

CITY OF RUTLAND, VERMONT

Development Review Board Minutes

Wednesday January 2, 2019

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

Members present: McClallen (Chair), Paul, and Wilk. Wilk was participating by speaker phone. Also present, Zoning Administrator Tara Kelly.

At 6:07 PM Chair McClallen called to order the Public Hearing to consider a Conditional Use application for 75 Edgerton Street to increase the capacity of an existing home-based day care for up to 16 children (increase from 10 children onsite at one time to 12 children allowed onsite at one time).

Chair McClallen explained the DRB hearing process and that participation in the hearing was a prerequisite to the right to appeal. Anyone wishing to participate in the hearing was given a chance to swear in. In attendance for this hearing was the applicant, Mary McDonald. Other members of the public in attendance were:

- Patty Baker 76 Edgerton Street
- Patrick Canty 78 Edgerton Street
- David Ferraro 89 Edgerton Street
- George McGurl 85 Edgerton Street
- Julie and Daniel Rosmus 72 Edgerton Street
- Roger M. Pike 90 Edgerton Street
- Megan Canty 78 Edgerton Street
- Michael Vooris 74 Edgerton Street
- Kasey and Pete Franzoni 87 Edgerton Street
- Peter Franzoni 87 Edgerton Street
- Joe Davine 82 Edgerton Street

After swearing in the applicant and members of the public, Chair McClallen asked the applicant to explain her request. Ms. McDonald offered the following testimony:

- She lives at 75 Edgerton Street.
- She has been operating a registered day care with up to 10 children allowed onsite at one time, except for some summers she had a variance from the state to allow 12 children onsite.
- She is now pursuing full licensing for her day care for up to 16 children enrolled year-round. It requires extra paperwork and demonstrating compliance with state regulations.
- She has an associate's degree, her LNA, and teaching experience. She is a specialized child care provider which allows her to work with children involved with DCF and Rutland Mental Health.
- She already builds in a teaching component to her day care with art, learning, trips to the library etc. She is considering working toward having the day care receive preschool status. This would not change the number of kids in the program which is determined by the license. And, it

would involve the same types of outside service providers (therapists etc.) that she already engages with her current day care.

- Having a license allows her greater choice over the kids / families enrolling.
- No plans are in place to increase the existing size or layout of her home.
- She currently has 8 children from 7 families enrolled.
- She also has her own children and enjoys the flexibility this business allows her in terms of caring for her own children.
- She has been preparing a new room for use in the day care. State licensors are eager to approve her once she gets the permission from City zoning to do so.

Member Paul asked a series of questions. Ms. McDonald offered the following explanations:

- She has lived there since 2000. She has operated a home day care throughout that time.
- Her hours of operation at 7AM – 5PM with the majority of kids attending from 8:30AM – 4:30 PM. Parents tend to be onsite longer during pick up times when they are getting updates about their kids etc.
- Her daughter-in-law works with her on a regular basis. She also has 2 volunteers (students from CCV and RHS) that work with her when needed. She plans to continue using these employees when she increases to 12 children.
- Division of Fire Safety inspected in February 2018 and noted a number of upgrades to fire safety precautions needed. Work is underway. Reinspection needed.

When DRB members asked questions about the number of vehicles parked onsite and how traffic circulation works, Ms. McDonald explained:

- College-aged daughter is home for vacation with her boyfriend (who has a car).
- Son's red truck recently broke down and needs to be towed off site; currently parked across the sidewalk nosing into the easternmost driveway.
- Grey truck is hers. She is saving it for her 12 year old son.
- Trailer is for their painting business (BrushWorks). Will be moved to a job site "next week". Will not return to this location (will be parked at a different property in Mendon).
- Some parents pull into the driveway and some park in front of house. She has told parents they aren't allowed to park on her side of the street, but they don't comply.
- If licensed, State monitors operations and she needs to reapply each year.

She plans to clear out the easternmost driveway to reserve it for parking for parents picking up or dropping off their kids. In the future, she plans to take land dedicated to a garden (southeast corner of lot) and pave for parking.

Ms. McDonald clarified that per State licensing she is only allowed to have 12 kids onsite at one time.

Ms. McDonald acknowledged that the Division of Fire Safety is prepared to allow occupancy of 12 kids once fire safety upgrades are completed and house is reinspected by Patrick Banks.

Ms. McDonald stated she has applied for the license from the State child care office already.

DRB member Wilk asked for copies of permits and licenses from the State as they are received.

Chair McClallen opened up the floor to members of the public. Mr. McClallen clarified that real estate values is not a criterium that the DRB considers when making decisions. Conditional Use decisions are made on criteria such as traffic impacts and character of the neighborhood issues.

Several members of the public said they support Ms. McDonald's overall operation and the importance of it to the larger community. However, the dead-end nature of their road combined with the narrow width (which resulted in a Traffic Committee decision to limit parking to the north side of the road only) creates a concern related to traffic and parking.

Specific issues raised /comments provided were:

- Parking on the wrong side of the street (photos were presented into evidence).
- Disabled vehicles parking at 75 Edgerton Street are crossing sidewalk.
- Construction trailer in driveway for long period of time (related to painting business run by Ms. McDonald from this location).
- Employee parking (she has volunteers under age 16 so they don't drive – but otherwise she would limit to southside of street)
- Location of no parking sign is not in front of her house.
- Speed of traffic could pose a safety concern for kids crossing street from southside.
- No place for cars to turn around (use private driveways).
- Home Occupation standards:
 - No outdoor storage of materials, inventory or equipment
 - No traffic generated in greater volumes than ordinarily expected in a neighborhood
- Can no parking signs be double-faced along the road since all traffic heading into the neighborhood is heading east but the signs are readable unless heading west.
- Residential dead-end street is greatly impacted traffic-wise by the daycare and any increase would be too much.
- Daycare could/should do more to inform and enforce no parking in front of their house.
- Major concern about obstruction to traffic because of narrow width of street. Could block emergency vehicle access to houses further down the street toward the dead end. Can disrupt plow operations/effectiveness.
- How are number of kids onsite monitored? Applicant said it is monitored by her reporting that results in reimbursement from the state relative to food and daycare.
- Traffic enforcement re: speed and parking should be increased.
- Concern about kids crossing across the road from southside to northside to daycare.
- Should there be increased security at preschools?
- Is more than one homebased business allowed in one home?
- Will achieving preschool status increase traffic due to outside parties needing to come in to assist with children? Applicant explained those supports are already in place.

- Dead end nature of the street increases the effect of additional traffic. Each additional child results in at least 2 car trips per day. Going from the existing 8 children enrolled now to 16 being requested would be a doubling of the impact.

Chair McClallen asked about the total number of family vehicles on the property that are NOT daycare related. Response: 7

Clarification was provided that parking across a sidewalk is not allowed despite being in line with the driveway of the property. In addition, the grassy area between the street and sidewalk is also an area where parking should not occur. Applicant was unaware of how this worked as she has never been ticketed or informed.

The hearing was adjourned at 7:20 PM. Chair McClallen explained the timeframes for issuing a decision and filing for an appeal of that decision.

Respectfully submitted,

Tara Kelly

Development Review Board Clerk