

*DRAFT*

**WEST RUTLAND, VT DEVELOPMENT REVIEW BOARD (DRB) 2nd Revision  
Meeting & Public Hearing Minutes, July 19, 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 & Nick Wood (VT Integrated Architecture), Patrick Griffin (Enman & Kesserling Engineering), Mary Ann Goulette (Town Manager), and a number of area residents (see attachment 1, Sign In Roster).

**Call to Order:** Following a (warned) Site Visit to Project Site (balloon/height demonstration), the Hearing participants convened at Town Office. Chairman Moser called the Continued Hearing for Application 23-09 to Order at 7:08 pm and led the reciting of the Pledge of Allegiance.

**Approval of Agenda:** M. Moser asked for a Motion to approve the draft Agenda.  
T. Ponto Moved to accept the draft Agenda. All Approved and Motion passed.

**Approval of Minutes:** M. Moser asked for a Motion to approve the DRB Minutes of 6/21/2023 & 7/3/2023. J. Wallace Moved to accept both Minutes as written. All Approved and Motion passed.

M. Moser introduced the Board Members and outlined the Hearing's procedure. He first asked if any new participants that were to give Testimony and not already sworn in to take the Oath. No new individuals asked to be identified for introduction of testimony.

**Public Concerns & Input:** M. Moser asked for any individuals with questions or Opinions FOR the Project.

*John Center* was in favor, stating the Housing was for both Middle and Lower income tenants. He noted the Housing Trust's admirable record as property owners and landlords.

M. Moser asked for any individuals with questions or Opinions AGAINST the Project.

*Ron Viggue jr.* opposed the 10 height over 40' Town Ordinance, stating it set a precedence. He was concerned about the 24 parking spaces being a (ground water) pollution source, added wear to the road and impact on Town water supply. He was opposed to having 24 low-income renters moving to Town.

*Tyler Socineski* asked why Town was spending Millions of dollars on this project, and did not want to see a repeat of Sheldon Towers in the Town.

*Lynn Grandchamp* was not in favor of project due to concerns on flooding & drainage, increase in crime, lack of police presence.

*Daniel Fisk* was against due to concerns on sewer capacity.

*Christina Moore* was concerned first floor occupants were at risk of injury should a vehicle crash into the structure. She was also concerned about the Project height and (storm) water run-off.

Mary Ann Goulette offered to recap the history of this Project, which involved starting to search for housing development over five years ago. It was apparent that new commercial investment in the Town was unlikely, and that the state-wide housing demand was increasing. She reiterated the Housing Trust past performance record. As to questions being asked, she asked the Public to look up the earlier two meetings and review the Minutes for testimony that addressed many questions being asked at this third session. She also stated that Town facilities have considerable sewer and water capacity, and can easily accommodate this project.

There was a question why this project was not put to a Town vote and better advertised. M. Moore noted the Town has a management structure (with some members elected into authority) and zoning regulations that provide for such project review. J. Biasuzzi outlined to the participants the mandated Notice requirements (newspaper, public bulletins, direct mail to abutting property owners, website postings) that are done at least 15 days in advance of proceedings.

M. Moser asked Mary Cohen (Housing Trust's Director) to address some of the concerns being asked. She also introduced the attending professionals assigned to the Project. M. Cohen noted that only 33% of the Trust's current tenants own vehicles. She stated that leaks from vehicles are not tolerated. Apartment Applicants have to meet the Trust's requirements, go through a detailed screening and review. Engineer P. Griffin stated the structure's location and access had been designed to Vtrans standards and have the Agency's approval. Matt Moore stated that the Project was funded through federal grants, bank loans, Evernorth's and other private investments; not at a cost to the Town. Like any business, the Investors are responsible to pay their operation expenses, including property taxes and sewer/water use.

L. Grandchamp asked why the building could not have a wider "footprint" in exchange for its proposed height; even if this resulted in fewer apartments, or perhaps have several smaller projects? M. Moore stated that scattered housing is much more expensive to construct and maintain. From its experience, Evernorth knows that a project has to have between 24 to 30 apartments to be economically viable. The Site's limitations did not provide enough room for a larger floorplan.

M. Moser ask for any questions from DRB members.

J. Wallace asked M. Moore what "strings" were attached to the federal grants involved; and if/when the federal government can dictate what tenants could take occupancy. M. Moore replied that grants typically come with conditions, referencing examples such as Environmental Impact reviews, the Davis-Bacon Act (fair wages paid to project construction workers), Historic Preservation (the Project's existing structure's are no longer listed), Fair Housing and Human Rights Laws, and Tax Credits given in exchange for reduced rental rates.

Ron Viggue jr. stated he had changed his opinion and was now in Favor of the Project.

M. Moser announced it was time to move on to the two outstanding issues identified in the July 3, 2023 Hearing. He asked the Applicants for follow up information on storm water and building height.

**STORM WATER:** Engineer P. Griffin submitted a revised Site Plan (titled Marble Village Apartments , Proposed Site Plan C-2, Project 2145.1, revised 7/18/2023 –Rain Garden) which added additional drainage detail (entered into testimony as Attachment 2). This design included a swale style rain garden capable of treating 7300 sq. ft. of surface (which is larger than the planned parking area), or 90% of the water anticipated in a typical storm event. This design would sequester 85% of the typical phosphorous run-off. Matt Moore noted that the initial Project had already been deemed compliant with VT requirements.

**BUILDING HEIGHT:** Architect Nick Wood submitted the proposed building's elevation drawings (Attachment 3) with the initial design, with a 45% portion of the roof having a 7:12 pitch, supporting a (flush) array of solar generation panels on its southern slope, and a total (ridge) height of 49+/- feet. The remaining (55%, not including entrance canopies) of this roof system would be flat with a (conforming) 40 ft. height. The application requests a height waiver ft. for the pitched roof portion of the structure.

N. Wood also submitted an alternate elevation drawing (Attachment ~~4~~<sup>5</sup>) which showed the entire building to have a flat roof profile. The roof-top mechanical systems and rack-mounted solar generation panels (located in the same area as the pitched roof) would be screened behind a four to six foot high parapet (conforming 40 ft. ht.). J. Terwilliger noted that the maximum structure height would be (both) under 50 feet and the maximum 10 ft. wavier allowable.

P. Gilman re-stated his opinion that the height was out of character with the neighborhood and other existing structures.

M. Moser asked for any additional questions or comments on the proposed structure's height. Hearing none, he asked for a Motion to close the Hearing to testimony, with the option to invite the Zoning Administrator and certain Applicants to remain available to answer questions, if necessary. J. Wallace so Moved to close the Hearing and go into Deliberative Session for this application. All approved and Motion passed.

Following a long deliberation, T. Ponto made a Motion to continue the Deliberative Session until 6:30 pm on Monday 7/24/2023 at Town Office; and end the Meeting. All approved and Motion passed. Meeting adjourned until 7/24<sup>th</sup> at 9:55 pm.

Respectfully submitted by: Jeffrey Biasuzzi

APPROVED: \_\_\_\_\_

RECORDER NOTE: ATTACHMENTS REFERENCED ARE TOO LARGE  
TO SCAN TO WEBSITE, BUT MAY BE VIEWED IN TOWN OFFICE.

DATE: 7/19/23 AMP DEVIZ. REVIEW BIA LOCATION: TOWN OFFICE Time: 7:00  
35 MARBLE ST

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
John Center	1431 PLEASANT ST W. RUTLAND
Sean Barrows	42 Skyline Dr.
Chris Moore	63 Clarendon Ave
Tom Burditt	1118 Clarendon Ave
Patrick Griffin	pgriffin@ekpvt.com
Jean Terwilliger	jean@vermontinfogradedarchitecture.ca
DAN CAPUTO	dcaputo@housingrutland.org
Belinda Briggs	473 main st
Andre Councelle	473 Main St
Paul Vignuzzi	495 Main St.
Elizabeth Socinski	Po Box 341 West Rutland
Sylvia Socinski	11
Debbie Mearns	470 main St
Paul G. Gilman	470 Main St. <a href="mailto:pgilman57@MSN.com">pgilman57@MSN.com</a>
Mary Lynn	<a href="mailto:mystylynn1212@gmail.com">mystylynn1212@gmail.com</a>
David Tesko	
Mary Con	<a href="mailto:mcohn@housingrutland.org">mcohn@housingrutland.org</a>

Matt Moore

Nathan Wood

Evernorth, 100 Bank St., Burlington, VT

Vt, Maple St, Middlebury VT