

# Town of Sandgate Zoning Board of Adjustment

Date: January 20, 2021

RE: **Application No.** 20-10-22

A meeting of the Sandgate Board of Adjustment was held on 1/20/2021 at 7:00 PM

**Members Present:** Sheila Kearns (Chair), Brad Kessler, Caroline Kimball, Joe Nolan

**Audience:** Matt Tudor (close neighbor), Bobbi Stone (close neighbor)

The following **adjoining landowners** were present:

Linda Iannacone, Ron Iannacone, and  
Bill Freeman.

**Adjoining landowners** Nancy & Joe Mangino sent 2 letters offering their testimony about the proposed variance. These letters are included as an addendum to this document.

**Land owner:** Country Creek Estates Inc. (Chris Papamichael)

Presenter: Bill Freeman (contractor) appeared to present the application.

At the conclusion of the testimony, The Board made the following Findings of Facts:

## **Findings of Facts:**

1. The property (ID#11480-0L0) for which the variant is sought located in the Forest 2 Zone: is off Swearing Hill Rd.; is approximately 11 acres in size: and is accessed by a private right of way. While the lot does not meet the 25 acre minimum for the Forest 2 Zone, the lot is grandfathered under Bylaw Section 3.5 Administrative Requirements par. 1.
2. The proposed structure is a 32' long, X 20' wide, 18' high cabin (camp) with a 6' wide X 32' long porch and is a permitted use in the Forest 2 district. under Bylaw Section 6.2, par. 5 and subject to the following (summarized):
  - a. No toilet in the camp, privy only
  - b. No toilet within 100 ft of water supply or body
  - c. 200 ft setback from any lot and street line
  - d. No electricity from an off-site power source.The plot plan meets the requirements of a., b. and d., but not c. due to the terrain, and for which a variance has been requested.
4. The plot plan provided in the application shows a 640 square foot structure which would have to be adjusted to meet the Bylaw Section 1. Definition of a "Camp, primitive" as being limited to a size of 600 square feet.
5. The variance sought requests a setback of 60' feet from the Iannacone property line and of 75' from the center of the right of way that marks the Mangino property line.

6. The Iannacones object to granting the variance for the 60' setback from their property line on the grounds that the structure is too close to their property and that the proposed size of the structure is larger than what they find acceptable at a distance of 60' from their property line. They request that the 200' setback requirement be enforced.
7. The Mangino's also object to granting the variance for the 75' setback from their property line and expressed concern that doing so might interfere with their plans to sell their property. They request that the 200' setback requirement be enforced.
8. Matt Tudor and Bobbi Stone expressed concern that the placement of a privy on a lot that is so steeply sloped could create runoff problems

**Conclusions of Law:**

Based on the foregoing Findings of Fact, the Board then reviewed the application under **Sandgate Zoning Bylaws, Section 8.5, Subsections 1-5**

In adherence to and acting strictly within the limitations of 24 V.S.A. Section 4469 the Board unanimously agreed that it could not make a positive finding on Subsection 4 of Section 8.5 of the Sandgate Zoning Bylaws:

**8.5.4.** The granting of this variance will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare.

**Approved the Application** with the following conditions:

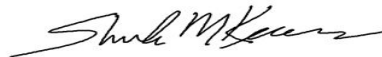
**Denied the Application** for the following reasons:

1. The proposed structure does not conform to the required 200' foot setback for camps in the Forest 2 from abutting property lines under Bylaw Section 6.2, par. 5.
2. After considering the findings of fact, the Board found that the variance, if issued, would alter the essential character of the Forest #2 District and, furthermore, may substantially impair the appropriate use of the adjacent properties.

Dated: \_\_\_\_\_

Approved

Disapproved



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## Addendum to Town of Sandgate ZBA Hearing January 20, 2021

January 11, 2021

To: Sandgate's Zoning & Planning Board

Re: Hearing, Wednesday January 20, 2021 on "Setback Variance" request

Ms. Kearns and Board Members:

[As we are unable to attend, please allow our longtime friend Linda Iannacone to speak for us/ read our statement on this matter]

It seems like *déjà vu* as we have been in this same situation 3 times before: in 2007, 2009, and 2014.

Unfortunately, on each occasion 'Sandgate Zoning meeting notices' have been the harbingers of headaches for us, so we are a bit leery about this proceeding...

We have some hope that the prior episodes were related to the questionable activities of the [same] person behind the requests at the time, and that *this* current request is not connected... but in all honesty, because of those past experiences, the words "setback variance" only convey "vandalize your property" to us. [Details of the destruction of our property and the dishonorable dealings behind it are documented in 2007, 2009, and 2014's correspondence between us, Sandgate's Zoning Board, and several related government agencies. Copies can be provided upon request]

Frankly, it would not come as a great surprise to learn that "Country Creek Estates" is just the next iteration of "Halmar Holdings", "Vermont Home Builders", "Speath Engineering" or any other of the entity names already used to secure what appears to be the same 'setback variance' for the same property and the same reason.

As plainly as possible then - we do not wish to have any part of our property involved in any way in the "construction of a camp on Swearing Hill Road". We are sorry if existing regulations cause problems for any desired building, *but interfering with our place on our side of Swearing Hill cannot be a solution*. [However, IF this 'setback variance' has nothing whatsoever to do with infringement on/ diminishment of/ or damage to our property (including 'easement', r-o-w, etc.) please overlook the wary tone. We wish the prospective campers well... can hardly imagine a prettier setting for a camp than the mountain:]

After 55 years we're saying goodbye to Vermont. Since Mom died 2 years ago, and we have recently lost our beloved daughter, we no longer have any reason to keep the lovely land... In conjunction with all the other 'downsizing' of our life, we are putting it up for sale.

We hope and trust that the outcome of this hearing won't make these plans harder for us. Thank you for your consideration.

Nancy & Joe Mangino

Stafford, Virginia 540-659-7439

## Addendum to Sandgate ZBA Hearing 1/20/2021

January 19, 2021

To: Sandgate's Zoning & Planning Board

Re: Hearing, Wednesday January 20, 2021 on "Setback Variance" request

Mr. Henry and Board Members:

Please consider this an addendum to our 1/11/21 letter that Ms. Iannacone was kind enough to deliver for us...

As we now have a clearer understanding of tomorrow's subject [i.e. reducing the required 200' distance from neighboring property lines] we'd like to add a word about any building within 200' of our property line on Swearing Hill Road...

After reviewing the voluminous correspondence (going back to 2007) about our Vermont property we cannot help noting that it's *always* the *same* property [across from ours on SHR] and the same issue up for the Board's consideration - 'setback variances' in order to accommodate building desired by the owner... (Really, after all these years, is the owner still not able to build something that does comply with Sandgate's existing regulations?)

Please understand, we are strong believers in privacy and property rights, and have no interest in critiquing, or even commenting upon, someone else's vision - but there is a question here about how much trespass on a neighbor's 'vision' should be permitted.

We assume the 200' rule is there for a reason - in scenic Sandgate, very likely it's an aesthetic reason... Perhaps we're anticipating a bit [with good reason], but the idea of obstructing those sweeping views of the mountain with a cabin, perhaps outbuildings, plotzed right opposite less than 200' from our place, is painful to consider...

We have been burned before on this same issue, when the 2007 owner assumed he could circumvent a '50'-from-the-road regulation' by simply bull dozing *a 20' wide, 1260' long strip of OUR property down INTO the road*- presumably to give himself the required footage on HIS side of Swearing Hill... Apparently the Board did not let him get away with it - although he did get away with the vandalism. We're sure you will understand why we are sick of - and sensitive about - any further problems on this score.

Please uphold the existing code. Hopefully the owner can find some other way to pursue his/ her desired building - without imposing upon the rights and desires of the rest of us...

Once again, thank you for your consideration.

Nancy & Joe Mangino Stafford, Virginia 540-659-7439

**Town of Sandgate Municipal Office  
3266 Sandgate Road, Sandgate, Vermont 05250**

**Planning Commission / ZBA**

**Minutes for Wednesday, February 17, 2021 Meeting 7:00 PM**

**Members Present:** Sheila Kearns (Chair), Brad Kessler, Caroline Kimball, Joe Nolan

**Also present:** Bill Henry (Zoning Administrator), Irene Martin, and George Anthes (Attorney representing Clark Kastner)

**Present via videoconference:** Merrill Bent (Attorney representing the Town of Sandgate), Clark Kastner, and Sunni Donath (Court Reporter present at the request of Clark Kastner), Andre Boey.

1. Call to Order at 7:05 pm.
2. No changes or additions were made to the agenda
3. No members of the public offered comments prior to the opening of the ZBA hearing on the Kastner appeal of permit denied by Zoning Administrator, Bill Henry.
4. The warned hearing on the Kastner appeal of permit denied by Zoning Administrator, Bill Henry, was conducted and the findings of that hearing will be published within the legally allotted time.
5. At adjournment of the ZBA hearing, the Planning Commission deferred additional matter on the agenda until the next meeting on March 17, 2021 and adjourned at 8:23 pm to conduct an Executive Session to discuss legal matters with Attorney Merill Bent.

Notice concerning the next meeting of the Sandgate Planning Commission will be posted on the town website and at the Town message boards during the week before the proposed meeting.

**Town of Sandgate Municipal Office**  
**3266 Sandgate Road, Sandgate, Vermont 05250**  
**Planning Commission Meeting March 17, 2021**  
**Minutes**

Board Members Present: Sheila Kearns, Chair; Caroline Kimball, Joe Nolan, Rob Viglas (via teleconference).

Board Member Absent: Brad Kessler

Others Present: Bill Henry, Zoning Administrator; Kelley Berliner, The Archaeological Conservancy; Sally Manikian, The Conservation Fund; and Tyge Rugenstein, Crown Maple.

1. The meeting was called to order by the Chair at 7:05 pm.
2. The agenda was reviewed and it was agreed by unanimous consent to postpone the review of the minutes of previous meetings until after we had heard from the representatives of the Conservation Fund and Crown Maple.
3. No members of the public were present that wished to offer comment so the Board proceeded with the agenda.
4. Sally Manikian, of The Conservation Fund (CF) and Kelley Berliner of The Archaeological Conservancy presented the preliminary sketch of a proposal to subdivide the 2,239 acres on Egg Mountain. The property is owned by The Conservation Fund through Bly Hollow LLC. The sketch is appended to the minutes as an image labelled Bly Hollow LLC Preliminary Sketch. That image shows the 2,739 acre property with topographic contour line, an outline of the proposed 93 acre subdivision and the outline of an "inholding" property shown on Town of Sandgate 2018 Zoning Map as Parcel Number 501000-0R0.

Ms. Manikian stated the while the initial intent of the CF was preservation of the property but that the discovery of the historical significance of the area known as Shea's Settlement led to their partnering with The Archaeological Conservancy, a national non-profit dedicated to preserving archeological sites across the country, to permanently preserve this area of the property. The subdivision of the property is a step in the plan for the Archeology Conservancy to become the permanent owner of the archaeological site for the purposes of protection and preservation.

Bill Henry introduced a copy of the Town of Sandgate Zoning Maps showing a second inholding shown on Town of Sandgate 2018 Zoning Map as Parcel Number 605300-0L0 and asked the presenters about it. The presenters stated that they believed that the status of that parcel had been resolved and that it represented an error on the map that needs to be

corrected. Bill noted that documentation of the error was not available and would need to be addressed. Sheila Kearns indicated that as the survey in support of the requested subdivision proceeds there should be efforts made to make sure that the Parcel Number 501000-0R0 inholding issue be resolved in cooperation with the landowner. Sally Minikian stated that they would be happy to do whatever was necessary to resolve the issue with the Town.

Bill Henry noted that unlike to usual request for a subdivision that involves some sort of development, the request before us is aimed at keeping the property as is and asked if there would be an objection to our stating that in whatever decision that the ZBA reached in this matter. As potential owners, Kelly Berliner indicated that her organization would not object to such a statement.

After further discussion, a motion was made by Caroline Kimball to classify the planned subdivision to be a minor subdivision as defined in Section 5.01 of the Sandgate Subdivision Regulations. Joe Nolan seconded the motion and it was approved unanimously by the Board. Additionally Caroline Kimball made the motion that the Board accept the map presented and our subsequent discussion as meeting the purposes of the Sandgate Subdivision Regulations Joe Nolan seconded the motion and it was approved unanimously by the Board.

The applicant will now proceed with a survey of the property in order to file an application for final plat approval under Section 5.06 of the Sandgate Subdivision Regulations.

5. Tyge Rugenstein of Crown Maple presented information about the Notice of Intent to Build an Agricultural Building that was filed with the Zoning Administrator on March 9, 2021. The structure will be built on Parcel Number 139500-00B owned by Madava Manchester, LLC in Forest Zone 2 on Sandgate Road. The notice describes the structure to be built as a 30' X 60' pole barn on a concrete slab with a metal roof and siding. As an agricultural building the structure does not require a building permit from the Town but the Town may require the owner to obtain a written waiver from the Vermont Secretary of Agriculture if the structure does not meet the setback requirement established in the Zoning Bylaws. The Board asked how this structure would be situated in relation to the storage containers now on the property and Mr. Rugenstein stated that the proposed building would replace those storage containers.

Joe Nolan stated that the plan to replace the storage containers seemed a reasonable use of the property and made the motion that the Board accept the setbacks shown in the Notice of Intention in order to alleviate the need for Madava Manchester, LLC to seek a waiver from the VT Secretary of Agriculture. Rob Viglas seconded the motion and the

board approved the motion unanimously.

6. The Board reviewed and approved the draft minutes from the October 21, 2020 Planning Commission Meeting, the November 24, 2020 Zoning Board of Adjustment Decision, the January 20, 2021 Planning Commission meeting and February 17, 2021 Planning Commission meeting.
7. Zoning Administrator, Bill Henry presented his report that is appended to these minutes
8. At 7:58 pm Caroline Kimball made a motion to adjourn. The motion was seconded by Joe Nolan and was approved unanimously by the Board.

Notice concerning the next meeting of the Sandgate Planning Commission will be posted on the town website and at the Town message boards during the week before the proposed meeting.



# Addendum to Sandgate Planning Commission Minutes March 17, 2021.

If you are experiencing accessibility issues with the content this addendum, please contact Sandgate Town Hall at 802-375-9075 to request accommodation.

Figure 1 Bly Hollow property with outline of the proposed subdivision and showing one inholding

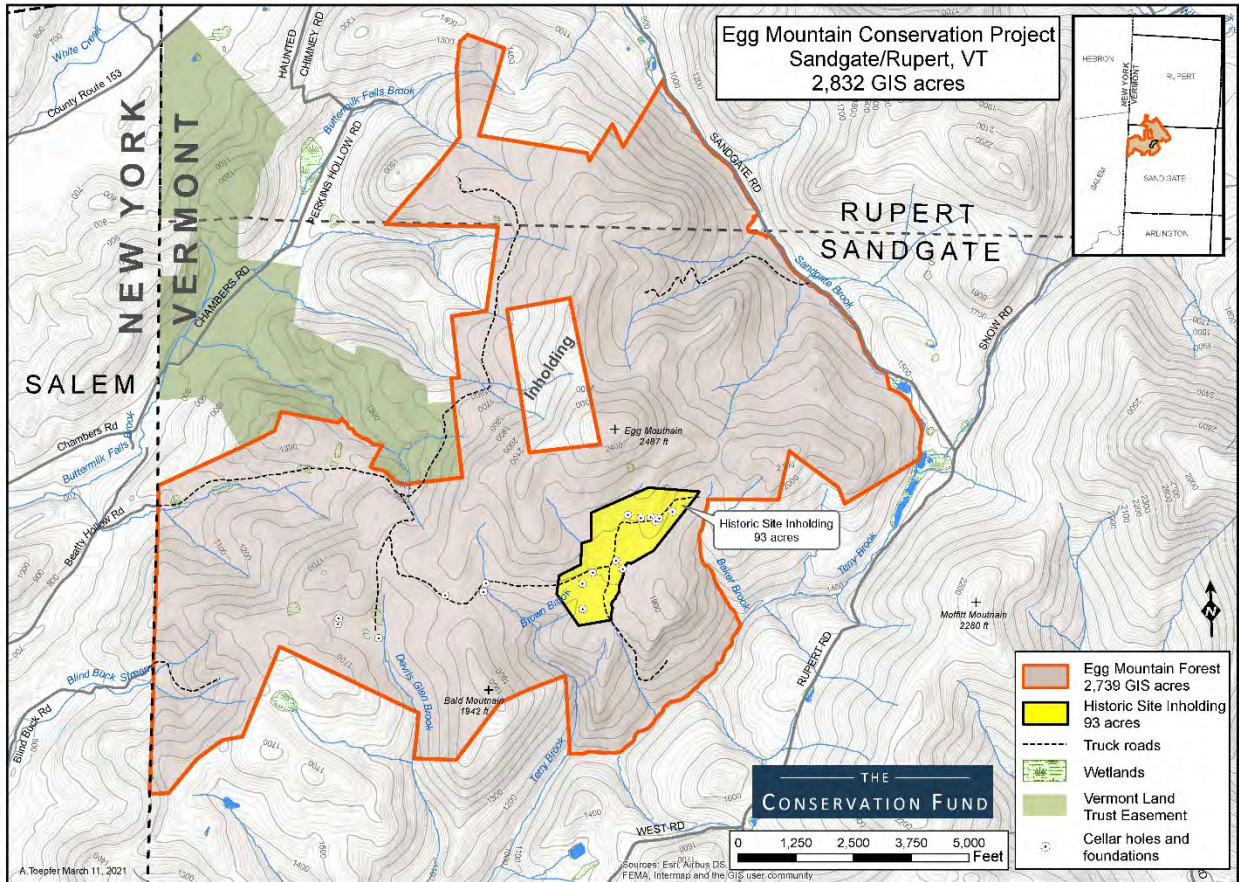
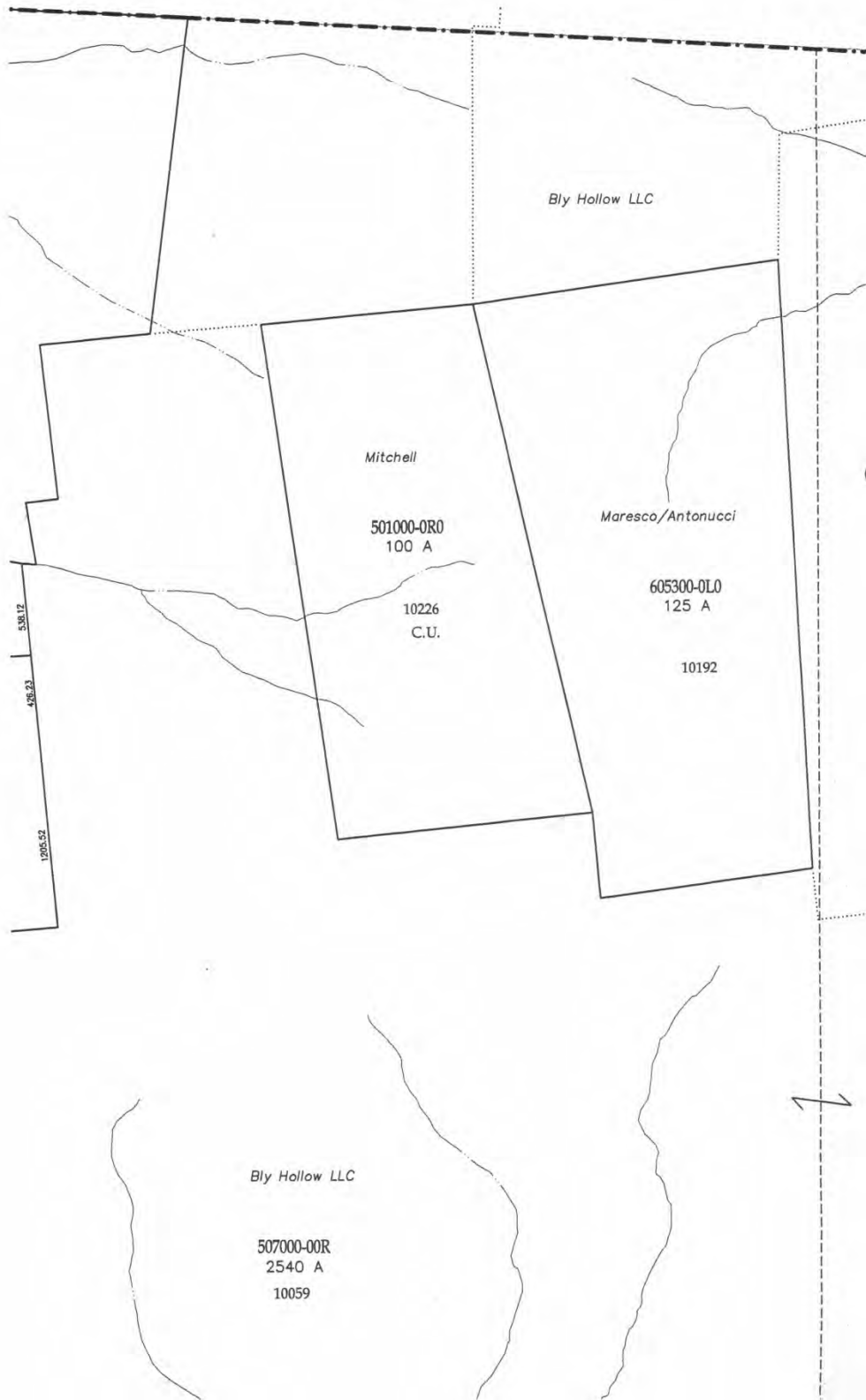


Figure 2 Town of Sandgate 2018 Zoning Map showing Bly Hollow property with two inholdings.



Municipal Office  
3266 Sandgate Road, Sandgate, Vermont 05250  
Phone: (802) 375-9075



## NOTICE OF INTENT TO BUILD AN AGRICULTURAL BUILDING

Name: MADAVA MANCHESTER, LLC Map/Lot # 3/139500-008  
Daytime Phone: 845-877-5142 Evening Phone: 845-915-0177  
Email: TYGE@CROWNMAPLE.COM  
Mailing Address: 47 McCourt Rd, Dover Plains, NY 12522  
Location of property: BEARTOWN ROAD, SANDGATE, VT  
Type of structure: POLE BARN w/ MASON SLABS AND METAL ROOF! SIDING  
Size of structure: 30' x 60'

Description of how proposed structure meets state definition of farm structure.  
(See back to view the Farm structure definition)

UTILITY BUILDING TO SUPPORT  
MAINTENANCE AND STORAGE OF MARE STAMP PRODUCTION EQUIP.

Zoning District FOREST 2 Setbacks met?  Yes  No

Please provide a sketch indicating: existing & proposed structures and distance to property lines, top of stream bank or edge of pond or wetlands.

- This property  is  is not in a Flood Plain area.
- This property  is  is not near ponds, streams or wetlands.

By signing this notice of intent information sheet, I certify that the building meets the requirements of a farm structure. (See definition on back.) I understand that when the structure no longer meets these requirements, I will be required to obtain a zoning permit.

Tyge Ruyter, COO  
Landowner's Signature

3/9/21  
Date

- If the structure does not meet the required setbacks a written waiver response of waiver will be required from the Secretary of Agriculture please call 802-828-2426.
- A permit from the Department of Environmental Conservation may be required. Please contact the permit specialists at 802-885-8850.

## ZONING ACTIVITY REPORT - 2021

March 17, 2021

- 1) R. Lapointe, 420 West Road - State Water Supply and Wastewater System Permit was received and permit issued for a new residence.
- 2) B. Audy, 57 Rupert Road - Permit application received for a new residence and barn; pending receipt of a State Water Supply and Wastewater Supply permit. System has been designed and submitted to State.
- 3) R. Hanson, Sandgate Road - would like to build a bridge over the Green River to access his camp. Referred to Josh Carvajal, State River Management Engineer, to start the process.
- 4) Schonberg, 3622 Sandgate Road - Permit issued for a re model/ alteration. Fifteen-day notice period expires March 25, 2021.
- 5) Koscinski violation - discussed enforcement status with Patrick Lowkes, State Environmental Enforcement Officer . He raised an issue whether there is an environmental violation when there is no formal water source, despite the violation of living in a camp full-time: "no water in, no water out". The passing of Koscinski ended this enforcement action, but the issue remains and Patrick is pursuing clarification of this conflict at the State.
- 6) Country Creek Estates, Christo Papamichael, Swearing Hill - ZBA denied variance application for a camp.
- 7) Kastner, 342 Weldon Drive - variance appeal- pending.

Other:

- 1) S. Beman, 3122 Rupert Road, inquired about expanding his house to live there. There is confusion over whether the septic and well were ever approved as the deed and transfer document refers to a camp. Beman claims they existed when purchased in 2010. Still investigating.
- 2) Draft Zoning Administrator Report was submitted for inclusion in the Sandgate 2020 Annual Report.  
Bill Henry

Sandgate Zoning Administrator

**Town of Sandgate Municipal Office**  
**3266 Sandgate Road, Sandgate, Vermont 05250**  
**Planning Commission**  
**Wednesday, May 19, 2021 Meeting 7:00 PM Minutes**

Board Members Present: Sheila Kearns (Chair) James Aschmann, Brad Kessler, and Rob Viglas

Board Member Absent: Joe Nolan

Also Present: Bill Henry (Zoning Administrator – ZA) and Catherine Bryars Bennington County Regional Commission (BCRC) Senior Planner.

1. Call to Order at 7:06 pm.
2. Agenda Review: All present consented to rearrange the Agenda so as to postpone routine business until after Catherine Bryars had made her presentation.
3. Newly appointed Planning Commission and Zoning Board of Adjustment (PC/ZBA) member, James Aschmann, was introduced and there was general conversation about the organization and duties of the PC/ZBA.
4. No one present reported any Conflict of Interest regarding the matters on the agenda.
5. No members of the public were present to offer comments.
6. Catherine Bryars, Bennington County Regional Commission (BCRC) Senior Planner: Town Plan and Bylaw Updates:

Catherine explained that the Town Plan will be expiring 2023 and that now is a good time to begin drafting any changes and planning for the approval process. Both the board and the ZA have noted a number of instances in which the Bylaws also need updating. Catherine noted that we could expedite drafting an updated Town Plan in time to take advantage of a planning grant in January 22 for an update of the Bylaws. Both Catherine and the ZA recommend completing the draft of the Town Plan before undertaking the Bylaw update.

Catherine explained that funding for her work on the Town Plan updated is covered for the most part in the grant that BCRC received to update Town Plans with regard to Act 171, but that Board's interest in working on updating the Energy Section of the Town Plan might involve additional work. Catherine agreed to develop a budget and timeline for the work that the Board is considering. The ZA and Sheila Kearns will create a specific list of elements of the Town Plan and the Bylaws that the Board would like to address and provide it to Catharine.

All agreed to continue work on the updates at the July meeting of the PC/ZBA.

7. Draft minutes from March 17, 2021 PC/ZBA meeting were reviewed. Brad Kessler made a motion to approve the minutes as drafted; Rob villas seconded the motion. The minutes

were approved unanimously.

8. Sheila Kearns stated that the pandemic protocols would allow for the resumption of in-person PC/ZBA meetings and the Board concurred that the option for online participation was no longer required. Nonetheless the in-person meetings will continue to observe all necessary COVID-19 protocols so that all present can participate safely.
9. A review of the current PC/ZBA Board members terms took place to provide the Select Board with an accurate account of when the terms of current members will be complete. The Board will notify the Select Board that the terms of current member will be complete follows:

Joe Nolan: 2022

Brad Kessler: 2023

Sheila Kearns 2024

Rob vigias: 2025

James Aschmann 2025

10. Zoning Administrator, Bill Henry: No new permit activity. Updates on report delivered March 17, 2021:
  - a) R. Hanson, 4756 Sandgate Road (Parcel # 129500-00R), continues to pursue options for building a bridge to reach his property in order to request a permit to renovate or replace the existing camp on the property.
  - b) Koscinski violation resolved. Resident has passed away and the violation is no longer active.
  - c) Country Creek Estates (Christo Papamichael) property off Swearing Hill Rd. (Parcel # 114800-0L0) was denied a variance for the construction of a camp and has submitted a permit to build a residence on the property. Pending documentation of an approved water and wastewater permit, a permit request will go before the ZBA at a warned hearing.
  - d) Beeman, 3122 Rupert Road (Parcel # 610500-00R) is pursuing a permit to expand a residence on the property. The ZA has indicated that there is no record of an approved water and wastewater system and that this lack of documentation must be addressed before a permit can be issued. Investigation continues.
11. Brad Kessler made a motion to adjourn and James Aschmann seconded the motion. At 8:27 pm the Board unanimously agreed to adjourn

Notice concerning the next regular meeting of the Sandgate Planning Commission (3<sup>rd</sup> Wednesday of each month) will be posted on the town website and at the Town message boards during the week before the proposed meeting.

**Town of Sandgate Municipal Office  
3266 Sandgate Road, Sandgate, Vermont 05250**

**Planning Commission / ZBA**

**Minutes for Wednesday, June 16, 2021 Meeting 7:00 PM**

Board Members Present: Sheila Kearns (Chair), James Aschmann, Joe Nolan

Board Members Absent: Brad Kessler, Rob Viglas

Also present: Bill Henry (Zoning Administrator), Linda Iannacone, Ron Iannacone, and Bill Freeman

1. Call to Order at 7:00 pm
2. Conflict of Interest: No conflicts of interest were reported.
3. Zoning Board of Adjustment Hearing: The ZBA conducted a hearing on the Conditional Use Permit application by Country Creek Estates Inc. for construction of a residence on Swearing Hill Road in the Forest #2 District.

The hearing was continued until a site visit can be arranged to address a number of issues that were raised during the hearing.

4. Further business of the Planning Commission was postponed until the July Meeting.
5. Motion to adjourn made by Joe Nolan, seconded by James Aschmann. Motion passed unanimously.

Notice concerning the next meeting of the Sandgate Planning Commission will be posted on the town website and at the Town message boards during the week before the proposed meeting.

**Town of Sandgate Planning Commission**  
**Wednesday, July 21, 2021**  
**Meeting Minutes**

Board members present: Sheila Kearns (Chair), James Aschmann, Brad Kessler

Board members absent: Joe Nolan, Rob Viglas

Also present: Bill Henry (Zoning Administrator), Catherine Bryars, Bennington County Regional Commission (BCRC) Senior Planner,

1. The meeting was called to order at 7:15 pm.
2. The agenda was amended to add an item regarding the resignation of Brad Kessler as Clerk of the Board
3. No conflicts of interest were reported
4. No members of the general public were present
5. After review, Brad Kessler made the motion that the Board approve the draft minutes for 05/19/2021 be approved with on spelling error corrected. James Aschmann seconded and the motion passed unanimously.
6. After review, Brad Kessler made the motion that the Board approve the draft minutes for 6/16/21 be approved. James Aschmann seconded and the motion passed unanimously.
7. Brad Kessler offered his resignation as Clerk of the Board. Although he will continue on the Board Brad would like to have the clerk's responsibilities passed to someone else. With James Aschmann's agreement, he was nominated as Clerk by Brad and Sheila seconded the nomination. James' appointment as Clerk was approved unanimously.
8. Catherine Bryars presented her proposed strategy for the update of the Town Plan as follows:

Because the many of the sections are in need only of minor updates, Catherine proposed that our meetings address the specific sections of the plan that we had identified as needing attention:

- Section 4: Natural Resources
- Section 5: Historical Resources
- Section 6: Land Use
- Section 10: Energy

While the Board meets with Catherine to discuss these sections in detail, she will draft the minor updates needed in the rest of the plan and bring them to the Board for review.

Section 5 (Historical Resources) was determined to be an issue that might be manageable addressed in one meeting. The Board agreed to take up that section at its August 18, 2021 meeting. Members of the community who have expressed interest in exploring a Historical



District designation in Sandgate will be invited to the meeting and it will be publicly announced so any other interested members of the community may choose to attend the meeting.

Catherine asked to board for more clarity on why we desired to review the current land use zones that would involve possible updates to Section 4 (Natural Resources) and Section 6: (Land Use) of the Town Plan. Board members discussed concerns that arose in several recent permit applications with anomalies that appear when one looks at the existing small lots in some Forest 1 zones in relation to dimensional requirements for the nearby Forest 2 zones. Catherine suggested that rather than considering changing the boundaries of the zones, some additional language and clarification in the Town Plan and the Zoning Bylaws might offer a better way of addressing these anomalies.

9. Zoning Administrator, Bill Henry reported the following permit activity:

- Country Creek Estates property on Swearing Hill - no activity, but correspondence with developer, Bill Freeman, indicates he will address road construction, fire and emergency access in the next few weeks.
- Meyer property, 2742 Sandgate Rd, plans to submit an application for an accessory structure. The location is in a flood hazard area (not the floodway) and I have the property FEMA flood map. I have requested details of the construction to review with John-Broker Campbell at the State. The applicant is likely to attend the next Planning Commission meeting since approval is required being within 100 feet of Green River.

10. Bill Henry's resignation as Zoning Administrator is effective July 30, 2021. We are very grateful for the good work that he has done and for the thoughtful advice he has always given to the Board.

11. Brad Kessler made a motion to adjourn and James Aschmann seconded. The motion passed unanimously and the meeting adjourned at 8:38 pm.

Notice concerning the next meeting of the Sandgate Planning Commission will be posted on the town website and at the Town message boards during the week before the proposed meeting.

**Town of Sandgate Planning Commission**  
**Wednesday, August 18, 2021**  
**Meeting Minutes**

The meeting was preceded by a presentation by Catherine Bryars on historic districts and the possibilities for Sandgate. Residents asked questions and provided input. BCRC staff took notes for the discussion and will make available as the basis for future discussions of Town Plan updates

Board members present: Sheila Kearns (chair), James Aschmann, Rob Viglas

Board members absent: Joe Nolan, Brad Kessler

1. The meeting was called to order at 8:08 pm.
2. There were no changes to the agenda.
3. No conflicts of interests were reports
4. No members of the public were present
5. The Board reviewed the draft minutes for 07/21/2021. James Aschmann moved to approve minutes. Rob Viglas seconded. The minutes for 07/21/2021 were approved unanimously.
6. Sheila Kearns noted that the Zoning Administrator position remains open but that a resume for a potential candidate has been shared with the Sandgate Select Board.
7. James Aschmann made a motion to adjourn at 8:13 pm and Rob Viglas seconded the motion. The motion passed unanimously

Notice concerning the next meeting of the Sandgate Planning Commission will be posted on the town website and at the Town message boards during the week before the proposed meeting.

**Town of Sandgate Planning Commission**  
**Wednesday, September 15, 2021**  
**Meeting Minutes**

Board members present: Sheila Kearns (chair), James Aschmann, Brad Kessler Rob

Viglas Board members absent: Joe Nolan

Also present: Bill Henry, Catherine Bryars (BCRC), and Callie Fishburn (BCRC)

1. The meeting was called to order at 7:02.
2. The agenda was reviewed and no changes were made.
3. No conflicts of interest were reported.
4. There were no public comments.
5. Catherine Bryars (BCRC) spoke on the idea of a historic village center which the town seemed to have expressed interest in. Catherine came with a proposed map. Questions were asked about why the entire cemetery was not included. she explained that it would not apply to the guidelines for the historic district. Discussion ensued, including the role and involvement of the Sandgate Cemetery Commission and the inclusion of private residents. Additionally, Catherine spoke on other benefits that would come with obtaining state historic district status.  
Catherine then spoke on the 2007 historic sites map and options with classifications for sites on the map. Shay's Settlement, Beartown Cemetery, The Cave, etc. and possible landmark recognition as well as how it interacts with the historic site easement.
6. Draft Minutes for 08/18/2021 were reviewed and no changes were made. James Aschmann made the to approve the minutes. Brad Kessler seconded the motion and the minutes were approved unanimously.
7. Matters pending Zoning Administrator action:
  - a. 527 Woodcock Rd. accessory building
  - b. 3701 Sandgate Rd. inquiry from attorney regarding boundaries of land use zones
  - c. Swearing Hill Road, Country Creek Estates permit application
8. At 8:06 pm Brad Kessler made a motion to adjourn, Rob Viglas seconded the motion which was approved unanimously.

Notice concerning the next meeting of the Sandgate Planning Commission will be posted on the town website and at the Town message boards during the week before the proposed meeting.

**Town of Sandgate Planning Commission**  
**Wednesday, November 17, 2021**  
**Meeting Minutes**

Board members present: James Aschmann, Rob Viglas, and Richard Zoppel

Board members absent: Brad Kessler

Also present: Sheila Kearns (Zoning Administrator) and Catherine Bryars (BCRC)

1. The meeting was called to order at 7:05 pm.
2. There were no changes to the agenda.
3. No conflicts of interests were reports.
4. No members of the public were present
5. Resignation of Sheila Kearns, appointment of Richard Zoppel, and nomination of new Chair:

Sheila Kearns announced that she had resigned from the Planning Commission/Zoning Board of Administration (PC/ZBA) and had been hired by the Sandgate Select Board as the Zoning Administrator.

Sheila also announced that the Select Board had appointed Richard Zoppel to take her place on the PC/ZBA and that Joe Nolan had officially resigned from the PC/ZBA, leaving one position open. Board members will reach out to interested parties to fill the vacancy.

Rob Viglas nominated Richard Zoppel as chair. James Aschmann seconded the nomination. The nomination was approved unanimously.

6. Zoning Bylaws: land use policies discussion.

Cat Bryars, BCRC, shared Timeline for Sandgate Town Plan and discussed town's options regarding changes and other alterations. The focus of the 11/17 presentation was the chapter on natural resources. A major focus of this chapter regarded language around fluvial erosion hazard areas, river corridor distinction, and flood ways and how they are represented in

proposed Sandgate Town plans. How neighboring towns navigate this classification was also discussed. Board members raised a number of questions about the implications of adopting the designation of a river corridor and Catherine said she would return to the December 15<sup>th</sup> PC/ZBA.

Additionally, forest habitat identifications were presented.

7. Review and approve Draft Minutes 09/15/2021:

James Aschmann made a motion to approve the minutes. Rob Viglas seconded. The motion was approved unanimously.

8. Zoning Administrator Report:

- 527 Woodcock Rd. accessory building
- 3701 Sandgate Rd. inquiries from attorney regarding subdivision
- Swearing Hill Road, Country Creek Estates permit application for a residence has been withdrawn. A new permit application for a seasonal camp will be submitted.
- 723 Stannard Rd., storage building

9. Rob Viglas made a motion to adjourn at 8:33. James Aschmann seconded the motion. The motion was approved unanimously.

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**Town of Sandgate Planning Commission**  
**Wednesday, December 15, 2021**  
**Meeting Minutes**

Board members present: Richard Zoppel (chair) and James Aschmann

Board members absent: Brad Kessler and Rob Viglas

Also present: Sheila Kearns (Zoning Administrator), Catherine Bryars (BCRC), Callie Fishburn (BCRC), and John Broker-Campbell - ANR Flood Plain Manager (via videoconference).

1. The meeting was called to order at 7:03 pm. A quorum of Planning Commissioners was not present so no business was conducted and no votes were taken. The members present chose to proceed with the presentation planned to review updates to the Town Plan.
2. No members of the public were present.
3. Flood Plan/Town Plan Presentation: Catherine Bryars, John Broker-Campbell.

Catherine and John then spoke to the board about the Sandgate Town Plan and updates regarding questions from our last meeting regarding flood hazard zones. John started with a presentation on flooding, specifically flood hazard areas, floodplain function, the mapping of river corridors, and bylaws. Question and answer ensued. Catherine then reviewed documents submitted to the board as well as the contents of a Powerpoint on the topic and its relation to the town plan. Lastly, John spoke on river corridors versus fluvial erosion hazard areas.

4. Town Plan: Historic Resources revisions: Catherine Bryars.

Catherine presented to proposed revisions to the Historical Resources section of the Town Plan and an updated map of the Historical Resources.

In order to have an accurate account of historic sites in the town, Catherine suggested that we provided a list of sites along with the map. Sheila Kearns volunteered to talk to members of the Cemetery Commission to get a full list of the names of cemeteries in Town

5. Review and approval of 11/17/2021 Draft Minutes was postponed until next meeting when a quorum of members is present.
6. Sheila Kearns (Zoning Administrator) reported that there were no new or pending permits or Zoning Admin. Activities.
7. The meeting adjourned at 8:08 pm.

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