

Mendon Planning Commission Minutes (DRAFT)
June 16, 2025

Present: Justin Lindholm, Fred Bagley, Dick Howe, Sarah Buxton and Teri Corsones were present in person. Zoning Administrator Greg Smith was also present in person. The draft June 2, 2025 minutes were approved with no changes.

At the start of the meeting Sarah Buxton made a motion to amend the agenda to add a new item regarding whether the Mendon Planning Commission should recommend to the Select Board that Act 250 requirements be waived for certain properties in the Village District. Fred Bagley seconded the motion to add the agenda item and the motion carried.

Act 250 Waiver Recommendation: Greg provided background regarding the Act 250 waiver question. The Select Board inquired whether the MPC recommends that the Select Board should opt into waiving Act 250 requirements for certain properties in an area comprising the Village District and the expanded “Village Area” that the RRPC is proposing as part of the Rutland Regional Plan. After much discussion members determined that they currently lack the information needed to make a reasoned decision. They also noted Logan’s view that the Town could opt into the waiver at a later date if it chooses. Dick Howe made a motion that the MPC not recommend that the Select Board opt into waiving Act 250 requirements for certain properties for the reasons stated. Justin Lindholm seconded the motion and the motion unanimously carried.

Zoning Regulations Update: Rutland Regional Planning Commission consultant Logan Solomon was present in person. Logan first addressed questions reflected in the May 19 and June 2 MPC minutes.

Regarding proposed section 110(c)(d) that provides that the Town cannot prohibit or penalize a hotel from renting rooms to provide housing assistance through the State of Vermont’s General Assistance Program and the provision in the current zoning regulations that prohibits hotel units from being occupied as a residence, Logan indicated that questions about the interplay between the two should be directed to a town attorney. Members questioned the reasonableness of a town with zoning regulations being told that the town was prohibited from addressing the kinds of health and public safety issues that have been associated with hotel voucher programs, when a primary purpose of zoning regulations is to protect public health and safety. Members also questioned whether there would be an advantage to a town not having zoning regulations if a consequence of a town

having zoning regulations is that the town was prohibited from addressing the public health and safety issues that have been associated with hotel voucher programs. Sarah will request authority from the Select Board to have an attorney versed in zoning regulations provide guidance and options regarding proposed section 110(c)(d).

Regarding the new “Protected Lands District” and whether all government properties should be included in the Protected Lands District, it was recommended that the Town Office, Town Garage and the new VTRANS Building not be included in the Protected Lands District but instead remain in the respective zoning districts in which the three properties are currently located.

Regarding recreational facilities, Logan will remove the distinction between high-density and low-density recreational facilities, with the understanding that the relevant zoning criteria will be applied to all applications for recreational facilities.

Regarding impervious surfaces, Greg asked for clarification regarding certain percentages allowed for impervious surfaces being applied to properties of varying sizes. He questioned whether the state would allow 50% of a large multi-acre property to have impervious surfaces. Logan noted that where state and local regulations apply the more restrictive regulation controls.

Regarding maximum building heights, a question arose regarding how to treat roof peaks that are substantially higher than the rest of the roof. Logan explained that Rutland City and Brandon approach maximum building heights differently by factoring in the average of a roof with varying heights. He also indicated that other towns have a section explain how to measure building heights and will provide sample language to consider.

Members proceeded to reviewing Article IV beginning with Section 401, working from the June 4, 2025 Working Draft.

Section 401(b). First new sentence added, based on state law. Members recommended that the second new sentence be stricken because the content is covered elsewhere in the regulations.

Section 402. Logan will check on very recent case law that may impact what municipalities can regulate regarding general performance standards.

Subsection 1 – “or noxious gases” added. Logan will provide a definition.

Subsection 3 – “emission” defined.

Subsection 4 – Logan will add clarification regarding blasting restrictions on holidays and will add a provision that all applicants will provide proof of any state or federal blasting permits as part of the application process. The state and/or federal government has ultimate authority regarding blasting activity.

Subsection 6 – delete proposed (a) given the difficulty of enforcement.

Subsection 7(b) added to clarify that property owners are not required to direct, alter or manage the natural flow of water onto an adjacent lot if the water flow existed prior to the development of the lot.

Subsection 8 – Logan will add a sentence clarifying that the state has jurisdiction over water and wastewater standards and will reference Section 1003 requirements.

Subsection 10 – Added proposed language regarding traffic impacts, taken from a number of adjoining towns' regulations.

Subsection 11 – added to address unsightly abandoned properties from a public safety perspective. Logan will research the current case law regarding a municipality's ability to regulate in this regard including the length of time before a property is considered abandoned.

Members will resume the review of the working draft at the next meeting, beginning with Section 403.

Public Comment: Brian Gates questioned whether the town has investigative powers regarding blasting activity. Justin explained that the state has authority in that regard. Mr. Gates then made profane comments that were not limited to agenda topics and that were disruptive to the orderly conduct of the meeting. He was muted. There were no other public comments.

The next regular meeting of the Mendon Planning Commission is scheduled for Monday, July 7, 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, July 21, 2025 at 5:15 pm at the Mendon Town Office.

Respectfully submitted,

Teri Corsones