



DEVELOPMENT REVIEW BOARD MINUTES

WEDNESDAY, DECEMBER 1, 2021 @ 6:00 PM
RUTLAND CITY HALL, DOWNSTAIRS CONFERENCE ROOM

ATTENDANCE

DRB MEMBERS PRESENT:

Michael McClallen, Chair
Al Paul
Jim Pell

STAFF PRESENT:

Andrew Strniste, Zoning Administrator

Michael Brookman, Asst. Building Inspector

274 WEST STREET ATTENDEES:

Jason Gagnon, Applicant (274 West Street)
William Davis, Applicant (274 West Street)
Bob Kirbach, Landowner (274 West Street)
Joseph Zinagle, Neighbor (10 Meadow Street)

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- Members of the Rutland City Development Review Board convened in the Downstairs Conference Room at Rutland City Hall @ 52 Washington Street around 5:55 PM.
 - Chair Michael McClallen called the meeting to order at 6:01 PM. No general public was in attendance to provide public comment.

PUBLIC HEARING – CONDITIONAL USE REVIEW (272, 273, 274, 276, 277 & 278 WEST STREET) 6:01 PM

APPLICANT: JASON GAGNON/JAGS AUTO

LANDOWNER: YOUNG'S SPRING INC.

ZONING DISTRICT: GATEWAY BUSINESS DISTRICT – STATE & WEST STREETS (GB-SWS)

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- [6:01] Chair Michael McClallen called the hearing to order. He then advised that the last time the Applicants were in front of the Board he was instructed to discuss with the Department of Public Works their memorandum issued on October 5. Chair M. McClallen then swore in resident neighbor, Joseph Zinagle.
 - [6:04] Applicant Gagnon informed the Board that he was proposing to eliminate the sale of used cars on the south side of the northern lot along West Street, and that the proposal for the U-Hauls will remain the same – parked against the northern side of the northern lot. He then informed the Board that he is proposing to put gravel down in the spring on the southern property and park a maximum of 10 cars on the west side of the property, just west and north of the accessory building, which would only be customer-related vehicles. Applicant Gagnon then informed the Board that the two curb cuts serving the property were 15 feet wide; Board Member Paul confirmed with the Applicants that there would be a maximum of six to eight U-Hauls parked on the northern property. Applicant Gagnon stated that he received sign permits from the Building Inspector and that U-Haul rentals were returned to the northern lot.
 - [6:10] Discussion commenced about the Department of Public Works (DPW) memorandum, which Staff Member Strniste confirmed that the Applicants received at the October 6, 2021 Board

hearing and again during the week of October 24, when the Applicant met with Zoning and DPW Staff at City Hall. The Applicant confirmed that the iron-beams are located on private property and that he still needs to move the tires. Chair M. McClallen inquired about the landscaping; Applicant Davis advised that the lawn area at the corner of West Street and Meadow Street will remain the same and that the graveled will be extended to where the proposed parking area is located. Applicant Gagnon informed the Board that if the City wants bushes then the City is going to have to plant them. Landowner Kirbach informed the Board that he took bushes out a few years ago and that DPW had positively acknowledged the removal of those bushes. Chair M. McClallen inquired about the curb cuts; Applicant Gagnon advised that he is not blocking off any curb-cuts and that the DPW is wrong. A discussion ensued about the obtainment of a survey and the West Street right-of-way. The Applicant firmly stated that the West Street right-of-way was centered on the centerline of West Street. Applicant Gagnon then asserted that he is planning on using both 274 West Street and the 1 Meadow Street curb cuts; that he is not planting bushes; and since DPW talked safety, that he would eliminate the used cars along West Street.

[6:18] Chair M. McClallen confirmed with the Applicant that he would not be reducing the 90 ft. curb-cut along West Street. Landowner Kirbach informed the Board that taking away curb cuts make no sense and that it reduces the value of the property. Applicant Davis inquired as to how reducing the curb cut makes the circumstances safer. Applicant Gagnon informed the Board that Staff Member Gillen refused to come to the site to talk to the Applicant, and that, in the Applicant's opinion, the property does not need to be surveyed. Applicant Davis informed the Board that they would be eliminating the impound yard and that they are planning to keep the long curb-cut because that helps alleviate congestion on West Street. Applicant Gagnon advised that the telephone pole actually had curbing in front of it and that they were not planning to obstruct the trunk sewers.

[6:32] Resident neighbor, Joseph Zinagle, was given the opportunity to provide input and made the following comments:

- He had concerns about the placement of vehicles on the west portion of the property and the vehicles potentially being parked in a floodplain;
- The Board should condition approval on paving the accessways due to dust concerns;
- Concerns about air emissions were raised after seeing black smoke coming from the garage during the summer;
- Ensuring that the cars parked along West Street on the south property would not be parked in the sight line;
- Inquired about the hours of operation;
- Advised that not all rights-of-way are centered on the road, and without a survey, there is no way of knowing;
- The application should be rejected and put on hold until a property survey is submitted;
- Obtain from DPW a synopsis of their conversation with the applicant;
- The Vermont Agency of Transportation has a policy to reduce and/or eliminate curb cuts;
- Sometimes properties will not work for all businesses;
- Address the location of solid waste on the property;
- Inquired about a pile of debris that was located on the property at one point; and
- The Board is within its authority to issue a cease-and-desist decision.

[6:41] The Applicants were given the opportunity to respond and advised: that he does not work on totaled vehicles, nor does he do any collusion repair or transmissions; two vehicles fit in the garage; parking will be on gravel surface located 85 ft. from the river bank; the gravel will be placed in the spring and it will be asphalt tailings; the black suit emitting from the garage was due to a furnace that blew up, but they installed a new furnace that day (Chair M. McClallen informed Neighbor Zinagle to contact the City in the event he observed black suit again); there will be no vehicles on the north side of the south lot; that no vehicles will be parked on both sides of West Street; the previous Zoning Administrator informed the Applicants that they could commence operating; hours of operation will be from 8:00 AM to 5:00 PM, Monday thru Friday, and 8:00 AM to 5:00 PM on Saturday (Applicant Gagnon informed the Board that the he is a Triple A driver and that he parks the wrecker on the property, but all vehicles are brought to Applicant Davis' property down the street); solid waste is stored in two 55-gallon drums located inside the garage that he takes off-site when full; that the solid waste drums are not visible since they are inside the garage; a 55-gallon drum is used for anti-freeze, which is removed once a month by a contractor who picks it up on-site; and that used oil is brought Mike Lafran located off-site.

[6:52] No other questions were made by the Board. Chair M. McClallen adjourned the evening's hearing.

OTHER BUSINESS

6:55 PM

[6:55] The Board entered in closed deliberation to discuss the evening's application. No action was taken.

[7:36] The Board adjourned the evening's meeting.

Respectfully Submitted by Andrew Strniste, Planning & Zoning Administrator