

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

**Planning Commission
Meeting Minutes for Wednesday, 20 February 2019 Meeting
7:00 PM - Sandgate Municipal Office**

Present: Judy Boehlert, Chair
Brad Kessler
Joe Nolan
Sheila Kearns
Caroline Kimball (participating by phone/FaceTime)
Hal Wilkins, Zoning Administrator (ZA)
Guest: Stuart Stevens

Chair Judy Boehlert called the meeting to order at 7:05 PM.

No members of the public were in attendance.

After reviewing the minutes of the April 18, 2018 meeting, no correction or additions were made. Sheila Kearns moved that the draft be approved, Brad Kessler seconded the motion and the members approved the draft.

After reviewing the minutes of the November 20, 2018, no corrections or additions were made. Brad Kessler moved that the draft be approved, Joe Nolan seconded the motion and the members approved the draft.

The Chair requested that someone volunteer to be appointed as Clerk/Recording Secretary. Sheila Kearns volunteered.

The Zoning Administer (ZA) presented a list changes that will be made to the Sandgate Property Maps. Brad Kessler and Joe Nolan requested clarification of the meaning of some of the changes in the list and the ZA provided explanations.

Enlarged copies of BCRC solar and wind resources maps were not ready so review was postponed to a later meeting

The ZA presented a copy of the letter sent by the Selectboard to Star Wind Turbines, Inc. The letter expresses support for the company's application to the VT Public Utilities Commission for a Certificate of Public Good for the construction of three wind turbines

on the property of the Equinox Foundation on the northwest side of Lake Madeline. The ZA also noted that discussions have occurred between Crown Maple, the Equinox Foundation and Star Wind regarding wind generated power for the operations of Crown Maple.

The ZA reported that enforcement actions are proceeding against the Chunks Brook Rd. property owner. The Selectboard will be seeking a lien on the property for unpaid fines.

The ZA gave notice to the board of a pending boundary line adjustment for the property of Suzanne and Valerie DePeyster at 5833 Sandgate Road. The ZA stated that boundary line adjustment and conveyance of acreage to Valerie DePeyster is in conjunction with the Current Use Program and does not require approval of the Zoning Commission.

The Chair requested that the ZA consult with the BCRC about planning procedures and grant funding for revisions to the Town Plan and Zoning Bylaws to address Flood Hazard Regulations, Act 171 (Forest Fragmentation) requirements, and Energy Resources.

Brad Kessler made a motion to adjourn the meeting. The motion was seconded by Joe Nolan. The meeting was adjourned at 7:44 PM

Town of Sandgate
Planning Commission Minutes — Monday, 27 May 2019 Meeting
7:00 PM — Sandgate Municipal Office

**Present: Judy Boehlert, Sheila Kearns, Caroline Kimball (via telephone), Hal Wilkins
(Zoning Administrator)**

Not present: Brad Kessler, Joe Nolan

1. The meeting was called to order by Judy Boehlert (Chair) at 7:12 pm
2. There were no amendments or additions to the agenda.
3. No members of the public were present
4. The departure of Judy Boehlert from the board was announced. Judy made a call for a volunteer to become the new chair or for a motion to be made to nominate a new chair. Caroline Kimball nominated Sheila Kearns and Judy seconded the nomination. Sheila commented on her nomination asking the PC/ZBA take into account her newness to the area and her need for support in developing knowledge of the town and PC/ZBA procedures. Judy called for a motion to name Sheila chair and Caroline seconded the motion. Judy and Caroline voted to approve the motion. Sheila will begin her tenure as PC/ZBA chair with the June 19, 2019 meeting
5. The draft minutes from the February 20, 2019 were reviewed. No corrections or additions were made. Sheila made a motion to accept the February minutes as drafted, Caroline seconded the motion and the members present unanimously approved the minutes.
6. Hal Wilkins (ZA) reviewed information he wished to bring to the attention of the PC/ZBA.
 - a. Recent/ Pending zoning matters and application activity:
 - i. COTIAUX property, 82 WEST RD garage permit.
 - ii. Hansen property, 4756 Sandgate Road building permit
 - iii. Wood property, 3767 West Sandgate Road. Property cleanup.
 - b. Property mapping: ZA requests PC/ZBA members provide input on corrections/changes since last review of update requests sent to map contractor. PC/ZBA members had no further input.
 - c. ZA provides handout: BCRC Draft of outline and questions to be used by the Town of Peru in updating the Energy Efficiency chapter of their town plan. Judy noted that there may also be copies of sample chapters in the materials she has provided to Sheila.

- d. Update on Equinox Foundation / Star Wind Turbine Installation: They are proceeding with the process of seeking a Certificate of Public Good as discussed during the February 2019 PC/ZBA meeting.
- e. ZA again noted that discussions have occurred between Crown Maple, the Equinox Foundation and Star Wind regarding wind generated power for the operations of Crown Maple. Jason Day of Star Wind invited will be attending the June 19, 2019 PC/ZBA meeting to review the project. ZA suggested that Crown Maple also be invited to the meeting to discuss possible coordination with the Equinox Foundation and Start Wind. Sheila requested that Crown Maple not be invited unless they had already met with Star Wind for initial discussions of the potential project.
- f. Enforcement action against the Chunks Brook property discussed at the February 2019 PC/ZBA meeting is now being moved to the Environmental Court.

7. Zoning Bylaws / Town Plan

The board discussed how to proceed with Zoning Bylaw and Town Plan updates. The BCRC document prepared for the Town of Peru will act as the starting point for an Energy Efficiency chapter. The Chair advised Sheila that Catherine Bryars should be the BCRC point of contact for grants for Zoning Bylaws and Town Plan updates. The ZA noted that there is a VLCT Spring Planning & Zoning Forum on June 18, 2019 at the Lake Morey Resort that Sheila might want to attend. Sheila will check her schedule and inquire about funding from the Town to attend.

The ZA also suggested that while the PC/ZBA is looking at Energy Efficiency and Forest Fragmentation the issue of ridgeline development also be considered. There was general agreement that should be done.

8. The Chair called for a motion to adjourn the meeting. Sheila made the motion to adjourn. Caroline seconded it and a unanimous vote to adjourn at was recorded at 7:40 pm

Town of Sandgate
Planning Commission Minutes – Wednesday 19 June 2019 Meeting
7:00 PM - Sandgate Municipal Office

Present: Sheila Kearns, Brad Kessler, Caroline Kimball (via telephone), Joe Nolan, Hal Wilkins (Zoning Administrator)

Invited Presenter: Jason Day, Star Wind Turbines, East Dorset, VT

Not present: Stuart Stevens

1. The meeting was called to order by Sheila Kearns (Chair) at 7:05 pm.
2. Sheila requested that the selection of a new Clerk/Recording Secretary be added to the agenda following the presentation by Jason Day.
3. No members of the public were present.
4. Following Introductions, Jason Day presented an overview of his company's technology. He provided a printed presentation containing details about the capabilities of his company's products that are being used in the project in process for the Carthusian Foundation on Equinox Mountain. He also provided copies of the recently submitted 45 day notice sent to the State of Vermont Public Utility Commission (PUC) as part of the process of receiving a Certificate of Public Good (CPG) from the PUC. He stated that he intends to submit the full application for the CPG to the PUC in the next month or so.

Mr. Day emphasized that his company's wind turbines are in the category of "small wind" and that their visual, acoustical, and environmental impacts are very significantly lower than those of industrial wind turbines. He provided details of how those impacts are even further minimized in the project on Equinox by the siting of the turbines.

Members of the Planning Commission (PC) asked for explanations of several technical details and Mr. Day provided all information requested. Zoning Administrator (ZA) Hal Wilkins noted that at a previous meeting the PC reviewed the letter provided by the Select Board in support of the companies 45 day notification for the CPG.

5. The draft minutes of the 5/27/2019 were reviewed. One correction was made to add the word "adjourn" to the last paragraph. Joe Nolan made the motion to approve the minutes as amended and it was seconded by Caroline Kimball. The minutes for 5/27/2019 were approved unanimously.
6. Sheila requested that a volunteer agree to become the Clerk/Recording Secretary. After Brad Kessler agreed to fill the position, Caroline made the motion to appoint

him. Joe Nolan seconded the nomination and Brad was approved unanimously as Clerk/Recording Secretary.

7. Hal Wilkins (ZA) updated the PC on the status of recent and pending actions.
 - There are no updates to the pending permits and enforcement actions reported at the meeting on 5/27/2019
 - There is an expected permit application for an accessory building on the Stannard property at 723 Stannards Road.
8. Work on updates to Zoning Bylaws continue pending. Awaiting electronic copies of materials supplied at the 5/27/2019, additional materials to be supplied by ZA, and a new round of planning grants from BCRC.
9. At 8:20 pm Brad made a motion to adjourn. Joe seconded it and 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 Minutes – Wednesday September 18, 2019 Meeting
7:00 PM - Sandgate Municipal Office

**Present: Sheila Kearns, Caroline Kimball (via telephone), Stuart Stevens, Bill Henry
(Zoning Administrator)**

Not present: Brad Kessler, Joe Nolan

1. The meeting was called to order by Sheila Kearns (Chair) at 7:00 pm.
2. No members of the public were present.
3. No additions or amendments to the agenda were made.
4. After reviewing the draft minutes of the June 19, 2019 minutes of the Planning Commission Meeting, Caroline made a motion the approve the minutes, Stuart seconded the motion and the minutes were approved unanimously.
5. Bill Henry who has been selected to replace Hal Wilkins as Zoning Administrator (ZA) was introduced to the board. Bill spoke briefly about his work as the current Zoning Administrator and his long-standing connections to the Sandgate community.
6. Stuart made a motion that we approved Bill's appointment as ZA, Caroline seconded the motion, and the appointment was approved unanimously.
7. Bill informed the Board that a Zoning Board of Adjustment Hearing would be required to consider a variance for the construction of a home at 91 Woodsgift Lane. The Board agreed to hold the hearing on October 19, 2019 at 7:00 PM. The variance is required because the new residence's location will not meet the minimum setback from a stream bank. Bill said that he would create, send, and post the required notice of the hearing.
8. Bill reviewed the pending activities that he took over from Hal to be certain they were as the board recollects from previous meetings, which was the case.
9. Sheila agreed to contact Catherine Bryars at BCRC concerning a planning grant to update the Town Plan and Zoning Bylaws

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TOWN OF SANDGATE ZONING BOARD OF ADJUSTMENT

Date: 10/9/2019

RE: Application No. # 19-8-28

A meeting of the Sandgate Board of Adjustment was held on 10/9/2019 at 7:00 PM

Members Present: Sheila Kearns (Chair), Brad Kessler, Caroline Kimball (via telephone), Joe Nolan, Stuart Stevens

Members Absent: none

Audience: William Henry (Zoning Admin.), Steve McAward

The following **adjoining landowners** were present: none

Presenter: Steve McAward appeared to present the application.

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

FINDINGS OF FACTS:

1. Steven McAward seeks a variance for construction of a residence at 91 Woodsgift Lane in Forest District 1 to replace current residence using the existing well and septic system.
2. The existing residence was constructed prior to current Zoning Bylaws and is non-conforming with current 100' stream bank setback requirements (Zoning Bylaws 5.6)
3. The permit application includes demolishing the existing residence and replacing it with a non-residential garage
4. The existing residence is 33' from the side watercourse and 48' from the small pond in front. The new garage replacement will have a smaller footprint which will increase both. Those setbacks are an estimated 5' feet. The proposed residence will be set back 50' from the large pond in the front.

CONCLUSIONS OF LAW:

Based on the foregoing Findings of Fact, the Board then reviewed the application under Sections:

§ 5.6 Dimensional Requirements - F1 Districts;

§ 7.1 Nonconforming Uses and Non-complying Structures;

§ 7.3 Protection of Streams and Drainageways; and

§ 8.5 Variances of the Town of Sandgate Zoning Bylaws

1. The physical circumstances of the property (shallowness of the lot and the location of the stream bank) do not allow for the construction of the proposed residence with any greater setback from the stream bank than is proposed.
2. The authorization of a variance is necessary to enable the reasonable use of the property.
3. The appellant has not created the unnecessary hardship;
4. The 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.
5. The variance represents the minimum variance affording relief and represents the least deviation possible from the zoning bylaw and the town plan.
6. The variance represents improved compliance with the zoning bylaws and the town plan over that of the current residence.

Approved the Application with the following conditions:

1. The new house must be within 50' of the nearest wall of the old house otherwise, per State regulation, a State Water Supply and Wastewater Permit will be required.
2. The demolition of the current house must be performed in accordance with state environmental standards and the debris must be properly removed.
3. The location and construction of the new house and garage must be in accordance with the permit application and any applicable State permits for residential construction must be obtained.

RE: Application No. # 19-8-28

Denied the Application for the following reasons:

Dated: 10/9/2019

Approved

Disapproved

Caroline Kendall

Shirley McKee
