



RUTLAND CITY PLANNING COMMISSION

P.O. BOX 969
RUTLAND, VT 05702

Minutes January 13, 2021

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: Alderman Talbott, Tara Kelly, Planning Director and Zoning Administrator, Brandy Saxton of Place Sense, Brennan Duffy of the Rutland Redevelopment Authority, Mike McClallen 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 – December 9, 2020.**

AF asked that the minutes be amended to change “Planning” to Planting on page 3 paragraph 7. DC moved to approve the minutes of December 9, 2020 as amended. LW seconded. Motion passed unanimously.

- IV. NEW BUSINESS – None.**
- V. OLD BUSINESS – Draft Zoning Bylaws with Brandy Saxton.**

Tara explained that due to COVID 19 delays the City’s Municipal Planning Grant was awarded an extension through September 30, 2021. A new timeline was therefore created and sent to the Planning Commission and ZBAG. Tara asked if anyone had concerns with the timeline and whether the group could meet more often.

Brandy added that she did not see a problem with getting through the Site Plan Standards tonight and then moving on to other pieces of the project. She suggested meeting twice in February to get through the legal and admin chapters which are fairly brief and then in March talk about one of the core issues of the project, the residential zoning districts. The first meeting of the month would be a presentation of the information, data and recommendations and the second meeting would be spent making policy decisions. This would get the group into April when one meeting a month could resume. There is room to add meetings if necessary. The public forum could be held in May and June with the format waiting to see where we are and if a walking tour could be incorporated. In July and August, time could be spent on a second run through of the complete draft with focus

on remaining issues. In September there would be time for another public meeting. This timeline would get the draft bylaws set up for adoption by the end of the grant.

SS said the timeline makes sense and she was glad to conduct the public forums after the March election so that the Aldermen could attend and better understand the process. The consensus from the group was to meet twice a month as recommended.

Site Plan Standards Section 1007 Parking & Loading Area. Brandy said there currently are no parking standards in the City's zoning other than to require parking.

AF asked for Brandy's opinion on requiring no minimum standards for parking just maximum standards figuring that developers are concerned with having adequate parking. This would help to limit the amount of asphalt in the City. DC agreed especially in the Downtown where people could park in the deck and walk to their destination.

Brandy said the problem with saying parking is totally a private market problem is that in some larger downtowns that have eliminated parking other than in residential uses, the issue is whether adequate public parking is available considering on-street parking is not permitted in the winter. This is a different question for non-residential areas as opposed to the Downtown or Gateway Districts. Tara added that there are no parking standards currently and where commercial places do tend to take care of themselves, it is in the residential neighborhoods where parking is a problem with folks parking in the green strips which becomes nuisances and blight. PG said in the commercial and business districts he strongly opposes a parking minimum because developers are good at policing themselves and studies show parking minimums are infrequently filled with cars, offer little value to City for taxes and they add to stormwater runoff. The consensus was for Brandy to rewrite the section with a no minimum for parking in non-residential uses City-wide.

Brandy asked if the group was also interested in rewriting the section on maximum number of parking spaces and instead taking the example from Brattleboro's regulations that doesn't allow the creation of any new private parking in the Downtown Business District. The existing surface parking can be used or rearranged but there is no net increase. This prohibits developers from purchasing property to become parking lots. Some communities do have maximums that are a percentage of the minimum which in Rutland's case will have to be figured out with the elimination of the minimum.

Brennan said he thought this significant question should be vetted by the Downtown business and property owners through public engagement and not a decree by the Planning Commission. Brandy said this could be added to the list of things to be solicited during the public forum and offered to provide the language in Brattleboro's regulations. PG suggested mapping the Downtown district to evaluate a percentage of the area that is consumed by surface parking for a sense of scale to see if the amount is appropriate. Brennan said the ability to create new parking is self-limiting due to the built environment, other than tearing down a neighboring building to create parking, he doesn't understand why we would preclude this if warranted for a significant new investment. He added that the issue of Downtown parking has been an on-going

discussion at the City level. SS said a recommendation by the Planning Commission as to what it thinks would be best is appropriate in the draft for the Board of Aldermen.

Brennan asked the question: does the majority of the Planning Commission really support a no new parking regulation in the Downtown ever as part of this Zoning Bylaws draft. The Commission unanimously agreed to suggest in the draft zoning that no new parking should be created in the Downtown. Brennan stated for the record that he was in opposition.

Brandy said she will rework the language and it will be something to review after the public feedback.

1007.C Parking as a Principal Use. Would the Commission allow this in commercial districts or non-residential. Tara said in this draft it is a conditional use which is reflective of the current zoning in districts other than single-family residential. AF asked if there are any private lots where parking is the principal use currently. Tara said she hasn't seen any developed in her time here. Brennan asked about the vegetated buffer in 1007.C(3) as intentional or is a fence buffer an option. Brandy said in the screening section a planting and/or fence is required.

1007.E Shared or Off-Site Parking. DC asked if this section applies to an Airbnb. Brandy recommends that due to short-term rental activity to actually treat short time rental as a use equivalent to a lodging use and have parking requirements attached to it. PG said the section makes sense without the references to minimum parking spaces.

1007.F Bicycle Parking. Brandy said this is emphasized in the City's plan. DC suggested reducing the location of bicycle parking from 200 ft. of a building entrance to 100 ft.

1007.G Location Standards. Brandy said this section does not allow parking in the set-back areas except for shared parking that can cross the common line. PG has no issue parking in the side or rear setbacks as long as there is screening required. Brandy said the setbacks may be used up with the screening requirements in a 10 ft. setback. Tara said in the North Main and South Main Districts the side and rear setbacks are 10 ft. PG said he is concerned with the undersized lots in commercial districts like Woodstock Avenue where it would be difficult to fit in everything needed. Brandy said we should look at this again to see if it needs flexibility.

Brandy asked if front parking is going to be allowed or eliminated over time. AF said in a Downtown district there shouldn't be front parking but instead create a continuous façade along the sidewalks. In a Gateway District parking shouldn't be directly in front of the building but off to the side and screened. AF added that he has a problem with (b) (iii) giving the DRB the ability to waive and discussed the Woodstock Avenue Dunkin Donuts project as an example. Mike McClellan said the DRB does not often deal with the ideal project and the waiver would help the DRB, if appropriate. PG suggested guidance be added to help the DRB make the call. Brandy said she will go back in and come up with some criteria.

1007.I (5) Screening. Tara said the DRP tends to require screening now but it is not in the current standards and it would be good to have it spelled out ahead of time.

1007.I (7) Snow removal. LW asked about the State's requirements regarding where snow can be moved. Brandy said pushing snow over the bank is standard practice but not environmentally a good one with regard to water quality issues. The snow should be moved to a location that it melts to a stormwater practice so that pollutants and sediments fall out before it gets to the water. PG said wouldn't snow be moved to setbacks. Brandy said if it is not conflicting with landscaping and visibility than it is an acceptable storage location. Tara added that as long as it doesn't cause a problem for an adjacent property. SS said it sounds like the group agrees to removing setbacks from section 1007.I (7) (c).

1007.I (11) Resurfacing of Pre-Existing Parking and Loading Areas. Brandy asked when the group wants a pre-existing parking lot to be brought up to standards with regard to the stormwater issue. SS discussed the repaving of the MVCF parking without stormwater management being addressed that undermined the Creek Path retaining wall. Brandy said if resurfacing triggers stormwater code compliance, this may be a disincentive to resurface and then they just deteriorate. PG said this should be part of a public discussion due to the expense. SS said the trigger could be by lot size. LW asked for a definition of "resurface." Brandy said a new layer across a broad area as opposed to general maintenance.

SS asked how other municipalities deal with the costs involved with stormwater compliance if re-surfacing isn't the trigger and without discouraging improvements. City taxpayers shouldn't have to pay because people don't comply with stormwater management practices. Brandy said larger municipalities took a light touch so as not to discourage investments. She added that it is a challenging question but in Rutland there is mostly redevelopment so stormwater compliance will only happen during redevelopment. SS said this is a good topic for the public forum.

1009.F Vegetative Buffers. AF asked if screening a parking lot from the street with a low hedge would achieve the 1.5 EPU. Brandy said she would look at the EPU Chart to see if a hedge will work in that instance. DC said he would like to see screening concentrated in the front of a property as opposed to the side and rear, does the property owner have a choice to just use a fence in those areas. Brandy said there is a different purpose between landscaping and screening. Screening is meant to block the view of something utilitarian usually from an adjoining residential property. Brandy said she will rework this so that just a fence is an option especially in the case where there isn't a lot of room.

1010 Stormwater Management. PG said in Section F.(1) the State's minimum trigger is 20,000 sq. ft. and this section reduces the trigger to 10% of that or 2,000 sq. ft. He is concerned about applying this to projects smaller than it needs to be and the cost implications. Brandy said the VLCT put together a do-it-yourself spreadsheet for homeowners to determine how much greenspace is needed for a project but it is up to the group to decide where to set the minimum and what you want to capture as evidence to prove the applicant has thought about where the water is going to go from the creation of impervious surface. PG proposes more thought is needed as to what the minimum should

be for both small commercial projects as well as residential projects. Brandy said there is a link in the pdf and suggested the group look at that for determining the scale of projects.

1011 Trash, Composting and Recycling Storage Areas. DC said the section should include that any composting structure be designed with a vermin approved contour. Brandy said she would work on incorporating the language from another section.

Brandy said she hoped having looked at these standards and admin procedures for the next meeting will give the group an idea of the baseline for working through the questions of uses and standards and design review for the gateway districts. Brandy said for the next meeting the group should come prepared to talk about the things you have identified and only discuss those issues. She will provide the annotation document where there are critical questions to focus attention on. SS confirmed that Chapters 1 and 4 will be forwarded to the group before Feb. 10.

Sign Ordinance Status – Alderman Talbott said members of the Charter & Ordinance Committee met to discuss the sign ordinance and he will forward those minutes to the Commission including the changes made by Alderman Mattis. He asked for feedback from the Commission on those changes. Alderman Talbott said the budget took up a lot of time but hopefully a Charter & Ordinance meeting will be scheduled soon.

VI. ADJOURN – AF moved to adjourn. PG seconded. Motion passed unanimously. The meeting ended at 7 pm. The next meetings will be held February 10 and February 24, 2021.

For the Commission: Barbara Spaulding, Recording Secretary