

APPROVED

West Rutland Planning Commission (PC) Meeting Minutes

May 5, 2021 6:30pm Town Offices, 35 Marble St.

Members Present: Denis Lincoln (Chair), Leona Minard, Sean Barrows **Member Absent:** Michael Brzoza

Others Present: Jeffrey Biasuzzi (Alternate & Recorder), Ed Bove (Rutland Regional P.C.)

Call to Order: D. Lincoln called the Meeting to Order at 6:45 pm. It was not electronically recorded.
The Chairman led the reciting of the Pledge of Allegiance.

Agenda: D. Lincoln requested a Motion to accept the draft agenda. S. Barrows so Moved, all approved and Motion passed.

Adoption of Minutes: D. Lincoln requested a Motion to accept the draft Minutes of the 4/7/21 Meeting. S. Barrows so Moved, all approved and Motion passed.

Discussion on Town Plan update:

Ed Bove discussed his review of the current Town Plan (adopted 3/28/2016), and determined that most of the document is compliant with current standards for municipal Plans. One update that would be required in the future Plan is a map that identifies Forest Blocks and areas of fragmented wildlife corridors. The Energy section could be use include more detail, as well as reference to regional co-ordination of zoning district boundaries (areas with adjacent towns should have complimentary zoning rules). He noted that the current Plan does not have many references with “shall” or “must” language, which could be important in Public Utility Commission, Act 250, or judicial reviews.

S. Barrows asked about invasive species issues. E. Bove noted that there is current language in the Natural Resources section, which could be reviewed and improved by the PC.

E. Bove offered to have the RRPC compare the 2021 draft of the Zoning Regulations to the Town Plan; evaluating updated language and areas of possible conflict.

J. Biasuzzi noted that the VLCT has recommended that Towns have their RPC review draft Zoning regulations for compatibility with Town Plans; and also have Attorney review of the Zoning Regulations for possible legal conflicts (illegal authority, impact to Human Rights, conflicting rules, etc.).

There was brief discussion on the Designated Village or Downtown Districts. The ZA has not seem many eligible property owners take advantage of the program. E. Bove, who is on the VT board that decides on the program’s applications, stated that there have been recent approvals in other Rutland County Towns.

Public Comments/Input: No public in attendance; no input submitted.

Review of proposed amendments to Zoning Regulations:

D. Lincoln reported the Town Manager’s preference to have any Farm Animal regulation included in the Zoning (vs. a free-standing ordinance).

L. Minard offered to ask an associate in her real estate office if Word processing the draft zoning regulation would be of interest, and what the hourly fee may be. J. Biasuzzi knows of a professional that works for other Towns and also proficient in Word processing, who is available as a private assignment. Once a presentable draft of the proposed regulations is available, a copy would be sent to E. Bove for his review.

D. Lincoln presented his research on the Certificate of Occupancy (Section 1107) issues, initially brought up by the Zoning Administrator (ZA) as being a time consuming requirement which creates record filing issues. He reports that VT statute includes a “certification” requirement for all permits, but (apparently) does not “detail” what is accepted as certification. Upon discussion, the Members elected to amend Section 1107 to *place the responsibility of obtaining a CO on the Property Owner*, and not the assignment of the ZA. The regulation would detail the statutory elements that were to be included (i.e: RBES Certificate, potable well water tests, Fire Marshall approval when required, display of VT E-911 #, etc.). The Town Permit Application would be updated to include C.O. requirement language for property owners. All permits issued would include a (new) separate C.O. form, informing the Permittee of the Town’s requirement to

complete and file with the ZA within 30 days of completion of a project. Failure to comply could result in a zoning violation of Section 1107. D. Lincoln is to draft amended language for Section 1107.

There was brief discussion on amending Section 1109 (Notice of Violation) to expand the sole Limitation of Enforcement from processing of a Violation under 24 VSA Ch. 117 Section 4451 (using VT Environment Court) to also including use of civil violations (tickets) issued through the Judicial Court. This could be a more efficient and less expensive approach to enforcing minor violations of General Regulations, Signs, Farm Animals, etc. Discussion to be continued at a future meeting.

Other and Miscellaneous Business:

Recent US Rt. 4 highway work discussed.

S. Barrows suggested drafting a Sidewalk (maintenance) Ordinance, to inform property owners of clearance issues, garbage cans, etc.

Meeting Schedule: The next scheduled P.C. meeting is for **Wednesday June 2, 2021, at new regular time of 6:30 pm** at Town Office.

Adjournment:

D. Lincoln Moved to conclude the Meeting,. All approved and the Meeting adjourned at 8:55 pm

Respectfully submitted by J. Biasuzzi

Approved: _____