

DRAFT

**Town of West Rutland Development Review Board (DRB) Meeting Minutes
June 20, 2018 - 7:00 pm - at Town Offices, 35 Marble St.**

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

Also Present: Jeffrey Biasuzzi (Zoning Administrator, Recorder), W. Tracey Carris, Ross Galloway, Shirley Garrapy, Robert Foster

Chairman M. Moser called the Meeting to order at 7:00 pm, and led the reciting of the Pledge of Allegiance. Audio of the Meeting 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 Hearings.

Public Hearing for Application #18-18:

M. Moser opened the Public Hearing on Application #18-18 for property belonging to William & Barbara Carris, located at 1450 Clarendon Road (Parcel # 30-1331450), and in the Residential 2 Ag. Zoning District.

J. Biasuzzi (ZA) outlined the request to subdivide the 132+/- acre property into three parcels. One of the parcels is located in the Town of Ira, and does not have public road frontage. Section 1003 of West Rutland zoning regulations requires a minimum of 90 feet of Public Road frontage, or an access on a Private Right of Way (ROW) that is approved by the DRB.

Attorney W. T. Carris, agent for the Applicant was sworn in and further described the Project.

R. Hart made a Motion to close the Hearing; all approved and the Motion passed.

Public Hearing for Application #18-17:

M. Moser opened the Public Hearing on Application #18-17 for property belonging to Stewarts Shops Corporation, with a Store located at 232-234 Main St. (Parcel #26-0010232), and in the Village Commercial II Zoning District.

J. Biasuzzi reviewed the history of this application, resulting in an unexpected engineering problem that was discovered when the Applicants started work on a Store expansion, approved by Permit 17-01. Two municipal sewer lines were determined to be much closer to the building expansion approved in Permit 17-01 than existing design plans had indicated. This expansion on the north side of the Store would encroach the municipal easement and place the sewer lines at risk. Application #18-17 seeks to mitigate this situation by proposing to relocate the Store expansion to the west side of the Store. The ZA had the Town Sewer & Water Manager review this revised design, and relayed to the ZA his acceptance to the proposal.

Ross Galloway, agent for the Applicant further described the project's details.

R. Foster, an abutting Owner, asked if the west side setback for the addition would conform to prescribed setbacks, or encroach the deeded easement he had granted the Applicant when the original permit to construct was being reviewed. He relayed details of this original easement.

M. Moser asked if additional lighting would be added to the front (south side) of the Store. R. Galloway stated no additional lighting on the front of the building is going to be installed.

M. Moser asked if the freezer's HVAC compressor unit could be moved from the west wall (as shown on design) to the north wall, in keeping with the existing compressor's location. He also asked if all exterior lighting on the west wall of the structure would be eliminated. R. Galloway indicated these requests could be accommodated.

T. Ponto made a Motion to close the Hearing; all approved and the Motion passed.

M. Moser asked for a Motion to go into Deliberative Session to discuss Application 18-18. D. Lincoln so Moved to go into Deliberative Session and requested that the ZA attend to answer zoning regulation related questions if necessary. All approved and Motion Passed.

D. Lincoln made a Motion to exit Deliberative Session and Approve Application #18-18, granting the Carris request for a three lot subdivision, with the private Right of Way proposed to serve as required permanent Access to some or all of the proposed lots. All approved and Motion passed.

M. Moser asked for any Public Concerns (agenda item). None were submitted.

R. Hart made a Motion to go into Deliberative Session to discuss Application 18-17 and requested that the ZA attend to answer zoning regulation related questions if necessary. All approved and Motion Passed.

T. Ponto made a Motion to exit Deliberative Session; all approved; and Motion passed. The DRB returned to an open Meeting.

M. Moser asked for a Motion on Application # 18-17 by Stewarts Shops Corp. D. Lincoln requested that the Board discuss and vote its approval of the following issues that result from this application:

a. Conformance to Regulations: The application indicates that proposed Freezer unit would encroach the prescribed 25 foot side setback to the property boundary, which would require a variance for application approval. The Application did not include a request for a Variance. The DRB had reviewed the three requirements for Variance approval in Deliberative Session, per Section 1208 of Zoning Regulations, in anticipation that the Applicant may request a reopened Hearing and submission for a Variance. There was unanimous agreement that any "hardship" would be created by the Applicant, and did not demonstrate how the proposed design offered the least variance necessary to accomplish the Store's requirement for the addition. Perhaps an alternate freezer design could satisfy the setback requirement. The Conclusion is that the Application, as presented, would not be approved for a Variance if requested.

b. The Board reviewed the initial Application (391-09) and the Zoning Board of Adjustment Resolution, dated April 11, 1991, which granted Conditional Use approval for the Store's construction. A key component of the ZBA's decision was determining that the 16 foot+/- Easement granted by Foster satisfied the Town's requirement for road frontage, declaring that the site has 150 feet of frontage on Main Street (Rt. 4A); a special consideration by this Appropriate Municipal Panel. The DRB discussed how the current application also involved a special consideration with the sewer line issue. The consensus was that, as the proposed Freezer unit did not encroach the Easement area, it's setback could be measured from the same western limit of the Foster easement in the same manner that the previous road frontage approval was granted. Measured from the western line of this permanent easement the freezer side setbacks conform to current Zoning.

c. The ZBA agreed that relocating the Freezer's HVAC Compressor to the north wall, eliminating exterior lighting on the west wall, and enclosing the Dumpster in a fence enclose reduced any negative impact the abutting ownership to the west.

d. That all other conditions set in Permit 17-01 should be included as conditions of approval of Application 18-17. In response to M. Moser's request for a Motion on Application 17-18, D. Lincoln made a Motion to approve Application 18-17 with the amendments discussed and the same Conditions as required in Permit 17-01. The Zoning Administrator is instructed to draft a Decision for the DRB to review. All approved and Motion passed.

T. Ponto made a Motion to approve Application 18-18 for a three lot subdivision as requested. As an abutting owner, J. Mumford abstained to vote. All others approved and the Motion passed on the majority vote.

R. Hart made a Motion to approve the Minutes of May 16, 2018 with corrections noted. All approved and Motion passed.

The Members set the next meeting of the DRB to be at 7:00 pm, Wednesday July 18, 2018, at Town Offices.

J. Mumford made a Motion to conclude the Meeting, all approved and the Meeting adjourned at 9:00pm.

Respectfully submitted by *Jeffrey Biasuzzi*, Recorder.

Approved by Chairman _____, 7/___/2018