

**Town of Sandgate
Planning Commission Minutes Wednesday,
January 15, 2020
Sandgate Municipal Office**

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

Absent: Caroline Kimball, Stuart Stevens

1. The meeting was called to order at 7:00 PM by Sheila Kearns (Chair)
2. No members of the public were present
3. After reviewing the draft minutes of the September 18, 2019 minutes of the Planning Commission Meeting, Joe made a motion to approve the minutes, Brad seconded the motion and the minutes were approved unanimously.

4. Zoning Administrator, Bill Henry:

- Transition status.
- Permit activity: issued and pending.
- Status of violations active and pending (Grogan/ Telford, Dobson, Walters).

The Zoning Administrator's full report is appended to these minutes.

5. Bill reported that the Select Board had requested that he investigate a property on Tudor Road that is designated as a seasonal camp but that is being used as a full-time residence. He will review the file for the property, visit the site, and report on any possible action.
6. Sheila and Bill agreed to meet to review the Town Plan and Zoning Bylaws to identify and needed revisions or updates and to prioritize specific items to tackle first. The Planning Commission will meet next month to review and plan tasks.
7. At 8:00 PM Brad made a motion to adjourn, Joe seconded it and the motion was approved 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.

Addendum: Zoning Administrator Report

TOWN OF SANDGATE ZONING ADMINISTRATOR ACTIVITY REPORT- JANUARY 15,2020

1) TRANSITION STATUS

- ONE MEETING WITH PREDESSOR.
- COMPLETED REVIEW OF FILES AND BYLAW.

2) PERMIT ACTIVITY

- PAUL DOUCETTE, 954 HAMILTON HOLLOW, REPLACE EXISTING PORCH.
- STEPHEN MCAWARD, 97 WOODSGIFT LANE, NEW RESIDENCE AND REPLACE OLD RESIDENCE WITH A GARAGE, ZBA APPROVAL REQUIRED DUE TO SET-BACK ISSUES.
- NONE PENDING.

3) STATUS OF VIOLATIONS

A) GROGAN/TELFORD, 1337 CHUNK'S BROOK ROAD:

- MET WITH ATTORNEY MERRILL BENT IN MANCHESTER, SIGNED AFFIDAVITS ATTESTING TO STATUS AND DEFENDANTS FAILURE TO CURE OR APPEAL.
- RECEIVED JUDGEMENT ORDER DATED OCTOBER 2, 2019, DEFENDANTS GIVEN 30 DAYS TO REMOVE VEHICLES AFTER WHICH TOWN CAN REMOVE. TOWN CAN RECORD A LIEN TO RECOVER COSTS.
- ARRANGED FOR BROWNELL TO TOW VEHICLES (LABLANC HAD NO INTEREST).
- ARRANGED FOR RICK DAHM, CONSTABLE, TO PROVIDE SECURITY (SHERIFF HAD NO INTEREST?).
- AT SITE ON A FRIDAY, DEFENDANTS OBJECTED, CALLED STATE POLICE WHO SHOWED UP, TWO VEHICLES WERE REMOVED.
- AT SITE THE FOLLOWING MONDAY TO FIND VEHICLES WRAPPED IN BLACK PLASTIC. DECISION MADE TO HAVE COURT REVIEW "SCREENED FROM VIEW" BYLAW PROVISION. APPEAL WAS FILED AND DECISION PENDING. COURT REQUESTED COSTS INCURRED WHICH WAS SUPPLIED.

B) JOBSON, 3767 WEST SANDGATE ROAD:

- PREVIOUS ZONING ADMINISTRATOR HAD GIVEN 30 DAYS TO ANY NEW PURCHASER OF THE KAREN WOODS PROPERTY TO REMOVE THE ABANDONED VEHICLES, SCRAP, AND WASTE MATERIAL. THE CLOSING WAS OCTOBER 2, 2019. NEW OWNER CONTACTED ME TO DISCUSS THE VIOLATIONS AND STATUS OF CLEAN-UP. AFTER CONSIDERING ISSUES WITH DELAYED CLOSING, WEATHER, CASELLA INABILITY TO DELIVER DUMPSTERS, ETC. AND OWNER'S STATED DESIRE TO CLEAN UP THE PROPERTY, OWNER WAS GIVEN UNTIL MARCH 31, 2020 TO COMPLY.

C) WALTERS, 190 SWEARING HILL ROAD:

- A REAL ESTATE LISTING HAD BEEN IDENTIFIED LISTING A SECOND RESIDENCE PARTIALLY COMPLETED ON THE PROPERTY.
- OWNER IS A NEW JERSEY RESIDENT. MET AT THE PROPERTY. OWNER CLAIMED UNAWARE OF TOWN PERMIT (POSSIBLE ACCESSORY DWELLING UNIT) AND STATE WATER AND WASTEWATER PERMIT REQUIREMENTS. (DUE TO PROXIMITY TO EXISTING HOUSE, SUBDIVISION WITH SETBACK REQUIREMENTS WOULD NOT BE MET).
- OWNER AGREED TO STOP FURTHER CONSTRUCTION (BARN CONVERSION), SAID HE WAS NOT PLANNING TO SELL AT THIS TIME AND AGREED TO APPLY FOR THE PROPER PERMITS BEFORE COMPLETING CONSTRUCTION.

D) TAFOYA,1361 CHUNK'S BROOK ROAD:

- GROGAN ISSUED COMPLAINT ON INOPERABLE VEHICLES ON THIS PROPERTY.

OBSERVED THREE VEHICLES.WILL PURSUE.

WILLIAM G. HENRY

ZONING ADMINISTRATOR

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.

**Town of Sandgate
Zoning Board Minutes
Wednesday, June 24, 2020 Special Meeting**

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

Not present: Stuart Stevens.

Guests: Ann Hammerle (1651 Rupert Road, Sandgate); Michael and Diana Baker (1782 Rupert Road/97 Bromley Ln, Granville, NY); and John C. Thrasher (PO Box 100, Rupert, VT 05768)

1. The meeting was called to order by Sheila Kearns (Chair) at 7:06 pm.
2. Sheila stated that the purpose of the meeting was to resolve the status of 1782 Rupert Road as a year-round residence and asked the parties present to present the background information on this issue.
3. Attorney Thrasher presented the results of research that included the record of a 1989 variance issued by the Sandgate PC/ZBA that stated that at that time the structure was to be used solely as a seasonal camp and that the existing septic was not adequate to support a year-round residence. A copy of the document granting the variance is appended to these minutes
4. Attorney Thrasher then presented the minutes of several 1995 Sandgate Planning Commission Meetings (July 25th, October 3rd, and October 19th) that addressed the rebuilding of the structure at 1782 Rupert Road following a fire that destroyed the existing seasonal camp. Ultimately the PC/ZBA issued a permit for the relocation of the structure and septic to their current locations and granted a variance because the structure did not meet the required 50' setback for properties in the F1 zone. There was no mention of the septic system design or installation in the minutes of the meeting. Attorney Thrasher also presented the contract and billing statements for the construction of the home and the installation of the septic system. A copy of these documents are appended to these minutes
5. Zoning Administrator (ZA) Bill Henry noted that though all of the information available indicates that there is a septic system that would meet current requirements the ZBA should have some verification that the system is indeed as described in the installation invoice and that it is functioning properly. He suggested that the system be pumped and tested by a qualified professional.
6. Brad Kessler felt that the board should support the ZA's suggestion, while Joe Nolan noted that the time and expense involved in getting the inspection and doing the pumping.
7. Attorney Thrasher suggested a new inspection cost will be around \$500 and the evidence is there that new septic was in fact installed and couple had been living there full time for several years. He also noted the fact that the house has been zoned as full time on the Grand List and taxes paid thusly, should not have to pay the extra hardship. ZA proposed the compromise that Attorney Thrasher would obtain a signed statement from the installer that verified that he did indeed install the system as described in the

invoice that was provided

8. The board agreed that this signed statement would be sufficient to allow the board to record the residence as having a septic system that meets the requirements of the Zoning Bylaws for a year-round residence. Joe Nolan made the motion that upon receipt of the signed statement from the septic installer (document appended to these minutes) this status would be officially recorded. Caroline Kimball seconded the motion and the motion passed unanimously.
9. The meeting adjourned at 7:40 pm.

The signed statement has been received and is appended to these minutes.

State of Vermont
Bennington County, ss

Sandgate Zoning Board
Of Adjustment

In Re)
Application of)
Douglas T. Hay)

Findings and Zoning Variance

The applicant, Douglas T. Hay, has applied for a zoning variance to construct a one storey addition to an existing camp located on 2.75 acres on the Rupert Road in Sandgate.

The case came on for hearing on June 7, 1989. Mr. and Mrs. Hay were present. Also supporting the application was Larry McCauley, an adjoining landowner. Present for the Z.B.A. were Charles Bentley, Jr., Suzanne de Peyster, and Stephen L. Saltonstall, David Smith, Chair, was away on vacation and absent. At the time of the hearing there was also a vacancy on the Z.B.A.

Based on the application and the representations of Mr. and Mrs. Hay and Mr. McCauley, the Z.B.A. grants the variance, subject to the conditions set forth herein.

The existing camp is 22'x18'. The north side of the camp does not meet the setback requirements of the Zoning Bylaw; hence the need for a variance to construct the addition. The camp consists of a livingroom/kitchen downstairs and 2 bedrooms upstairs. There is a "grandfathered" septic system near the southeast corner of the camp that was installed approximately 15 years ago, consisting of a 600 gallon steel tank and drainfield. The system has never been pumped out. The applicants do not dispute that the septic system does not meet current state and local health regulations.

1.

The proposed addition is a 16'x22' expansion to the existing living room, and will be on the south side of the existing building. Therefore it will not contribute to the existing setback problem. No change of use is proposed for this dwelling, which is unoccupied from the end of hunting season to the end of mud season each year. The applicants use the camp for two months during the summer and on weekends in season.

The proposed addition will not place added stress on the septic system. No additional bedrooms or plumbing are included in the addition. This is a critical fact in the opinion of the Z.B.A.: had a change of use, additional plumbing, or a further bedroom or bedrooms been proposed.

WITTEN, SALTONSTALL & WOOLMINGTON, P.C.
BENNINGTON and MANCHESTER, VERMONT

J.P.C.

Given the limited nature of the proposed development, the Z.B.A. finds that the applicant has met his burden of proof on the five mandatory criteria. The applicant's setback problem does create a condition of unnecessary hardship not generally created in the neighborhood in which the property is located [Criterion 8.4(1)]. The additional living space is necessary for the applicant to make reasonable use of the existing 2 bedroom camp [Criterion 8.4(2)]. The applicant has not created his own hardship; the property has been in the family since 1933 and the applicant inherited it. Therefore this is not a situation where the applicant bought the property with constructive knowledge of the restrictions placed on it by the Zoning Bylaw [Criterion 8.4(3)]. The proposed addition will not alter the essential character of the neighborhood, impair the use of adjoining property, reduce access to renewable energy resources, or be detrimental to the public welfare [Criterion 8.4(4)]. To the contrary, the only adjoining landowner to take

2.

a position on the proposal, Larry McCauley, supported the application. Finally, this proposed small addition to a livingroom represents the minimum necessary variance and the least possible deviation from the Zoning Bylaw [Criterion 8.4(5)].

WHEREFORE, the Z.B.A. grants the variance, subject to the following conditions:

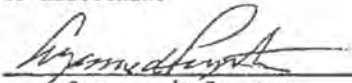
1. The variance is predicated and conditioned upon no further expansion or change of use beyond that discussed herein. Any such further expansion or change of use shall not be permitted unless a septic system is constructed for the property that conforms to Sandgate's Health Regulations.

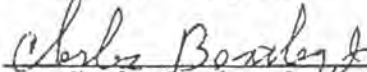
2. Prior to beginning construction on the proposed addition, the applicant must record this instrument in its entirety in the Sandgate Land Records.

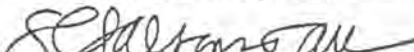
3. These conditions shall run with the land.

Dated at Sandgate, Vermont this 8th day of June, 1989.

SANDGATE ZONING BOARD
OF ADJUSTMENT


Suzanne de Peyster


Charles Bentley, Jr.



THE SANDGATE ZONING BOARD OF ADJUSTMENT

MEETING MINUTES OF JULY 25, 1995

PRESENT: Don Brown, Chair; Daryl Brown, Jean Eisenhart, Marianne Kennedy, Julian Sheres.

The meeting of the Sandgate Zoning Board of Adjustment convened at 7:05 p.m.

The Board reviewed the Minutes of the June 6, 1995 Zoning Board of Adjustment meeting. Daryl moved to accept the June 6, 1995 Minutes as written, Julian seconded the motion. The motion carried unanimously.

The Board reviewed the Minutes of the June 26, 1995 Zoning Board of Adjustment meeting. Julian moved to accept the June 26, 1995 Minutes as written, Jean seconded the motion. The motion carried unanimously.

The Board reviewed the Minutes of the June 27, 1995 Zoning Board of Adjustment meeting regarding the Rich Appeal. Julian moved to accept the June 27, 1995 Minutes regarding the Rich Appeal as written, Daryl seconded the motion. The motion carried unanimously.

The Board reviewed the Minutes of the June 27, 1995 Zoning Board of Adjustment meeting regarding the Christensen, Orante and Ruocco Appeal. Julian moved to accept the June 27, 1995 Minutes regarding the Christensen, Orante and Ruocco Appeal as written, Daryl seconded the motion. The motion carried unanimously.

APPEAL OF CHRISTENSEN, ORANTE AND RUOCCO

The Chair presented to the Board a draft of the Findings of Fact prepared by Town Counsel. The members of the Board took time to review the Findings of Fact. The Chair requested the secretary to correct the spelling of Julian's name and to date the Findings.

After brief discussion regarding the Findings of Fact, the Board executed the Findings. A copy of the Findings is attached hereto and incorporated herein. The original Findings of Fact was filed with the Sandgate Town Clerk.

Marianne inquired as to who requested a copy of the transcript of the appeal. The Chair directed the secretary to file a copy of the transcript with the Town Clerk. Don will notify interested parties who have requested a transcript that it is available from the Town Clerk.

Don stated that Mary Jo Scheck had transcribed the tape of the Appeals and presented her bill to the Board. Jean moved to pay Mary Jo's bill as submitted. Julian seconded the motion. The motion carried unanimously.

A discussion ensued regarding payment to the Board secretary for her taking the Minutes. Don made a motion to pay the secretary for taking and preparing the Minutes. Daryl seconded the motion. The motion carried by all, except Marianne who abstained.

HAY PROPERTY

Gerald and Syl Vaughn-Tifft were present at the meeting and stated that they wanted to discuss the Hay property on the West side of town. Gerald informed the Board that the property was destroyed by fire. The Hay's contacted Gerald to see whether they needed a Building Permit to rebuild and whether there was a fee.

The Board reviewed the By-Laws regarding property destroyed by fire and determined that under Section 7.1.5 of the By-Laws, structures could be rebuilt under such circumstances.

After further discussion, Marianne made a motion to direct the Zoning Administrator to approve the Hay Permit under Section 7.1.5 of the By-Laws if the rebuilding of the structure is going to be built as it was prior to the fire. Under the circumstances, the Zoning Administrator, if he determines a Building Permit is appropriate to issue, shall waive any fees.

Julian seconded the motion. The motion carried unanimously.

RICH APPEAL

The Board reviewed the transcript, application, By-Laws and other appropriate documents regarding the Rich appeal to build an attached garage to their home in Beartown.

The Board discussed the five (5) criteria under Section 8.4 of the Zoning By-Laws. After discussion, the Board determined that the Rich's could not meet Section 1 and 2 of the Zoning By-Laws. Therefore, the Board upheld the decision of the Zoning Administrator.

The Chair directed the secretary to prepare a draft copy of the Findings of Fact to present for Board's review at the next meeting. The draft of the Findings of Fact is attached hereto and incorporated herein.

OTHER BUSINESS

Jean stated that she was invited to a meeting next week by the Vermont Land Trust to talk about town resources. After discussion on the matter, the Board stated that Jean should go to the meeting but make it clear that she does not speak for the Sandgate Planning Commission.

Don stated that we needed to warn a hearing on the request of Alan Hess regarding the variance on the Mill Dam/Lomberg Property. The Board decided to have the hearing and warn it for the August 15, 1995 meeting.

Don will prepare the warning and follow through on that matter.

The next meeting of the Sandgate Zoning Board of Adjustment is scheduled for Tuesday, August 1, 1995.

Marianne made a motion to adjourn the meeting of the Sandgate Zoning Board of Adjustment. Jean seconded the motion. The motion carried unanimously. The meeting adjourned at 9:05 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Marianne Kennedy". The signature is written in dark ink and is positioned below the typed name "Marianne Kennedy".

THE SANDGATE PLANNING COMMISSION
MEETING MINUTES OF OCTOBER 3, 1995

OCT - 6 1995

PRESENT: Don Brown, Chair; Daryl Brown, Jean Eisenhart, Marianne Kennedy, Julian Sheres.

ALSO PRESENT: Jim Gunn, Beverly Hay.

The meeting of the Sandgate Planning Commission convened at 7:10 p.m.

The Board reviewed the Minutes of the September 19, 1995 Planning Commission meeting.

Daryl moved that we accept the Minutes of the September 19, 1995 Planning Commission meeting as written. Julian seconded the motion. The Planning Commission Minutes were approved as follows:

Four (4) approved; one (1) abstention.

The meeting of the Sandgate Planning Commission adjourned at 7:20 p.m.

MINUTES OF THE SANDGATE ZONING BOARD OF ADJUSTMENT
OCTOBER 3, 1995

The meeting of the Sandgate Zoning Board of Adjustment convened at 7:21 p.m.

The Board reviewed the September 19, 1995 Zoning Board of Adjustment Minutes and made the following amendments:

Add to the last sentence of the first paragraph, "and filed the original with the town clerk. Copies will be mailed to the appellant and interested parties."

The balance of the Minutes remain as printed.

Daryl moved to accept the Minutes of the September 19, 1995 Zoning Board of Adjustment meeting as amended. Julian seconded the motion.

The Minutes of the September 19, 1995 Zoning Board of Adjustment were approved as follows:

Four (4) approved; one (1) abstention.

HAY PROPERTY

Don reviewed the history of the Hay property. He stated that the camp burned down. It is situated in the F1 District. The lot size is 2 3/4 acres +-. It is a non-conforming lot.

Marianne read to the Board the appropriate section from the July 25, 1995 Minutes. Don pointed out that the Hay's wish to relocate the building. Don gave each member of the Board a copy of the Zoning Permit Application dated September 28, 1995 with a drawing attached depicting the old footprint of the destroyed building and the proposed footprint of the new building. The Zoning Administrator denied the permit.

The Board reviewed the drawing and decided they needed to make a site visit. Mrs. Hay represented that they were relocating the house and the septic.

The Board also reviewed the contractor's map of the floor plan and took a copy.

The Board scheduled a site visit of the property for Friday, October 6, 1995 at 9:00 a.m. Mrs. Hay gave her permission for the Board to come onto the property and do what is necessary for the site visit.

Since Mrs. Hay wants to move quickly on the re-construction, therefore, the Board stated that they would move as quickly as they could and notify Mrs. Hay.

TOWN GARAGE

Don Brown gave to the secretary of the Board a letter dated September 28, 1995 from Town Counsel. Marianne read the letter to the Board. A copy of that letter is attached to the Minutes.

After brief discussion, the Board checked the Minutes of the hearing of the town garage appeal and decided that the following were interested parties or adjoining landowners and would receive a notice by mail:

Karen Christenson, Mark Christenson, Steve Oronte, Joseph Ruocco, Sonja Jaffee, Gerald Vaughn-Tifft, Zoning Administrator Seth Bongartz, Esq., Town Counsel. Marianne will speak with Town Counsel tomorrow to ask whether we should post and warn the meeting and she will inform the Chair.

Marianne made a motion to adjourn the meeting of the Sandgate Zoning Board of Adjustment. Daryl seconded the motion. The motion carried unanimously. The meeting adjourned at 8:10 p.m.

MINUTES OF THE SANDGATE PLANNING COMMISSION
OCTOBER 3, 1995

The meeting convened at 8:11 p.m.

COWEE ESTATE PROPERTY

Don stated that there are two large tracks in the estate of Margaret Cowee, one for 83 acres and another for 426 acres.

Jim Gunn is purchasing the larger parcel.

Jim Gunn stated that the Brayson place is the 36 acre parcel and the Ennis lot is the 426 acre parcel. Mr. Gunn also stated that there are separate deeds for each parcel and that they were purchased at different times.

The Chair will call John Whalen and get copies of the deeds.

Marianne will speak with Seth Bongartz confirming the opinion of the Board. It was the opinion of the Board that if there were two separate deeds on the parcels a subdivision permit was not required.

Marianne made the following motion; "assuming there are two separate deeds provided to the Chair by Attorney John M. Whalen, one for each parcel, and Town Counsel agrees there is no subdivision permit required, the Board concurs that no subdivision permit is necessary on the Cowee property.

Jean seconded the motion. The motion carried unanimously.

The Chair will contact Mr. Gunn as soon as possible with a response.

Daryl made a motion to adjourn the meeting of the Sandgate Planning Commission. Julian seconded the motion. The motion carried unanimously.

The meeting of the Sandgate Planning Commission adjourned at 9:00 p.m.

The next meeting of the Sandgate Zoning Board of Adjustment and Planning Commission will be Thursday, October 19, 1995 at 7:00 p.m. at the Sandgate Town Hall.

Respectfully Submitted,



SANDGATE PLANNING COMMISSION MEETING October 19, 1995

PRESENT: Don Brown, chair., Daryl Brown, Jean Eisenhart, Marianne Kennedy.
Also Doug Hay, Larry McCauley, John M. Whalen, Jim Gunn. Absent
was Julian Sheres, member of the Board.

Called to order at 7:12pm.

MINUTES of 3 Oct. 1995 reviewed. Jean moved, Daryl seconded. Approved.

COWEE ESTATE DECISION: Don asked Town Counsel for his opinion, which was:
It is an artifact that joins them, it was not ever 1 parcel but two of
83 acres and 426 acres covered by separate deeds and always have been.
Lawyer John M. Whalen turned over copies of the two deeds to Don.
Marianne moved that no subdivision is required under our Bylaws as there
are two separate deeds. Daryl seconded. Passed unanimously.

Marianne moved and Daryl seconded to adjourn. Passed at 7:18pm.

SANDGATE ZONING BOARD MEETING October 19, 1995

PRESENT: Don Brown, chair., Daryl Brown, Jean Eisenhart, Marianne Kennedy.
Absent was Julian Sheres. Also Doug Hay and Larry McCauley.

Called to order at 7:19pm.

MINUTES of 3 Oct. 1995 reviewed. An amendment was needed on the section
on the Hay property. The site visit was on 17 Oct. at 5:30pm. Jean moved
and Daryl seconded. Approved as amended.

HAY PROPERTY: Don, Daryl, Jean, and Julain visited the property on 17 Oct.
and examined the location of the ponds and stream. All are more that 100
feet from the proposed building. There were stakes where the new 28' x 38'
house will be. There is a fairly steep drop-off in front of the new site.
This site is only 25' from the rear property line (toward the Sherman
cemetery), not the required 50', so a variance is required.

- Criteria 1: This is F1 zone. Lot is only 2 3/4 acres, non-conforming,
" space is limited. Drop-off toward ponds limits building space.
" 2: This is a reasonable use, replacing a burned down house. They
will be further from the rear boundry than before, although
they can't make 50' due to the drop-off.
" 3: Fire destroyed the house.
" 4: They are replacing their house, same size.
" 5: Actually this is an improvement, further from rear boundry. Don
mentioned that Julian noted the possibility of moving the house
down the slope, which is quite steep.

Marianne moved and Daryl seconded to grant the variance. Passed unanimously.

MUNICIPAL OFFICERS MEETING in Rutland 26 Oct. 1995. Jean passed around flyer.

TOWN GARAGE APPEAL: Board received a copy of Sandgate's Memorandum-at-law...
the appeal of Oronte, Ruocco, and Christiansen opposed to the Town Garage.
Copy attached.

LOMBERG APPEAL OF "MILL DAM" PROPERTY: The Board received notice of William
Lomberg's appealing the Sandgate ZBA's decision. This, too, will go to the
Environmental Board, and is dated 17 Oct. 1995. Don will fax a copy to
Town Counsel Seth Bongartz. Copy attached.

The possibility of the Town or private interests obtaining the property
to preserve it was discussed. Jean, a member of the Conservation Commission,
said they might be interested in the project. She will make informal
inquiries and report to the Planning Commission.

Next meeting 9 Nov. 1995. Don moved, Daryl seconded. Adjourned at 8:05pm.

Don, Daryl, Jean Eisenhart, Marianne Kennedy



JEFF LOURIE
 Back Meadow Drive
 West Rupert, VT 05776
 802-394-2956

STATEMENT

Bushhogging • York Raking • Grading • Tilling • Seeding
 Pond Work • Backhoeing • Driveways • Snowplowing

IN Doug and Bev Hay.
 ACCOUNT _____
 WITH _____

DATE	DESCRIPTION	AMOUNT
10/13.	1 stone for septic <u>Wilson Lourie</u>	150.00
11/6.	moved trees and brush, Dug out ash stump cleaned up for septic. Two men.	300.00
11/7.	1 stone for septic <u>Wilson Lourie</u>	150.00
	Dug hole for tank 3 men.	300.00
	<u>Over 1000 gal cement tank</u> <u>and 1 Bet.</u>	794.35
1	<u>all pipe for system</u> 80' per F 100' solid 10' sch 40	175.50
11/8.	<u>Dug Ditches, put stone, and</u> <u>pipe in, per site plan</u>	500.00
	Thank you Jeff	
	BALANCE DUE	\$ 2369.85

GREG KEYES
GENERAL CONTRACTOR
R.R. 1 - Box 264 B
CAMBRIDGE, N.Y. 12816
518-677-3179

CONTRACT

Dec. 5, 1995

This is a contract between Greg Keyes and Douglas and Beverly Hay of Sandgate, Vt. to have Greg Keyes construct a new Home on the site where their home, destroyed by fire once stood in Sandgate. The Home will measure 38'-0" x 28'-0" with a full basement. House to consist of the following:

1. 8x10 girder with Lally Columns, 2x10 joist 16" o.c., 3/4" T&G plywood floor.
2. Exterior walls 2x6x8'- 16" O.C., interior partitions 2x4x8'- 16" O.C.
3. Sheathing 1/2" CDX plywood or wafer board.
4. Truss Roof System 6" pitch with scissor truss. 30lb. felt with 25yr. Asphalt shingles.
5. Two Metalbestos chimneys terminating in the basement enclosed in a chase.
6. Insulation, 12" in ceiling, 6 1/4 walls, 2" Blue Board on foundation.
7. Exterior doors, 12'-0" x 6'-8" Anderson Slider, 3'-0" x 6'-8" Steel entrance door with 9 lites, basement 6'-0" x 6'-8" double steel door. Windows Anderson Tilt Outs with screens, 10 3'-0" x 3'-10", 3-C13 casements.
8. Siding- to include house wrap, Vinyl siding Mastic or similar. Choice of colors. Alum. fascia and vinyl soffit.
9. Interior, all walls and ceiling will have 1x8 T&G Knotty Pine with two coats of Polyurethane finish sanded between coats. Interior doors 6 panel pine.
10. Plumbing, fixtures one piece Aker tub, Elger toilet and sink choice of colors, kitchen sink double bowl stainless Elkay, all faucets Moen Brand with shut offs. All water lines copper, wastelines PVC shedule 40.
11. Peerless cast iron boiler with Super Store, base board radiaton.
12. Electrical, 150 amp service with 75 openings, dryer hook up, underground entrance cable.
13. Floor covering allowance \$2500.00, unerlayment 1/4" plywood. This is part of the building cost.
14. Kitchen allowance- \$3700.00 actual cost not list price.
15. Deck 10x32 with 4x16 wrap around stairs to ground level with hand rails and ballister 6" O.C.
16. All construction debri to be removed by contractor, ground to be graded by contractor, landscaping to be responsibility of owners.

1-5 = $\begin{array}{r} 77,800 \\ - 1,250 \\ \hline 76,550 \end{array}$ - I paid for Cap Carpeting
down stair bath room
+ ~~maybe roof~~

PAYMENT PLAN;

- ✓1. \$10,800.00 at start of construction. *pd.*
- ✓2. \$25,000.00 at start of framing. *pd.*
- ✓3. \$15,000.00 at completion of frame with roof, windows and exterior doors installed.
4. \$12,000.00 at completion of wiring, rough plumbing, insulation and boiler installed.
5. \$15,000.00 at completion of interior. - 1250 + down stair bath room
6. ~~\$9,950.00 at completion of the entire job.~~ *roof? -*

Total cost of above \$87,750.00

Greg Keyes
Greg Keyes

Douglas Hay
Douglas Hay

Beverly A. Hay
Beverly Hay

Dated: 12/5/95

on the carpeting. $\begin{array}{r} 2452.17 \\ - 1250.00 \\ \hline 1202.17 \end{array}$ - total I pd
Meg is to pay

I will pick up lights & fan
for all rooms.

Home Depot

Jeff Louie
Clean up. 750.
Septic. 5369.85

STATEMENT

GREG KEYES CONTRACTOR
RR Box 264B
Cambridge, NY 12816
518-677-3179

0001034

DATE: 6/02/96

TO: DOUGLAS HAY
RUPERT RD
SANDGATE VT.

AMOUNT REMITTED

DETACH AND MAIL WITH YOUR REMITTANCE. YOUR CANCELLED CHECK IS YOUR RECEIPT.

DATE	DESCRIPTION	CHARGES	CREDITS	BALANCE
		PREVIOUS BALANCE ►		
	PRIVE OF HOUSE a/out EXTRA			
				\$ 77,000.00
	RVD TO DATE			\$ 29,000.00
	EXTRAS BATHROOM	\$ 3001.00		
	24 SHIS UNDER GARMENT	480.00		
	ENTRANCE COSET	185.00		
	ROOM IN BASEMENT	569.90		
	EXTRA WINDOW W/ RM.	537.00		
	TOTAL EXTRAS	4772.90		
	BAL DUE	2772.90		

MATTISON ELECTRIC
P.O. Box 599
ARLINGTON, VERMONT 05250

(802) 375-9426

STATEMENT

DATE

4/24/96

NUMBER

4000

Doog + Ben Hay
Sandgate VT

TERMS:

PLEASE DETACH AND RETURN WITH YOUR REMITTANCE

\$ 91.50

DATE	CHARGES AND CREDITS	BALANCE	
	BALANCE FORWARD	3	
1	5000 Quartz hyl	15	00
1	1/2 KO weatherproof Box	5	00
1	4B Storage Cover	4	00
1	Honeywell Thermostat	23	00
1	2120 Breaker	16	50
40'	1212 NMB	8	00
	labor to Install Floodlight +		
	Electric heater in Base Bath	20	00
	total	91	50
	PAID		

MATTISON ELECTRIC

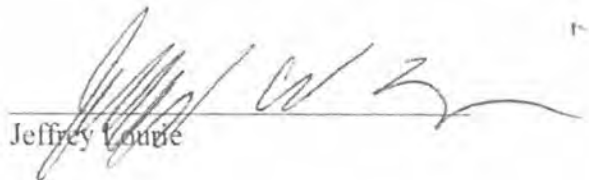
Thank You

PAY LAST AMOUNT
IN THIS COLUMN

PRODUCT 99-2/NEBS Inc., Groton, Mass 01471. To Order PHONE TOLL FREE 1-800-225-6380

INSTALLER CERTIFICATION

I, Jeffrey Lourie, hereby certify that I installed the replacement septic system in November of 1995 consisting of a 1,000 gallon concrete tank, Distribution box and associated piping for the leach field in accordance with the site plan prepared by Ken Ryba for the property owners Douglas and Beverly Hay.

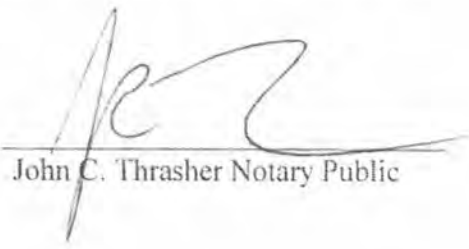

Jeffrey Lourie

STATE OF VERMONT
COUNTY OF BENNINGTON, ss.

At Rupert in said County this 25th day of June, 2020, personally appeared Jeffrey Lourie, and he swore the foregoing instrument, by him subscribed, to be true and accurate to the best of his knowledge.

John C. Thrasher - Notary Public
State of Vermont Lic #157.0000157
My Commission Expires Jan 31 2021

Before me,


John C. Thrasher Notary Public

**Town of Sandgate
Planning Commission Minutes
Wednesday, July15, 2020**

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

Absent: Stuart Stevens

The meeting was called to order by Sheila Kearns at 7:06 pm

No members of the public were present

1. There were no changes or additions to the agenda except to correct the date from May 20 to July 15.
2. Minutes of the 5/20/2020 meeting were reviewed, and a correction was made to the address for the Donahue property. The corrected minutes were approved unanimously.
3. Minutes of the 6/24/2020 special meeting of the Zoning Board of Adjustment were reviewed and were amended to add references to the supporting documents that will become an addendum to the minutes and the discussion of the compromise reached between Attorney Thrasher and the board was amended to reflect that ZA Bill Henry proposed the compromise. The corrected minutes were approved unanimously.
4. Zoning Administrator's Report:
 - Zoning compliance letters issued: i) 103 Mazzola Drive ii) 680 Lincoln Lane
 - No new permits issued.
 - Permit applications in process:
 - Sean Donahue, Bear Town, permit revision from remodel to prebuilt home
 - Clark Kastner, 63 Weldon Drive, conversion of primitive camp to one-family dwelling
 - Permit expected: Doug Agule, Ox Road, new residence
 - Grogan/ Telford – Bill is monitoring the removal of inoperable cars and a new complaint has been received regarding trash, farm animals being kept in

proximity to a neighbor. There is also a property line dispute that Bill has agreed to research. Sheila noted difficulties in addressing complaints about junk accumulation on a property because of the minimal way in which the issue is handled in the zoning bylaws. She suggested that the Planning Commission work with the Select Board to draft an actual junk ordinance. Brad made motion for Sheila and Bill to write to select board for a junk ordinance and need for intervention from health office.

5. Sheila reported that the registered letter sent to Koscinski about the status of his property as a year-round residence had not been returned nor had the delivery notice been received. She will check with the Post Office to find out what will happen to the letter if Mr. Koscinski simply does not retrieve it from his post office box.
6. Sheila and Bill presented some minor changes to the Bylaw to help clarify the differences between the Flood Plain regulations and the Stream Protection regulations (Section 7.12). These changes are:
 - a. To correct an apparent error in the Supporting Table (7.12.V.), entry number 17 (Recreational Vehicles) be changed from permitted to not permitted in Floodway and FEH Zones (change from "P" to "X").
 - b. To change 7.12.VI.B from requiring only an administrative permit for "development activities in the Special Flood Hazard area where outside of the floodway and outside of the Fluvial Erosion Hazard Zone, and meeting the Development Standards in Section VII" to requiring "that a permit is received from the Zoning Board of Adjustment."

Brad made motion, pending full approval in a public hearing, the changes in language be made. Caroline seconded the motion and it was approved unanimously.

7. The meeting adjourned at 8:11 pm.

Planning Commission / ZBA

Minutes for Wednesday, August 19, 2020

Present: Sheila Kearns (Chair), Joe Nolan, Caroline Kimball, Bill Henry (Zoning Administrator), Clark and Lynn Kastner, Irene Martin, Fred Broberg, Sherry Steeves, Thea Steeves-Boey, and Andre Boey

Members not present: Brad Kessler and Stuart Stephens.

The meeting of the Zoning Board of Adjustment was called to order at 7:05 pm.

1. Zoning Board of Adjustment Hearing: Kastner appeal of Zoning Administrator

Administrator's ruling to merge lots on Weldon Dr. in accordance with Bylaws Section 3.5

- a. Bill Henry reviewed his decision that the lot of Mr. Kastner's Property at 342 Weldon Dr. and the lot of his recently purchased adjacent property should be merged, Mr. Henry made his decision on the basis stated in the warning for this meeting:

Both properties are non-conforming in that neither meets the minimum lot size for the District. The Zoning Administrator decided that the lots should be merged in accordance with Section 3.5 of the Sandgate Zoning Bylaw and specifically that all the conditions that provide for non-merger of lots in such bylaws have not been met.

Mr. Henry noted that he believed that the judgement as to whether the conditions that provide for a non-merger should be made by the ZBA. Specifically, whether or not these conditions of the non-merger were met:

- b. On the effective date of this bylaw, each lot was developed with a water supply and wastewater disposal system.
 - c. At the time of transfer, each water supply and wastewater system is functioning in an acceptable manner.
- b. Clark Kastner presented his argument that the requirements b. and c. were indeed met because the privy and cistern on the property met the definition a water supply and wastewater disposal system as stated in 10 VSA, Chapter 64, Section 1972.
- c. Members of the public present were asked if they had any questions or comments on this matter:

Fred Broberg presented a letter from himself and his Elizabeth wife in support of Mr. Kastner and stated that he believed that the property should not be treated any differently than other non-conforming properties in the neighborhood.

Irene Martin stated that she was concerned about recent activity on Mr

Kastner's property and that she wanted to be certain that the activity was in conformance with existing Sandgate zoning regulations. Mr. Kastner responded that the activity was related to work on the common right of way across his property and that it was not related to any work on the recently purchased property. Ms. Martin noted that she felt that some sort of site inspection should take place and Chair Kearns stated that it would be taken under consideration by the ZBA.

Sherry Steeves stated that she was present to learn what it is that Mr. Kastner intended to do with the newly purchased property. Mr. Kastner responded generally by noting his previously expressed desire to bring and electrical supply to the property and also talked about the possibility of converting the camp to the full-time residence. Chair Kearns noted the Zoning Administrator had received a permit application from Mr. Kastner for a change of use to the property from a camp to a residence.

- d. Both Caroline Kimball and Joe Nolan noted the need for a site visit and Chair Kearns proposed that the ZBA would render its decision in this matter once a site visit was arranged.
 - e. It was agreed that the site visit would take place on Friday August 21st at 7:00 pm.
- 2. The ZBA Hearing concluded at 8:00 pm.
 - 3. Further business before the Planning Commission was postponed until the next meeting.

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 Municipal Office
3266 Sandgate Road, Sandgate, Vermont 05250

Planning Commission

Wednesday, October 21, 2020 Minutes

In attendance: Sheila Kearns (Chair), Brad Kessler, Caroline Kimball, Joe Nolan, and Bill Henry, Zoning Administrator.

No members of the public were present.

1. The meeting was called to order at 7:05 pm.
2. Sheila reported that Stuart Stevens had not responded to an email message about his continuation on the Planning Commission/ZBA and that she would be making a request to the Select Board to appoint someone to serve in his place.
3. There were no changes or additions to the agenda.
4. Draft Minutes for 7/15/2020 were reviewed and typos were corrected. Brad made motion to approved the minutes as corrected, Caroline seconded it and they were approved unanimously.
5. Draft Minutes for 8/19/2020 were reviewed and typos were corrected. Brad made motion to approved the minutes as corrected, Caroline seconded it and they were approved unanimously.
6. Zoning Administrator, Bill Henry reported the following activities:
 - a. Zoning Compliance Letters were issued for the following properties: Madava Holdings property on Sandgate Road; 164 Walsh Road, and 680 Lincoln Lane.
 - b. Michael and Leslie Perra, 493 West Road, extended permit for a new residence (previous expired 9/1/19).
 - c. David Faltskog, 569 Tudor Road, permit issued for addition.
 - d. Lewis Jobson, 3767 West Road, visited and observed progress of clean-up of property. Substantial progress, some work remains.
 - e. Grogan/Telford, visited property with Suzy DePeyster. Vehicles removed or fenced. No further action planned at this time. Lien to be filed for Town costs of legal action. Town pursuing complaint from neighbor on property line, garbage, etc.

- f. In process: Swearing Hill property (previously owned by Greg Neilson) permit application for a primitive camp. Was considering a new residence, but prior ZBA ruling (1989) issued significant conditions.

Members requested clarifications about the locations of several properties and the nature of the Zoning Compliance Letters. Bill gave details about the locations and explained that the zoning compliance letters were generally provided at the request of attorneys handling the sale of a property and wanting verification that the property was in compliance with Zoning Bylaws.

- 7. Caroline Kimball made a motion to adjourn the public meeting and go into Executive Session concerning legal advice from town attorney. Joe Nolan seconded the motion and it was passed unanimously at 7:20 pm.

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.