

DRAFT

**Town of West Rutland Development Review Board (DRB) Meeting and Public Hearing Minutes
April 18, 2018 - 7:00 pm - at Town Offices, 35 Marble St.**

DRB Members present: Mike Moser, Rick Hart, Denis Lincoln
DRB Member Absent: J. Mumford, Tim Ponto

Also Present: Jeffrey Biasuzzi (Zoning Administrator, Recorder), Steve Wilk, Carl Lavallee; Todd Jakubowski; Don Woods; Kari Holland

Chairman M. Moser called the Meeting to order at 7:07 pm, and led the reciting of the Pledge of Allegiance. The Meeting's audio was digitally 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.

New Business:

M. Moser swore in all interested Parties who intended to participate in the Public Hearing.

M. Moser opened the Public Hearing on Application #18-02 for property belonging to **Todd Jakubowski, dba VT Juvenile Furniture, aka Pet Gear Inc.** at 87 Pleasant Street (Parcel # 24-0240192). The application requests construction of a 10,500 sq. ft. (70' X 150' X 32' +/- high) one level cold storage warehouse, to be attached to the south wall of the existing commercial structure.

J. Biasuzzi presented a short explanation of the Application and then referred the presentation to Carl Lavallee, an Engineer for Wright Construction Company Inc. of Mt. Holly, VT. Mr. Lavallee updated the DRB as to the project's status in obtaining the necessary VT permits; stating the hope that the site work could begin in July 2018. The new building would serve to house inventory, in the same location and replacing the box trailers presently parked in the southern gravel surfaced lot.

D. Lincoln asked if the structure would be of same materials and colors as the existing buildings. C. Lavallee confirmed this, noting that a concrete block fire wall would be required between the existing and new structures, which would extend above the roof line of both, but be at or below the 40 maximum height permitted in the Industrial district.

D. Woods, of Woods & Co. Civil Engineering, explained that VT had reviewed and waived off requiring a VT operational Storm Water permit. VT review of the Special Flood Hazard Area indicates the new structure would not be in the FEMA 100 year floodplain.

D. Lincoln asked if the project would result in increased truck traffic, and if drivers arriving before the plant was open for the day would be sleeping in their trucks. T. Jakubowski stated that no increase of truck traffic was anticipated. Except for an occasional storm related delay, drivers would not be sleeping in their vehicles on the premises.

M. Moser asked for any additional questions or input. Hearing none, he requested a MOTION to close the Hearing. D. Lincoln MOVED to close the Public Hearing; all approved and the Motion passed.

M. Moser then opened the Meeting for Public Comment or input. Steve Wilk, Owner of SJ Wilk Property LLC opened discussion on the Draft DRB Findings of Fact, Conclusions of Law, decision and Order for Application #18-06; which Approved with Conditions a request for a general automotive repair facility, building addition, and new signs at 668 Rutland Road. He stated his acceptance of the Decision and the Conditions to be followed.

R. Hart made a MOTION to enter Deliberative Session, and allow the Zoning Administrator to stay for Zoning rule interpretation as needed. D. Lincoln seconded, all approved and the Board went into Deliberative Session.

M. Moser MOVED to exit Deliberative Session, R. Hart seconded, all approved and the open Meeting resumed.

D. Lincoln made a MOTION to approve the DRB decision for Application 18-06 as drafted, and instruct the Zoning Administrator to issue Permit 18-06 with the Conditions stated in the Decision. The Chairman is to be authorized to sign the final decision on behalf of the DRB. All approved, and Motion passed.

The Board then reviewed Section 1208 of the Zoning regulations (General Variances), with Application #18-08 request for a variance on prescribed setbacks and coverage:

- a. With regards to a setback variance due to physical problems; the DRB does not agree that the new structure cannot be designed to accommodate the size or shape of the parcel. The Board, however, does not find the proposed building to be out of compliance with Article V setbacks. The project is located in the Industrial Zone. The main street entrance is off of Sheldon Ave. and conforms to a 50' front street setback. There are no minimum side or rear setbacks in the Industrial Zone. Current Town Zoning requires only one street for a front setback, especially as vehicle access from Pleasant Street is not possible due to the steep grade. Thus, the proposed building as designed conforms to prescribed setbacks.
- b. The DRB finds that any "unnecessary hardship" has been created by the Applicant, which has not made it clear why the 10, 500 sq.ft. proposed warehouse is the minimum required; or if the company's needs may be served with a smaller structure which would comply with maximum building and total coverage zoning criteria.
- c. The DRB finds that a Variance for Coverage is unnecessary, as the Applicant has the option of reducing the building size and/OR permanently merging the .875+/- acre triangular parcel to the south with the rest of the adjacently owned property; in order to conform with prescribed coverage.

In conclusion, the DRB does not find all the facts required to support a Variance to be acceptable.

M. Moser requested a MOTION to Deny the applicant's Variance request. D. Lincoln seconded, all approved and Motion passed.

M. Moser then requested a MOTION to instruct the Zoning Administrator to Draft a Decision for the Boards review that:

- a. states the Boards' Findings for Denial of the Variance;
- b. provides for a Conditional Approval without requiring a Variance, providing the Applicant amend its application to reduce the proposed structure's size OR permanently merge the two parcels by quit claim deed, resulting in conforming coverage.

_____ so Moved, all approved and the Motion passed.

Other & Miscellaneous Business:

J. Biasuzzi relayed that a 3/29/2018 telephone conference with a Stewart's Shops facilities designer resulted in a decision to not construct the north side addition to the Rt. 4a store; due to the close location of major sewer lines. The Company will redesign a smaller addition to the west side of the existing structure, and submit for the DRB's and Town facility manager's review.

The ZA anticipates this revised application, and an application from Dan Kearney to expand parking will be in place for the May regular Meeting.

The Spring Zoning & Planning Forum is to be held in Rutland on Wednesday 5/23/18. The ZA should be contacted by May 14th so he can arrange a member's early reservation to this Training.

The next regular meeting of the DRB was scheduled for 7:00 pm Wednesday, May 16, 2018 at Town Offices.

M. Moser requested a MOTION to conclude the Meeting. R. Hart so MOVED, all approved and the Meeting Adjourned at 9:50 pm

Respectfully submitted by J. Biasuzzi

Approved on _____

J. Gagnon also discussed his future intention to rent the adjacent ownership at 648 Rutland Road (Parcel #07-4020648) as an impound yard for towed vehicles. M. Moser stated that this would require a separate application to the DRB.

D. Lincoln made a Motion to close the Hearing and re-enter Deliberative Session, allowing the Zoning Administrator to attend. R. Hart seconded, all approved, and the Board entered Deliberative Session at 7:54 pm.

M. Moser made a Motion to exit Deliberative Session and instruct the Zoning Administrator on what to include in a draft Findings of Fact, Conclusion of Law, and Decision for this application, for the Board's review. T. Ponto seconded the Motion, all approved, and the open Meeting resumed at 8:51 pm.

OTHER BUSINESS:

M. Moser requested any public comment; receiving none.

J. Biasuzzi commented that an application for a warehouse addition to the Pet Gear facility was anticipated; in time for an April Public Hearing. He asked Board members to check their schedule and confirm their attendance on Wednesday, April 18th. He also relayed a recent meeting with the Town Manager and M. Gawet. The Gawet Family would like to utilize their existing buildings on Marble Street by leasing to other businesses. Mary Ann Goulette will research ways to promote this economic opportunity.

The next regular Meeting was set for 7:00 pm, 4/18/2018, at Town Office; providing there was business to address.

M. Moser asked for a MOTION to close the Meeting. D. Lincoln MOVED to conclude the Meeting. All approved, Motion passed, and the Meeting adjourned at 9:20 pm.

Respectfully submitted by

Jeffrey M. Biasuzzi, recorder

Approved by the DRB on _____, by _____
Chairperson