

TOWN OF RUTLAND
PLANNING COMMISSION
MINUTES
7-16-15

Meeting open at 7:00 PM

Commissioners Present:

Howard Burgess, Andrew McKane, Dana Peterson, Barbara Pulling, Norman Cohen, Jerry Stearns and alternates Alan Biederman and Fred Nicholson

The meeting opened at 7:00 P.M.

The Commissioners reviewed the June 18, 2015 minutes. Mr. Peterson moved to approve the minutes as amended. Mr. Burgess made a second to the motion. The motion passed unanimously.

Mr. Ed Dumas met with the Commission regarding a proposed three lot subdivision. Mr. Dumas presented a map and answered questions raised by Commissioners. Mr. Dumas told Commissioners he is proposing to subdivide a 29 acre lot into three parcels.

He said his son would develop one lot and the other two would remain undeveloped.

Commissioners, Mr. Dumas and Town Administrator Mr. Joseph Zingale spent a good deal of time discussing whether any or all of Mr. Dumas' lot is a Town School Lease lot. It was decided that the Commission would have the Town attorney research the Dumas deed in order to determine whether the Commission can subdivide the leased lot.

Mr. Nicholson suggested that the Planning Commission find out the procedure to sell the Town owned School Lease lots to the individuals that are living on the leased parcels.

Mr. Cohen question if the Town should have the Town attorney research the Dumas considering Mr. Dumas has not submitted his sketch plan application for consideration.

Mr. Cohen moved that the Planning Commission engage counsel to investigate the issue of whether the Commission is empowered to grant subdivision permits on the so-called leased land or Glebe lands owned by the Town of Rutland. Mr. Peterson made a second to the motion. The motion passed unanimously.

Commissioners discussed Mr. Cohen's motion. Mr. Cohen made a motion to withdraw his motion. Mr. Peterson made a second to the motion. The motion passed unanimously.

Mr. Cohen made a motion to ask Town counsel whether the Commission can grant authority to subdivide school lease land to a lease holder and what the Select Board must do to convey title to leased property. Mr. Peterson made a second to the motion. The motion passed unanimously.

Mr. Ed Bove, Executive Director of the Rutland Regional Planning Commission, met with Commissioners and reviewed the Town Plan Land Use map.

Mr. Peterson told Commissioners that he and Mr. Cohen had done a site visit to the Cold River Road / Windcrest Road section of Town. Mr. Peterson said he and Mr. Cohen also walked along the railroad tracks north of Windcrest Road.

Mr. Peterson said they walked several developed parcels of land as well as the undeveloped land designated as Commercial/Industrial. Mr. Peterson said he and Mr. Cohen also viewed and discussed the residential properties, which are along Cold River Road and designated as Commercial/Industrial on the Town Plan Land Use map.

Mr. Cohen questioned why the land south of the Quality Lane REDC parcel, which is designated conservation, is also not also conservation.

Mr. Bove said previously the Commission discussed changing the parcel in question to either R40 A or Agricultural/Forest. Mr. Stearns said the REDC wetland may not stop at the property line and that the land to the south should also be designated as conservation.

Mr. Cohen said he did not see any wetlands on the parcel in question when he and Mr. Peterson walked the area. Mr. Peterson said the area is heavily wooded and that it was difficult to see the interior.

Ms. Pulling inquired regarding the status of a proposed second solar project for the Cold River Road area. Mr. Zingale said the proposed project would be on the land the Commission is considering changing from Commercial/Industrial to something different.

Mr. Zingale cited the fact that the designation of the land would not matter since solar projects do not need an Act 250 permit and that the PSB does not consider Town Plan land use compliance when considering an application.

Mr. Alan Biederman said individuals have issues with solar projects because of the effect on view. He said the Commission is really dealing with protecting the view. Mr. Biederman cited the view Messrs. Cohen & Peterson would have seen as they walked along the Cold River Road. He said the area is still pastoral and very nice and really is not industrial.

He said the Commission is using the wrong tool to try to prevent certain things from happening in certain areas. He said Land Use designation is not the correct tool.

Mr. Biederman said the Commission should classify property as to what its use ought to be and then deal with view issues through a scenic preservation approach.

He said the scenic preservation approach would apply everywhere in town to all buildings that are in areas, where the Town wants to protect the view. Mr. Peterson said he agrees with Mr. Biederman and said the Commission needs to add language to the Town Plan.

Mr. Peterson said some of the proposed solar field locations would not be in harmony with the values sought by the Commission and Town residents. Mr. Peterson questioned fellow commissions as to whether the land along the west side of the Cold River Road from the Stratton Road intersection south to the Clarendon line should be changed from Commercial/Industrial to something else.

Mr. Stearns said it defiantly should not be designated as Industrial. Mr. McKane said the Commission choices are: Conservation, R40A or Agricultural/Forest. Commissioners discussed the pros and cons of changing the land use designation along the west side of the Cold River Road.

Ms. Pulling moved to change the land use designation along the west side of the Cold River Road to Agricultural/Forestry. Mr. Peterson made a second to the motion. Mr. Bove passed out language for a possible "Working Land" land use designation.

Mr. Bove said the "Working Land" designation would replace the "Agricultural" district currently in the Town Plan. Mr. Bove said all of the previous "Agricultural" uses would be allowed as well as some called out specific uses that are more commercial in nature.

Mr. Bove said to date the Commission has combined the R40 B & Affordable housing designations into one new designation. Commissioners discussed the motion before the Commission. Mr. McKane called for the vote. The motion passed unanimously.

Commissioners discussed whether to change the land use designations of the homes along the south side of the Cold River Road. Mr. Bove said some of the parcels are designated as "Commercial/Industrial" and other are designated as "Commercial".

Mr. Stearns made a motion to change the residential properties to R40 A, to make them more consistent with the other residential properties in the area. Mr. Peterson made a second to the motion.

Mr. Cohen cited the fact that all of the homes subject to the motion are less than the minimum 40,000 square foot lot size required for the R40 A district. Mr. Bove cited the fact that the properties are presently in the Commercial/Industrial district which requires a minimum lot size of 80,000 square feet if there is no municipal water and sewer service. He said to switch the parcels to R40 A would make them more in compliance than their present status.

Mr. McKane called for the vote. The motion passed unanimously.

Commissioners discussed whether to change the land use designation of the Foley land located off US Route 3. Mr. McKane said he sees no problem leaving the land in the R40 C designation.

Mr. Biederman explained the how the various scenic view designations, which he has proposed, would protect the Town from future uses that would impact the various view shed areas. He encouraged the Commission to adopt the proposed Town Plan amendment as soon as possible.

Commissioners discussed a proposed solar project to be located on Post Road Extension. Mr. Nicholson said the project will be six panels connected to batteries to see how well the solar panels will trickle charge the batteries. He said the panels would be removed after one year.

Mr. Burgess moved to close the meeting. Mr. Peterson made a second to the motion. The motion passed unanimously.

Andrew McKane, Chairman
8-20-15

