



DEVELOPMENT REVIEW BOARD MINUTES

WEDNESDAY, MAY 1, 2024 @ 6:00 PM
RUTLAND CITY HALL, ALDERMAN'S CHAMBERS

ATTENDANCE

DRB MEMBERS PRESENT:

Stephanie Lorentz, Acting Chair
Al Paul
Jim Pell
Steve Wilk

STAFF PRESENT:

Andrew Strniste, Zoning Administrator
Luke Alexander, Asst. Zoning Administrator
Megan LaChance, City Attorney

OTHER CITY OFFICIALS:

Mary Markowski, Treasurer
Ed Bove, Executive Director of Rutland
Redevelopment Authority
Sharon Davis, Alderwoman (99 Baxter St)
Patrick Griffin, Planning Commissioner (35
Watkins Avenue)

82 E WASHINGTON ST CONTINUED HEARING:

Frederick C. Watkins (82 E Washington St,
Landowner)

INDIVIDUAL APPELLANT(S):

Susan Kelley (8 Butterfly Avenue)
Joseph Roy (81A Killington Avenue)
Victor Regimbald (18 Ronaldo Court)
Susan Regimbald (18 Ronaldo Court)

Thomas Bixby, Esq. (24 Catherine Dr)

JOINT APPELLANTS:

Richard Smyrski, Sr (1 Butterfly Avenue)
Richard Smyrski, Jr (3 Butterfly Avenue)
Suzanne Smyrski (3 Butterfly Avenue)
Daniel Daly (23 Butterfly Avenue)
Alicia Daly (23 Butterfly Avenue)
Harold Brookman (66 East Washington St)
Joseph Roy (81A Killington Avenue)
Jayme Cables (81 Killington Avenue)

OTHERS IN ATTENDANCE:

Jamie Watkins (82 E Washington St)
David Allaire (51 Church St)
Britt Cassell (Address not given)
Larry Cupoli (57 Piedmont Pond Road)
Patty Cupoli 57 Piedmont Pond Road)
Joanne Nichols (81 E Washington St)
John Lepault (81 E Washington St)
Robert Hackett (17 Mansfield Pl)
Patrick M. Riordan (64 E Washington St)

MEMBERS OF MEDIA PRESENT:

Gordan Dritschilo (Rutland Herald)

* Denotes that the attendee joined via phone

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- Members of the Rutland City Development Review Board and the public convened in the Aldermen's Chambers at Rutland City Hall, 52 Washington Street, around 5:50 PM.
 - No general public was in attendance to provide public comment before the evening's hearings.

APPELLANT:

LANDOWNER: FREDERICK C. WATKINS

ZONING DISTRICT: SINGLE FAMILY RESIDENTIAL DISTRICT (SFR)

[6:07] Acting Chair S. Lorentz called the hearing to order and provided an overview of the hearing procedures. The subject of the evening’s continued hearing related to the appeal of the issuance a Home Occupation Permit for the purposes of conducting a cannabis grow operation.

[6:08] Acting Chair S. Lorentz then reminded the public that all those in attendance who were sworn in during the previous hearing were still under oath. She asked if anyone in attendance who was not sworn in previously would like to give testimony; no additional attendees were sworn in. Landowner Frederick C. Watkins was before the Board to answer additional questions relating to the proposed home occupation.

[6:09] Acting Chair S. Lorentz asked the landowner if he wished to have the information provided during the April 8th site visit submitted as evidence for this hearing.

Landowner F. Watkins answered in the affirmative.

[6:11] Attorney T. Bixby inquired if the hearing could proceed due to Board member S. Wilk not being present.

Acting Board Chair S. Lorentz confirmed that the hearing can proceed, as a quorum was present.

Attorney T. Bixby stated that landowner F. Watkins attorney was present for the previous hearing but was absent for the evening’s hearing.

Acting Chair S. Lorentz advised that landowner F. Watkins had informed her that his attorney would not be present.

Attorney T. Bixby asked the landowner to explain the specific lights being used in his proposed home occupation.

Landowner F. Watkins informed the Board that he will use grow lights, specifically Mammoth LED grow lights.

Attorney T. Bixby asked F. Watkins the amperage that would be coming into the structure relating to the home occupation.

Landowner F. Watkins informed the Board that the structure has a 200-AMP service.

Attorney T. Bixby inquired about the cooling system to be used for the home occupation.

F. Watkins informed the Board that he will have “mini split” cooling systems on the outside of the building.

Acting Chair S. Lorentz asked for clarification regarding the total number of units on the outside of the structure.

F. Watkins clarified that there will be two “mini split” units located outside the building. Each “mini split” unit has two compressors.

Attorney T. Bixby asked the landowner if any drainage would be within the structure.

F. Watkins informed the Board that there is an already existing drain in the structure, located in the bathroom.

[6:14] Attorney T. Bixby asked the landowner if he had applied for a City wastewater permit for any runoff relating to the cannabis cultivation.

F. Watkins advised that he had applied for a permit with the Department of Public Works.

Acting Chair S. Lorentz inquired about the irrigation and growing method used in the proposed home occupation.

F. Watkins informed the Board that the plants will be in 8-gallon containers, filled with water.

Acting Chair S. Lorentz asked about the source of the water relating to the cannabis cultivation.

F. Watkins advised that he will use City water, which will run through a filter.

Attorney T. Bixby verified if the Board was aware of photographs submitted by himself a week prior to the hearing.

[6:20] Acting Board Chair S. Lorentz confirmed possession of the submitted photographs.

Zoning Administrator A. Strniste entered into record and distributed additional copies to the Board.

Attorney T. Bixby described the content of the photographs, evidence of the unpermitted staircase. T. Bixby verified with the Board that they received copies of various permits submitted by himself prior to the hearing.

Acting Board Chair S. Lorentz confirmed the Board's possession of the permit copies and verified the accuracy of those photographs with F. Watkins.

[6:25] Attorney T. Bixby recited two State Statutes regarding the required equal treatment of cannabis-related activities and other businesses, as well as the regulation of cannabis-related businesses in relation to public nuisance laws. He speculated that the cannabis cultivation occupation will create a public nuisance due to the mechanical operations, outside cooling units, and cannabis-related odor. T. Bixby stated that classification matters regarding this cannabis cultivation endeavor. He continued to explain that F. Watkin's had been misleading in the zoning process regarding the accessory structure's intended use. T. Bixby argued that the structure used for the home occupation exceeds the 25% limitation, citing one of the calculations submitted by Zoning Administrator A. Strniste prior to the hearing.

[6:31] Acting Chair S. Lorentz inquired about the outside staircase attached to the accessory structure. She asked F. Watkins his reasoning for his decision to cultivate cannabis at his home address rather than his property on Cleveland Avenue.

Landowner F. Watkins informed the Board that his Cleveland Avenue property was located within a floodplain and that the existing structure is already in use for his towing business.

Acting Chair S. Lorentz inquired about the outside lighting proposed for the home business.

F. Watkins advised that he will use motion detector LED lights for outside lighting.

Acting Chair S. Lorentz asked the landowner if anything was removed from the accessory structure prior to the April 8 site visit.

F. Watkins informed the Board that nothing was removed from the structure prior to the site visit. He explained that his home occupation does not involve packaging and described his process for distributing the product to dispensaries.

Acting Chair S. Lorentz asked the landowner the amount of cannabis expected to be produced by the cultivation.

F. Watkins informed the Board that he hopes to produce an estimated 30 pounds of cannabis every sixty to ninety days.

Acting Chair S. Lorentz inquired about the number of employees relating to the home occupation.

F. Watkins informed the Board that he will be the only employee at this time, and that only the addition of one employee besides himself in the future would be plausible.

[6:38] Acting Chair S. Lorentz inquired about protective gear in relation to the grow process.

F. Watkins informed the Board that he would wear “scrubs” (similar to that of a nurse or doctor) and a facemask. He addressed the concerns about the speculated noise of the heat pumps associated with the home occupation explaining that they are common units within residential neighborhoods, and he has four associated with his home, which do not create excessive noise. F. Watkins provided background relating to his actions surrounding the permits for the accessory structure used for the home occupation and disagreed with conclusion that the outside stairs being categorized as an addition to the structure.

Richard Smyrski Jr. (3 Butterfly Ave), representative of the joint appellants, brought to attention that a pre-drywall inspection was performed prior to insulation and electrical being installed in the structure. He explained that his calculations of the second floor and stairway, in addition to Zoning Administrator Strniste’s calculations included in his submitted memo, that the square footage of the accessory structure would exceed the 25% limitation standard for home occupations. R. Smyrski Jr. opined that the heat pumps, filtration, and lighting continuously running, should categorize the endeavor as a 24-hour/seven-day a week active operation, exceeding the limitation of ten hours of active operation.

[6:44] Jamie Watkins (82 E Washington St) explained that the heat pumps, filters, and lights are common in residential neighborhoods. She informed the Board that these systems do not generate an excessive amount of noise.

R. Smyrski Jr. clarified his point that these systems require 24-hour operation in order for plants to grow.

Acting Chair S. Lorentz explained that the ordinance for home occupations limits active operation to ten hours per day.

F. Watkins opined that overnight refrigeration in a store would not be classified as active operation.

Acting Chair S. Lorentz clarified that home occupations are held to a different set of standards, although she understands his point. She explained that the Board will have to make a decision regarding the interpretation of active operation.

[6:49] Brian Gates (Mendon, VT) stated that he grows cannabis in a residential area. He explained that although his grow lights run twelve hours a day, he does not work in the structure in excess of ten hours. Acting Chair. S Lorentz asked if he had obtained a home occupation in Mendon, VT. B. Gates stated that a permit not required. He opined that his endeavor was not really a business and is similar to growing tomatoes in your backyard.

[6:52] Acting Chair S. Lorentz explained the appeal period and process regarding the Board’s final decision. No additional comments or questions were provided or asked by members of the

public, the Board, or the Appellants. Acting Chair S. Lorentz closed the hearing and entered into closed deliberation.

OTHER BUSINESS

7:41 PM

[7:41] The Board adjourned the evening's meeting.

Respectfully Submitted by Luke Alexander, Assistant Zoning Administrator