

DRAFT

**Town of West Rutland Development Review Board (DRB) Special Meeting & Public Hearing Minutes
July 17 2019 - 7:00 pm - at Town Offices, 35 Marble St., W. Rutland**

DRB Members present: Mike Moser, Denis Lincoln, Tim Ponto, Jim Mumford **Member Absent:** Deb Higgins
Also Present: Jeffrey Biasuzzi, Zoning Administrator(ZA) & Recorder; DeeDee & Lane Corey, Owner/Applicants.

Call to Order: Chairman M. Moser called the Meeting to order at 7:00 pm, and led the reciting of the Pledge of Allegiance. The Public Hearing was digitally recorded on a cell phone.

Agenda: M. Moser requested a MOTION for the draft Meeting agenda. T. Ponto made the MOTION to accept the Agenda; all approved, and MOTION passed.

Minutes: M. Moser asked for a MOTION to approve the Minutes of May 29 , 2019. D. Lincoln Moved to approve the Minutes. D. Lincoln, T. Ponto, M. Moser voted to approve. J. Mumford abstained, as he was absent at that Meeting.

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

M. Moser opened the Public Hearing for Application 19-14. Applicants and the ZA were sworn in by vice-chairman T. Ponto. The ZA outlined the request by Owner/Applicants to appeal the ZA decision for a detached accessory structure (metal 14' X 31' R.V. shelter) to be installed within the minimum prescribed setback of 25 feet (for Residential II Zoning District). The ZA was required to deny the initial application by Rule (Article V of Zoning Regulations) for non-conforming setbacks. The appeal requested a Variance for the setback to be as close as 10 feet to the north property line. The ZA also read into testimony correspondence received from neighbors Debbie & Gene Ackley (Exhibit 1) and Mary Oczechowski (Exhibit 2). Both neighbors expressed their cooperation with the Coreys for the 10'- 13' setback for the proposed structure and location.

DeeDee Corey stated that the purpose of the structure was to shelter their camper.

T. Ponto asked for details of the structure, and if it was to be permanent or set on a foundation system. L. Corey replied that the structure would be up all year long, and was mechanically anchored to the ground (no cement) to resist high winds. No hard-wired electric or water service was planned.

The ZA also noted that the existing non-conforming structure that would be next to the proposed structure was approved with a 1996 Variance granted by the Planning Commission. There was brief discussion on if setbacks in 1996 differed than today.

M. Moser asked for any additional information. D. Lincoln asked if there was another location that the structure could be sited. DD Corey said "probably yes; such as in the front lawn".... J. Biasuzzi asked if it could be re-sited near the existing shed, different than the existing gravel pad. The applicants replied that they prefer the proposed location, over the leveled existing pad, because they could maneuver the camper straight in off the driveway. This would also allow them to use an electrical extension cord from the existing shed.

Hearing no further testimony, M. Moser asked for a MOTION to close the Public Hearing. D. Lincoln Moved to close the Public Hearing to testimony; all approved; MOTION passed.

Miscellaneous & Other Business:

The ZA reported on the Spring VLCT Planning & Zoning Forum he attended. Included in Bills not passed and earmarked for the next VT Legislative Session, was an updated Act 250 proposal to increase its jurisdiction on Agriculture and Public Utility Commission activities. After discussion, the Board requested the ZA to draft a letter for its consideration to be sent to the Governor and Legislators, stating opposition to increased Act 250 regulation and favoring reducing Act 250 jurisdiction in Towns with Zoning & Subdivision regulations. The ZA updated the Board on current Zoning violation and permit matters.

D. Lincoln reported that neither he or Dave O'Rourke have been able to attend any Rutland Regional Planning Commission meetings for the past two months.

Meeting Schedule: The next regular meeting was scheduled for 7:00 pm, Wednesday 8/21/2019, at Town Offices; providing there is business for the DRB.

DRB Concerns:

J. Mumford noted he had missed seeing Notice about the 5/29/19 Special Meeting, or he would have attended. No other concerns were submitted.

Deliberative Session:

M. Moser asked for a MOTION to enter Deliberative Session. J. Mumford made a MOTION to go into Deliberative Session for Application 19-14, and allow the ZA to stay for zoning regulation information, if requested. All approved and MOTION passed.

Later, T. Ponto made a MOTION to exit Deliberative Session. D. Lincoln seconded all approved, and MOTION passed.

M. Moser requested a Decision on Application 19-14. J. Mumford made a MOTION to DENY the Corey’s appeal and request for a Variance. The request does not satisfy all the criteria required under Section 1208 of Town Zoning regulations for granting a Variance. Further, his MOTION was to Approve Application 19-14 **IF** the Owners would move the proposed structure’s location south from the north property line by the minimum distance required to bring the proposed structure in compliance with the minimum 25 foot prescribed setback. All voted to approve the MOTION; which passed.

The ZA was instructed to draft a formal decision for the DRB to review for approval.

Adjournment:

J. Mumford made a MOTION to conclude the Meeting, all approved, and the Board Adjourned at 8:27 pm.

Respectfully submitted by: Jeffrey Biasuzzi

Approved on behalf of the DRB on _____ 2019

By: _____

Michael Moser, Chairman