



RUTLAND CITY PLANNING COMMISSION

City Hall – 52 Washington St. – Rutland, VT 05701
Mailing Address: P. O. Box 969 – Rutland, VT 05702
Phone: 802-773-1800

Meeting Minutes December 8, 2021

The meeting was held in person and by teleconference because of the new COVID-19 protocols.

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

Also Present: Andrew Strniste Planning & Zoning Administrator, Donald Haes, John Ruggiero and Barbara Spaulding recording secretary.

RM, Chair, called the meeting to order at 5:31 pm.

- I. ADDITIONS/DELETIONS – None.**
- II. PUBLIC COMMENT – None.**
- III. APPROVAL OF MINUTES – November 10, 2021.**

AF moved to approve the minutes of November 10, 2021. PG seconded. Motion passed unanimously.

- IV. NEW BUSINESS – None.**
- V. OLD BUSINESS – Draft Zoning Bylaws Update process.**

*Dave O'Brien arrived.

PG asked if someone was keeping a list of the issues that will need to be revisited. RM said she is taking notes and Andrew said he is compiling a master list that he will share in a couple months.

The Commission discussed the zoning process for an applicant by using a recent Griswold Drive permit to build a single house on two lots. Andrew said in the current zoning this is located in an Industrial Zone with no setback requirements and a permit was issued. In regards to the proposed zoning, the first step would be determining which zone the property is located. The next step is checking the setbacks in that zone. SR asked how would an applicant know where to find the map. Andrew showed the Commission new tools made available on the City's website under "Rutland City Mapping and Assessment Information." This is where applicants would initially identify the district followed by finding the zone information in the regulations. RM said there is a reference to the map in the General Provisions. Discussion continued regarding lot size and frontage not coming into play for pre-existing non-conforming lots, the importance of lot coverage in the regulations and how the neighborhood surrounding the Griswold property

may need to be re-zoned R-7 instead of R-10. Andrew said Brandy attempted to create zoning districts that match what is on the ground in terms of lot size. Andrew said the next step would be to check if the project is an allowed use in the district and whether it is a permitted or conditional use. If it is permitted then the applicant needs to check #'s 3-9 in terms of lot coverage, area, front, side and rear setbacks and height and maximum building footprint. If all these are met a permit would be issued by Andrew and there would be no reason to go before the DRB. If the setbacks were impeded upon then the application would be referred to the DRB for a setback waiver. DO asked if the lot coverage includes all impervious surface and structures. Andrew confirmed that all structures, driveway and sidewalks, all impervious surface, would be added for lot coverage.

The discussion then turned to page 62 Section 301 Accessory Structures and the difference between accessory structures and accessory dwelling. Andrew also talked about his role in supporting an applicant going before the DRB.

DO and AF expressed concern over the potential amount of work for both the Zoning Administrator and DRB in regard to accessory structure permits. Andrew suggested that the Commission consider either changing the setbacks for accessory structures for each zoning district or adopt a 5 ft. setback overall. RM suggested a 5 ft. setback everywhere except in R-5 with 0. PG said the 0 setback may cause structures to be built over the property line if a survey is not required. DO suggested that all accessory structures must be behind the front building line. AF asked if side yard setbacks could be established with the neighbors' concurrence. Andrew said there may be an equity issue with AF's suggestion. RM proposed that all accessory structures shall be behind the building line with a minimum rear and side set back of 5 ft. in all zoning districts. Discussion continued regarding whether to add the additional language for accessory structures in Section 211 or Section 301. Andrew suggested adding a reference in Section 211 to Section 301. PG asked where in the proposed document is accessory dwelling defined and whether that would qualify for the 5 ft. setback. Andrew said accessory dwelling units (ADU) should meet the same setbacks as a principal structure and this should be noted in Section 322 page 97. RM said there needs to be clarification between accessory structures and dwellings. Andrew suggested "lots and principal structures must meet dimensional standards below unless otherwise provided within the regulations. For accessory structures see Section 301. For accessory dwelling see Section 322."

PG discussed whether Section 322.E (16) was redundant or could be merged with (15). Andrew explained what he believed to be the difference saying an ADU is not considered a public building and is not required to meet the same requirements as a two-family unit and an ADU is still considered a residential lot. In a two-family unit both units can be rented whereas in an ADU the owner occupies the principal unit. This section says if the section requirements for an ADU can't be met then it could be converted into a two-family dwelling if allowed in the zoning district.

Andrew said for the next meeting he will bring an example of a proposed deck entry to allow for ADA entrance to a home providing respite. PG asked that he bring a photo of the proposed deck. AF asked if RM or Andrew had spoken to members of the DRB to

help sort out major/minor project. Neither had but this will be done prior to the next meeting.

- VI. CORRESPONDENCE** – Vt. Dept. of Environmental Conservation & Natural Resources Board, 11/22/21, Godnick Adult Center multi-use trail Project Review Sheet. PG moved to receive and file. AF seconded. Motion was approved.
- VII. ADJOURN** – PG moved to adjourn. RM seconded. Motion passed unanimously. The meeting ended at 6:56 pm. The next regular meeting will be held January 12, 2022.

For the Commission: Barbara Spaulding, Recording Secretary