

**Town of West Rutland Development Review Board (DRB) Meeting Minutes
May 17 2017 - 7:00 pm - at Town Offices, 35 Marble St.**

DRB Members present: Mike Moser, Denis Lincoln, Rick Hart, Jim Mumford, **Members absent:** Tim Ponto

Also Present: Jeffrey Biasuzzi (Zoning Administrator, Recorder), Jennifer Fredreck, Mitch Frankenberg, Mary Ann Goulette,

Chairman M. Moser called the Meeting to order at 7:00 pm, and led the reciting of the Pledge of Allegiance. The Meeting was not electronically recorded.

M. Moser introduced Rick Hart as a new member to the DRB.

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

M. Moser requested any public comment; receiving none.

There was no New Business on the Agenda.

OLD BUSINESS:

M. Moser opened the continued Hearing of Application #17-05 by M. Frankenberg & J. Fredreck; Owners of the Paw House Bed & Breakfast (B&B), located at 1376 Clarendon Ave (VT Rt. 133). The application requests an expansion to the lodging facility. Interested Parties were sworn in.

M. Frankenberg began with a brief review of the past & present permits approved for the existing structures as a Country Inn or B&B, presently with 8 guest rooms and a free standing kennel facility that services the guests' pets during their stay. The Owners would like to construct up to six cottages of approximately 600+/- sq. ft. each (including a porch) on the north portion of the 3 acre property. Each Cottage would have a living area, kitchenette, bathroom, and one bedroom. The Applicants submitted a Dubois & King (consultant engineers) Site Plans, and presented video detail of the cottage's design. The Site Plan detailed (expanded) driveway, parking, cottage & landscaping location. While still in a preliminary design phase, the engineers have expressed confidence that the property can support the on-site septic & water systems needed to accommodate the increased use. The pier-mounted Cottages are to be designed to be energy efficient, some having (future) roof mounted solar panels; and using propane as a heating & cooking fuel.

M. Moser asked the Applicants to clarify if the Business was to be reviewed as a Bed & Breakfast (B&B) operation or as a Country Inn. Mr. Frankenberg stated that the operation was actually a bit of both. While the restaurant has VT permits; it is only being used to serve breakfasts at this time; i.e. a B&B operation. However, they may want to serve other meals in the future, which could define it as a Country Inn.

D. Lincoln asked if it was easier to grant a variance to a B&B to serve other meals than breakfast. A review of the variance criteria did not seem to support this approach.

Mary Ann Goulette, Town Manager and Economic Development Director encouraged the DRB to work on an approach that supports local business. While the Regulations require compliance, the DRB is authorized to interpret the rules, and make decisions when the rules are not always clear. A letter from Lyle Jepson, the Executive Director Rutland Area Economic Development Corporation was introduced into testimony, and suggested that the present Ordinance may be out of date with today's economic environment. He asked the DRB for careful consideration to today's needs and desires for the W. Rutland community.

M. Moser asked if there was any additional testimony prior to closing the Hearing. M. Frankenberg asked if reach a decision, and could not afford to postpone for another month. J. Biasuzzi noted that the Regulations considered a B&B a Permitted Use, and did not specify a limit to the number of guest accommodations. He suggested that or open deliberations, or to be invited to stay during Deliberative Session. In either case, he emphasized the need to the Applicants could consider continuing only breakfast service for now, and amend the application to expand as a B&B.

After a brief consultation, M. Frankenberg & J. Fredrick amended Application 17-15, to expand as a B&B operation, using the same Site Plan and Cottage design; and submitted this to the Board.

M. Moser asked for any further input. Hearing none, he requested a MOTION to close the Hearing and go into Deliberative Session, with the Zoning Administrator (ZA) present to provide Zoning information. Jim Mumford so MOVED, all approved, and Motion passed. The Hearing was closed and the DRB entered Deliberative Session at 8:13 pm.

J. Mumford made a MOTION to exit Deliberative Session at 8:37 pm and issue instructions to the Zoning Administrator. D. Lincoln seconded, all approved, and Motion passed.

D. Lincoln made a MOTION to approve the application; providing it be clarified and resubmitted in its amended format. J. Mumford seconded, all approved and Motion passed. The Zoning Administrator was instructed to request of the Owner/Applicants, a replacement Application 17-15, for only an expanded B&B operation; and include the engineered Site Plan in a minimum of 11' X 17" format, and a schematic of the typical Cottage design. The ZA was to review the replacement application for the same information as in the initial proposal. If the same, with the exclusion of any references as a Country Inn. The ZA was ordered to draft a Findings of Fact, Conclusions of Law, Order and Decision, approving application 17-05, for DRB review. Once a quorum of Members notified the Chair of their approval of the Draft Decision, the Chair is authorized to sign the Decision on behalf of the Board; and order the ZA to issue a final Permit.

OTHER BUSINESS:

The DRB reviewed Minutes of April 19, 2017. Jim Mumford made a MOTION to accept the Minutes as written; all approved & motion passed.

M. Moser made a MOTION to approve the Findings of Fact, Conclusions of Law, and Decision for Application 17-08, for the subdivision request by Morlinc Farm, LLC. As related to the applicants, D. Lincoln abstained. M. Moser, J. Mumford, R. Hart approved and Motion passed by majority vote.

The next regular meeting of the DRB was scheduled for Wednesday, June 21, 2017, at 7:00 at Town Office.

M. Moser asked for a MOTION to close the Meeting. R. Hart MOVED to close the Meeting. All approved, Motion passed, and the Meeting adjourned at 8:50 pm.

Respectfully submitted by

Jeffrey M. Biasuzzi, recorder

Approved by the DRB on _____, by _____
Chairperson