



RUTLAND CITY PLANNING COMMISSION

City Hall – 52 Washington St. – Rutland, VT 05701
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Minutes August 11, 2021

The meeting was held by teleconference and in-person in the VISION conference room at the Rutland Police Department.

Present: Alvin Figiel (AF), Rebecca Mattis (RM), Sarah Roy (SR) and *Dave O'Brien (DO).

Also Present: Andrew Strniste, Planning and Zoning Administrator, Brandy Saxton, Dave Cooper, Brennan Duffy, John Ruggiero and Barbara Spaulding, recording secretary.

RM, Chair, called the meeting to order at 5:32 pm.

- I. ADDITIONS/DELETIONS – None.**
- II. PUBLIC COMMENT – None.**
- III. APPROVAL OF MINUTES – July 28, 2021.**

AF moved to approve the minutes of July 28, 2021 with the request to verify whether DO arrive earlier in the meeting. RM seconded. Motion passed unanimously.

- IV. NEW BUSINESS – None.**
- V. OLD BUSINESS – SAMESUN of Vermont Solar Net Metering Project Advance Notice.**

RM asked the Commission whether they had seen the ground-level renderings of the proposed solar array that were forwarded by Dave Cooper. In order to proceed she suggested the Commission focus on three tasks 1) A consensus on whether the Commission is opposed or not to the solar array project 2) Whether SAMESUN should be invited to a special meeting to discuss the proposed project and 3) if a letter should be written to the Public Utility Commission.

AF said he is not in favor of the proposed project, for that site, noting that the removal of the existing beverage mart building will essentially create a linear parking lot from the corner of Woodstock to Terrill Street. He also read from the City's Municipal Plan 4.8 Guidelines for Future Improvements i) "The block of North Main Street between west Street and Woodstock Avenue is, at present, a commercial strip in the heart of Rutland's original settlement and out of character with the Gateway Districts immediately adjacent. Design control should attempt to make the District more compatible with its neighbors."

SR agreed that that the project is not attractive and is in essence another parking lot.

RM said she will table the next steps until she has had an opportunity to reach out to both DO and PG for their opinions.

Draft Zoning Bylaws Review with Brandy Saxton.

Brandy picked up the discussion with Chapter 3 Planned Unit Development Standards on page 101. She said the City's current zoning has outdated PUD language. The proposed language describes when a PUD can and must be used at either the applicant's request or as required for certain types of development. The proposed PUD is set up for a major subdivision, described in the draft as 5 or more lots or on any lot that is 4x the minimum lot size for the district. PUDs should be used going forward because the remaining developable land has natural resource constraints and a PUD provides the flexibility as to what is going on inside the development area. She reviewed the PUD proposed standards saying the language will make the regulations fit the State's neighborhood development area criteria. These standards could provide an applicant a NDA designation from the State.

Brandy pointed out that there is a policy decision needed regarding §333.C Density Bonus which allows a development to exceed the maximum density if there is a 1 to 1 ratio of market rate units to affordable units.

Dave O'Brien arrived.

Brennan asked what would be the benefit of the 1 to 1 ratio. Brandy said the bonus is used to encourage development desired by the community and is commonly used for affordable housing. It is her understanding that Rutland is interested in affordable housing, mixed income housing, and avoiding straight market rate housing. No density bonus has to be offered and is not necessary to achieve affordability in the City at this point. Brennan did not see a reason to tie in affordable housing to the density bonus. Brandy added that as the proposed zoning regulations are currently drafted, anyone doing a major subdivision, 5 or more lots, will be required to do a PUD and any larger projects are already in the PUD system, so a bonus is not required to be offered to incentivize them to do a PUD.

RM asked Brandy to clarify the benefit of the proposed bonus is to incentivize affordable housing and if affordable housing is not a part of the PUD project, then it would just be less dense. Brandy replied that then it would just be the density of the zoning districts which are reasonably high. Brandy added that the density bonus rarely gets used in other Vermont communities.

Brennan asked how the density bonus would affect a proposed development at the CSJ campus. Brandy said the PUD section does envision the reuse of the campus as a potential PUD project, but as drafted, they would not have to do a PUD and it would depend on the mixed uses and reuse of the existing buildings without new construction. The PUD would afford them a lot of internal flexibility on how to use the property as opposed to the conventional zoning.

Dave Cooper asked about existing buildings and whether more restrictions on site layout and design may cause difficulty within the site constraints. He also asked for clarification on parking being “minimally visible” from the street and would the requirements preclude CSJ from getting PUD approval. Brandy responded that the pre-existing parking lots at CSJ are fairly far from the road, however they could be more landscaped or screened, but they follow the principal of what would be expected in a campus situation regarding greenspace, parking and buffering from the road.

Brandy said there are two types of development that could follow the PUD standards, one is a residential subdivision project and as a major subdivision where a PUD is required; two is re-use or redevelopment projects like the campus that may find the flexibility of the PUD section useful.

Dave said PUDs would be allowed in an R-10 District and he is opposed to encouraging folks putting PUDs in those neighborhoods as it would be out of character.

DO asked how appraisals would be affected in a PUD with the 1-1 ratio. Brandy said mixed housing types will be comparable but not at the same price point. She would assume that depending on how the affordable homes are being owned, those units would be assessed or appraised on the home and the land, or the developer could have an agreement regarding an income requirement if renting the affordable units.

RM asked if the Commission wants to prohibit PUDs in the R-10 District would that be done within the R-10 district section and leave the PUD section as is. Brandy said currently the draft allows for multi-unit buildings in all of the residential zoning districts, but it wouldn't allow for more units than allowed on the property through the zoning district standards. Brandy said the Commission could disallow the density bonus in the R-10 district.

DO asked if the density bonus develops the land more efficiently. Andrew responded that the density bonus, as crafted, promotes affordable housing and incentivizes the ability to make a profit from the subdivision while providing affordable housing. Dave asked if multi-units could also be multiplied by the 1 to 1 ratio. Andrew said it would come down to acreage so a tri-plex couldn't be multiplied. Brandy said on an acre in the R-10 you could get 7 units of housing and if more than 7 was desired the bonus would be 1 to 1, but there are some natural limits that would create a cap.

Brandy said she is hearing reservations about offering the bonus and offering the bonus in R-10 and that the Commission will need to discuss further. She reiterated that the bonus is rarely accessed and suggested meeting with local affordable housing developers for their insight.

Subdivision Standards.

Brandy said the City's current subdivision standards focus heavily on process, engineering and application materials. She recommends more conversation with the City's DPW to determine which of the proposed standards significantly overlap and sort out what needs to be in this section. The proposed standards are typical language with

provisions for capacity of community facilities and services so a development does not overburden current infrastructure systems. She added that major subdivisions have a community process. The bulk of the section is the necessary focus on roads, water and sewer connections and utilities.

General Standards.

Brandy said the general language in both §301 Accessory Structures and § 302 Accessory Uses helps the Zoning Administrator to issue permits for both structures and uses. AF asked for examples of accessory structures. Brandy said garages, sheds, play equipment, pools, carports and commercial/industrial properties would be storage facilities, tanks or canopies,

Brandy continued with §303 Construction-Related Structures & Uses saying it is also standard language that provides the tools to the Zoning Administrator provide a permit and regulate construction activity.

Brandy said there is a policy question on whether to exempt 1- and 2-unit residences in §304 Curb Cuts and Driveways. Currently the City's zoning has no standards for driveways. The proposed zoning has standards for driveways in all districts.

RM asked what reason would we have to require a permit for a residential driveway. Brandy said the driveway question is related to the storm water issue and access management issues. This tool allows the City to address traffic safety, emergency access and storm water erosion. RM asked if this also protects the developer from storm water runoff from the street. Brandy said a zoning administrator may be able to warn people of this concern.

Andrew suggested a possible stand-alone ordinance regarding curb cuts and driveways to be regulated by the DPW, but referenced in the zoning regulations. The DPW ultimately are responsible for approving curb cuts or access permits. Brandy discussed increased intensity of the use for a property and having a check point that the Zoning Administrator and DRB can call out. RM said it seems wise to have standards for driveways. Brandy said it is important to have a consistent and coordinated system.

DO asked if circular driveways would be permitted. Andrew said it would depend on how many driveways are on a street and the street density because the point is to minimize multiple points of entry along a road to avoid potential conflicts. Brandy said sometimes there is a physical reason for the circular driveway on a lot in terms of turning radius and there is some proposed language for flexibility.

Dave Cooper referenced §304.F (1) (c) for existing lots the number of curb cuts must be reduced to one if the applicant is proposing major site plan review, which could be triggered easily. The applicant would then lose a curb cut. Dave added that there is a waiver provision but it is unclear. He has a problem with the Zoning Administrator being able to determine whether a driveway must be brought into conformity if deemed inadequate. He feels that there are times when secondary curb cuts improve traffic safety and circulation when they are on different streets like corner lots or lots that link two

roads. Brandy agrees there are times when more curb cuts make sense and that is the reason for the waiver language particularly on a small lot. The idea to require elimination of curb cuts is something VTrans is doing along state highways throughout the state and those access management issues will be improved upon and not an unusual requirement at this point.

DO asked if the reduction in curb cuts is by zoning district or across the board. Brandy said the policy applies across all districts. DO does not think curb cuts are an issue in residential districts but agrees on major routes. Brandy said if a new street was being designed, the number of curb cuts would be minimized. RM asked if the curb cut proposal could apply to certain districts. Brandy said the triggers would not affect 1-2 family houses. SR asked how this would affect the proposed solar site on a major throughfare which shows two curb cuts. Brennan said that site is already heavily encumbered.

Brennan asked if there is anything in the current zoning that addresses driveways or curb cuts. Andrew said there is at least a provision in some gateway districts encouraging consolidating curb cuts, but as far as any other districts he has not done the research. Andrew added that DPW does make recommendations to the DRB regarding access standards. Brandy suggested that Andrew follow up with DPW as to which access standards they are using.

§304.G Driveway Standards. Andrew asked if the section should be modified. Brandy responded that B-71 Standard is just for the slope of the driveway or the part that is in the public right of way. She suggested Andrew ask DPW if that is the section where they are applying B-71 Standard. Andrew asked if it is uncommon for the Land Use Regulations to provide for someone other than the Zoning Administrator to issue permits. Brandy said the DPW is the entity to issue access permits in all municipalities because it is a highway law but, it is included in zoning because the access point is relevant to building and site plan review. The two processes need to work together. Brandy said this is a key issue that needs to be resolved following a discussion with DPW.

§305 Porches Structures and Structures Without a Foundation. This proposed language helps make the Zoning Administrator's job easier when an applicant thinks the structure is exempt based on it not having a foundation.

Chapter 5. Definitions – Brandy suggested that the group read through the definitions and let her know if there are any questions or comments. She made sure there are no unnecessary definitions. She reminded the Commission that they need to decide whether or not to merge the definitions of uses into Chapter 5 or leave as a separate section in advance of the zoning districts.

Brandy said there are only 3 meetings left before the end of the grant period and the group should consider what they want to spend more time discussing. RM said she knows there needs to be additional discussion regarding the maximum number of units in the R-10 district.

SAMESUN of Vermont Solar Net Metering Project Advance Notice.

RM asked DO for his opinion on the proposed solar net metering project after seeing the ground level depiction. DO said it is not the highest and best use of the site. He added that it is at odds with the neighbors, parking is not needed at that location and it is out of character. The consensus is to invite the Allens of SAMESUN to an in-person/hybrid Planning Commission special meeting to be held at 5:30 pm. RM said in the meantime she will reach out to PG to get his opinion.

VI. CORRESPONDENCE – None.

VII. ADJOURN – DO moved to adjourn. AF seconded. Motion passed unanimously. The meeting ended at 7:03 pm. The next regular meeting will be held August 25, 2021.

For the Commission: Barbara Spaulding, Recording Secretary