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until approved.**

**Planning Commission Town of Sunderland, Vermont March 28, 2018**

A meeting of the Planning Commission (Commission) of the Town of Sunderland (Town) was held on Wednesday, March 28, 2018, 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 constituting a quorum of the Commission. Lewis Hebert joined the meeting at approximately 6:15 pm. Also present at the meeting was Missy Bell-Johnson, Zoning Administrator.

Members of the public in attendance were: Paul Carroccio, VT HELIOS, LLC.; Christian Heins; Peter Haggerty; Dianne Horton; Winfield Robinson; Peter Luca; Catherine Bryars, BCRC; Deb and Mike Callagy.

Mr. Bove called the meeting to order at 6:01 pm. Ms. Bell-Johnson recorded the minutes of the meeting. Introductions were made.

The first order of business to come before the Commission was the approval of the agenda. Mr. Magrath motioned to approve the agenda with the correction that Unit 4 Old Camp Road would be discussed not Unit 1 as mentioned. Mr. Kimball seconded the motion and all voted in favor.

The minutes from the January, 2018 meeting were briefly reviewed. Because Mr. Hebert was not in attendance at the time this agenda item was addressed, and because Mr. Bove was not at the January meeting, a quorum was not available to approve the minutes. The minutes from the January meeting will be placed on the April 25<sup>th</sup> agenda for approval.

The next item on the agenda was the Public Hearing for preliminary plat approval for the Haggerty Subdivision off Dunham Road. Christian Heins presented information on the 55-acre project that proposed to expand a previously approved three-lot subdivision into an eight-lot subdivision. Information was provided on the creation of the private road, state permits and a preapproved fire storage tank. Questions were posed by neighboring property owners and answered by Mr. Heins and Mr. Haggerty. The possibility of a performance bond was discussed. Matters relating to the homeowners' association, price of lots and deed restrictions were brought up but not discussed as this meeting was not the proper venue.

Mr. Bove motioned to continue the preliminary plat approval to the April 25<sup>th</sup> meeting of the Planning Commission and asked for a site visit prior to the continuation of the hearing. Mr. Magrath seconded the motion and all voted in favor. The site visit was scheduled for April 25, 2018 at 5:00 pm provided the access road is passable.

A public hearing followed on the modification of a Change of Use of Unit 4, 350 Old Camp Road. Paul Carroccio explained challenges at Unit 4 which is currently being modified for use as a data storage facility. At issue were the number of exhaust systems being installed, concerns about odor and air quality and whether the Planning Commission finds that the use proposed complies with the current Town of Sunderland Bylaws.

Mr. Carroccio provided an updated packet of information to the Commission and demonstrated the estimated effect of the noise level generated by the exhaust systems. Mr. Robinson expressed his concerns about noise, air quality and aesthetics and asked if the fans facing his property could be moved to the other side of the building. Mr.

Bove explained that if the current use of the building meets the bylaw specifications, the Planning Commission could not ask Mr. Carroccio to move the fans.

Mr. Carroccio mentioned that this site had received Act 250 approval to be used as a storage facility and that in the past the site had been used for manufacturing which was outside of the purpose for it was approved for. His proposed change would bring the unit back into compliance. He also stated that there was a possibility that the proposed additional exhaust system in Unit 3 may not be necessary as there was a possibility of taking down a wall.

Mr. Kimball motioned to recess the meeting until a site visit can be conducted and measurements of the noise level and air quality can be further assessed. Mr. Hebert seconded the motion and all voted in favor. If the exhaust system is operable, the Planning Commission will meet at Unit 4 on April 25, 2018 at 4:00 pm. Mr. Carroccio will keep Ms. Bell-Johnson advised of the installation process so that the meeting can be properly warned.

Mr. Lucca asked Mr. Bove to confirm that this Commission could be making a decision that was not in conformance with previous planning commissions decisions for this site. Mr. Bove stated that if the changes conformed to the current bylaws, the planning commission had no authority to stop the modification. He also mentioned that Ms. Bell-Johnson had collected double fees in conjunction with the re-application for the modification as is required for construction taking place prior to Planning Commission approval.

Catherine Bryars of the Bennington County Regional Commission followed the Unit 4 discussion by talking about the next phase of the Town of Sunderland Energy Plan. Maps containing the river corridor were also discussed.

Ms. Bell-Johnson provided a summary of Zoning business over the past month and asked the Commission for comments regarding upcoming notification to permit holders regarding expiring permits and the need to renew them. She also discussed increased record keeping efforts.

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 7:59 pm.

The next Regular Meeting of the Planning Commission is currently scheduled to commence at 4:00 pm at 350 Old Camp Road and progress to the Dunham Road/Haggerty Subdivision at 5:00 pm. The public hearings will adjourn and reconvene at the Town Hall following the site visits.

Respectfully Submitted  
Missy Bell-Johnson  
Zoning Administrator