

DRAFT

**Town of West Rutland Development Review Board (DRB) Meeting Minutes  
February 20, 2019 - 7:00 pm - at Town Offices, 35 Marble St.**

**DRB Members present:** Mike Moser, , Denis Lincoln, Jim Mumford, Tim Ponto **Members Absent:** Rick Hart  
**Also Present:** Jeffrey Biasuzzi (Zoning Administrator (ZA & Recorder))

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 digitally recorded.

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

**Continued Public Hearing:** As the Applicant was not in attendance, M. Moser asked for a Motion to reschedule the Public Hearing for Application 18-34, that had been last recessed 12/19/2018; by Paul Vitagliano (Applicant) for development of a portion of lands of Michael Tyminski, located at 839 Clarendon Avenue (Parcel #28-1330839). D. Lincoln made a Motion to recess the Public Hearing on said application until the next regular DRB meeting on March 20 2019, providing the Applicant is ready to present the information requested of the DRB at previous sessions. All approved and the Motion passed. J. Biasuzzi noted that the Town has not yet received the required Road Access Application (for Select Board approval).

**Public Concerns and Input:** There was no Public in attendance and no input.

**Miscellaneous and Other Business:**

- a. Regional Planning Issues: None discussed.
- b. Public Utility Commission (PUC) applications for amendments to the existing Telecommunications Facility (owned by American Tower Corp.) on "Granpdpa's Knob" (1109 Whipple Hollow Rd.). J. Biasuzzi noted that Article III (Table of Uses) of the current Zoning Regulations identify Telecommunication Facilities as Conditional Uses. There have been DRB reviews for past expansions to the facility. There are two current applications in front of the PUC; which were copied to the Town:
  - 1) King Wireless LLC (a subsidiary of Dish Network Corp.) is requesting a de minimis modification to add three antennas and change over electronic equipment in existing ground shelters and cabinets.
  - 2) New Cingular Wireless PCS (d.b.a. AT&T) received a Certificate of Public Good (18-2622-PET) to change over existing antennas and electronics in existing ground shelters and cabinets.

The ZA noted that both applications fall under the jurisdiction of 30 VSA Section 248, which limits municipal regulation of these facilities. Further, it is the ZA's opinion that both projects seem to fall under Section 1104 (Exemptions) of Zoning, which states... "*normal maintenance or repair of an existing structure which do not result in exterior alterations or expansion or a change of use*" do not require a Zoning permit.

D. Lincoln made a Motion to consider both applications as Exemptions under Zoning Section 1104, and defer the applications to the decision of the PUC. All approved and the Motion passed.

- c. J. Biasuzzi relayed progress by the Planning Commission (PC) on updating the (2008) Zoning Regulations, submitting a draft of Article XV (Definitions) and Article III (Table of Uses). He requested the DRB review both and make suggestions to the PC; especially with regards to revising permitted, conditional, exempt, or prohibited Uses in each Zoning District. The ZA also suggested drafting a provision in the Zoning rules that grants the DRB authority to review a Use not identified in Article III, under Article IV (Conditional Uses).
- d. The ZA submitted comments on:
  1. A request by Gary Kupferer, as Lori Lyons attorney, to amend the DRB Decision on Application #18-33 (approved 10/25/2018) correcting under *Findings*: 1) that existing house on the subject property is serviced by an on-site well (not municipal water); 2(b) that the permanent easement from Town Road to Lot 2 be 25 feet wide (vs. 50 feet). Under *Decisions, Condition 2*: Drawing #3 was referred to as E-17-1 which was the VT Waste Water Permit, which does not conform to Survey Map recording requirements. The correct reference is to be to Spencer & LaPree LLL survey #B17-08-1.

T. Ponto made a Motion to make the requested amendments in the Decision. The ZA will draft the amended Decision and send to DRB Members for review and then authorize the Chairman to re-sign.

- 2. J. Biasuzzi reported that, after a start up delay created by the VT Waste Water permit process, the Paw House is now completing the first two of six cottages. However, Town Permit #17-05 is scheduled to expire on 6/21/2019 (Section 1107), unless an extension is granted. The current Zoning rules do not provide for extensions. The consensus of Members is to recommend that the Paw House submit to the DRB a formal request for an extension to a specific date, and citing the reasons for the request as soon as possible. This request will then be taken up at the earliest regular Meeting of the DRB.
- 3. Stewarts Shops has completed its permitted renovations; with the exception of Spring patio work and exterior painting, and was issued the Town C.O. The north exterior flood lights were to be controlled by a motion detector, and Casella Waste reminded of the prescribed hours for Dumpster service.

D. Lincoln made a Motion to approve the Minutes of 12/19/18. D. Lincoln and M. Moser approved. T. Ponto and J. Mumford were absent at that Meeting and abstained. The Motion passed. The January 2019 meeting was cancelled.

The next regular Meeting of the DRB was scheduled for 7:00 pm Wednesday, March 20, 2019 at Town Office; providing there is business for the Board to address.

T. Ponto made a Motion to close the Meeting, all approved and the Meeting Adjourned at 8:30 pm.

Respectfully submitted by J. Biasuzzi

Approved \_\_\_\_\_, \_\_\_\_\_