr. Weinberg also provided a letter from VTrans Project Manager – District 3 Brian Sanderson dated March 31, 2025 that provides that all parcel access shall be from the Old Stockbridge Path. The letters are identified as Items “G” and “H”, respectively, in the packet.

Regarding whether a well permit is needed, Parker Water Wells will provide information to the state regarding the location and capacity of the proposed well for the potable water aspect of the required wastewater and potable water permit.

Regarding electrical power, Mr. Weinberg indicated that underground power will be provided through Green Mountain Power. He provided an estimate and proposed agreement from Green Mountain Power dated February 2, 2025 valid through May 21, 2025. The documents are identified as Item “K” in the packet. The easement language in the proposed deed that pertains to a right of way for utility lines currently references a right of way along Old Stockbridge Path. Mr. Weinberg explained that the right of way for utility lines will also cross properties adjoining Old Stockbridge Path. The deed description will need to be revised to describe the actual location of the utility right of way. The survey map will also need to depict the actual location of the utility easement.

Regarding a private road maintenance agreement, Mr. Weinberg provided a document entitled “Declaration of Covenants for Road Maintenance for Pumpelly Lots 1,2,3,4 & 5, Mendon Vermont” dated December 22, 2014 and recorded in book 98 at pages 84-87 of the Mendon land records. The document is identified as Item “R” in the packet and is duly referenced in the proposed deed.

Regarding a stormwater management plan and erosion control and sedimentation plan, Mr. Weinberg provided a Stormwater Construction Discharge General Permit

Notice of Intent submitted on March 31, 2025 that is identified as Item “I” in the packet. Mr. Weinberg also provided an email from Taylor Flanagan dated April 2, 2025 that indicates that the submission is in the queue for review and that a response is anticipated within a week. The email is identified as Item “J” in the packet.

Sarah moved to accept the subdivision permit application conditioned on: applicant providing a revised survey map with the revised acreage figures that meets all Section 400 requirements for a survey map; access to the lot being from Old Stockbridge Path and not U.S. Route 4; applicant obtaining and recording the necessary wastewater and potable water permit when obtained; the driveway and other access to the proposed lots meeting the emergency vehicle passage criteria described above; deed descriptions for all three lots being provided that include a revised utility easement description of the actual utility right of way; and confirmation that a stormwater management permit is not required or the submission of a stormwater management permit and compliance with the same. Fred seconded the motion and the motion carried.

Zoning Regulations Update: Rutland Regional Planning Commission consultant Logan Solomon attended the meeting remotely to provide an update on the work he has done on the Mendon Zoning Regulations. Logan provided a “Working Draft – 4/4/2025” that states on the cover sheet that the RRPC is assisting the MPC in a comprehensive review of the current zoning regulations “to ensure alignment with the 2020 Town Plan, recent state law changes, and modern zoning practices”.

The working draft is the first draft where RRPC has completed a full review of the regulations as of April 4, 2025 and includes suggestions made by different MPC members over the past months. Logan indicated that he reviewed the regulations against all provision in 24 VSA Chapter 11, but cautioned that RRPC needs to review the draft to ensure that all references to a section or article are referencing the intended section or article.

Proposed language to be added in the draft is underlined, proposed deletions are stricken through and Logan’s comments are in italics. Sarah will inquire of the town office how the working draft can be posted on the website. Members discussed scheduling a second meeting each month dedicated to the zoning update work so as to complete the work within the projected schedule for a town-wide vote in March 2026.

Logan and members reviewed the proposed changes and comments for Article I, largely consisting of adding text from state statute. Logan explained that Section 110 is new text and should be underlined. Members questioned Section 110(c)(d) regarding housing assistance, and asked Logan for clarification regarding the inconsistency between the proposed text and Mendon's current zoning regulation that provides that no unit of a hotel, motel or lodge may be occupied as a residence.

Logan explained that proposed Section 111 is text that he moved from Article 10, based on his view that it is more logical for a list of exemptions to appear early in the regulations versus at the end. Members asked that a new section pertaining to solar arrays not connected to the internet be added to new Section 111.

Regarding Article 11, Logan explained that when he reviewed the current zoning districts he noted that many of the districts are substantially identical to each other and suggested that substantially similar districts be combined to simplify the regulations and to facilitate the public's use of the regulations. (Details regarding a proposed reduction in the number of zoning districts are noted in the January 6, 2025 and the February 3, 2025 MPC minutes.)

Members will plan to meet on the third Monday of each month starting Monday, April 21 and continuing through Monday, May 18; Monday, June 15 and Monday, July 20 to continue the zoning update work. The meetings will be additional MPC meetings open to the public in-person and via the GoToMeeting format.

Public Comment: There were no public comments when public comments were solicited at the end of the meeting.

The next regular meeting of the Mendon Planning Commission is scheduled for Monday, May 5, 2025 at 5:15 p.m. at the Mendon Town Office. The next meeting of the Mendon Planning Commission dedicated to the zoning review work is scheduled for Monday, April 21, 2025 at 5:15 pm at the Mendon Town Office.

Respectfully submitted,

Teri Corsones