

**Rutland City Planning Commission
Amended Meeting Minutes
August 28, 2024**

Present: Rebecca Mattis (RM), Aaron Hildebrand (AH), Patrick Griffin (PG), *Susan Starr-Adams (SA), Rebekah Stephens (RS) and Jacob Pluta (JP)

Also Present: Andrew Strniste, Planning & Zoning Administrator

Absent: Sarah Roy

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

- I. ADDITIONS/DELETIONS** – JP asked to move Correspondence regarding the GMP Hazardous Waste Storage Facility before New Business. AH seconded. Motion passed 5-0.

*SA arrived.

- II. PUBLIC COMMENT** – None.

- III. APPROVAL OF MINUTES – August 14, 2024.**

PG moved to approve the minutes of August 14, 2024. RS seconded. Motion was approved 6-0.

- IV. CORRESPONDENCE** – Green Mountain Power Hazardous Waste Storage Facility permit VTD007939614 renewal.

JP discussed his research regarding the GMP Hazardous Waste Storage Facility permit renewal saying the permit was originally approved in 1988 and no issues have been reported regarding the hazardous waste stored on site. JP listed the various types of hazardous waste stored onsite, which include fuel and PCB contaminated debris. His concerns are less about the storage of hazardous waste at the site, and more with the proximity of housing and the Commission's proposal to include residential uses in the Industry District in the proposed zoning bylaws. JP added that there is a required 1,000 ft. buffer zone of the site in the event of a spill or explosion for which there is only \$1,000,000 of insurance required of GMP. The following concerns were discussed by the Commission:

- Should the Commission revisit the idea of allowing residential uses in the Industry District;
- The proximity of the storage facility to the river corridor;
- The proximity of the storage facility to the FEMA Flood Hazard Area; and

- Potential development issues in the area of a hazardous waste storage facility, i.e. - inability to obtain insurance.

PG suggested writing a letter from the Planning Commission in response to the permit review process and appointing a Commissioner to attend the Sept. 12 hearing. RM asked the Commission to table the correspondence until the Sept. 11 meeting and over the next couple weeks, provide her with their concerns so she can draft a letter to be voted on at the Sept. 11 meeting, and think about Commissioners that can be appointed at that meeting to attend the Sept. 12 hearing. RM then suggested adding discussion of residential uses in the Industry District under Old Business.

V. NEW BUSINESS - None.

VI. OLD BUSINESS – Discussion of 5+ Residences in the Industry District

RM said the current draft regulations allow for 5+ residences in the Industry District as PS3, which means depending on §423, should a development project meet certain criteria will dictate whether the development will be reviewed by the Zoning Administrator or DRB. An example includes if the development is a major renovation over 500 sq. ft., review is performed by the DRB, while a project under 500 sq. ft., review is performed by the Zoning Administrator. RM said there isn't anything in the zoning bylaws regarding impact of the surrounding area on the development. ~~She proposed adding a letter "H" that states for developments in the industry district it has to be done outside of a buffer zone from a hazardous situation.~~ Andrew discussed the option of adding a provision to the standards in §319, the multi-unit residences. The Commission discussed the history of why multi-unit residences were proposed to be allowed in the Industry District and whether the City should allow for potential industry development. No action was taken.

Zoning Bylaws Rewrite – Chapter 2 Tabled.

The Commission opted to discuss the zoning issues that were tabled for a later date. Andrew distributed copies of a document drafted 8/22/2024 that lists all of the deferred issues. The following decisions were made by consensus:

- §108 (C) – Heat Pumps – Proposed exemptions accepted.
- §316.I.F Parking and the Resurfacing of Pre-existing Parking and Loading Areas – Revisit with question out to Brandy.
- §316.J(2) Parking and Previously Developed Lots – Revisit in the context of Architectural Review Overlay.
- §318 – Stormwater Management – Accept language provided by PG with Andrew adding clarifying language for DRB trigger.
- §423.F(1)(d) Variable Site Plan Review for additional dwelling units to a 5-unit building – Change PS3 to PS2 in Industry district.
- §423.F(1)(e) Variable Site Plan Review construction of new access – Allow DPW to handle access control.

- Definitions Retail Store, Large §208 and Retail Store, Small §208.B - Definitions as prepared by Andrew are accepted.
- Definition Microbrewery – Definition as proposed accepted.
- Cannabis Definitions – Agreed to two definitions Cannabis Retail to include medical dispensary and Cannabis Establishment to include all other related cannabis other than retail.

The Commission added Cannabis Retail in the following Districts: Industry as Permitted (P), Downtown as Permitted (P), Business Corridor as PS2, Hospital as PS2; Cannabis Establishment was added to Industry as Permitted (P) and Business Corridor as PS2. In all other Districts, both Cannabis Retail and Cannabis Establishment are prohibited except in Mixed Use which will be discussed at the next meeting.

Andrew suggested for the next meeting that the Commission discuss language that says if a use is prohibited as a primary use than the use is also prohibited for an accessory use in that district. The proposed zoning regulation only addresses accessory uses when they are accessory to a conditional use. He could add a subsection saying where a use is prohibited, it is also prohibited for an accessory use.

RM said Alvin Figiel was grateful and touched by the proclamation and gift presented to him at the Aldermen's meeting on August 19 and he offers his encouragement for the task at hand.

JP reminded Andrew to follow up with Atty. LaChance regarding whether cannabis can be prohibited as a Home Business. Andrew discussed how it would need to equal and equitable and he questions how that can be done. RM suggested discussing this further at the next meeting.

VII. ADJOURN – JP moved to adjourn. SA seconded. Motion was approved 6-0. The meeting ended at 7:02 pm. The next scheduled meeting is September 11 at City Hall.

For the Commission: Barbara Spaulding, Recording Secretary