

Planning Commission Town of Sunderland, Vermont October 25, 2017

A meeting of the Planning Commission (Commission) of the Town of Sunderland (Town) was held on Wednesday, October 25, 2017, at the Sunderland Town Offices pursuant to the Warning fixing the time and place of the meeting.

The members present in person were Ed Bove, Tucker Kimball, Scott Magrath, and Lewis Hebert constituting a quorum of the Commission. Also present at the meeting was Missy Bell-Johnson, Zoning Administrator.

Members of the public in attendance were: Windfield Robinson, Troy Hermanski, Steve Briere, John Cueman (C&W Properties), and Paul Corroccio (TPW Real Estate)

Mr. Bove, Chair of the Commission, called the meeting to order at 6:00 pm. Ms. Bell-Johnson recorded the minutes of the meeting. All in attendance were introduced.

The first order of business to come before the Commission was the approval of the agenda. Mr. Kimball motioned to approve the agenda as written. Mr. Hebert seconded the motion and all voted in favor. Mr. Kimball then motioned to approve the draft minutes from the September 27, 2017 meeting of the Commission. Mr. Magrath seconded the motion and all voted in favor.

Mr. Hebert motioned to commence the Public Hearing on the Change of Use for Unit 2, 350 Old Camp Road property owned by C & W Properties, Inc. Mr. Kimball seconded the motion and all voted in favor.

Mr. Corroccio provided packets of photos of the building and surrounding area. He also provided a copy of the Notice which was sent to the neighbors and the receipts for the proof of service. He explained that the Change of Use was being requested as the previous tenant at this site had gone out of business and the Weston Playhouse was interested in using the unit to build and test stage sets. Mr. Robinson expressed the desire not to have food preparation at the site. Mr. Briere requested that any carpentry be limited to the right side of the building to minimize noise in his adjacent unit. The Commission agreed that this should be a condition of the permit if granted. The Commission then analyzed Sections 3.6.22, 2.12 and 4.12 of the Town of Sunderland Bylaws and the proposed new lessee was approved with conditions on the location of the carpentry. Mr. Corroccio mentioned that if the new tenant would install a fan that they would petition the Planning Commission for approval.

The agenda was then altered slightly to accommodate Mr. Troy Hermansky. Mr. Hermansky requested clarification from the Planning Commission regarding a recent Administrative Opinion and Notice of Violation prompted by the need for a Change of Use and sign violations at the property located at: 6367 Rt. 7A, Sunderland (Sunderland Shops). Mr. Hermansky mentioned that the sign concerns at the property had been resolved. Ms. Bell-Johnson agreed. Mr. Hermansky then posed several questions and concerns regarding the prerequisites to the need for a Change of Use and mentioned that he did not feel his situation warranted a Change of Use. Mr. Bove explained that while the Bylaws are lacking a firm definition of Change of Use that the forthcoming Bylaw revisions will show a more defined definition, and that the Town of Sunderland had a responsibility to know the nature of businesses being opened in the community. Mr. Kimball pointed out that the Town had a clear precedent of asking property owners in business districts for Changes of Use in similar situations. Ms. Bell-Johnson mentioned that asking Mr. Hermansky for a Change of Use was in line with others who had completed the process and having the Bylaws enforced uniformly and fairly was important to the community. Mr. Hermansky explained that the Change of Use would trigger interest in Vermont agencies that could affect his business. The Sunderland Shop sign was specifically mentioned as a challenge. Mr. Bove indicated that the sign was "grandfathered in" several years ago and the town would not require it to be replaced. Mr. Hermansky questioned the interest of the people of Sunderland in the Changes of Use process. Ms. Bell-Johnson answered

that there is definite interest by the public when a Change of Use Hearing is warned and provided the C & W Change of Use hearing held earlier in the evening as an example. That hearing triggered several emails, phone calls, a personal visit to the office and attendance at the current meeting. Mr. Hebert mentioned that he had reservations of the Town's current policy on Changes of Use but felt clarification of the process might be worked out during upcoming Bylaw review. Mr. Hermansky asked the zoning administrator to rescind the Administrative Opinion. Ms. Bell-Johnson declined the request. Mr. Bove indicated that it was not possible to rescind the Opinion and that Mr. Hermansky's avenue for relief would be to file an objection with the Zoning Board of Adjustment. The Commission and the Zoning Administrator then thanked Mr. Hermansky for his comments.

Ms. Bell-Johnson then provided a recap of the month's Zoning activities. There was a recent notification challenge in scheduling a Zoning Board of Adjustment hearing for two properties. An alternate date for the hearing has been offered and it is in the process of being rescheduled. Progress is being made on a couple of mobile home placements on Sunderland Hill Road. A new home construction permit application should be received in the next couple of weeks.

As there was no further business, Mr. Magrath motioned to close the meeting. Mr. Hebert second the motion and all voted in favor. The meeting ended at 7:14 pm.

The next Regular Meeting of the Planning Commission is scheduled for November 29, 2017 at 6:00 pm.