

Joint Meeting of the Planning Commission and Zoning Board of Adjustment
Town of Sunderland, Vermont

August 24, 2016

A joint meeting of the Planning Commission (PC) and the Zoning Board of Adjustment (ZBA) of the Town of Sunderland (Town) was held on Wednesday, August 24, 2016, at the Sunderland Town Offices pursuant to the Warning fixing the time and place of the meeting.

The PC members present in person were Ed Bove, Lily Van Haverbeke and Scott York. The ZBA members present in person were Robert Faley, Peter Van Haverbeke and Peter Van Vleck.

Also present at the meeting were Deborah Cullinan and John Cullinan, David Mooney representing Moo Canoe LLC and Ondawa LLC and John Williams of the Sunderland Selectboard.

Mr. Bove, Chair of the PC, called the meeting to order at 6:33 p.m. Ms. Van Haverbeke recorded the minutes of the meeting.

Mr. Bove noted that the PC and ZBA were meeting jointly on the Moo Canoe public hearing for the reconstruction of the former Battenkill Canoe building because under the Sunderland Zoning Bylaws (Bylaws), reconstruction of more than fifty percent of a building located in the special flood zone is a conditional use which can only be approved by the ZBA and the performance standards provisions of the Bylaws require PC approval for the redevelopment. He also noted that the public hearing on the renovations of the former Battenkill Inn building solely fall under PC jurisdiction. Mr. Bove also reviewed a revised order of agenda for the meeting to accommodate the public hearings. Upon motion made by Ms. Van Haverbeke, seconded by Mr. York, the revised order of agenda was approved.

Mr. Bove then noted that the duly warned public hearing on the Moo Canoe LLC permit application for renovations on the former Battenkill Canoe building was opened at the PC's July 27, 2016 regular meeting and was recessed until today's meeting. He then opened the continued public hearing on the Moo Canoe permit application.

Mr. Mooney then reviewed the proposal for rebuilding the former Battenkill Canoe building. He reviewed the site and building plans and noted that the new building will be slightly smaller than the existing building and that water and sewer facilities will be added. He also stated the applicant will seek a State of Vermont Wastewater Permit for a small system. The building will be built in accordance with FEMA requirements and the Stretch Energy Code. He also noted that the Vermont Agency of Transportation has issued a demolition permit for the razing of the building. A discussion on access to the Battenkill River then ensued.

Mr. Bove then asked Mr. Mooney to address all the Performance Standards under Bylaw Section 4.12. Mr. Mooney then reviewed all standards including lighting, noise, odors, contaminants, refuse, storm water run-off, erosion control, parking and landscaping. Ms. Van Haverbeke then made a motion to close the public hearing on the Moo Canoe LLC application, Mr. York seconded and the public hearing was closed by unanimous consent.

Mr. Faley then motioned to close the meeting of the ZBA, the motion was seconded by Mr. Van Haverbeke and the ZBA meeting was adjourned.

Mr. Bove then opened the duly warned public hearing on the permit application of Ondawa LLC for renovations to the former Battenkill Inn building at 6:56 p.m. He noted that this hearing was originally opened at the PC's July 27, 2016 meeting and was recessed until today's meeting. He also noted that the proposed renovations do not require conditional use review.

Mr. Mooney then reviewed the site plans and proposed renovations to the building. The PC then reviewed all performance standards under the Bylaws with Mr. Mooney. Mr. and Mrs. Cullinan discussed concerns about their well, the on-site wastewater facilities on the property, the sump pump system and the public restaurant. Mr. Mooney noted that wastewater permits are in place for the property but if demand exceeds existing capacity the applicant will seek an amended permit. He also noted that the restaurant would accommodate a maximum of 32 seats and only serve dinner to the public. He further noted that breakfast service would only be for Inn guests. He also noted that the existing one car garage would be taken down and a total of 36 parking spaces, including two handicapped spaces, would be provided. Mr. Bove noted that any permit the PC issues will be conditioned to require additional review if there are any problems with the drainage or storm water runoff on the property. Mr. Mooney stated the proposed renovations will require review by the Act 250 District Commission and that the current plans are contingent upon that review. He also stated that events are not planned for the location and that the applicant was aware that noise from the kitchen fan not be heard by the neighbors. Ms. Van Haverbeke then motioned to close the public hearing for Ondawa LLC, Mr. York seconded and the hearing was closed by unanimous consent.

Mr. Bove then noted that the PC and ZBA will issue Findings of Fact and Decisions on both the public hearings within the 45 days deadline requirement.

The next order of business to come before the Commission was new business.

Mr. Williams then discussed an initiative he is leading to recruit new citizens onto various town positions and the search for a new Zoning Administrator (ZA). Mr. Williams and the PC then discussed the job description for the ZA.

Upon motion made by Ms. Van Haverbeke, seconded by Mr. York, the PC then entered a deliberative session to discuss the August 25, 2016 Act 250 hearing on the Kolar Act 250 permit for lands on North Road. Mr. Van Haverbeke then made a motion to end the deliberative session, seconded by Mr. York, and by unanimous consent the PC ended the deliberative session.

The next item on the agenda was the work session on the Bylaws update. Mr. Bove then explained that he is in the process of developing a jurisdictional chart to show jurisdiction of each town board on proposed projects and his recommendations for streamlining jurisdictional

review. All members agreed that this would be extremely helpful to applicants, the Zoning Administrator and the various town boards.

The next item on the agenda was the approval of the draft minutes of the July 27, 2016 regular meeting and the August 5, 2016 and August 19, 2016 special meetings of the PC. Upon motion made by Mr. York, seconded by Mr. Bove, the minutes were unanimously approved.

The PC then discussed the meeting schedule for the remainder of the year. Upon motion made by Ms. Van Haverbeke, seconded by Mr. York, the PC unanimously resolved to meet on the following dates for the remainder of 2016: Wednesday, September 21, 2016, Wednesday, October 26, 2016 and Wednesday, November 30, 2016. All meetings will take place at the Town Offices at 6:30 p.m.

There being no further business to come before the Commission, and upon motion duly made and seconded, the meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Lily Van Haverbeke