

*DRAFT*

**Town of West Rutland Development Review Board (DRB) Meeting Minutes  
April 19, 2017 - 7:00 pm - at Town Offices, 35 Marble St.**

**DRB Members present:** Mike Moser, Denis Lincoln, Leona Minard, Tim Ponto, Jim Mumford

**Also Present:** Jeffrey Biasuzzi (Zoning Administrator, Recorder), Jennifer Fredreck, Mitch Frankenberg, William Carris, Frank Morgan, Elizabeth Lincoln

Chairman M. Moser called the Meeting to order at 7:01 pm, and led the reciting of the Pledge of Allegiance. He introduced the DRB Members and ZA to the public. The Meeting was not electronically recorded.

M. Moser requested a MOTION to accept the Meeting agenda. D. Lincoln made the MOTION to accept the agenda; all approved, and MOTION passed.

M. Moser asked for any Public Comment. None was presented.

D. Lincoln swore in all Interested Parties who were to participate in the Public Hearings

**NEW BUSINESS:**

**Application #17-08; by Morlinc Farm LLC, 527 Old Town Farm Road; a request to subdivide 2.73 acres from larger property, with access by a 25' wide private Right of Way from Town Road.**

M. Moser opened the Public Hearing. D. Lincoln recused himself from the proceeding, as he was related to the applicants. J. Biasuzzi described the application, referring to Section 1003 of the Zoning Regulations (required frontage or access to public road) and Section(s) 210, 220, and 250 of the Subdivision Regulations. F. Morgan and E. Lincoln added details.

M. Moser asked for any further discussion. Hearing none, he requested a MOTION to close the Hearing; and discuss any decision in Deliberative Session. T. Ponto so Moved, all approved and Hearing was closed.

**Application #17-05; by B. & G. Droutman, M. Frankenberg, Jennifer Fredrick, 1376 Clarendon Ave (aka referred to as "The Paw House"); a request to expand existing lodging accommodations by constructing up to six (6) free standing guest cottages.**

M. Moser opened the Public Hearing.

M. Frankenberg opened the session by stating two primary objectives in discussing this Application:

1. Remove ambiguity resulting from past permits which have classified the facility as either a Bed & Breakfast (B&B) or a Country Inn. The Applicants ask the DRB to clarify if the expanded facility requested should be classified as a B&B versus a Country Inn. The Paw House maintains a restaurant permit, but presently only serves breakfast to guests.
2. To emphasize that expansion of the present facility is necessary to remain economically viable. Mr. Frankenberg presented a short history of the property as an Inn or B&B.; and developing a specialty service in accommodating dog owners and their pets, adding guest kennel and dog park facilities. The proposed "Cabins" offer additional appeal to Tourists. In order to provide adequate guest service, the business needs to employ dependable staff, and this now requires a large enough facility to justify this employment. J. Fredreck also anticipated that the additional guest rooms would provide for full time year round employment.

M. Frankenberg presented an overview of the Tourist industry and its impact to the West Rutland (W.R.) community. Tourist/Visitor trends are for destination locations such as The Paw House, and the local impact averages between \$179 and \$202 spent by each visitor a day. The unique nature of the facility serves to attract tourists to the area. Additional benefits to W.R. include an increase in property tax revenue; without any significant increase to Town services.

The discussion then focused on the proposed structures; a total of six freestanding Cabins, each with a 480 sq. ft. floorplan. The Cabins would be served by common on-site septic and water supply systems. Assess would be off the

existing street entrance and by new “double-wide” driveways to the Cabins. Parking would be behind each Cabin and screened by vegetation. The energy efficient Cabins would be designed and oriented to accommodate photovoltaic roof panels. M. Frankenberg was asked if the Cabins were more cost effective than a major addition to the existing main building. He stated that his research confirmed that it was easier and less expensive to build the separate Cabins than have to deal with adding to the much older main structure.

W. Carris asked if the Applicants had a topographic map of their property. M. Frankenberg was able to present a past version of a map. Mr. Carris stated he was not necessarily opposed to the proposal. His primary concern was aesthetics. He would not want to see the cabins, cars, and light reflections off solar panels from his adjacent residential property. He was not concerned about the traffic or barking the additional visitors & dogs may generate. M. Frankenberg emphasized that the project would be landscaped to minimize the view of parking, drives, and Cabins.

After considerable effort to describe the Cabin’s location and orientation, M. Frankenberg stated that a formal site plan is anticipated as a part of a final permit review. The Applicants wish to avoid the cost of an architect at this initial stage of the application process, but will engage professional design services once it appears the project could be approved.

In conclusion, M. Frankenberg stated that the application included a narrative discussion as to local permitting issues, and the benefits to the Town. For the business to thrive, the optimal “sweet spot” would be 14 guest rooms, with 12 being a minimum. While many other Towns routinely mix the terms B&B, with Inns, and the issues of one building versus multiple buildings; W.R. Zoning appears to have unusual and more limiting language. L. Minard commented that 14 units may require a Variance, if the use is for a Country Inn.

M. Moser asked for any other comment or input. Hearing none, he asked for a MOTION to Continue to review the application in Deliberative Session. D. Lincoln so Moved to discuss further in Deliberative Session, all approved and Motion passed. M. Frankenberg asked for clarification on what would be evaluated. The Board would supply the Applicant with additional information as soon as possible.

#### **OTHER BUSINESS:**

M. Moser made a MOTION to discuss Application #17-01 in an Open Meeting format, all approved, and Motion passed. The Board continued review of Application #17-01 by Stewarts Shops Corp., to construct Store additions and renovations to their facility at 232-4 Main Street.

M. Moser relayed his concern on the pump canopy lighting “spill-over” to neighboring residences, and wanted to see valences installed on the outside ends of the canopy lighting units. This would limit illumination from going past the east and west sides of the pump canopy. He also wanted clarification on a permanent dumpster location and fencing.

L. Minard stated her position that Stewart’s email to the Zoning Administrator on 4/10/2017 shows compliance with the Town’s requests.

J. Biasuzzi suggested that the DRB recess, and conduct a drive by of the facility, to observe the night-time lighting in person. D. Lincoln made a MOTION for a short recess, to conduct a drive-by and reconvene at Town Office immediately after. All approved and Motion passed. Following a 15+/- minute recess, the Board returned. T. Ponto Moved to continue review of Application, all approved and review continued.

D. Lincoln expressed his opinion that the Canopy lighting would not make a significant difference. M. Moser disagreed, stating the present fixtures are much brighter than the units they replaced, and cast light into second story windows of adjacent residences.

T. Ponto made a MOTION to approve Application 17-01 with Conditions discussed. The Zoning Administrator was instructed to Draft a Decision with Conditions, for review and approval by the DRB; that address trash can placement; routine site maintenance; exterior lighting directed downwards; times for exterior lighting to be on; a 6’ privacy fence to be installed on the west boundary of the property; the dumpster location, fencing and service times of day. The Board voted on the Motion as follows: M. Moser abstained; L. Minard, T. Ponto, J. Mumford, D. Lincoln all approved. The Motion passed by majority vote.

M. Moser requested a MOTION to enter Deliberative Session, to review Application 17-08 by Morlinc Farm LLC. J. Mumford so Moved to enter Deliberative Session, and grant the Zoning Administrator permission to stay, to provide any information on Zoning regulations as requested. D. Lincoln abstained from participating because his family relation with applicant could be a conflict of interest. All other members of the DRB approved, and the Motion passed.

L. Minard made a MOTION to exit Deliberative Session, and instruct the Zoning Administrator to Draft a Decision to Approve Application 17-08, for the Board to review and issue a formal approval. All approved and Motion passed.

D. Lincoln made a Motion to go into Deliberative session to discuss Application 17-05, by owners of The Paw House, requesting an expansion of guest accommodations; and allow the Zoning Administrator to stay to provide zoning regulation information as requested. All approved, and Motion passed.

J. Mumford made a MOTION to exit Deliberative Session, and schedule to continue this Public Hearing until the next regular meeting of the DRB, to convene at 7:00 pm, Wednesday May 17, 2017, at Town offices. All approved and the Motion passed.

The Zoning Administrator was instructed to contact Applicants, and relay to them that the Application is presently deemed incomplete and inadequate for the DRB to review and make a decision. The DRB (per Section 402 of Zoning Regulations) requests additional site and Cabin structure design information. It is willing to waive for now, the survey and contour requirements (Section 402.3) and Sections 402 (5, 6, 7). However 6 copies of a site plan, drawn (reasonably) to scale on 11" X17" paper are needed and should contain the other details requested in Section 402. Further, a clear drawing of a proposed cabin design, including elevation views are requested. The Applicants are to specify as to the type of Hospitality Facility it decides to operate. The DRB cannot dictate this to a property Owner; it can only evaluate the local regulations that apply to the operation applied for. The additional information requested should be delivered to the Zoning Administrator by 9:00 am, Thursday, May 11<sup>th</sup>, so copies may be forwarded to the DRB in advance of the next Meeting.

M. Moser requested a MOTION to approve the Special Meeting Minutes of 3/22/2017 as written. T. Ponto so Moved to approve the Minutes of 3/22/2017, all approved and Motion passed.

D. Lincoln reported on the present Rutland regional Planning Commission meeting of 4/18/17, and how Towns are addressing the issue of "Substantial Deference" with regards to Act 248 projects that are the jurisdiction of the VT Public Service Board. For now, it seems that a majority of towns in Rutland County are willing to invest in the additional commitment to achieve this higher review standard in their Town plans. The RRPC continues to work on a template for Towns to use in their Plans that address the issue of siting & screening alternative energy generation facilities.

M. Moser requested a MOTION to Adjourn. T. Ponto Moved to Adjourn, all approved and the Meeting ended at 9:50 pm.

Respectfully submitted by \_\_\_\_\_  
Jeffrey Biasuzzi

Approved \_\_\_\_\_

