

CITY OF RUTLAND, VERMONT
Development Review Board Minutes
Wednesday April 7, 2021
Hearing #1

Development Review Board Members: Stephanie A. Lorentz, Al Paul, Jim Pell, Steve Wilk and Mike McClallen. Members present: Lorentz, McClallen (Chair), Wilk, Paul and Pell.

Also present: Zoning Administrator Tara Kelly.

Due to ongoing COVID concerns, this meeting was held remotely. A full recording of the meeting is available upon request to the Zoning Administrator.

At 6:03 PM Chair McClallen called to order the Public Hearing to consider an application from James DeRosia II of Ferrisburgh, VT. The applicant is seeking a Variance for his property at 74 Traverse Place to allow 5 new buildings to be installed at this location. The buildings would contain 70 self-storage units. The property is zoned as Mixed Residential -1 (MR-1). The proposed use is neither permitted nor conditional within this district. Therefore, a Variance needs to be granted to allow the use. In addition, part of the property has regulated floodplain per FEMA. In order to build within this zone, the project also needs a Conditional Use review, per the City's floodplain regulations, to demonstrate that the first floor of any building located within this zone is at least one foot above the Base Flood Elevation. It should be noted that the property consists of more than one parcel which are proposed to be developed together as one.

In attendance for this hearing to represent the Variance request was James DeRosia II. Three members of the public, John Ruggiero (owner of several properties in the vicinity), Marsha Johnson (71 School Street) and Trevor Smith (representing David Nelson, owner of an adjacent parcel), were also in attendance. Chair McClallen swore in the applicant and members of the public. Additional testimony was submitted to the DRB, in writing, by Joseph Zingale Jr. Mr. Zingale was concerned about the impacts of stormwater runoff and floodplain impingement that could cause increased flooding in the neighborhood to the south of this property.

The following testimony was offered by Mr. DeRosia:

- A sketch plan prepared by Track Building Systems Inc. was provided that showed the location of the proposed units, the dimensions of the buildings, and the floodplain area
- The buildings are proposed to be located outside of the district setbacks
- Per the City Engineer and the State Floodplain Manager, additional plan details are needed in order for stormwater runoff and floodplain impacts to be evaluated
- A response to the 5 Variance criteria was provided by the applicant:
 - Parcel is located adjacent to a pre-existing self-storage unit and is across the street from an Industrial Zoning district. The surrounding uses make this site undesirable for residential development.
 - The high cost of building materials and low property values in this neighborhood make it financially unreasonable to build new residential structures here.

- These conditions have existed for a long time and have contributed to this lot having never been developed.
 - Given that the new use will be in keeping with the use on an adjacent property, it will not change the character of the neighborhood. The use will be low traffic and low impact to the adjacent residential lots.
 - The development will be done in keeping with zoning standards, such as setbacks. Therefore, the Variance requested is the minimum variance need to provide relief of the hardship described above.
- ZA Kelly had informed applicant of neighborhood concerns about runoff and flooding. He will be happy to do additional site work in order to assess those issues.
 - There is no electricity in the buildings. Lighting will be attached to the buildings approximately every 20 feet. The lights will be motion-sensing and solar powered.
 - Hours of operation in terms of access to the units is 24/7. His other self-storage units at the corner of Water and State Streets operate in this manner with no problems.
 - If there is a preference from neighbors and/or the DRB, there could be a chain link fence around the property that has a lock. Renters would have access via a key. However, the current plan does not include a fence. The orientation of the units is designed to allow visual transparency that would reduce break-ins. The applicant would prefer NOT to fence in the property.
 - There will not be an on-site office. All rentals will be arranged on-line / via the phone.
 - There is 20' planned between the units.
 - On the western end of the property there is some floodplain on the lowest part of the property. The applicant has designed the site to keep the majority of the units outside of the floodplain and leave the area undeveloped, except perhaps to manage runoff if that proves necessary.
 - The proposed buildings are 20' x 80' each.
 - On the easterly side of the property, there is 10' space between the proposed building and the property line. The applicant noted this is about the width of a road lane so it should be sufficient for a vehicle to drive there to load and unload.
 - He will verify whether or not there are any wetland issues on this property.
 - Snow would be pushed to the western side of the property or trucked offsite if need be. He will analyze this as part of planning for runoff.
 - The buildings are steel and are lean-to style with a low-pitched roof. He will provide the DRB with images / renderings of the buildings. They are likely to be green, but is amenable to ideas.
 - Lot will be graveled (unpaved).

DRB member Lorentz expressed a concern for neighbors on the south side and west side of the property in term of any nuisances caused by the use. She also suggested that the applicant should ensure there are no wetland areas designated by the State for this area.

DRB member Paul asked if the applicant would consider the size of the development. He said he would amenable to reducing the number of buildings / units, if need be.

Chair McClallen invited members of the public to provide comment or ask questions of the Applicant.

Mr. Ruggiero stated his clear opposition to the proposed project. He owns multiple residential properties in the neighborhood, including three along School Street which abut the back of this property. He feels the proposed use and manner of development will substantially change the character of the neighborhood. He argued that Mr. DeRosia's responses to the five Variance Criteria did not provide sufficient evidence to warrant the issuance of a Variance by the DRB. He noted that financial feasibility is not one of the criteria. He noted that the existing self-storage is a grandfathered use not permitted by current Zoning. Traverse Place and all of School Street are residential. The subject property sits within this context and would be disruptive to the neighborhood if developed as proposed. He further asserted that there are no unusual physical circumstances that prevent the property from being developed in conformance with the existing Zoning district, which contemplates 22 various uses. He stated that the neighborhood is already somewhat marginal and a development such as the proposal would permanently and drastically change the character of the neighborhood.

Mr. Smith supported the questions that had been asked but did not have anything to add.

Ms. Johnson said most of her concerns were addressed by the questions asked. She would definitely want the site to be fenced in. She would want to know that snow, dirt and gravel would not be plowed back onto her property. She also agreed with Mr. Ruggiero that this proposed development would substantially change the character of the residential neighborhood.

Chair McClallen discussed the need for the Applicant to provide additional detail on his plans with regards to floodplain, stormwater runoff, and wetlands as well as additional site work details in order for the DRB to be able to issue a decision. The Applicant agreed and said he would like time to prepare the additional information requested / needed. He said he would need two months to prepare that information. He also asked if Mr. Ruggiero would be willing to share his contact information so he could contact him to better understand his objections. Mr. Ruggiero agreed.

The meeting was ended without adjourning the hearing. The hearing will be continued by the DRB on Wednesday, June 16, 2021 at 6pm.

The hearing ended at 6:52 PM.

Respectfully submitted, Tara Kelly

CITY OF RUTLAND, VERMONT
Development Review Board Minutes
Wednesday April 7, 2021
Hearing #2

Development Review Board Members: Stephanie A. Lorentz, Al Paul, Jim Pell, Steve Wilk and Mike McClallen. Members present: Lorentz, McClallen (Chair), Wilk, Paul and Pell.

Also present: Zoning Administrator Tara Kelly.

Due to ongoing COVID concerns, this meeting was held remotely. A full recording of the meeting is available upon request to the Zoning Administrator.

At 7:00 PM Chair McClallen called to order the Public Hearing to consider an application from the owner of 177 and 179 Woodstock Avenue. The applicant is seeking a zoning approval to add sales of used cars to their existing automotive repair. Brentt and Kenneth Lamb were in attendance to present the proposal. John Ruggiero was present for the hearing, but stated it was only as an observer.

The Lambs presented the following evidence:

- They recently purchased this property to take over the existing automotive repair at 177 Woodstock Avenue and to add used cars to the adjacent lot known as 179 Woodstock Ave.
- The applicants are not proposing any physical changes to the lot. They will be using the existing curb cuts.
- This is an independent operation with 5-10 cars for sale at one time. There are no franchises involved which would require certain changes to the property.
- The building at 177 Woodstock Ave would serve as the office space for the lot.
- The lot at 179 is sometimes used for vehicles that were repaired and are awaiting pickup.
- The hours of operation will be during the same time that the auto repair is open (9-5, Monday through Friday).
- The majority of the sales will occur on-line with people coming to view the vehicles so intense marketing that relies upon drive-by traffic is not necessary. It is acting as more of a holding space for the vehicles than a full sales lot.
- No lighting will be needed beyond the lights on the existing building, though additional lights could be added to the east side of the building if the DRB requires.
- There are no current plans for fencing or paving of the lot.

There were no comments or questions from the public. The hearing was adjourned. Chair McClallen informed the applicants that the DRB has 45 days to issue a decision. Their decision could be appealed within 30 days of the date of the decision.

The hearing ended at 7:17 PM.

Respectfully submitted, Tara Kelly