

DRAFT

**Town of West Rutland Development Review Board (DRB) Meeting & Public Hearing Minutes
August 18, 2021- 7:00 pm - at Town Offices, 35 Marble St.**

DRB Members present: Mike Moser, Tim Ponto, Deborah Higgins, Jon Wallace, Denis Lincoln
Attending in Person: Jeffrey Biasuzzi (Zoning Administrator & Recorder), Steve Flynn (property owner).
Attending remotely via Telephone/audio: Alexis Peters (for Hearing on Application 21-12)

Chairman M. Moser called the Meeting to order at 7:05 pm, and led the reciting of the Pledge of Allegiance. Due to software/internet connection issues, the Meeting or Hearing was not recorded electronically.

Agenda: M. Moser requested a Motion to approve the draft Agenda. J. Wallace so Moved, all approved, Motion passed.

Minutes: The Chairman asked for a Motion to approve the Minutes of 3/17/2021. T. Ponto so Moved, all approved, Motion passed.

M. Moser introduced DRB Members and the ZA.

J. Wallace asked if DRB Member D. Lincoln may have a conflict of interest, as he owns abutting acreage, and might be recused. D. Lincoln stated the wireless facility was on the back side of his Old Town Farm Road homestead, and that he did not have any past issues with this use, or any financial interest in the facility.

J. Wallace made a Motion to accept D. Lincoln's participation on Application 21-12. T. Ponto seconded, all approved and Motion passed.

Open Public Hearing to review of Application 21-12: A request by New Cingular Wireless PCS (d.b.a. AT &T) to modify the existing cellular tower located at 156 Roberts Lane (private), seeking *de minimus* approval to increase tower height, add antenna arrays, and install additional equipment cabinets.

Chairman Moser asked for Interested Parties to be Sworn in. J. Biasuzzi, A. Peters, and S. Flynn recited the Oath.

The Zoning Administrator (ZA) presented a brief description of changes requested in Application 21-12. These included adding 15 vertical feet to the existing 110 foot tall monopole tower, adding additional antenna arrays, and installing two small equipment cabinets within the existing fenced area at the base of the Tower.

Alexis Peters, as a legal representative for the Applicant, provided details of the proposed installation, and the field work involved. There would not be any beacon at the top of the array. She outlined how this project fell within the scope of work per VT statute, as a *de minimus* activity, and was not a substantial change to the existing facility.

Steve Flynn, a property owner on which the facility is located, had questions about the timing of the work. He stated that he had received minimal information on this project, and requested better communications be established. The project is on a working farm, with pastured animals in the same vicinity of the leased tower.

Alexis Peters requested Mr. Flynn's contact information, and agreed to distribute this and the owner's concerns to the Applicant.

D. Lincoln asked if the new antennas would be similar to existing ones; which are a dark color with a non-reflective finish. A. Peters thought the new equipment would be similar, and could check on this detail.

M. Moser asked for any additional testimony. Hearing none, he requested a Motion to close the Public Hearing. D. Higgins so Moved; D. Lincoln seconded; all approved and the Hearing was closed.

Public Concerns and Input: There was no other Public and no issues identified

Enter Deliberative Session: Upon Chair's request for a Motion, T. Ponto Moved to enter Deliberative Session, inviting the ZA and S. Flynn to attend. J. Wallace seconded, all approved and went into Deliberative Session.

Exit Deliberative Session: J. Wallace moved to exit Deliberative Session, D. Lincoln seconded, all approved, Motion passed, and the Board returned to the Open Meeting.

D. Lincoln made a Motion to Approve Application 21-12 as submitted, and to instruct the ZA to draft a proposed decision for the Board to review, amend, and act on. D. Higgins seconded the Motion, all approved and Motion passed.

Other and Miscellaneous Business:

1. *Review of Ethics policy:* This was rescheduled to the next meeting.
2. *R.R.P.C. Report:* D. Lincoln is no longer the principal town representative to the regional planning commission; and did not have any information from Representative Leona Minard to submit to the Board.
3. *ZA Report:*
 - a. J. Biasuzzi update the Members on B. Harrington's appeal to VT Environmental Court on the Board's Decision of David Stewart's Application 20-27. The Court largely found in favor of Mr. Stewart; or decided it did not have jurisdiction on certain issues in the decision that Mr. Harrington contested.
 - b. Rosen & Berger is to be sold, and CoParts Inc. plans to continue as a salvage yard operation, although dismantling of vehicles will not be in their business model.
 - c. An August Act 250 Hearing was held to review Casella Construction's application to increase operating and crushing hours, add a stone wash plant, and renew its operating permit for another 25-35 years. The Town participated, citing its concern of increased wear to the Town maintained portion of VT Rt.133.

DRB Discussion: No DRB concerns identified.

Schedule next Meeting: The next regular Meeting was scheduled **for 7:00 pm Wednesday September 15, 2021;** at Town Office; providing there was business for the Board.

Adjournment: J. Wallace Moved to close the Meeting and D. Lincoln seconded. All approved, Motion passed and Meeting adjourned at 8:30 pm.

Respectfully submitted by

J.M. Biasuzzi

Jeffrey M. Biasuzzi, recorder

Approved by the DRB on _____, 2021, by

M. Moser, Chair