

DRAFT

RUTLAND TOWN PLANNING COMMISSION
THURSDAY, JULY 7, 2016
RUTLAND TOWN MUNICIPAL OFFICE

Present: Barbara Pulling, John Snee, Howard Burgess Dana Peterson Alan Biederman, Norman Cohen, Andrew McKane,

Ms. Pulling called the meeting to order at 7:05 P.M.

Agenda

Ms. Pulling asked the Commission if the agenda can be revised, as she has an update from the last Select Board meeting. Mr. Cohen made a motion to revise the agenda. Mr. McKane made a second to the motion. Motion passed unanimously.

Approval of Minutes:

The Commission reviewed and corrected the minutes from June 2, 2016 and June 16, 2016. Mr. McKane made a motion to approve the June 2, 2016 minutes as corrected. Mr. Snee made a second to the motion. Motion passed 4-2, Mr. Burgess and Mr. Peterson abstaining. Mr. Peterson made a motion to approve the minutes of June 16, 2016 as corrected. Mr. Snee made a second to the motion. Motion passed unanimously.

Comments from the Floor:

There were none.

New Business:

Orin Thomas& Sons /Key Collision

Mr. Biederman recused himself from this particular hearing.

Attorney Mr. James Goss representing Key Collision and Ms. Steffanie Bourque from Marble Valley Engineering presented the Commission with maps and a letter of intent from the Agency of Transportation (AOT) regarding the existing subdivision on Route 7 North and Post Road. Mr. Goss read a condition in the permit that the applicant record a legal easement granting lots 1, 2 &3 the use of lot 1 for ingress and egress he would like removed.

Ms. Pulling told Mr. Goss of the Town Attorney's Kevin Brown's opinion that the permit is defective as it was never recorded, and a plat with the new access that has been engineered. Mr. Goss stated that the

access has been approved by the State and explained it was on the map he handed out to the Commission, and a letter of intent is usually tantamount to a permit providing an Act 250 approval.

Mr. Burgess asked if the map provided to the Commission meets all State requirements as there is no ties or measurements Mr. Bourque said the information the Commission is seeking would be on the layout plan. Mr. Burgess there was one available, and Ms. Bourque said she did not have one with her.

Ms. Pulling stated the Town Attorney also suggested starting over and doing a re-subdivision. Mr. Goss said the permit that was approved in 2010 contemplated having access to Route 7 North. Mr. Peterson pointed the access was agricultural and that all lots were supposed to have access through lot 2. Mr. Goss said nothing he has reviewed indicates that lot 1 should have access over lot 2.

Mr. Peterson said he spoke with Mr. John Thomas to find out what the original intent of the 2010 application, and lot 2 was designed in its inception to be the access point for all three lots. Mr. Peterson said he thinks there is a typo in the original application that needs to be corrected. Mr. Goss said he needs to by the plain language of the permit, the appeal period has expired, and it is not subject to interpretation.

Mr. Cohen stated the permit doesn't make sense and the applicant did not file with the terms of the permit which required an easement be recorded. Mr. Cohen said the permit needs to be amended requiring the applicant to include in each conveyance the use of lot 2 for access. Mr. Goss said after this real estate transaction the only lot left will be lot 4 which is not mentioned in the permit, it has nothing to do with his project and all he is requesting is access from lot 1 to Route 7 North.

Mr. Burgess said the presented map is vague and asked if VTRANS required something more than what is presented. The Commission reviewed the maps with Mr. Goss and Ms. Bourque.

Mr. Cohen said he was not clear on what was before the Commission. He cited a letter from attorney Mr. Chris Blanchard which did not mention approval of access to Route 7 North, and is unsure what the purpose is for the applicant to want access from Route 7 North. Mr. Goss explained there is a condition in the permit that impacts the property that would be a problem if bank counsel reviews the permit for financing.

Mr. McKane said there are two issues before the Commission-whether or not to require the re-subdivision and removing the easement granted over lot 1. Mr. Goss said because of the wetlands lot 1 can't gain access to Post Road. Mr. Goss said the maps that are provided are consistent with the plans that will be submitted to VTRANS for the final plat.

After further discussion, it was decided that Mr. Goss and Mr. Brown will make contact on the issue. Mr. Cohen made a motion to recess the issue until the next meeting on July 21, 2016. Mr. Peterson proposed August 4, 2016. Ms. Pulling asked if there was a second to the date of July 21, 2016. Mr. McKane made a second to the motion. Motion passed 5-1, Mr. Peterson voting in the negative.

Ted Hubbard Jr. Subdivision:

Town resident Mr. Tracy Hubbard , representing Mr. Ted Hubbard Jr., presented a sketch plan for a 2 lot subdivision off of Stratton Road. Mr. Cohen asked about water and sewer. Mr. Hubbard stated he is working with the State for approval on lot 2, not the lot he is asking for the subdivision, and he will be applying for a State subdivision permit. Ms. Pulling asked why #7 on the application was not checked off. Mr. Hubbard is not going to put in a new road, utilities or rights-of-way, it is just land. Mr. Biederman asked if the lots would be combined into one. Mr. Burgess said that is his prerogative and not necessary. Mr. Biederman made a motion to approve the sketch plan, a final hearing on August 4, 2016. Mr. McKane made a second to the motion. Motion passed unanimously.

Role of Administrator Assistant:

Ms. Patty Carbine was present and explained she will be taking over the Planning Commission duties.

Old Business:

Ms. Pulling updated the Commission on her meeting with the Select Board:

The public address system issue has been referred to the Rutland Town Building Committee.
The Select Board will discuss the Town Plan and set a date for adoption.

The Commission discussed the site visit from the Agency of Transportation regarding the project on Route 7 South on Cop John Drive and Farrell Road on August 11, 2016.

Mr. Biederman made a motion to adjourn. Mr. McKane made a second to the motion. Motion passed unanimously. Meeting adjourned at 8:45 P.M.