

DRAFT

PLANNING COMMISSION MINUTES

MAY 19, 2016

7:00 P.M. JOSEPH. J. DENARDO FIRE STATION

Present- Jim Snee, Alan Biederman, Andrew McKane, Barbara Pulling, Jerry Stearns, Norman Cohen

Mr. McKane made a motion to approve the agenda. Mr. Biederman made a second to the motion. Motion passed unanimously.

Questions from the floor:

Town resident Mr. Don Chioffi was presented and read a "Sensible Road Analysis" document for the Commission to consider. Mr. Chioffi requested the Planning Commission strongly oppose the reduction in the number of lanes on U. S. Business Route 4 Corridor in the Town.

Ms. Pulling stated the Committee has not taken a stand on the issue and that it is in the Select Board's hands at this time.

Mr. Biederman said the Commission has no jurisdiction regarding the issue. He said the road is a State Highway and there is no statute that gives the Planning Commission the authority to deal with the issue. Ms. Pulling stated the Select Board has not asked the Planning Commission their views on the issue.

Mr. Chioffi said although there is no legal responsibility for the Committee to take a position on the issue, he believes Commission has an ethical and moral standard to give the Board their advisory opinion on the issue. He said the study is "top down planning ", and is illogical.

Mr. Biederman stated the Planning Commission does not have a right to take an opinion on the issue. Mr. Biederman said personally he would avoid telling the Select Board how to do their job, and the Select Board should examine what their proper role is with respect to negotiations between the Town of Rutland and the Town of West Rutland. Mr. Biederman said the Commission has reviewed the material provide.

Ms. Pulling cited the fact that she on the project steering committee and personally provided the material to the Commission.

Mr. Chioffi asked why the issue doesn't fit into some kind of Planning Commission decision. Mr. Biederman cited a supremacy clause between the State and its municipalities. Mr. Biederman stated municipalities get their power from State grants, and if the State chooses to retain authority over a certain State highway as it does then a Town can't plan in a manner contrary to that State plan.

Mr. Chioffi cited an example of the State wanting to create a three lane highway on U.S. Route 4 East in the City of Rutland, the City didn't want it and the State didn't do it. Mr. Biederman said the City of Rutland has a charter which is an expressed grant and is superior to any municipal law, and chartered municipalities have different rules than non-chartered municipalities.

Mr. Chioffi stated he would go as far as he can to make Town residents aware of this issue.

New Business:

Williams Subdivision:

Town resident Mr. Paul Williams was present and presented a two lot subdivision request.

The Committee reviewed the information. Ms. Pulling asked if there would be any additional road access with this subdivision. Mr. Williams stated there would be no additional highway access as a result of the subdivision.

Mr. Biederman made a motion to wave the items marked on the final application form. Ms. Pulling read aloud the items requested to be waived by the Commission. She read items: #6, #12, #18, #19 and #20. Mr. Biederman requested the requirements that are not applicable be included in the motion: #7, #9, #14, #15, #16 and #21. Mr. Burgess made a second to the motion. Motion passed unanimously.

After some discussion, Mr. Stearns made a motion for Town Administrator Mr. Joseph Zingale to warn the two lot subdivision hearing for a final hearing. Mr. McKane made a second to the motion. Motion passed unanimously.

Mr. Burgess said the well shown on the subdivision map should be tied into the survey. Mr. Stearns amended his motion to include tying the well into the survey. Mr. McKane made a second to the amended motion. Motion passed unanimously.

Orin Thomas & Sons subdivision amendment request:

Mr. Zingale briefed the Commission regarding a request from Orin Thomas & Sons to amend a previously issued subdivision permit. Ms. Pulling said the foremost issue is the request to change the property highway access.

Ms. Pulling cited the fact that the 2014 Town Plan contains suggestions for best management practices with regard to reducing curb cuts when deciding whether or not to grant access to US Route 7 North or keep the access on the Post Road.

Mr. Zingale suggested a site visit. Mr. Biederman recused himself from the matter because of his business relationship with the law firm involved. After some discussion, the Commission asked Mr.

Zingale to arrange a site visit with the Thomas' attorney, Mr. Chris Blanchard for Thursday, June 2, 2016 at 6:30 P.M.

Old Business:

Mr. Zingale updated the Commission regarding Town storm water planning with consultant Mr. Andres Torrizo. Mr. Zingale said he and Mr. Torizzo will present information to the Commission in the near future.

Ms. Pulling cited the section in the Town Plan that addresses curb cuts. Mr. Burgess asked if it is allowable to amend a previously issued subdivision permit. Mr. Zingale said that according to Town Attorney Mr. Kevin Brown amendments are allowed.

Mr. Zingale said that information has been sent to the State and a meeting is to be scheduled with the Transportation Board in the near future.

Mr. McKane inquired regarding Hobby Lobby road extension. Mr. Zingale said the Select Board is still considering the project.

The Commission discussed the Rutland Town/West Rutland U.S. Route 4 west study. Mr. Biederman suggested the Chair make contact with the Select Board and inquire if they want the input of the Commission.

Mr. Biederman made a motion to adjourn. Mr. Stearns made a second to the motion. Meeting adjourned at 7:45 P.M.