

*DRAFT*

**Town of West Rutland Development Review Board (DRB) Meeting & Public Hearing Minutes  
May 15, 2019 - 7:00 pm - at Town Offices, 35 Marble St., W. Rutland**

**DRB Members present:** Mike Moser, Deborah Higgins, Jim Mumford, Tim Ponto      **Member Absent:** Denis Lincoln  
**Also Present:** Jeffrey Biasuzzi (Zoning Administrator & Recorder), Theresa Bartlett, Susan Roland, Mary Jane & Joe Skaza, Justin & Brittany Charron, Vincent & Lisa Tripodina, Pam & Karl Sokol, Yvonne Traverse, Bronson Spencer, Mike & Donna Sabotka, Lyndsi Fischer, Tom Fischer, James Gzkenberry, Ryan Crehan, Joanne & Stephen Bania

**Call to Order:** Chairman M. Moser called the Meeting to order at 7:00 pm, and led the reciting of the Pledge of Allegiance. He then introduced the DRB Members, including new Member Deb. Higgins and the Zoning Administrator (ZA) to the Attendees. The open Meeting and Hearings were recorded on a magnetic tape cassette.

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

**Approval of Minutes:**

T. Ponto Moved to approve the Minutes of 5/1/2019, M. Moser, J. Mumford and T. Ponto approved. D. Higgins abstained. Motion passed.

**Public Concerns and Input:** There was no general Public input (unrelated to the Hearings scheduled).

**Public Hearings:** Vice-Chairman T. Ponto swore in all Attendees who wished to testify in the Hearings.

**M. Moser opened the Public Hearing for Application 19-13;** a request by the US Fish & Wildlife Service (Applicants and Agents for Landowner) and Joanne Roche (Landowner) for a wetland restoration project on a floodplain wetland that had been ditched, drained, and cleared for agriculture in the past, on Parcel 2-3003700, located on Whipple Hollow Rd.

J. Biasuzzi provided a brief explanation of the project, stating DRB review was required under section 901(3) of Zoning regulations, as over 100 cubic yards of fill was involved. He introduced Ryan Crehan (RC) and James Gzkenberry (JG) of US F&W to further describe the project. RC explained project objectives; to restore a designated area subject to USF&W easements to improve habitat for birds, fish, amphibians, and mammals. Project details were discussed, such as that no new fill was being introduced, but excavated from the site and used to plug drain ditches. New plantings and woody debris would be introduced to provide additional cover.

J. Biasuzzi asked if the property would continue to be used for farming. M. Moser asked what other uses are possible. JG replied that the easement is for wetland restoration, and that other uses within the easement area would have to be granted permission by USF&W; who now owns the development rights.

S. Bania expressed opposition to the project if the restoration would result in making his adjacent property "wetter". JG stated that, by US law, the USF&W activities are prohibited from adversely impacting neighboring ownerships. He referred to a map that detailed the project site, and how the drainage would flow.

K. Sokol expressed concern about negative impact to two existing septic fields and/or replacement field sites on the east side of Whipple Hollow Rd. JG stated that USF&W knew of these septic easements, and had taken them into consideration while designing the project. He noted that the specific USF&W area under easement has been surveyed and marked in the field by posts with (green) markers.

M. Moser asked about the volume of woody debris to be trucked on site and the type of equipment to be used. The reply was that about three dump trucks of wood off a logging operation would be delivered; and an excavator, bulldozer and dump trucks would be used.

J. Biasuzzi noted that Town Permits expire within two years and asked if this would be adequate time to complete the project. RC stated it was and that the actual field work would involve about one week.

M. Moser asked all in attendance for any additional questions or testimony. Hearing none, he asked for a MOTION to close the Hearing for Application 19-13. T. Ponto so Moved to close the Hearing to testimony, all approved and the MOTION passed. The

The Chairman thanked all who participated and invited them to stay for the rest of the meeting.

**M. Moser then opened the Public Hearing for Application 19-12;** a request by Yvonne Traverse (Owner) to install an estimated 750 to 1000 cubic yards of fill onto her Mead Street property in order to construct a single family house with attached garage on Parcel 26-0490048.

J. Biasuzzi cited that Section 901(3) of Zoning Regulations require DRB review when Fill volumes over 100 cu. yds. is involved. He then referred project details to B. Spencer; the Owners' design engineer and surveyor, to provide details.

B. Spencer discussed the wetlands review that had been conducted by VT's Wetland biologist and US Army Corps of Engineers, which determined that the Class III wetland area was small and not significant, allowing the introduction of Fill. He stated that the fill would not impact the current level of the water table of the area.

L. Fischer expressed concern that the Fill would make her adjacent back yard "wetter". She asked that the Applicant conduct testing to establish the current water table, to be used as a basis for further monitoring of the water table after the fill is placed. B. Spencer replied that the current drainage pattern would not be changed.

M. Moser asked Mr. Spencer how long he has been an engineer and how many projects he had worked on. B. Spencer mentally calculated that he has about 50 years experience and has been involved in over 2500 projects.

An (unidentified) Attendee asked who was responsible for maintaining the current drainage ditch that directs water that is discharged from the Town road (northern) culvert towards the northeast corner of the Traverse parcel. There was no clear knowledge on this by anyone present.

Y. Traverse stated the her plan was to have this drain ditch cleaned out, and place road stabilization fabric and riprap in order to keep the water draining in the exiting pattern.

D. Sabotka asked where the water would flow through the lot once the fill was placed. B. Spencer reviewed the site plans with her and others at the conference table.

T. Bartlett stated she regularly has water in her basement, considers the Traverse parcel a "swamp", and believes that the project will negatively impact her property.

J. Charron stated his basement is always wet, and that the gravel soils of the site are saturated by water discharged from a southern road culvert, towards his property. He believes the fill and the driveway will redirect any drainage currently flowing north to the south, adding to the volume of water draining along his northern property boundary.

D. Sabotka asked if the Property Owner would work with the Town to improve the sites overall drainage.

J. Charron asked who would be responsible for any extra expenses incurred by property owners by additional water in their basements.

T. Fischer asked if the parcel would be cleared of trees. Y. Traverse stated that most of the lot would have the trees removed; possibly excepting three trees that the Army Corps. suggested retaining. The stumps and woody debris would be trucked off site. New plantings would be established at the end of construction.

M. Skaza asked if the DRB would conduct a site visit. M. Moser stated a site visit by the DRB would be considered.

Y. Traverse replied "No", when asked if the house construction included an (excavated) basement.

J. Biasuzzi noted that Zoning Regulations require a Certificate of Occupancy. He asked how the Town will be assured that work completed will be the same as the Site Plan that the Town is being asked to approve. B. Spencer noted that any project involves the possibility of change due to conditions. The ZA expressed his belief that, prior to issuing a C.O., the Town should receive reliable documentation that assures that the work completed conforms to the design and will perform in the manner that the Application and Testimony has stated it would. The ZA also inquired on the soil type and source of the Fill to be installed.

M. Moser asked all in attendance for any additional questions or testimony. Hearing none, he asked for a MOTION to close the Hearing for Application 19-12. J. Mumford made a MOTION to close the Hearing to testimony, all approved and the MOTION passed.

The Chairman thanked all present for participating and invited them to stay for the rest of the proceedings if they wished.

**M. Moser re-opened the Public Hearing for Application 18-34;** a Continued Hearing to review a request by Paul Vitagaliano (Applicant) and Michael Tyminski (Owner) to remove an existing barn and construct a 60' X 80' building in the same location on Parcel 28-1330839 at 839 Clarendon Ave.

The Applicant, Owner or any Agents were not in attendance. The Board discussed in open meeting that this Application was eight months old, and continued many times because the Applicant was not ready to submit the project details requested by the DRB. Without an adequate Application in which to approve, and considering the length of time the Interested Parties have had to complete the DRB's requests for information the Board felt that this matter should be Closed until which time the Applicant is ready to submit another application.

J. Mumford made a MOTION to Close the Hearing and Deny Application 18-34 based on the incomplete and inadequate Application and Testimony provided. M. Mumford, T. Ponto, and J. Mumford Approved the Motion to Deny Application 18-34. D. Higgins (as a new member) had not been involved in earlier proceedings and abstained. The MOTION passed and the ZA was instructed to notify the Applicant and Owner of the Board's decision.

**Discuss Miscellaneous and Other Business:**

- a. Due to the late meeting Time and that the RRPC Representative was absent, the RRPC Report was postponed until the next Meeting.
- b. The ZA Report was also deferred until the next meeting.
- c. The next regular Meeting of the DRB was scheduled for Wed. June 19, 2019, at 7:00 pm at Town Offices.

**DRB Discussion:**

M. Moser again welcomed newest DRB Member Deb Higgins and thanked her for serving on the Board.

**Deliberative Sessions (DS):**

M. Moser asked for a MOTION to go into Deliberative Session for Application 19-12, and that requested the ZA, Y. Traverse and her engineer to stay to address any further questions. He did have a couple of additional questions for T. Traverse and B. Spencer regarding supervision of the project.

The DRB remains in DS and went to visit the Site on 5/16/19. The Board remains in DS for Application 19-12 and is scheduled to meet on 5/29/19 at 7:00 pm at town Office. Deliberative Sessions are not open to the public.

M. Moser asked for a Motion to go into Deliberative Session for Application 19-13. D. Higgins so moved to go into DS with the ZA in attendance to answer Zoning related questions.

J. Mumford made a MOTION to exit DS and authorize the ZA to issue Permit 19-13 as applied. All approved and Motion passed.

**Adjournment:** J. Mumford mad the Motion to conclude the Special Meeting. All approved and the Meeting adjourned at 6:35 pm.

Respectfully submitted by J. Biasuzzi

Approved: \_\_\_\_\_