

DRAFT

**WEST RUTLAND, VT DEVELOPMENT REVIEW BOARD (DRB) 2nd Revision
Meeting & Public Hearing Minutes, June 21, 2023
W. Rutland Town Office Conference Room (35 Marble St.)**

DRB Members Present: Michael Moser (Chair), Tim Ponto (V-Chair), Deborah Higgins, Jon Wallace, Ron Ryan
Also present: Jeffrey Biasuzzi (Zoning Administrator & Recorder), Applicants for Public Hearing: Mary Cohen & Dan Caputo (Housing Trust of Rutland Co.), Matt Moore (Evernorth), Jean Terwilliger & associate (VT Integrated Architecture), Patrick Griffin (Enman & Kesserling Engineering), and a number of area residents (see attachment 1, Sign In Roster).

Call to Order: Chairman Moser called the Meeting to Order at 7:02 pm and led the reciting of the Pledge of Allegiance.

Approval of Agenda: M. Moser asked to relocate the approval of the DRB Minutes of 10/19/2022 towards the end of the meeting. T. Ponto Moved to accept the draft Agenda with the minor change regarding past Minutes. All Approved and Motion passed.

Miscellaneous Public Concerns & Input: M. Moser asked if there were any issues from the Public that did *not* involve the Public Hearing on Application 23-09. None was presented.

Open Public Hearing of Application 23-09, a request from the Housing Trust of Rutland County for a Multi-family construction project at 376, 398, & 416 Main Street (hereafter referenced as the Project). The Chairman opened the Hearing and issued procedure instructions to those in attendance. The Hearing was recorded on Zoom and micro-cassette (audio) systems.

Chairman Moser asked anyone submitting testimony to stand and be sworn in. Vice-chair T. Ponto led the participants in the Oath.

Mary Cohen was introduced, and she provided information on the Housing Trust of Rutland County's current projects, including several in W. Rutland. She outlined the demand for additional housing in VT, citing the lack of Dwelling Units needed to address the back-log of applicants, just in her organization.

Matt Moore of Evernorth spoke about his firm's involvement as investors of public housing projects in VT. He summarized past efforts resulting in Application 23-09; citing the proposed Project's design's compliance with current zoning regulations. He noted that the application requests two dimensional Waiver requests (setback & height), which the DRB can grant under zoning. He noted that the past housing pattern in the Village is in conflict with current needs to better utilize land to add dwelling units.

Architect Jean Terwilliger discussed the Project's location (within 5 minutes walk of most Village amenities) and other design features of the proposed structure. This included a setback waiver request of 15 feet (less than 10 ft. maximum waiver allowed) and a (pitched) roof portion of the proposed structure to 49 +/- ft. in elevation (vs. maximum waiver of 50 ft. allowed). The pitched roof design served to add to the structure's visual appeal, screen and shelter roof-top HVAC equipment, and provide optimal surface area for installation of net-metered photovoltaic energy generation panels. Exterior lighting was to be specifically directed to maintain illumination on premise.

Engineer Patrick Griffin submitted updated Proposed Site Plans (Sheets C-2 & E-2, dated 6/19/23); and updated Structure Designs for the Marble Village Apartments (Sheets dated 6/19/23 were A-1.0, A-1.4 & Sheets dated 6/20/23 were A-2.1, A-2.2, A-4.1, A-4.2).

He discussed details of the Project's design with regards to:

- a. Fire Protection - Town Fire Chief M. Skaza; who reviewed current fire truck access to both sides of the proposed structure. Chief Saka later testified the Fire Department should be able to work with the proposed site plan.

- b. Project Access and traffic: The proposed two-way access location was selected because it was away from the heavier traffic congestion observed on the east side of the project and offered better site distances. The anticipated traffic volume resulting from the Project was below the VTRANs criteria for a formal traffic study. Mr. Griffin testified that the anticipated vehicle activity for the Project would be 20 trips/day; versus a possible traffic activity of 100 trips/day for a retail use of the same location.
- c. Parking: Tenant parking would be behind the Structure, so to enhance the visual appeal of the project. Initially 23 car spaces would be installed, with provision for an additional four spaces to be installed at a later time if the need becomes apparent.
- d. Dimensional Waivers: As noted in earlier testimony, P. Griffin stated that the dimensional waivers conform to current Zoning Section 404(N) and his belief that these waivers are necessary to the Project's viability. He further testified that the Application conforms to zoning criteria standards that address waste storage; snow storage; vegetative or other screening, and pedestrian traffic,
- e. Storm Drainage : Mr. Griffin submitted testimony to document that a total drainage area of approximately 64 acres is currently concentrated into by a 24" x 24" p.c.c. culvert that bisects the project area; then discharged into the drainage canal north of the project. The project proposes replacing the existing p.c.c. culvert with a new 30 " dia. p.v.c. culvert of larger capacity that would be relocated further away from the new structure's foundation.
- f. Storm Water: The total existing impervious surface coverage of the (combined) properties is calculated to be 0.4 acres. The Project would result in an impervious surface of 0.54 acres.
- g. Flood Plain Review: The Applicants engaged the services of independent consultants Fitzgerald Environmental Associates Their report (dated 6/21/2023; with copies provided to the DRB) details a Flood Plain Elevation model of the Project area. This resulted in maps identifying in current and future flooding patterns that could be impact the (constructed) Project. The Base Flood Elevation calculated as a result of this study is 494.5 feet (above mean sea level). The proposed elevation of the lowest finished floor of the Project's structure would be 496.5 ft. The study indicates that there would be no increase of flood water to properties to the north. P. Griffin stated that the Project conforms to standards set in Table 5 and Section 7.02 of the Town's Special Flood Hazard Regulations.

Chair M. Moser asked for any further testimony from the Applicants. Hearing none, he asked DRB members for their questions:

J. Wallace asked about the Dwelling Unit (DU) details and off-street parking. M. Cohen stated that the Project would offer (17) one-bedroom DUs, (5) two-bedroom DUs, and (2) Studio Apartments. In the Housing Trust's experience, an average of 35% of their Tenants have personal vehicles. At this time, specific assignment of parking space(s) to a DU is not Housing Trust practice.

M. Moser asked on the anticipated number of children had been considered. M. Cohen stated that 75% of their current rental households involve one occupant.

M. Moser asked if the Housing Trust sets specific time limits for Dumpster maintenance. M. Cohn replied that this has not been a past issue.

M. Moser asked about exterior lighting details. J. Terwilliger responded that the exterior lighting would include full cut-off design and shielded design features, so to direct illumination. The canopy and bullard lighting would be directed only downwards.

Hearing no further questions of DRB Members , the Chair asked the Zoning Administrator for questions.

J. Biasuzzi suggested additional review of the dumpster location and landscaping plan, to include improved consideration of snow plowing and pile storage.

Hearing no further questions from the Town, the Chair opened discussion from the Public, first asking for statements from persons opposed to the Application.

Paul Gilman stated his opposition to the current application as:

- a. The Project is being promoted as a "Shining Gateway to W. Rutland"; and a low income project is in conflict with this.
- b. The 40 ft. building height is out of place in this Main Street location.
- c. The proposed traffic access will present challenges to current road traffic.
- d. The Project parking lot adds to petro-chemical contamination going into the Castleton River.

M. Moser then asked for any additional opposition statements. Hearing none, the Chair requested any supporting statements.

- a. M. Cohen responded to P. Gilman by testifying that the Project considers tenant applications from all income levels. Vehicles that damage the parking surface are not tolerated.
- b. P. Griffin noted that other public and private off-premise off-street is available to tenants.
- c. M. Moore noted that; while the pitched roof portion of the current project design offers visual and other advantages, these result in additional project cost. The VT Fire Marshal will require the attic area to be an additional sprinkler zone, significantly adding to construction and maintenance cost. The Trust could reconsider the option to submit an amended flat-roof design compliant to the 40 ft. maximum prescribed height, installing zoning compliant or exempt roof-top HVAC units and solar PV panels.

M. Moser then asked for any additional statements. Hearing none, the Chair requested any questions from the floor:

- a. Cristina Moore asked about the Notice process provided to the public about the Public Hearing. Zoning Administrator J Biasuzzi outlined the statutory notice process, in accordance with 24 VSA Ch. 117, Section 4464. The ZA noted that initial notice to abutting property owners that was mailed by USPS Certificate of Mailing included a typo error as to the hearing's month. As soon this error was discovered several days later the ZA sent abutting owners a corrective notice. All other required notice options were correct or also corrected as soon as the typo error was discovered.
- b. Patricia Merrill asked why the NAPA store location was not considered for the Project's primary access location. P. Griffin responded by referencing VTRANS traffic information that indicated that the Project access would be better if away from the Clarendon Ave. intersection.
- c. Christina Moore asked if the Project would increase her (63 Clarendon Ave.) risk of flooding. J. Terwilliger stated that extensive engineering for this Project was involved to minimize any increased flood to abutter properties. It was noted that the Moore property was not an abutting property, and some distance from the Project site.
- d. D. Higgins asked how many DUs would be compliant to the American Disabilities Act. J. Terwilliger did not specify how many DUs would be fully ADA compliant, but stated that the Structure and all DUs would be Access compliant.

M. Moser asked if there were any further statements, questions or requests for information.

a. Matt Moore expressed a Project design concern. The only existing street fire hydrant that would service fire fighters is currently on the south side of US Rt. 4A. In any emergency, fire hoses would have to cross over Rt. 4A, resulting in a major traffic issue. The current VT Public Safety Division requires a plumbing upgrade to a 6" diameter water main installation under US Rt. 4A to the Project to service the sprinkled structure. VT Public Safety Division would require an 8" dia. water line to the project site if a new fire hydrant is to be installed on the north side of Rt 4A. M. Moore requested the Town to install any new hydrant required, at Town expense, providing the Developer extend an 8" dia. water main as part of its Project expense.

T. Ponto made a Motion to recess the Public Hearing; so to conduct a Site Visit of the Project at 6:00 pm on Monday July 3, 2023 and then followed with Continuing the Public Hearing to 7:00 pm on July 3, 2023, at Town Offices at 35 Marble St. ,W. Rutland. All Members approved and the Motion Passed.

The Public in attendance was invited to stay for the regular meeting that was to follow.

Deliberative Session:

This was postponed until the continued Hearing for Application 23-09 was closed to testimony.

Miscellaneous & Other Business:

J. Biasuzzi reported on several pending zoning Violations to be issued. He noted that Senate Bill 100, which will amend Town zoning rules with regards to Housing was passed (now referred to as Act 47).

M. Moser requested a Motion to approve the DRB Minutes for their 10/19/2022 Hearing (Regional Ambulance). T. Ponto so ~~M~~oved all approved and Motion passed.

DRB Discussion/ Concerns:

None addressed.

Schedule next Meeting: Jon Wallace made a Motion to warn for a Special DRB Site Visit of the Marble Village Housing Project at 6:00 am on Monday July 3, 2023, at 376-416 Main Street. This will be followed by a Continued Hearing to Review Application 23-09 by the Housing Trust of Rutland County to construct a multi-family structure and affiliated facilities. All approved and Motion passed.

Adjournment:

M. Moser made a Motion to conclude the regular Meeting. All approved and meeting adjourned at 9:35 pm.

Respectfully submitted by: J. Biasuzzi

Approved

APPENDUM 1:

WEST RUTLAND

Appropriate Municipal Panel (AMP))

MEETING/ HEARING ATTENDANCE ROSTER

1ST PUBLIC HEARING ON
"MARBLE VILLAGE" PROJECT
APR 23-09

DATE: 6/21/23 AMP DEVELOP REVIEW BOARD LOCATION: TOWN OFFICE Time: 7:00 PM
35 MARBLE ST 05777

IN REGISTERING AS AN "INTERESTED PARTY", AN INDIVIDUAL IS BOUND BY THE FOLLOWING OATH:

"I HEREBY SWEAR THAT THE EVIDENCE I GIVE IN THE CAUSE UNDER CONSIDERATION SHALL BE THE WHOLE TRUTH AND NOTHING BUT THE TRUTH, SO HELP ME GOD."

An "Interested Party" must BOTH sign the Attendance Roster AND give written or oral testimony during the Public Hearing, or they may forfeit their right to an appeal to the VT Environmental Court. Refer to the Hearing Agenda for additional information. PLEASE PRINT CLEARLY! If the Zoning Administrator cannot read your information; you may not receive a copy of any Decisions of the AMP, or any additional information. USE ADDITIONAL LINES, if necessary. The Hearing Minutes on this matter will be posted on the Town website and at Town Offices.

NAME	POSTAL +/or EMAIL ADDRESS
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DAN CAPUTO	dcaputo@housingrutland.org
Jean Terwilliger	jean@vermontintegratedarchitecture.com
Michael Skaza	five@westrutlandvt.org
Matt Moore	mmoore@evernorthus.org
Patti Merrill	470 main St
Paul G. Gilman	" "
Mary L. Burke	Mary's Cafe
Tom Lutz	WRFD

Jefferson Moser

05777

Sean Barrows

425 Kyrline

TOWN OF WEST RUTLAND DEVELOPMENT REVIEW BOARD (DRB) REVISED 6/12/23

NOTICE: The West Rutland DRB is scheduled to hold a Special Meeting at Town Office on **Wednesday 6/21/2023 at 6:30 pm** to review the Procedure that will be followed at Public Hearing(s). This Special Meeting will include a Deliberative Session, which is closed to the Public.

NOTICE: The DRB's Regular Meeting & Public Hearing is scheduled for **Wed. June 21, 2023, 7:00 pm** at Town Office (35 Marble St. W.R. Village)

THIS IS A PUBLIC MEETING and HEARING, to be held In-Person at the Town Office Conference Room.

Attending Participants are to be registered by 7:15 pm & follow current Covid19 prevention recommendations.

Remote Participation Options via ZOOM include:

Via computer/video:

<https://Zoom.us/j/97991715548?pwd=bTk0TWZUQUNMcY95V3kvNk5Zelp5Zz09>

Meeting ID: 979 9171 5548 Passcode: 623067

Via Telephone/audio (only):

Dial: 1 646 876 9923 Meeting ID: 979 9171 5548 Passcode: 623067

If unable to connect by Zoom, contact the Zoning Administrator at 1-802 770-0380

DRAFT DRB AGENDA

Call to Order & Pledge of Allegiance.

Agenda: Amend or approve draft Meeting Agenda

Minutes: Review, amend or approve DRB Minutes of 10/19/2022

Miscellaneous Public Concerns & Input (time may be limited by Chair)

Open Public Hearing on Application 23-09 from Housing Trust of Rutland County for Multi-Family proposal at 376, 398, 416 Main St.

1. Swear in any Interested Parties to the Public Hearing.
2. Following testimony, Close the Hearing OR recess to a later time and date, set.
 - a) Discuss or vote to go Deliberative Session later in the Meeting.

Enter Deliberative Session: Invite any non-members to attend, as necessary.

- a. Discuss application 23-09.
- b. Exit Deliberative Session and issue any instructions to the Zoning Administrator.

Discuss Miscellaneous and Other business, Regional Planning Commission report.

1. Zoning Administrator report.
 - a) Update on Current or pending Zoning Violations.
 - b) Update on impact of S100 bill to amend 24VSA Ch.117 to address housing.
2. Regional Planning Commission Report

Discussion: on any DRB member concerns & updates.

Schedule the next Meeting at Town Offices, if there is business for the Board and a quorum is available.

Adjourn