

Mendon Planning Commission Minutes

November 2, 2020

Present: Fred Bagley, Justin Lindholm, Gary Sihler and Teri Corsones were present via a “Go to Meeting” platform, provided in conjunction with the State of Emergency that Governor Scott has declared, specifically Addendum 6 to Executive Order 01-20 and Act 92, that authorize public bodies to meet electronically.

Instructions for accessing the meeting were on the Town of Mendon’s website. A mechanism for the public to alert the public body during the meeting if there were problems with access was provided in the form of the following email address: mendonclerk@comcast.net.

The draft October 5, 2020 minutes were approved with no changes.

McNeill Subdivision: Paul and Paula McNeill were present for the hearing noticed for an application to: (1) subdivide a 5.20 +/- acre parcel located at 220 Cream Hill Road into two lots, one comprising 2.72 +/- acres and the other comprising 2.48 +/- acres; (2) subdivide a 4.0 +/- acre parcel located at 434 Cream Hill Road into two lots, one comprising 2.02 +/- acres and the other comprising 1.98 +/- acres that will be added to a newly created lot comprising 6.76 +/- acres; and (3) subdivide a 4.9 +/- acre parcel located at 434 Cream Hill Road into two lots, one comprising 2.12 +/- acres and the other comprising 2.78 +/- acres that will be added to the newly created lot comprising 6.76 +/- acres. The newly created lot comprising 6.76 +/- acres includes the 1.98 +/- acre parcel and the 2.78 +/- acre parcels described above, as well as an adjoining parcel owned by applicants comprising 2.0 +/- acres. Kenneth McNeill was also present for a portion of the hearing.

The relevant Notice of Hearing was published in the Rutland Herald on October 17, 2020 and copies of the Notice were posted in three public places in Mendon on the same date. Applicants provided an email dated October 20, 2020 in which Ms. McNeill certified that on October 16, 2020 she mailed a copy of the Notice of Hearing and the requisite adjoining landowner letter by depositing the same in the United States mail, first class postage prepaid to each of the adjoining landowners

identified and at the addresses listed in the email, including James Alvin Wakefield; Kyle and Val Taylor; Thaddeus Omand; Mick Jennings/Joanne Salisbury; Scott Heald; James Brimm; Keri Lanzarotta; Susan Brownlee; and Alex Johnson. Thaddeus Omand was the sole adjoining landowner who participated in the hearing.

Members noted that five new lots would result from the proposed subdivision, and determined that the proposed subdivision met the definition of “Major Subdivision” in Section 202 of the Mendon Subdivision Regulations: “Major subdivisions shall include the subdivision of land which resulted in the creation of five or more lots or any planned unit development that meets the definition of a subdivision.”

The applicants provided a site plan entitled “Subdivision of Lands of Paul and Paula McNeill, Cream Hill Road, Mendon, Vermont” drawn by Mark Courcelle and dated October 2, 2020. It depicts Lots 1 – 5. They also provided a 3-page document entitled “Cream Hill Road”, which depicts the applicants’ property in a color-coded fashion that describes the purchase dates and tax map numbers of the three parcels that are the subject of the application.

Regarding the first proposed subdivision in the Notice of Hearing, the property address is 220 Cream Hill Road (tax map ID # 57) and the acreage comprises 5.20 acres +/- . Applicants propose a 2.48 acre +/- (Lot 5) and a 2.72 acre +/- (Lot 4) division. Lot 5 includes an existing house that the applicants are renovating. Lot 4 is undeveloped and applicants plan to market the parcel as a building site.

The property is located in Mendon’s Residential II Zoning District. Section 306 of Mendon’s Zoning Regulations for the Residential II Zoning District require a 2-acre minimum lot size, minimum lot frontage of 65 feet per acre, a 50’ front yard setback, a 25’ minimum side yard setback, and a 50’ minimum rear yard setback. The existing house site on Lot 5 and the proposed house site on Lot 4 meet the setback requirements. Members noted that the proposed septic area for Lot 4 appears to be close to the southerly boundary line; state septic regulations may require an easement from the adjacent property owner.

Lot 5 has the requisite frontage. Access to lot 4 (and to an adjoining Lot 3) is through a proposed 50’ right of way along the northerly boundary of Lot 5 and a portion of the northerly boundary of Lot 4, for a distance of 528.46’. The proposed right of way is adjacent to the southerly boundary of the Thaddeus Omand property at 312 Cream Hill Road.

Mr. Omand inquired about screening between his property and the proposed right of way. Applicants offered to meet with Mr. Omand to discuss planting a buffer of trees along the right of way. They will report on the results of their discussion at the next hearing date.

Members inquired about the location of the right of way given its proximity to a sharp bend in the road and given site distance requirements. Applicants will contact the Mendon Road Commissioner for his guidance regarding a recommended location for the right of way from a safety perspective. Applicants will report on the recommended location at the next hearing date.

A description of the right of way will be needed for subdivision approval. Applicants will contact their attorney for the description. Members advised that a private road maintenance agreement is typically required for title insurance purposes.

Members inquired about the location of utility easements to benefit Lots 3 and 4. Applicants plan to erect telephone poles part of the way and then provide for underground utilities. They will inquire about the width of necessary utility easements so that can be included in the right of way description.

Regarding the second proposed subdivision in the Notice of Hearing, the property address is 434 Cream Hill Road (tax map ID # 55) and the acreage comprises 4.0 acres +/- . Applicants propose a 2.02 acre +/- (Lot 2) and a 1.98 acre +/- division. Lot 2 includes an existing house that the applicants currently occupy. The 1.98 acre parcel is undeveloped and will be added to a newly created lot comprising 6.76 acres (Lot 1) that the applicants plan to continue owning and use to build another home in the future.

Lot 2 meets frontage and setback requirements. The frontage for Lot 1 is approximately 150', which is less than the frontage requirement of 65' per acre in the Residential II Zoning District. If the northerly boundary line for Lot 2 were moved to the northerly boundary line for Lot 1, and a right of way for access to Lot 1 was provided through Lot 2, the frontage issue would be moot. Applicants indicated that they don't intend to further subdivide Lot 1. An approximate location for the future building site on Lot 1 is depicted on the Cream Hill Road document.

Regarding the third proposed subdivision in the Notice of Hearing, the property address is 434 Cream Hill Road (tax map ID # 56.11) and the acreage comprises

4.90 acres +/- . Applicants propose a 2.12 acre +/- (Lot 3) and a 2.78 acre +/- division. The 2.78 acre +/- parcel is undeveloped and will be added to the newly created lot comprising 6.76 acres (Lot 1) described above. Lot 3 is undeveloped and applicants plan to market the parcel as a building site.

Access to Lot 3 is via the same proposed 50' right of way accessing Lot 4, described above. The same safety and screening considerations described above for the right of way pertain.

Members inquired about the lack of contour lines on the site plan. Applicants indicated that the property is largely flat.

A second hearing is required for major subdivisions. Applicants have a time constraint. Members are willing to accommodate the time constraint by scheduling the second hearing sooner than the next regularly scheduled Mendon Planning Commission meeting.

Justin made a motion to schedule the second hearing for Monday, November 9 at 5:30 p.m., with the following information expected from the applicants: screening details for the right of way after meeting with Mr. Omund; a recommended location for the right of way after conferring with the Mendon Road Commissioner; information about the width of the utility easement after conferring with the utility company; and a draft deed description for the right of way. Fred seconded the motion and the motion carried.

The next meeting of the Mendon Planning Commission is scheduled for Monday, November 9, 2020 at 5:30 p.m. via a GoToMeeting format, for the purposes of a second hearing for the McNeill subdivision application.

Respectfully submitted,

Teri Corsones