

Mendon Planning Commission Minutes
June 3, 2013

Present: Justin Lindholm, Neil Langer, Teri Corsones and Phil Douglas (by phone). The May 6, 2013 minutes were approved.

Swartz Subdivision Permit Application: Richard and Elizabeth Swartz submitted an application to subdivide a 47 acre parcel they own off the Currier Road into one 21 acre parcel (where their primary residence is located) and one 26 acre parcel. The first public hearing was held on April 2, 2012. Additional information was requested and the hearing was continued to June 4, 2012. Additional information was requested and the hearing was continued to July 9, 2012. At the July 9, 2012 meeting the hearing on the application was continued to October 1, 2012, upon the request of the applicant and adjoining landowners. At the October 1, 2012 meeting, the applicant requested a continuation of the hearing until the June 2013 meeting, to which none of the adjoining landowners objected. The hearing was continued until the June 3, 2013 meeting. Prior to the June 3, 2013 meeting, Mr. Swartz sent the attached e-mail, indicating that he had not been able to finalize arrangements and engineering for a suitable access to the proposed new site, and requested to keep the application open for another six months if possible to pursue various alternatives for access. He also asked for feedback regarding the acceptability of a recorded option (in perpetuity) to acquire an easement that could be exercised at such time as he and his wife elect to go forward with the construction of a future home.

Members discussed the request to continue the hearing for six months, until the December 2013 meeting. There is no provision in the subdivision regulations or in the statute prohibiting requests for continuances, or specifying timeframes for continuances. Given the topography of the parcel at issue and the apparent complexity of design work related to access, members felt an additional six months' time to pursue a suitable access was reasonable. With respect to the acceptability of an option to acquire an easement, members were not willing to speculate regarding the acceptability of such an instrument without reviewing the exact language of the instrument. In general, they questioned whether an option would provide the certainty necessary for approvable access to a subdivided parcel.

Phil Douglas made a motion to approve the request for a continuance of the hearing to the December 2, 2013 meeting. Justin Lindholm seconded the motion and the motion carried.

Mendon Subdivision Regulation Review: Ed Bove from the Rutland Regional Planning Commission was present to continue the review of the Mendon Subdivision Regulations. Ed provided a draft of Articles I through III, section 302(H), which draft incorporated the revisions discussed at previous meetings. Members reviewed the draft, and discussed sections 303 and 304, along with Article IV, section 400. Ed will revise Article IV to set forth separate requirements for minor versus major subdivision applications. He also provided samples of "Planning Standards" from several other towns, for consideration for Article V. He would like to continue the same process of providing revised drafts prior to the meeting, so members can review the drafts in advance of the meeting. He will also provide samples from other towns for section 420 "Streets" and section 440 "Utilities" before the next meeting.

The next meeting of the Mendon Planning Commission is scheduled for Monday, July 8, 2013 at 5:15 p.m. at the Mendon Town Office.

Respectfully submitted,
Teri Corsones