

**Town of Sandgate Planning Commission
Public Hearing Minutes
Wednesday, January 17, 2024
Town of Sandgate Municipal Office
3266 Sandgate Road, Sandgate, Vermont 05250**

Board Members Present: Richard Zoppel (Chair), James Aschmann

Board Members Absent: Brad Kessler, Rob Viglas

Also Present: Sheila Kearns, Zoning Administrator (ZA); Janet Hurley, Bennington County Regional Planning Commission (BCRC); Karen Tendrup, Selectboard Member; Jim Henderson, (BCRC); John Phelps, Selectboard Member; Linda Schimdt, Selectboard Member; Elizabeth Daut

1. The Public Hearing was called to order at 6:07.
2. The board shared information about the proposed zoning bylaws updates, changes to meet state statutes, modifications to shortcomings of the current bylaws, updates to flood hazards protections and river corridor protections.
3. Jim Henderson shared numerous comments on the updates.
 - a) Page 15, C-2 on a recreational facilities definition.
 - b) Page 15, C-10 in relation to septic/water supply and local vs state
 - c) Permits
 - d) Page 17, 3.5-A2 suggested word change
 - e) Page 20, Table 3-1 on setbacks concerning accessory buildings
 - f) Page 21, "Use" more "recreational facility" language
 - g) Page 25, 4.4 C on parking and "1.5 parking units" definition
 - h) Page 25, 4.5 on temporary structures definition, non-paying
 - i) Occupancy, and existing non-conforming applications
 - j) Page 31, Primitive camps and simple water supply language.
 - k) Page 31, Section A on toilets, privy, outhouse definitions for waste water
 - l) Page 32, 6.4 B and culvert definition specifically perennial streams and
 - m) water courses
 - n) Page 51, Fig. 7-3 order of picture and subsequent definition
 - o) Page 56, On channel width vs bank-full width definition and language
 - p) Page 56, meaningful facilities inclusions and omissions
 - q) Specific to Maps, JH feels maps should be larger and fit full pages and
 - r) that colorations should match throughout various maps, suggested removal
 - s) of satellite imagery,
 - t) The Notch classifications and definitions were then discussed.
4. Linda Scmidt brought up the question of junk storage and changes made since previous bylaws.

5. The board agreed that all suggested edits would be reviewed and where appropriate incorporated in an updated draft of the bylaw that would be voted on at the February Planning Commission meeting
6. At 7:31, the board unanimously approved closure of the public hearing and agreed to postpone the business on the posted Planning Commission Meeting Agenda until the February meeting.

Town of Sandgate Planning Commission Minutes
Wednesday, February 21, 2024
Town of Sandgate Municipal Office
3266 Sandgate Road, Sandgate, Vermont 05250

Board Members Present: Richard Zoppel (Chair), James Aschmann, Rob Viglas

Board Members Absent: Brad Kessler

Also Present: Sheila Kearns Zoning Administrator (ZA)

1. The meeting was called to order at 7:01.
2. The agenda was reviewed and there were no changes or additions.
3. No conflicts of interest were noted.
4. No public comment was made.
5. Review and approve Draft Minutes 10/18/23 notes, 11/15/23. Rob Viglas motioned to approve the minutes and James Aschmann seconded. The members unanimously approved the minutes as written.
6. Zoning Bylaw approval was then reviewed. The ZA, Sheila Kearns, reviewed adjustments and edits based on the input from the public hearing on January 17, 2024. The board asked follow up questions and made affirming comments on the work of the ZA. Rob Viglas motioned to approve the Sandgate Land Use & Development Bylaw Plan and James Aschmann seconded. The members unanimously approved the plan.
7. Zoning Administrator's Report:
 - a. Permit issued: Goodell, Hamilton Hollow Rd, (Property ID# 252000-00L), unfinished garage
 - b. Permit issued: Sirman, 3381 SANDGATE RD (Property ID# 615000-00B), garage replacement, laundry room addition
 - c. Permit inquiry: 64 Walsh Rd. (426000-00L)
 - d. Subdivision inquiry: 1651 RUPERT RD (Property ID# 602500-00L)
 - e. Use Regulations Enforcement: 1337 Chunk's Brook Road (Property ID# 307500 00R)
8. No other business was presented to the board.
9. At 7:30 pm Rob Viglas made a motion to adjourn the meeting. James Aschmann seconded the motion and the board approved the motion unanimously.

**Planning Commission Draft Minutes
Wednesday, April 17, 2024 7:00 p.m.
Town of Sandgate Municipal Office
3266 Sandgate Road, Sandgate, Vermont 05250**

Board Members Present: Richard Zoppel (Chair), Jean Eisenhart (Alternate), Rob Viglas

Board Members Absent: Brad Kessler

Also Present: Sheila Kearns Zoning Administrator (ZA), Cody Hicks (Subdivision applicant)

1. The meeting was called to order at 7:04.
2. No conflicts of interest were reported.
3. No public comments were offered.
4. Subdivision: Property ID: 602500-00L; 1651 Rupert Rd.:

Cody Hicks presented the sketch plan for the subdivision of the property at 1651 Rupert Road which will result in two lots: a 5.44 acre lot containing an existing residential structure and a 108.99 acre lot containing the main residence on the property.

Board members requested that Cody review the sketch plan to point out the relevant features of the property.

After a brief discussion about the general features of the property, the Chair accepted a motion by Rob Viglas to deem this a minor subdivision and to approve the submission of the preliminary plat for a public hearing to be held at the May meeting of the Planning Commission. Jean Eisenhart seconded the motion and it passed unanimously.

The Zoning Administrator agreed to post a public notice for the hearing on May 15th at 7:00 p.m..

5. The board reviewed draft hearing minutes from 1/17/2024 and draft meeting minutes from 2/21/2024 and unanimously approved both sets of minutes.
6. Callie Fishburn of the Bennington County Regional Commission (BCRC) conducted the annual assessment of the BCRC local and regional planning programs.

After reviewing the status of the recently approved Town Plan, Callie reviewed the agenda items of the Consulting Report to solicit input from the board. The primary matter that the board addressed was the way in which BCRC's work with the Town on updates to the Town Plan and the Zoning Bylaws enabled the town to address the numerous state requirements while still keeping the planning and regulations at a scale that is appropriate for a tiny town like Sandgate. The board also noted that the training opportunities provided by BCRC are very useful and that the frequent, direct contact with BRCRC is very valuable.

7. Zoning Administrator's Report:

a. --Property drive-around by Chair & Zoning Admin. 3/8/25:

--Property ID 342000-00L (1285 West Rd.): construction appears to be completed in compliance with permit granted.

--Property ID 122000-00L (3701 Sandgate Rd.): excavation for placing a propane tank

--Property ID 428000-00L (419 Tudor Rd.) Accessory Building permit (2022-02-03); observed additional shed adjacent to permitted structure. Inquiry pending.

--426000-00L (64 Wash Rd.) foundation poured; awaiting after-the-fact permit and Water-Wastewater Permit completion.

- b. Property ID 355000-00L (Campbell Rd) Inquiry from potential buyer on conditional use requirements.
 - c. Permit issued for 4648 Sandgate Rd. (Property ID:128000-00R): small green house
 - d. The Sunderland proposed Short-Term Rental Bylaw was presented to the board as an example of what Sandgate might consider if there is a future desire to develop requirements for short-term rentals in the town.
8. No other business was raised
9. The meeting adjourned by unanimous consent at 7:55 p.m.

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.

Planning Commission Hearing & Meeting Minutes
Wednesday, May 15, 2024 7:00 p.m.
Town of Sandgate Municipal Office

Board Members Present: Richard Zoppel (Chair), James Aschmann, Jean Eisenhart (Alternate), Rob Viglas

Board Members Absent: Brad Kessler

Also Present: Sheila Kearns Zoning Administrator (ZA), and Peter Peff

Public Meeting

1. The Public Meeting final plat review for the subdivision of the property located at 1651 Rupert Rd (Property ID 602500-00L owned by the Ronald Pero Revocable Living Trust) was called to order at 7:12 p.m.
2. No conflicts of interest were noted.
3. The ZA reported on a conversation with the surveyor about updating the final plat to include elements required by the subdivision regulations and the need for the final plat to include a notation on the shared right-of-way between the two parcels. The board members explained the details of the subdivision to the member of the public present and the ZA noted that only one adjacent property owner contacted her to review the details of subdivision and offered no objections to the permit.
4. Rob Viglas made a motion to approve the subdivision pending the receipt of the updated final plat and James Aschmann seconded the motion. The Board unanimously approved the subdivision.

Planning Commission Meeting

1. The meeting was called to order immediately following the public hearing.
2. No conflicts of interest were noted.
3. No public comment was offered.
4. Review and approval of draft meeting minutes: 4/17/2024 minutes. James Aschmann motioned to approve the minutes and Rob Viglas seconded. The ZA noted the correction of some typos. The members unanimously approved the minutes with the corrections noted.
5. The chair reported on approval of Sandgate Land Use & Development Bylaw on 5/6/2024. A question was raised by Rob Viglas about an error in the plan's definition of a (Section 8.3 "B") building size that was set at "84 square feet". The ZA noted that the error resulted from a failure to correct the definition base on the approved size of structures that are exempt from requiring a building permit (Section 1.5. B "Exemptions): "buildings under 150 square feet and less than 8 feet tall." The definitions will be correct to read: "Any structure larger than 150 square feet and more than 8 feet tall." The ZA will reach out to interested parties to make them aware of the correction.
6. Zoning Administrator's Report:
 - a. The Chair and the ZA have been meeting with the committee that is updating the Sandgate Hazard Mitigation Plan. Efforts are being made to be certain that the plan to reflect other recently modified planning documents and to keep the PC/ZBA up to date on hazard mitigation planning in general.
 - b. Inquiry about permit for shed at 2332 Rupert Rd (Property ID: 606500-00L). The ZA is working with the permit applicant to be certain that it conforms with the current bylaws.
 - c. The ZA reported the repeated inquiries about permitting requirements for development of the property for sale at upper end of Campbell Road. (Property ID#355000-00R) and efforts to explain the complexities of developing a property that is entirely in the Forest 2 district. Potential buyers have become insistent of more definitive answers from the ZA on how the property can be developed that the ZA's authority allows. In these situations, the ZA is referring the potential buyers to arrange to meeting with the Planning Commission to be advised what they might or might not approved for a permit where the ZA is unable to approved it administratively.

- d. Upcoming legislative changes were presented to the board. Specifically, legalities around remote meetings and necessary trainings for a "code of ethics" needed by September 2025.
- e. At 7:40 pm Jean Eisenhart made a motion to adjourn the meeting. Rob Viglas seconded the motion and the board approved the motion 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.

**Planning Commission Meeting Minutes
Wednesday, October 18, 2023
Town of Sandgate Municipal Office**

Board Members Present: Richard Zoppel (chair), James Aschmann

Board Members Absent: Brad Kessler, Rob Viglas

Also Present: Sheila Kearns, Zoning Administrator (ZA)

Due to a lack of a quorum, there was no business conducted and the following information was shared among the PC/ZBA members present.

1. Zoning Administrators report:

Permit Issued:

Owner: Smith

Property Location: corner of Rupert and West Rds

Property ID: 605000-00L

Structure: 18' X 12' X 9' shed

Permit #: 2023-09-27

Permit submitted:

Owner: Kearns/Finn

Property Location: 4995 Sandgate Rd.

Property ID: 131500-00B

Structure: 10' X 6' X 8' greenhouse

Permit #:N/A

Zoning Inquires:

- Campbell Rd.; Property ID#: 355000-00R; Realtor inquiry about permit requirements for a residence or multiple residences. Discussion focused on the restrictions involved with development in the Forest 2 district and the requirements for subdividing the property.
- West Sandgate Rd; Property ID#: 709000-00L; Realto inquiry about permit requirements for residence. Discussion focused on the property being in both the Rural Residential and Forest 1 districts; and steam setback requirements.

2. Zoning Bylaw Updates: Review of revisions:

- Clarification of structure size that requires a building permit.
- Questions about distinction between Zoning Board of Adjustment and Development Review Board.
- Permits void after 2 years instead of 1.
- Revision of Zoning Permit Application to include 15 day appeal period.
- Inclusion of Subdivision Regulations in Bylaws rather than having them as separate documents.
- Criteria for a renewable energy structure—figure is mentioned but not included.
- Penalties for Zoning violations—can a lien for unpaid fines be legally imposed by language in the Bylaws or does it require a separate legal process?
- Need to clarify how multiunit structures permitted in the Rural Residential District are represented in the maximum residential density requirements in the dimensional tables (Table 3-1)

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.

Planning Commission Minutes
Wednesday, November 15, 2023
Town of Sandgate Municipal Office
3266 Sandgate Road, Sandgate, Vermont
05250

Board Members Present: Richard Zoppel (Chair), James Aschmann, Brad Kessler, Rob Viglas

Also Present: Select Board Member Linda Schmidt, Sheila Kearns Zoning Administrator (ZA)

1. The chair called the meeting to order at 7:18.
2. No conflicts of interest were noted.
3. No public comment was made.
4. Review and approve Draft Minutes 8/23/2023. James Aschmann motioned to approve the minutes and Rob Viglas seconded. The members unanimously approved the minutes as written.
5. Zoning Bylaw Updates: The chairman and ZA shared edits that were reviewed and made with Janet Hurley, BCRC. The board discussed the bylaws concerning the size of accessory buildings and the definition of a building, expectations compared to neighboring towns, agricultural use and intent to build, and home-based business classifications and commercial zoning.

Additionally, the board discussed changes and/or adjustments to dimensional standards changes based on updated state regulations, junk storage, accessory dwelling units, primitive camps, river corridor protection inclusions, and length of permits.

6. Brad Kessler motioned to approve the land use and development bylaw plan as written. Rob Viglas seconded and the board unanimously approved.
7. Lastly, the board set the public hearing date for January 17, 2024.
8. There were no significant zoning reports.
9. No other business was presented to the board.
10. At 8:14 pm Brad Kessler made a motion to adjourn the meeting. Rob Viglas seconded the motion and the board approved the motion 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.