

DRAFT

**Town of West Rutland Development Review Board (DRB) Special Meeting & Public Hearing Minutes
December 18, 2019 - 7:00 pm - at Town Offices, 35 Marble St., W. Rutland**

DRB Members present: Mike Moser, Denis Lincoln, Deb Higgins, Tim Ponto, Jim Mumford

Also Present: Jeffrey Biasuzzi, Zoning Administrator (ZA) & Recorder; Michael Chalous (neighboring resident)

Call to Order: Chairman M. Moser called the Meeting to order at 7:02 pm, and led the reciting of the Pledge of Allegiance. Meeting audio was tape recorded.

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

Minutes: M. Moser asked for a MOTION to approve the Minutes of October 16, 2019 (no November meeting held). D. Lincoln Moved to approve the Minutes. D. Lincoln, M. Moser, & D. Higgins approved. T. Ponto and J. Mumford abstained (as they were absent). The MOTION passed.

Public Concerns and Input: No Public input was submitted.

M. Moser opened the Public Hearing to Appeal the action of the Zoning Administrator to issue a Notice of Violation (NOV) to Gregory Felion and Carly Duval (owners & Appellants) for failure to comply with Section 1011 (Destroyed & Demolished Structures) of the Zoning Regulations (2008) for their property at 254 Clarendon Road (Parcel #26-1330254). The Appellants were not in attendance.

M. Moser asked the ZA to describe the NOV and Appeal. J. Biasuzzi relayed that a fire in the Owner's Clarendon Road home on August 18, 2019 created extensive damage to this principal structure. On August 19, 2019, the ZA mailed a letter of condolence to the Owners, which also included information on Section 1011 of the Zoning regulations. The Owners were notified that a Town permit would be required to either rebuild and/or demolish part or all of the structure, within 90 days. This letter also informed them of VT's asbestos and lead paint removal, and Waste Water (discontinued use) rules. On October 28, 2019, the ZA spoke with Mr. Felion by telephone, to remind him that there was approximately one (1) month left in which to submit a permit application to remove or rebuild, or be in violation of Section 1011. There was no further communication, and the ZA did not receive any application. On November 18, 2019, a NOV was mailed (USPS Certified) to the Owners, which was received 11/20/2019. On 11/21/2019, the Owners delivered a written Appeal of the ZA's NOV with the required fee. Shortly thereafter, Mr. Felion and several (unknown) contractors began to remove the damaged portions of the structure.

M. Chalous was asked for his input. He expressed his concern that construction debris would come off the structure, either by workmen or wind, and end up on his adjacent property. He stated this had happened before; starting when the owners first purchased the structure, and then a result of several wind events. He stated his belief that the house had asbestos and, that further removal by (uncertified) contractors presented a risk of contamination on his property.

M. Moser asked Mr. Chalous if he knew the contractors or the dumpster company's identity. M. Chalous was uncertain as to both.

After asking those in attendance for any further questions or testimony, and hearing none, M. Moser requested a Motion to close the Hearing. J. Mumford MOVED to close the Hearing to testimony, all approved and MOTION passed.

Discuss Miscellaneous & Other Business:

- a. The ZA reported on attending VLCT 12/4/19 training on Code Enforcement. Discussion was on drafting effective Ordinances and use of VT's Judicial Court Division versus Superior (Environmental Division) Court for civil violations. Two key "take-aways" were that Judicial Court may be a more efficient lower-cost approach to enforcing minor penalties, and that legal review of a proposed Ordinance or Plan is recommend to insure that mandatory language is included, conflicting language is avoided, and illegal language is removed.

The ZA relayed recent efforts by Steve Wilk to bring his property at 668 Rutland Road back into compliance with Permit 18-06. It was the ZA's opinion that the property owner has performed as agreed in the DRB's 9/18., 2019 Appeal Hearing on the Notice of Violation issued on 7/8/2019, and that the NOV should be rescinded.

The ZA also discussed the repair and addition work underway on the side of the structure. Mr. Wilk had visited the ZA in advance to discuss repairing the existing office and building the 12' X 12' addition, as had been included in Permit 18-06. S. Will reported that, early on in the renovation, it was discovered that this wood frame portion of the structure and its roof were so dilapidated that reconstruction was needed. Upon review of the Minutes and Decision for Permit 18-06, the ZA determined that repairs and the addition were within the scope of work approved under the current permit. Therefore, a new permit was not required, providing the work is completed before the expiration of Permit 18-06, or before May 14, 2020.

- b. D. Lincoln updated the Board on Planning Commission progress on updating the Zoning Regulations.
- c. D. Lincoln had no new information to report on recent Rutland Regional Planning Commission activities. He would ask Leona Minard, who has been attending the meetings, to prepare a written summary of activities.
- d. The ZA asked the Board for any budget requests for Fiscal Year 2020-21. He noted the DRB and PC Stipends had been increased for 2019; although not to the \$20/hour rate requested by these A.M.P.s last year. The ZA was asked what he was paid. As it is in the public record, the ZA noted his current rate, and his recent request for an increase. The Board reached a consensus in support of the ZA's request for the rate increase requested for the new fiscal year. The ZA also noted that the adoption of the updated Zoning Regulations would likely be processed in the new F.Y. and that this additional expense was estimated to be \$1000.00, plus any expense for legal review.

Meeting Schedule: The next regular meeting was scheduled for 7:00 pm, Wednesday 1/15/2020, at Town Offices; providing there is business for the DRB.

DRB Concerns: None discussed

Deliberative Session:

T. Ponto made a MOTION to enter Deliberative Session to discuss the Appeal of the NOV by G. Felion & C. Duval; and asked the ZA remain. All approved, MOTION passed, and the Board entered Deliberative Session.

D. Higgins made a MOTION for the Board to exit Deliberative Session, and to issue its decision and instructions to the ZA. All approved and the MOTION passed.

J. Mumford made a MOTION to DENY the Appeal by G. Felion and C. Duval for Violation of Section 1011 of the Zoning Regulations, and recommended the ZA proceed with enforcement accordingly. All approved and the MOTION passed.

Adjournment:

J. Mumford MOVED to conclude the Meeting. All approved and meeting adjourned at 8:18 pm.

Respectfully submitted by: Jeffrey Biasuzzi

Approved on behalf of the DRB on Jan. ____ 2020

By: _____ Michael Moser, Chairman