

TOWN OF RUTLAND
PLANNING COMMISSION
MINUTES
5-7-15

Meeting open at 7:00 PM

Commissioners Present:

Howard Burgess, Andrew McKane, Dana Peterson, Jerry Stearns, Raymond Leonard, Barbara Pulling and Norman Cohen

Alternates: Frederick Nicholson, Alan Biederman

The meeting opened at 7:00 P.M.

Mr. McKane welcomed Ms. Pulling and Mr. Cohen to the Planning Commission.

Mr. Ed Bove, Executive Director of the Rutland Regional Planning Commission, met with Commissioners and reviewed the Town Land Use Map. Mr. Bove said his goal is to have more consistency between abutting land use districts.

Commissioners reviewed:

Three abutting parcels of land located off US RT 4 East. The parcels are designated; R40 C, Conservation and Agricultural.

Town Administrator Mr. Joseph Zingale Jr., cited the fact that according to the Town Plan, parcels designated as R40 C have access to public water and sewer services.

He said only one of the parcel has easy access to public sewer service. He said another parcel may have access to the public water system.

Mr. Cohen questioned whether the land can support on site sewer service. Mr. Burgess said the 67 acre R40 C parcel should not have any commercial uses.

Mr. Bove cited the fact that the parcel designated as R40 C is located behind a residential subdivision. He said all commercial traffic would have to go through the subdivision to reach the R40 C parcel.

Mr. McKane said the R40 C parcel should be changed to R40 A. Mr. Burgess cited the fact the parcel is about 60% forested. Mr. Stearns cited the 15% slope at the top of the parcel and said the lot could not have a town road if 15% or greater.

Mr. Bove said the adjacent parcel is the only parcel in the Town that is designated as R40 B. Mr. Zingale said the parcel in question has access to both the Alpine pipe line for sewer service and Rutland City water, which extends to Prior Drive.

Mr. Bove said the Commissioners should combine the R40 B & Affordable Housing districts. He said both designations are trying to achieve the same thing. Mr. McKane said the Commission should consider changing the Affordable Housing designated parcel to R40 B.

Mr. Cohen questioned if the Town would be prohibiting Affordable Housing if the parcel designated Affordable Housing is changed to R40 B. He question if R40A or R40 B would allow Affordable Housing. Mr. Bove said just because the district name changes it doesn't mean Affordable Housing is no longer allowed.

Mr. Cohen questioned if there is a difference between Affordable Housing and Low-income Housing. Mr. Bove said he believes that both the R40 B or Affordable Housing districts satisfy the Town's requirement to provide for Affordable Housing.

Mr. Biederman said Affordable Housing would not be a permitted use if there are other districts that allow for high density use. He said if it is included in one place and is not included in another, then it would not be allowed in the district where it is not included.

Mr. Biederman said Affordable Housing is not a land use. He said it is an income based use. He said Affordable Housing could be added to the R40 B District as a permitted use based on density. Commissioners were in agreement.

Commissioners reviewed various land use districts on the east side of Town. Commissioners discussed the approved and pending solar proposals for the Cold River Road area of Town.

Mr. Burgess said the Commission needs to be really careful in designating parcels for commercial and industrial development because such designations will attract solar development. He said the land along the Cold River Road is better suited for agricultural or residential use.

Mr. Peterson said the Commission needs to consider whether to change the Commercial / Industrial designation which is adjacent to residential land, located off the Cold River Road. Mr. Peterson said the Commission needs to ensure the designation is suited to the purpose. He said the Commission should visit the southern end of Cold River Road when doing the planned site visit.

Mr. Bove reminded Commissioners that they had previously discussed adding some commercial uses in the Agricultural District.

Commissioners discussed whether to change all of the residential home lots, along the Cold River Road, from Commercial / Industrial designations to Residential A.

Mr. Cohen question if the reason for updating the Land use map is to then begin work on zoning. Mr. Zingale said that is the direction from the Select Board, to update the land Use Map and then begin on a zoning document.

Mr. Biederman said the Commission could work on Zoning and the Town Plan map at the same time. He said the Town Plan Land Use map and a Zoning map do not need to be identical. Mr. Biederman said zoning implements the Town Plan and that the Town Plan is advisory.

Mr. Biederman said with zoning regulations the Town could have a more generalized Town Plan. Commissioners discussed why past zoning proposals were not adopted.

Mr. Cohen said many individuals felt the last zoning proposal was too lengthy and was over regulation. Mr. Cohen said the simpler the Town Plan the easier it will be to build a zoning ordinance.

Mr. Bove questioned why the Town wants to adopt zoning regulations when the town is largely developed. Mr. Zingale cited the possibility of redevelopment of land in Town as a reason for zoning regulations.

Mr. Bove said it appears the Town is trying to control form rather than use with zoning regulations. Mr. Zingale said 30 years ago the Select Board wanted zoning in order to get from under Act 250 jurisdiction for parcels of land less than 10 acres in size.

He said the Board believed zoning would foster more growth at less expense to the developer, since they would only have to deal with the Town and not Act 250.

Commissioners discussed the pros and cons of adopting zoning regulations. Mr. Biederman said there are other devices available other than zoning to regulate land use. He said too many towns try to regulate everything that happens on a lot, such as the color of the building.

Mr. Biederman said the Commission should decide what it wants to accomplish. He said simplifying that land Use map is a good thing to do. Mr. Burgess informed fellow Commissioners that in the 1990's a previous Commission developed a Land Use Map based on the landowners' preference. He said landowners chose either Commercial or Commercial Industrial to get the highest

and most use of their properties. Mr. Burgess said the Commission is trying to fix what has been done.

Mr. Cohen questioned if there are stated purposes in the Town Plan which the Commission is trying to implement or whether the Commission is working backward from something we think is terribly inappropriate.

Mr. Cohen questioned if the Commission has a stated goal and objective in mind as it implements the changes discussed in the review of the Town land Use map. Mr. Cohen said he does not share the view that it is too late to adopt zoning regulations. He said there is a lot of open and fragile land in town.

Mr. Peterson said the Commission is trying to bring into alignment several documents that would create a more coherent vision

Mr. Peterson moved to adjourn the meeting. Mr. Matteson made a second to the motion. The motion passed unanimously.

Andrew McKane, Chairman