

CITY OF RUTLAND, VERMONT
Development Review Board Minutes
Wednesday November 18, 2020

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

Due to a conflict between various notices about the time for each hearing, all hearings were postponed until 6:30 in order to allow for full participation by the public.

1st Hearing – 131 Woodstock Avenue

At 6:30 PM Chair McClallen called to order the Public Hearing to consider a Conditional Use application for 131 Woodstock Avenue. Present to represent the application were:

- Justin Belden, representing property owner 131 Woodstock LLC
- Aaron Cope, prospective tenant

Chair McClellan reviewed hearing procedures and then swore in everyone present.

McClellan explained there were some outstanding questions from the last hearing and this one was scheduled in order to resolve those issues and allow for any additional input or evidence to be incorporated into the record.

The hearing began with DRB member Lorentz asking about the access drive onto Temple St. She mentioned concerns about having this commercial property accessing a residential neighborhood which is already impacted by the school traffic whose driveway is across the street from the access drive. Mr. Belden maintained that they are interested in retaining this access point which he said has been in place since the 1930's. He noted the bank on the property to the east of his also has a driveway access onto Temple Street. Mr. Cope pointed out that his specific business would not need to use that access point.

DRB member Pell said he understood the property owner's desire to maintain the access point. He suggested that perhaps some temporary barriers could be used to close the access point while the business tenants do not need to use it.

At 6:38PM, Jeff Campbell of 109 Temple Street joined the hearing. Chair McClellan swore Mr. Campbell in and explained what was happening. Mr. Campbell let the DRB know he had listened to the audio file of the previous hearing he was unable to participate in. He has also reviewed the plans submitted for this application.

The following comments and questions were presented by Mr. Campbell:

- The driveway to Northeast School is very close to the access point for 131 Woodstock Ave onto Temple Street
- The street is frequently used by high school students and others walking to points along Woodstock Avenue, but the sidewalk along Temple Street ends at the entrance to the school which puts the pedestrians onto the street at that point. He stated this can cause a conflict between cars using the driveway of 131 Woodstock Ave and people walking.
- He would not like to see a commercial drive access onto Temple Street that is similar to the one

Sherwin Williams has onto Harrington Ave as it changes the feel of the neighborhood.

Chair McClallen asked Mr. Belden to respond to Mr. Campbell about how his plans for the property might address the concerns raised. Mr. Belden said that he expects the volume of traffic to be low. And, he is considering making the drive a one-way in order to cut down on through traffic cutting across his property. Mr. Belden estimated that 95% of the traffic going through was not related to the property itself. Mr. Campbell agreed that it seemed to be a favorite cut-through for high school students driving to and from school. He also said that during drop off and pick up times (or other special event time) at the Northeast School there is often a line of traffic the forms and it is difficult for drivers to exit the school driveway onto Temple St as a result.

Mr. Cope reiterated that his business has no use for this access point.

Chair McClallen asked if the DRB members had any other questions or if Mr. Belden had anything to add. Mr. Belden stated his company is seeking to improve the property. They want to be good neighbors. They are open to temporary measures and/or making the access point a one-way. He stated that the traffic being generated onsite is low volume and perhaps having tenants will cause the cut-through traffic to reduce.

DRB member Lorentz asked if there are other tenants in the building now. Mr. Belden responded that a graphic design shop has just moved into one of the spaces.

Chair McClallen advised all present as to the decision-making and appeal process.
Hearing was adjourned at 6:47 PM.

2nd Hearing – 178 North Main Street / Dunklee Pond dam removal and restoration of Tenney Brook

At 6:50 PM Chair McClallen called to order the Public Hearing to consider a Conditional Use application to consider impacts to the Special Flood Hazard area related to a dam removal and restoration efforts along Tenney Brook as it flows across 178 North Main Street.

Present to represent the application were:

- Roy Schiff, Milone and MacBroom 1 South Main Street, Waterbury, VT 05676
- Douglas Osborne, Milone and MacBroom
- Todd Menees, VT Dept of Environmental Conservation, Asa Bloomer Building
- Chief William Lovett, Rutland City Fire Dept
- Karina Dailey, Vermont Natural Resources Council
- Michelle and Snehal Shah, owners of 178 North Main Street

Other members of the public present were:

- Sandra Abatiell, 176 North Main St
- Michel Susina, 198 North Main St A-5
- Maryann Noerpel, 190 North Main St
- Paul Spressart, 198 North Main St A-1

Chair McClellan reviewed hearing procedures and then swore in everyone present.

Roy Schiff led off the applicant's presentation by sharing photographs and narrative related to the breach of the Dunklee Dam and associated historical flooding issues surrounding the dam. October 2019 the dam was partially dismantled because it was failing. The City, State and other stakeholders have been working together to analyze and design a plan to remove the rest of the dam, remove 11,000 cubic yards of accumulated fine sediment behind the former dam. The plan includes restoring the stream channel to conditions that are more similar to other stretches of Tenney Brook that are more naturalized. There will also be a series of riparian plantings to assist with regulating stream temperature in support of fish and other creatures.

A hydraulic survey was conducted to understand the velocity and depth of the stream. It has been determined that once the accumulated sediment is removed, the stream will be 5-6 feet below where it is now with no-rise within the floodplain. The project will result in a naturalized floodplain and river system with decreased flood levels.

Todd Menees shared some information about river dynamics and how dams impact them.

Karina Dailey emphasized how great the partnership has been amongst all involved to create a good project. They are in the midst of securing the funding for the project.

Chief Lovett thanked everyone for working so hard to find a solution to a significant public safety issue.

Chair McClallen opened up for questions from DRB members. DRB member Lorentz asked if the stream area will look like it does around Rotary Park. Mr. Schiff responded it will be similar in size, but it will be more naturalized with vegetation versus mowed to the edge of the stream. Mr. Menees added that the river dynamics will likely be reworked over the course of a year or two before it settles into its channel and riverine vegetation takes hold.

Chair McClallen opened up to questions from the public.

Michel Susina was supportive of the efforts. She misses the pond, but thinks the stream will be a good end result. She asked for more information about the plan to remove sediment. Mr. Menees stated the removed sediment will be stockpiled at multiple sites for use by the City for public works, parks and other needs. The sediment has been tested and the results assure it is safe for use in those manners.

Maryann Noerpel had no questions or comments.

Paul Spressart had no questions or comments.

Sandra Abatiell said she is well aware of the project and is prepared to allow use of her field for access to the project site. Mr. Menees stated he will be in touch with her to discuss details. Ms. Abatiell also shared some history of the pond.

DRB member Lorentz asked if the sediment is toxic. Mr. Menees stated it has low levels of chemicals that are not toxic to humans. It is eligible for use in urban soil areas. It is cleared for use in the manner and places the City plans to use it.

Chair McClallen advised all present as to the decision-making and appeal process. Hearing was adjourned at 7:08 PM.

3rd Agenda Item – sketch plan review for Downtown Rutland Plaza

Chair McClellan called the meeting to order at 7:10 PM to consider a sketch plan of a proposed 3-lot subdivision of the Downtown Rutland Plaza parcel known in the Assessor records as 101 Merchants Row with SPAN #540-170-12536.

Present to represent the application were:

- Brad Horbal, Kimley-Horn
- Ron Lyon, Dubois-King
- Mary Hollebeke, representing the property owners Brixmor / Centro Heritage SPE6 LLC
- Reuben Twersky, representing the property owners Brixmor / Centro Heritage SPE6 LLC

In attendance from the public (as observers, not abutters):

- Justin Belden
- Christopher Etori

Chair McClellan reviewed hearing procedures and then swore in everyone present.

Brad Horbal introduced the proposal to separate the plaza into 3 parcels, with no improvements or tenant changes planned. The intent is to facilitate ownership changes in the future. Cross-access agreements will be created to allow traffic to circulate in the manner it occurs currently.

DRB member Lorentz asked that the cross-access agreements be submitted at the point the applicants return for the next hearing on the plat. Mr. Horbal agreed and indicated that all utility easements, storm easements and other details of that nature will be shared on the plat as well. Lorentz asked to review maintenance agreements and enforcement provisions as well. There was some discussion about the conditions related to the previous Act 250 application.

ZA Kelly informed all that this sketch plan review will be followed by both a Preliminary Plat Hearing and a Final Plat Hearing due to how the City treats commercial subdivisions.

There was a discussion about the Act 250 application that needs to be made. DRB member Lorentz asked if they were familiar with a provision of the original Act 250 application not to count City parking outside of the parcel. There may be a requirement that City street parking to be metered that should be reviewed through this process to be certain it is still relevant. Mr. Lyon confirmed that all Act 250 conditions will be reviewed through this process.

Third lot being created surrounds and involves part of Depot Park. City would like to better understand those boundaries as well as any agreements about use of that space and the adjacent access road by the weekly summer Farmers Market. Mr. Twersky stated that all ways in which the property is used will not be changed via this subdivision application. The bigger question also involves confirming who owns the road that extends along Depot Park and whether or not it can continue to be shut down when the Farmers Market is in operation.

The existing on-site parking is consistent with numbers Urban Land Institute calculates are needed.

The meeting was adjourned at 7:42 PM.

Respectfully submitted, Tara Kelly