



RUTLAND CITY PLANNING COMMISSION

City Hall – 52 Washington St. – Rutland, VT 05701
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Amended Minutes December 9, 2020

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

Present: Susan Schreibman (SS), Alvin Figiel (AF), Patrick Griffin (PG), Larry Walter (LW) and Dave Coppock (DC).

Also Present: Tara Kelly, Planning Director and Zoning Administrator, Brandy Saxton of Place Sense, Brennan Duffy and Dave Cooper of the Rutland Redevelopment Authority, Mike McClallen and Stephanie Lorentz for the DRB, John Ruggiero and Barbara Spaulding, recording secretary.

SS, Chair, called the meeting to order at 5:30 pm.

I. ADDITIONS/DELETIONS – None.

II. PUBLIC COMMENT – None.

III. APPROVAL OF MINUTES – November 11, 2020.

PG moved to approve the minutes of November 11, 2020. AF seconded. Motion passed unanimously.

IV. NEW BUSINESS – None.

V. OLD BUSINESS – Draft Zoning Bylaws with Brandy Saxton.

Brandy said that the Chapter 1 General section and Annotation were distributed this week with an email discussing the proposed process and that the documents are for future discussion. Brennan asked if the mandated language could be called out in the section before that discussion. Brandy said the annotation indicates what is in statute.

Brandy confirmed that this evening's discussion would be on the Site Design and Performance Standards, beginning with 1003 Fences, Walls and Berms. The section is written with a 6 ft. high fence as opposed to an 8 ft. high fence which the City currently uses and the standards do not apply to single and two-family homes.

PG asked about #1003.B Setbacks and the requirement for a joint application with a neighbor to locate a fence or wall within the side or rear setbacks of an adjoining property. Is there a better way by getting a letter of support as opposed to signing onto a project? Brandy said some communities allow fences on property line and others require

some sort of joint application or letter that the fence is not objectionable to the adjoining property owner.

Brennan asked what triggers a major site plan approval. Brandy said the answer is in Section 423 of the General section emailed this week and a fair amount of time will be necessary to discuss this topic. Brennan said if a project requires a major site plan approval and there was a non-complying existing fence, would the owner be required to make improvements, remove or change the fence to comply with current ordinance to get a permit.

Dave Cooper said in the case of berm there are some significant provisions for height of a fence and retaining walls so if there is an existing site in non-compliance would the applicant need to change the wall, this would be significant. Brandy said she didn't think the intent was to require a change to a pre-existing retaining wall but if there was a deteriorated fence that fence would be replaced or changed depending on the use. She will work on the language to make it clear. She suggested considering not applying the fence standards in Industrial Districts. Tara added that fences are an issue when different districts bump into each other.

SS said in 1003.E (2) why do retaining walls need to be topped by a fence or hedge or similar barrier. Brandy said for safety so that someone can't fall off the edge.

Brennan asked Brandy if there is a definition for "qualified professional." Brandy said in the case of a retaining wall it would be an engineer or licensed landscape architect and this will be included in the definitions.

LW suggested that Brandy include schematics or drawings for reference to 1003 E (2). Brandy said she would add a photo to show the terraced walls. LW asked about the minimum width of the top of a berm required in 1003.6 (3). Brandy said it is necessary to prevent a "Christmas tree" type of structure.

Dave Cooper asked why a berm/fence would be required as screening. Brandy said there are screening requirements for future discussion and berms and fences are tools the applicant can use.

Brandy said she would look into the following:

- Provisions for fences located on/close to property line
- Clear drawings or photos
- Less restrictive language for previously developed sites.

Dave Cooper asked if the construction of berms could be simplified. There was consensus to remove the word "curvilinear." Brandy commented that the clearer and more detailed the standards, the easier it will be to facilitate an administrative review.

LW discussed the use of a land surveyor to determine the location of property lines for a fence. Brandy said it's a best practice for the property owner to do that but most do not

and it's the City's preference not to get involved as arbiter for where a property line exists.

Discussion continued with section 1004 Landscaping. Brandy said the section is set up for several different types of landscaping and the approach is to specify the amount of plant material required with some flexibility to mix up the type of plants.

Brennan asked if a landscaping standard exists within the current City's Zoning Bylaws. Tara said that the current bylaws are generic in regard to landscaping saying this needs to be considered as it is very unclear to the applicant currently what is required and whether what is being planned is adequate. The proposed standard gives the DRB the ability to look more specifically and adjust the expectations depending on the size of the project.

SS asked whether the City Forester/Arborist should be the contact regarding street tree plantings and not the Public Works Director as proposed in 1004.E (1)(a). Brennan said for scheduling and protocol should this go through the head of the department. Brandy said she will research with Tara what makes the most sense for Rutland.

PG discussed whether requiring a licensed landscape architect or certified horticulturist in Section 1004.C (1) makes sense for Rutland considering the lack of licensed landscape architects. Brandy said most of the larger landscape architects are certified horticulturist.

Brennan asked whether requiring the applicant to provide street trees on new/existing streets would be a cost burden. Tara said this would be a new requirement that needs to be run past DPW and the City Forester to understand how it fits with what already exists in statute. Brennan said street trees are expensive and the responsibility of the DPW and City Forester for safety issues. AF cited several businesses that did not have a problem with installation of street trees. SS added that if we don't ask for some of this than taxpayers bear the burden for these trees. Brandy said the street trees add to the walkability of Rutland and the City's Master Plan, which is the guiding document for the regulations, and enhancing walkability is an important aspect brought up in the plan.

LW asked whether "ash" trees should not be called out in #1004.C (2) and instead leave to City Forester as to what trees should be avoided. Brandy said she could add a reference in this section from VT Community Forestry Program which has a guidebook for selecting street and parking lot trees.

AF asked the meaning of "Equivalent ~~Planning~~ Planting Units" in Figure 1-01. Planting Specifications. Brandy explained that for every 5 parking spaces an applicant has choices as to what they would like to plant. AF asked if small shrub hedges would fit into the choices for parking lot screening. Brandy said she could resurrect some drawings that represent the amount of plant material in a parking lot example.

PG asked how requiring a performance bond in 1004.C (4) for landscaping would be enforced without a current mechanism. Tara discussed how DPW currently enforces performance bonds for things like water lines and suggested that the word "must" could be changed to "may" and letting the DRB make the determination based on the type of project. Brandy recommended writing requirements into the regulations. Brennan agreed

the regulation is onerous and asked if the 3 year timeline a standard. Brandy said 2-3 years would cover the installation and time to make sure the plants are healthy and survive. Discussion continued as to how the performance bond would work when the 3 years expired, as well as, the cost of the bonds. Tara asked to note where in the regulations there is another performance bond. Stephanie Lorentz said there needs to be a way to enforce conditions put on a permit that are sometimes ignored. Brandy said there is authorizing language in Chapter 4 regarding performance bonds that discusses other tools.

LW found a typo in 1004.D (4) where reasonable should be reasonably.

Brandy said the landscaping does double duty as an addition tool to mitigate the State's storm water mitigation requirements so it needs to be done properly.

Brennan mentioned in 1004.F (1) requiring planting islands for 80 vehicle parking area does not seem like a good idea. Brandy said the standard could be made to apply to new parking areas but some pre-existing parking areas may need to install green space due to the 3-acre rule. SS said it's a pedestrian safety issue. Brandy said it also discourages the visual of large expansive parking. There was some discussion as to how this would have applied to the Starbucks development. Brandy said there needs to be more clarification and description as to where parking needs to be relocated or not and she will work on resolving the question.

LW asked about the required dimensions to plant a tree to not be less than 10 ft. in any horizontal dimension in 1004.F (4). Brandy explained that the planting island has to be at a minimum 10 ft. x 10ft. to have healthy trees in a parking lot.

Brandy said she will research and reevaluate the following regarding 1004 Landscaping:

- Add examples where applicants can get information on plant materials
- Language regarding who is qualified to do landscape plans
- Loop in City Arborist/Forester
- Tweaking of Performance Bond language
- Examples of what planting specifications would look like on a site
- Large parking lot question and if there is a need for the language

Brandy asked for comments on section 1005 Outdoor Lighting. There were none.

The group proceeded to the next section 1006 Outdoor Use Areas. Brandy said the language regarding Outdoor Dining has become increasingly important due to COVID-19.

LW asked how 1006.D (3) remove or secure all site furniture would affect the Center Street outdoor restaurant seating that was used over the summer. Brennan said the restaurant owners should be able to either store their displays outside or inside as they desire. He added that perhaps that section is not necessary.

Brennan suggested not mandating an outdoor play and active recreation area on a site plan as described in 1006.E. Brandy explained that this was necessary because there are triggers in other sections that relate to expansion reuse and to resolve any issues that arise from complaints. SS suggested adding the word “if” to the language.

Brandy said she is currently working on Chapter 2 Zoning District Language starting with the residential piece and putting together a report and document that should be emailed before the next meeting.

Brennan mentioned that the municipal planning grant for the Zoning Bylaws received an extension to September 2021 and asked if Brandy could create a timeline for all the required steps. Brandy said she has been working on a to-do list and hopes to make progress on it before the next meeting.

John Ruggiero asked about the protocol for the public to make recommendations or to ask questions during this process. SS suggested that he could email his suggestions to her and ask questions during the meeting that pertain to what is being discussed in the meeting. AF added that the public will be afforded hearings to make comments on the draft.

Sign Ordinance Status – Tara reported that Alderman Mattis continues to work on the draft but has not scheduled a Charter & Ordinance meeting due to the budget priority.

Zoning Bylaws Amendment Status – SS reported that the Aldermen approved the amendments on Nov. 16 and the changes went into effect December 8.

VI. ADJOURN – PG moved to adjourn. AF seconded. Motion passed unanimously. The meeting ended at 7:03 pm. The next meeting will be held January 13, 2021.

For the Commission: Barbara Spaulding, Recording Secretary