

Town of Sandgate
Planning Commission Minutes
Wednesday, May 20, 2020
Online/Telephone Meeting

A recording of the meeting is available at this web address:

<https://transcripts.gotomeeting.com/#/s/cc33139832e12fd9516071146c4d2a10b44cf8696c6f47ef3c19a98ee3a1f745>

Present: Brad Kessler, Sheila Kearns (Chair), Joseph Nolan, Caroline Kimball, Bill Henry (Zoning Administrator).

Absent: Stuart Stevens

1. The meeting was called to order by Sheila Kearns at 7:05 pm.
2. No members of the public participated in the online meeting
3. After reviewing the draft minutes of the January 15, 2020 meeting, Joe made a motion to approve the minutes, Brad seconded the motion and the minutes were approved unanimously by all members of the Planning Commission participating in the online meeting.
4. Zoning Administrator, Bill Henry, reported on current permit activity and active and pending violations:
 - McAward permit (91 WOODSGIFT LANE): plans to convert old home to 2-car garage altered. The structure has now been demolished and will be replaced with a new two car garage. Bill has asked that McAward notify him when that construction begins. Excavation is taking place to build the new home at the setback for which the ZBA granted a variance on 10/9/2019.
 - Donahue permit (7821 SANDGATE RD.): permit issued for an addition to the house. Site visit by ZA showed that plans are in order. There were no objections registered after the permit poster was posted and the permit was issued.
 - Zoning Compliance Letter supplied for 103 Mazzola Trail at attorney's request.
 - Grogan/Telford (1337 CHUNKS BROOK) violation regarding junk cars on property. Court rules that we can again proceed to remove the rest of the

vehicles that need to be removed. Town will proceed to remove the cars as soon as is feasible.

- Wood/Jobson (3767 W SANDGATE RD) property cleanup following the sale is proceeding. Jobson is reporting progress to ZA and appears to be doing an admirable job.
- Tafoya (1361 CHUNKS BROOK) Unregistered vehicles reported by Grogan and observed by ZA. A letter was sent to Tafoya requesting that the vehicles be removed and that has been done.
- Tafoya has since sent to the ZA two detailed complaints regarding the neighbor Grogan's animals, boundary line, trash on site, etc. Select board has been notified of Tafoya's complaint. ZA will research deeds and other documentation regarding the boundary.
- Koscinski (16 Mountain View Road): ZA has sent two letters regarding Michael Koscinski's full-time occupancy of a structure that is approved only as a seasonal dwelling. Koscinski contacted ZA by phone after the second letter was received and stated that after he received the first letter he went to the Select Board and believed that he was told that the matter was resolved. He stated that he believed the second letter to be harassment by the ZA and again went to the Select Board and was directed to take up the matter with the ZA. By the conclusion of the phone conversation Koscinski seemed to understand that that he needed to work with the ZA and the ZBA to address the issue and he stated that he was very ill and that in all likelihood he would be preparing the property for sale. Sheila also received a phone call from Koscinski following his phone conversation with the ZA. He did not raise the issue of harassment, but he did cite illness as the reason for his ability to address the violation and said he was preparing the property for sale. Sheila concluded the conversation saying that she would bring the information provided to the board and would follow up with him after the board's discussion of the matter.

5. Sheila presented a draft of a letter she wrote to address the information Koscinski had provided. The draft provided a list of possible actions that could be taken to address the issue of full-time occupancy and to allow a six-month extension of the notice of violation to complete these actions which are summarized as:
 - Providing evidence that the property is actively being advertised for sale.
 - Submitting a permit application to the ZA for a "changed use" of the property from seasonal dwelling to full-time occupancy, including the

- applying for a Water and Wastewater Permit from the State of Vermont.
- Attending an PC/ZBA meeting within six months following the date of the letter to discuss the situation
6. Joe stated that the grace period should not be more than 30 days.
 7. Caroline expressed concern that COVID-19 might prevent Koscinski from obtaining the necessary permits or from getting the house on the market.
 8. Brad asked if anyone had a sense of whether or not Koscinski would take try to get the necessary permit or to put the house on the market. Joe expressed skepticism about that and Sheila stated that she shared that skepticism and wanted to be certain that Koscinski was given a clear set of options and that there could be no question that the board gave him sufficient time to take those actions.
 9. Caroline asked what the consequences would be if Koscinski did not take any of the required actions or if the board met with him and decided not to allow any more time before issuing the violation. Bill Henry told us that a violation issued by the Town would go to the State of Vermont and that they would proceed with enforcement, possibly leading to eviction by the State if the violation is not corrected.
 10. Sheila proposed amending the letter to set a specific PC/ZBA meeting date by which Koscinski would take action to address the violation or to appear at the meeting on that date. The date agreed upon was August 19, 2020.
 11. Bill Henry suggested that the board consult Attorney Merrill Bent about the letter to be sure that the board has the authority to granting the extension and Bill agreed to do that.
 12. Brad made the motion that the letter be sent to Koscinski with the amended date for compliance and with any language offered by Attorney Bent. Joe seconded the motion and all member of the board participating in the online meeting (Brad Kessler, Sheila Kearns, Joseph Nolan, Caroline Kimball) voted in favor.
 13. Bill Henry presented his review of the Bylaws regarding recreational vehicles in Flood Hazard Areas. He found the Bylaws to be contradictory in various sections

and recommended that the Planning Commission determine how those contradictions should be resolved and what the overall intent should be for areas within Flood Hazard Zones. Sheila agreed that she would work with Bill to clarify the contradictions and confusion in Bylaws, particularly with regard to the 100 ft. setback and the board agreed that she and Bill should proceed with drafting something to bring back to the board for review.

14. Caroline made a motion to adjourn at 8:05 pm. Brad seconded the motion and all members of the board present in the online meeting voted in favor.