



DEVELOPMENT REVIEW BOARD MINUTES

WEDNESDAY, MAY 4, 2022 @ 6:00 PM
RUTLAND CITY HALL, ALDERMEN'S CHAMBERS

ATTENDANCE

DRB MEMBERS PRESENT:

Michael McClallen, Chair
Stephanie Lorentz
Al Paul
Steve Wilk

STAFF PRESENT:

Andrew Strniste, Zoning Administrator

16 MOON BROOK DRIVE ATTENDEES:

Kevin Browne, Applicant (16 Moon Brook Dr)
Michelle Browne, Applicant (16 Moon Brook)
Unknown, Applicant Contractor (Unknown)

4 PARKERS RUN ATTENDEES:

Katrina Parker, Applicant (4 Parkers Run)
Mike Parker, Landowner (2 Parkers Run)

233 DORR DRIVE:

Gary Bouchard, Applicant (233 Dorr Drive)

101 & 103 GROVE STREET:

Jennifer Yakunovich, Applicant (101 & 103
Grove Street)
Avaloy Lanning, Applicant (101 & 103 Grove
Street)
Elisabeth Kulas, Applicant (101 & 103 Grove
Street)

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- Members of the Rutland City Development Review Board convened in the Aldermen's Chambers at Rutland City Hall @ 52 Washington Street around 5:55 PM.
 - No general public was in attendance to provide public comment before the evening's hearings. Due to miscommunication, the Applicants for 16 Moon Brook Drive were not in attendance at 6:00 PM for their hearing.
 - With the Applicants absence, Chair Michael McClallen rearranged the evenings agenda and moved Other Business to the front of the agenda, ahead of the 16 Moon Brook Drive Hearing.

OTHER BUSINESS

6:55 PM

[6:05] Staff Member Strniste provided the Board an overview of the May 18 and June 1 meetings. The May 18 agenda is currently scheduled to have hearings relating to the following properties: 12 Engrem Avenue (converting a two-family dwelling into an office); 159 & 159A Forest Street (two-lot subdivision); and 297 & 298 West Street and 41 Meadow Street (construction of a bridge in a floodway). The June 1 agenda is tentatively schedule to have hearings relating to the following properties: 142 & 144 Grove Street (amendment to a previously approved variance to allow for additional employees); 67 Dorr Drive (accessory use (residential and education/training services) to a conditional use (places of religious worship)); and 80 School Street (establishment of a dog boarding facility). Staff Member

Strniste informed the Board that one of the hearings for the June 1 agenda could potentially be moved to the June 15 agenda.

- [6:10] Staff Member Strniste then inquired with the Board about a previously reviewed approved application relating to 272-279 West Street (Applicant, Jason Gagnon). Staff Member Strniste informed the Board that Mr. Gagnon wished to place a storage container with fencing on the northern property, as well as construct a roof from the storage container to an already existing wall. The Board advised that Mr. Gagnon would need to amend the application with the Board given the scale of the project. In addition, should Mr. Gagnon wish to add an addition onto the building at 274 West Street (south of West Street), Board review would also be required. The Board also informed Staff that in place of the proposed railroad ties (proposed by Mr. Gagnon), he should look to use another form of a barrier, such as wood, cement or vinyl planters. Railroad ties would be allowed for the purposed of separating the U-Haul parking area and the business establishment. The Board continued to wait for the 16 Moon Brook Drive applicants to arrive for the evening's hearing.

PUBLIC HEARING – SITE PLAN REVIEW (16 MOON BROOK DRIVE)

6:22 PM

APPLICANT: KEVIN & MICHELLE BROWNE

LANDOWNER: KEVIN & MICHELLE BROWNE

ZONING DISTRICT: SINGLE-FAMILY RESIDENTIAL (SFR)

- [6:22] Chair M. McClallen called the meeting to order. Staff Member Strniste was able to make contact with the Applicants who advised that they would be able to attend later that evening. With no applicants in attendance, as well as with no other public attendees, Chair M. McClallen continued the hearing to date and time certain: 7:45 PM on May 4, 2022 (later that evening) in the Aldermen's Chambers, presumably after the evening's other three hearings. The hearing was adjourned.

PUBLIC HEARING – CONDITIONAL USE REVIEW (4 PARKERS RUN)

6:30 PM

APPLICANT: KATRINA PARKER

LANDOWNER: MICHAEL & KATRINA PARKER

ZONING DISTRICT: SINGLE-FAMILY RESIDENTIAL (SFR)

- [6:30] Chair Michael McClallen called the hearing to order and provided an overview of the hearing procedures. He then swore in all those who were in attendance wishing to provide testimony during the evening's public hearing.
- [6:31] Applicant, Katrina Parker, informed the Board that she is a certified aromatherapist and in the midst of getting certified. Upon commencing with her practice, she will be hiring a reflexologist, a masseuse and an esthetician. Applicant Parker informed the Board that she recently received approval from Staff to pursue the endeavor as a home business; however, this arrangement is not ideal since she is required to live at the facility. Staff Member Strniste explained that Applicant Parker received approval for the home business, and is intending to merge 4 Parker Run with 2 Parker Run in the future. The result of that merger would in effect make the facility at 4 Parker Run an accessory structure (assuming that a component of the dwelling unit is removed). In accordance with the City's zoning regulations, a home business in an accessory structure is allowed and does not require a

landowner to live in the same building. Applicant Parker explained that due to active litigation she is unable to merge the 2 & 4 Parker Run properties at this time, but intends to do so once litigation is over. Board Member Lorentz opined that should litigation go awry, there were no assurances that the property would be merged. Applicant Parker provided a better explanation of her and her relationship with both the 2 and 4 Parkers Run properties (disclosing that 2 Parkers Run is owned by her parents), and that she is intending to purchase 2 Parkers Run from her parents. When asked why she was unable to merge 2 & 4 Parkers Run at this time, Applicant Parker responded that her attorney advised her not to merge the properties at this time; however, she is expecting the merger to occur sometime in 2023. Board Member Lorentz advised that she was unaware of how to tie the merger to the permit.

- [6:39] Applicant Parker informed the Board that her living at the facility, and continuing with the endeavor as a home business, was not feasible, as she has pets and the practice was occurring at her residence. She continued to explain that the endeavor will be appointment only. When asked by Board Member Paul, Applicant Parker advised that she has not yet hired the other employees, as she wanted to find out the result of the hearing first. Applicant Parker reconfirmed that there would be four employees. Both Katrina and Mike Parker provided the dimensions of the of facility (approximately 22 ft. by 36 ft.) and that the area being used would be approximately 2,000 sq. ft., which largely excludes the downstairs garage area. Board Member Paul informed the Applicant that the Department of Public Works is requesting a Water & Sewer Allocation Permit Application. Applicant Parker confirmed that there would only be interior renovations – where the kitchen would be renovated into a patient room with a glass wall being erected.
- [6:44] Chair M. McClallen inquired as to how many clients are to be expected on a daily basis. Applicant Parker then informed the Board that she not expecting to have more than two patients a day, and that she hopes to have patients two days a week (with teleconference meetings on other days) and striving to be closed on Mondays and Sunday, with a half day on Saturday. Tentatively, the hours are expected to be between 9:00 AM or 10:00 AM to 6:00 PM. The masseuse could potentially have hours that run later due to the nature of the craft/position; however, since Applicant Parker will be living next door to the subject facility, she does not want clientele to be visiting at all hours of the day. She then advised that there was plenty of parking and that she intends to add additional square footage to the parking area at the recommendation of the contractor. Mike Parker, landowner, informed the Board that with the three-car garage, that there is likely to be seven to eight parking spaces total; however, Applicant Parker is not anticipating that all of those parking spaces would be utilized at one time. Chair M. McClallen clarified with the Applicant that there would be a maximum of four employees at one time, including herself; however, all of the employees would be on their own schedule, and that the likelihood that all four employees would be at the facility at the same time on a frequent basis would be low. Board Member Lorentz inquired about signage; Applicant Parker advised that she is intending to have a 4 ft. x 4 ft. sign. In response to Board Member Lorentz's questions, Applicant Parker reconfirmed that there would only be interior changes, and then advised about outdoor lighting.
- [6:49] The Board had no other remaining questions, nor did the Applicant and Landowner have additional testimony. Chair M. McClallen adjourned the hearing and provided an overview of the process going forward.

PUBLIC HEARING – SITE PLAN REVIEW (16 MOON BROOK DRIVE)

6:50 PM

APPLICANT: KEVIN & MICHELLE BROWNE

LANDOWNER: KEVIN & MICHELLE BROWNE

ZONING DISTRICT: SINGLE-FAMILY RESIDENTIAL (SFR)

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- [6:50] Chair M. McClallen recalled the first hearing from the evening's agenda relating to 16 Moon Brook Drive. While originally rescheduled to 7:45 PM that evening, he stated for the record that no public/abutting neighbors attended up for the originally scheduled hearing at 6:00 PM, and therefore, moving the hearing to 6:50 PM would not result in anyone missing the hearing since no one was in attendance to know the hearing was rescheduled. Chair. M. McClallen called the hearing to order and provided an overview of the hearing procedures. He then swore in all those who were in attendance wishing to provide testimony during the evening's public hearing.
- [6:52] The Applicants' Representative informed the Board that they are filing for a setback waiver, specifically for a 16 ft. x 24 ft. garage addition that would encroach into the setback by two feet. A three-foot walkway will be constructed alongside the garage to allow users access to the back of the property, as well as provide access to the oil-fill adapters. A retaining wall will be constructed; however, there is no expected erosion or increase in stormwater runoff that will result from that retaining wall. The Applicants will provide a drainage pipe underneath the ground and drain the stormwater to the back of the property. In response to Chair M. McClallen's question, the Applicants' Representative advised that the siding will be identical to the existing residence's – gray vinyl siding, with the roof being the same as well. The Applicants clarified the location of the proposed garage addition, as well as the proposed dimensions. As provided, the addition will be 16 ft. by 24 ft., setback slightly from the front building line of the original garage with a 3 ft. wide walkway to the north around the garage. Board Member Wilk noted that there were no neighbors in attendance and that the Department of Public Works provided comments that the curb cut is not to increase in size. The Applicants informed the Board that the driveway already exceeds the width of the garage, and therefore, they are not planning to increase the size of the existing driveway.
- [7:00] The Board had no other remaining questions, nor did the Applicant and Landowner have additional testimony. Chair M. McClallen adjourned the hearing and provided an overview of the process going forward.

PUBLIC HEARING – CONDITIONAL USE REVIEW (233 DORR DRIVE)

7:01 PM

APPLICANT: GARY L BOUCHARD

LANDOWNER: GARY L & JOYCE BOUCHARD

ZONING DISTRICT: SINGLE-FAMILY RESIDENTIAL (SFR)

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- [7:01] Chair M. McClallen called the hearing to order and provided an overview of the hearing procedures. He then swore in all those who were in attendance wishing to provide testimony during the evening's public hearing.
- [7:03] Applicant, Gary Bouchard, advised that he was looking to add a third dwelling unit. He informed the Board that he put a 24 ft. x 32 ft. addition on the house a number of years ago, with the downstairs area being used as an apartment for his parents and the upstairs area being used a production area for his home business. Now being retired, he is looking to

convert the upstairs area into a third dwelling unit. Board Member Lorentz inquired about the downstairs apartment; Applicant Bouchard responded that the downstairs apartment is still be used as an apartment, and while there are two bedrooms in that apartment, they advertise the unit as a one bedroom. He then responded that the proposed upstairs apartment will be a studio apartment that contains a “half” wall that separates the bedroom from the living area. Applicant Bouchard continued, stating that he intends to change one window so that it provides suitable egress. Board Member Lorentz inquired about access to the proposed apartment, which will be from a staircase on the outside of the building. Chair M. McClallen inquired about the area designated as storage on the floorplan, as well as inquired about trash storage areas. Applicant Bouchard replied that the storage area was mainly used for his trailer, and not really storage. Trash containers will be provided for the tenants. Board Members Lorentz and McClallen inquired about the area denoted as “closed off area,” as well as exterior lighting. Applicant Bouchard informed the Board that he would be adding interior electrical circuits and lighting, and that solar motion sensor lights will be added outside. The stairwell is to be lit with an exterior light switch on the inside of the apartment. Board Member Lorentz confirmed that the stairwell will be covered. Applicant Bouchard informed the Board that a heat pump will be installed in the unit and that heat will also be provided to the apartment by means of an on-site furnace.

[7:09] Chair M. McClallen informed the Applicant that the Department of Public Works requires the submission of a Sewer & Water Allocation Permit Application. Chair M. McClallen confirmed with the Applicant that he limits the downstairs apartment even though it is a two bedroom, and asked if the Applicant would be doing the same with the proposed studio apartment. The Applicant confirmed that the downstairs apartment is advertised for two people at the most, and that the intent is the same with the upstairs unit. Chair M. McClallen inquired about parking. The Applicant informed the Board that there was plenty of space for parking, though he was looking to expand parking by 10 ft. behind the residence. The previous tenant had two cars; the area could fit two additional cars.

[7:11] The Board had no other remaining questions. The Applicant advised that the project was straight forward and that the neighbors would not notice. Chair M. McClallen asked the Applicant if he had ever received complaints relating to the current configuration; the Applicant answered no. Chair M. McClallen adjourned the hearing and provided an overview of the process going forward.

PUBLIC HEARING – CONDITIONAL USE REVIEW (101 & 103 GROVE STREET)

7:30 PM

APPLICANT: N.S.C.

LANDOWNER: R.B.W.S.

ZONING DISTRICT: MIXED RESIDENTIAL DISTRICT 1 (MR-1)

[7:30] Prior to commencing with the hearing, Chair M. McClallen informed the Applicants that due to being short-staffed, the Planning & Zoning Department was unable to confirm whether anticipated comments from Mary Fielder submitted to the Board for public comment, thereby establishing interested party status. In discussing the matter with Staff, Chair M. McClallen advised that the Board would continue the hearing to 5:55 PM on May 18, which would allow Staff to collect the public comment and insert them into the record. If public comment were submitted, then the Applicants would be able to respond, and if no public comment were submitted, then the hearing would be closed.

- [7:34] Chair M. McClallen called the hearing to order and provided an overview of the hearing procedures. He then swore in all those who were in attendance wishing to provide testimony during the evening's public hearing.
- [7:36] Applicant Avaloy Lanning informed the Board that NewStory Center (NSC) had commenced operations at its current location for 40 years ago and provides shelter to survivors of domestic and sexual abuse, human trafficking, and other-like abuses. The facilities at 101 Grove Street (101) served as the entities' office space with an emergency apartment. NSC acquired the property to the north (103), which currently serves entirely as living quarters. NSC recently purchased 92 Grove Street (92), and as a result, the offices will be moved from 101 to 92. 101 will essentially be renovated and converted to additional living quarters. NSC prefers to keep a single survivor with his or her family in a room; however, there are shared bathroom arrangements in some circumstances. NSC advised that when 103 is full, they were utilizing hotels; however, the conversion of 101 will eliminate their need for hotels, thereby better serving the survivors. Applicant Lanning informed the Board that the garage at 103 will be demolished and the area will be turned to green space, which will be additional and continuous green space from 101 to 103. Board Member Lorentz inquired about fencing; Applicant Lanning informed the Board that 103 is fenced, while only the parking lot at 101 is fenced – currently for staff parking.
- [7:39] Chair M. McClallen asked a clarification question regarding parking, and whether parking will be moved to 92. Applicant Lanning confirmed that parking will be moved to 92. Board Member Lorentz asked if the two buildings, 101 & 103, would be connected and whether there would be six individual units. Applicant and Project Manager, Elisabeth Kulas confirmed that there would not be a connection between the buildings, and that the units are not six separate apartments. Applicant Kulas clarified for the Board that 101, upon completion, would include seven bedrooms, three kitchens (one per floor), five bathrooms and an emergency apartment. The intent is to serve six households. Applicant Kulas then explained that NSC is looking to maintain flexibility around the living arrangements, which would depend on the family size. Nevertheless, with multiple entry points that could be closed off into separate or joint bathrooms/bedrooms, the connecting number of rooms could vary depending on each family's arrangement/circumstance. When asked about the capacity of each building, the Applicants were unable to answer due to NSC's variability; however, the Applicants did inform the Board that they do not ask survivors to share rooms, and survivors may or may not bring children. The 103 building would be full at six survivors; however, there could potentially be a total of 15 children (if not more) depending on the family size – noting that families with younger children may be combined with the mother while families with older children may be separated into different rooms. Board Member Lorentz asked how long a typical stay by a survivor would be; Applicant Lanning advised that ideally, a stay would not exceed 90 days, and typically, before COVID, a stay would on average 30 to 45 days. With COVID, and now afterwards with a shortage of housing, the stay could potentially exceed 90 days; however, not by very long. NSC strives to make a stay not long and that they also provide the survivors help with finding housing and filling out applications.
- [7:50] Board Member Lorentz inquired about fulltime staffing. Applicant Lanning advised that there was no staff living at the shelter; however, staff is available via a hotline 24 hours/7 days a week. Applicant Kulas advised that there is an office at 103 for an on-site manage fulltime.

- [7:55] Chair M. McClallen informed the Applicants that the Department of Public Works requires a Sewer & Water Allocation Permit Application. The Applicants advised that they are intending to do so, as well as submitting a building permit application. Board Member Lorentz asked about previous permitting for the property. Applicant Kulas informed the Board that they are looking to clean up the permitting with the property, and that the application was intentionally advertised as 101 & 103. Applicant Lanning informed that there was a lack of historical documents that they had relating to the property.
- [7:59] The Board had no other remaining questions. Chair M. McClallen advised that the hearing was adjourned subject to comments submitted by Mary Fielder, which must have been delivered to the Building & Zoning Office's mailbox that day (May 4, 2022), which Staff would check the mail first thing in the morning (May 5, 2022). In the event comments were submitted, they would be forward to the Applicants and given the opportunity to respond on May 18, 2022 at 7:20 PM. In the event comments were not submitted, the hearing will be deemed adjourn, effective 7:59 PM on Wednesday, May 4, 2022.

OTHER BUSINESS

8:01 PM

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- [8:01] Staff Member Strniste asked a clarification question relating to Jason Gagnon's project proposal at 274 West Street.
- [8:03] The Board adjourned the evening's meeting.
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Respectfully Submitted by Andrew Strniste, Planning & Zoning Administrator