

**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 15<sup>th</sup> 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

July 17, 2024  
Town of Sandgate

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

**Board Members Absent:** Brad Kessler

**Also Present:** Sheila Kearns Zoning Administrator (ZA), Jim Henderson, Linda Schimdt, Jeff Schoenburg, Presenters on Conservation Easements Donald Campbell of the Vermont Land Trust, and Sally Manikian of The Conservation Fund

1. The meeting was called to order at 7:00 p.m.
2. Agenda Review: The ZA requested the addition to the agenda the approval of the May 15, 2024 meeting minutes as well the review of a sketch plan for the subdivision of the property located at 2589 West Sandgate Rd. (Property ID 718000-00B) owned by the WCCE Family Farm, LLC
3. No conflicts of interest were reported.
4. Public Comment:
  - Linda Schmidt asked about locations of dry hydrants. The board told her they are in the town plan.
  - Jeff Schoenburg identified his interest in the discussion of the conservation easements
5. Conservation easements on Rural Residential properties:

Conservation easement outlines were presented by Sally Minikian (with maps) for two properties (0 West Sandgate Rd. Property ID: 700000-00R and 0 Chunks Brook Rd. Property ID 305000-00L). The ZA explained that rural residential (outlined on presented maps) would be the places where possible adjustments could be made and noted conflict with flood hazard zones. Donald Campbell then explained the difference between 2-D maps and the reality of building residents on the space. Again, flood plains were discussed.

Jim Henderson posed questions about Forest 1 properties in town that could be re-classified as Residential. How could such properties be reclassified while all Forest 2 would remain in conservation. Mr. Campbell responded with options on how to proceed with the planning commissions approval. Further discussion on clarity of hypothetical scenarios ensued.

Jeff Schoenburg made points on natural items on interest for hikers in areas bordering his property and how such areas could be affected by river corridors and conservation. This led to conversations about property lines in the community.

Linda Schimdt asked about town wide development trends or statistics around residential zones. Clarity was provided and a thorough review of conservation liens was discussed.

In the interest of allowing The Conservation Fund and the Land Trust to proceed with their work on drafting the conservation easement for the West Sandgate Rd. property, Mr. Campbell suggested that Ms. Manikian discuss development options with the person who donated the property to the Conservation Fund. The Planning Commission agreed that while the drafting of the easement proceeds, it would visit the sections of the property along Sandgate Road to get a better idea of whether or not

they would like to request that any portion of the property be omitted from the conservation easement.

Ms. Manikian then shared options on the conservation easements on the Chunks Brook Rd. property and noted that the plan was to exclude a 6 acre portion of the parcel for development. The board expressed its agreement with that plan. The Conservation Fund will proceed with the drafting of this easement as well.

6. The minutes from the May 15, 2024 meeting were reviewed for approval. Rob Viglas motioned to approve the meeting notes and James Aschmann seconded. The minutes were unanimously approved.
7. Zoning Administrator's Report:
  - Permit approved 6/17/2024: 283 Swearing Hill Rd. (Property ID# 114500-0LO): garage (no living space included) and shed roof extension
  - Permit submitted 7/6/2024: 4648 Sandgate Rd. (Property ID# 128000-00R) deck and additional external door
  - Permit submitted 7/15/2024: 4304 Rupert Rd. (Property ID# 616000-00R) new residence
  - The ZA clarified the requirements for subdivision noting that any action that results in the creation of a new parcel (sale, gift, etc.) requires a subdivision permit which has led to the added agenda item to discuss the subdivision of the property located at 2589 West Sandgate Rd. (Property ID 718000-00B) owned by the WCCE Family Farm, LLC
  - The Zoning Administrator reported that the new owners of the Green River Inn have scheduled a phone call to discuss plans for development of the property. Richard Zoppel indicated that he would join the ZA for the call.
8. Submission of a sketch plan for the subdivision of the subdivision of the property located at 2589 West Sandgate Rd. (Property ID 718000-00B) owned by the WCCE Family Farm, LLC:

The ZA shared a copy of the sketch plan indicating that the property will be divided into two lots: one parcel 301.53 acres in size and a second parcel 30.47 acres in size. By unanimous consent the Planning Commission agreed to deem this a minor subdivision. The ZA will schedule a public hearing on the subdivision application for the August 21<sup>st</sup>. meeting.

9. Rob Viglas motioned to adjourn at 8:39. James Aschmann seconded the motion and the board unanimously approved.

**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 Public Hearing**  
**Wednesday, August 21, 2024**  
**Town of Sandgate**

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

**Board Members Absent: Brad Kessler, Rob Viglas**

**Also Present: Jean Eisenhart, Ashley Pratt (Green River Inn), Caroline Kimball, Elizabeth Daut**

1. The Public Hearing was called to order at 7:08 p.m.
2. No conflict of interest was reported by board members present.
3. The Planning Commission Chair read the public warning
4. Caroline Kimball, representing the WCCE Family Farm, LLC, presented the application to subdivide the property located at 2589 West Sandgate Rd. (Property ID 718000-00B) into two parcels resulting in one parcel 301.53 acres in size and a second parcel 30.47 acres in size.
5. The final plat of the subdivision (subject to revision if requested) was reviewed by those present.
6. Comments and questions from those present: Jean Eisenhart asked if both parcels were residential. The board explained that, yes, both are residential. Jean Eisenhart and Elizabeth Daut posed a few questions about future of the parcels that Caroline Kimball was able to address herself. No objections or concerns about the approval of the subdivision were raised.
7. The Planning Commission Chair thanked those present for the hearing and stated that deliberations and a decision on the subdivision would be made when a quorum of the Planning Commission was next assembled.

**Planning Commission Meeting Minutes Wednesday,  
September 18, 2024  
Town of Sandgate**

**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 7:00 p.m.
2. Agenda Review: 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 7/17/24 and 8/21/24. Rob Viglas motioned to approve the minutes and James Aschmann seconded. The members unanimously approved the minutes as written.
6. Decision regarding the subdivision of the property located at 2589 West Sandgate Rd. (Property ID 718000-00B) owned by the WCCE Family Farm, LLC. James Aschmann motioned to approve the subdivision as presented during the 8/21/24. Rob Viglas seconded the motion. The members unanimously approved the subdivision.
7. Discussion of the proposed 2-acre area for exclusion from the conservation easement on Property ID #700000-00R. The exclusion is the portion of the property along an approximately 500' stretch of Sandgate Rd. as depicted on the map that is available for viewing. The planning commission discussed the proposal and having no objection expressed its agreement with that plan to exclude the 2 acre area from the conservation easement. The Conservation Fund is proceeding with the drafting of this easement
8. Zoning Administrator's Report:
  - Permit submitted for a new residence at 4304 Rupert Rd. (Property ID# 616000-00R).
  - Discussions with owners of 1562 West Sandgate Rd. regarding requirements for construction of an accessory dwelling unit.
  - Permit approved for an accessory building at 3854 Rupert Rd. to be used for horse training.
  - Green River Inn permit discussions: The property owner has been advised to proceed with drafting a permit application for the addition of a pool, a pickleball court and an accessory structure. This application would be subject to a conditional use review that would include review of compliance with the requirements for development in the Flood Hazard and River Corridor Overlays and clarification of the Floodway mapping for this parcel.
9. No other business was presented to the board.
10. At 7:16 pm Rob Viglas made a motion to adjourn the meeting. James Aschmann 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.**