

DRAFT

RUTLAND TOWN PLANNING COMMISSION
THURSDAY, JUNE 16, 2016
RUTLAND TOWN MUNICIPAL OFFICE

Present: Howard Burgess, Barbara Pulling, Dana Peterson, Norman Cohen, Andrew McKane

Ms. Pulling called the meeting to order at 7:10 P.M. after the Commission reviewed the minutes of the May 31, 2016 and June 2, 2016 meetings.

Ms. Pulling asked if there were any changes to the agenda. Mr. McKane made a motion to approve the agenda. Mr. Cohen made a second to the motion. Motion passed unanimously.

Ms. Pulling asked if there are any changes to the minutes of the May 19, 2016 minutes. Mr. Peterson noted a correction in grammar. Mr. Peterson moved to approve the minutes of May 19, 2016, correction in grammar being addressed. Mr. Cohen made a second to the motion. Motion passed unanimously.

Ms. Pulling asked if there are any changes to the minutes of the June 2, 2016 meeting. Mr. Burgess and Mr. Peterson abstained as they were not present. Mr. Zingale pointed out to the Commission if there are less than four votes the Commission cannot vote on approval. Mr. Peterson suggested the minutes be addressed at the next Planning Commission meeting.

Public Comment:

There was no public comment.

Final hearing for Williams' subdivision:

The Commission considered the revised sketch for the two lot subdivision.

Ms. Williams stated she wanted the Commission to complete the process tonight as she is in the process of purchasing a house. Town resident Mr. John Norton-Griffiths encouraged the Commission to approve the sub-division as the property will be easier to mortgage on two acres because of the Real Estate Settlement Procedures act.

Mr. Burgess made a motion to approve the plat for the sub-division of Mr. Paul Williams' property. Mr. Williams stated his surveyor advised him not to get a mylar for recording until the plat was approved.

Mr. Cohen asked about the meets and bounds of the driveway. Mr. Williams approached the Commission and explained where the meets and bounds are. Mr. Peterson made a second to the motion. Motion passed unanimously. Ms. Pulling stated the hearing is closed.

Request for Thomas re sub-division:

Ms. Pulling asked Mr. Joe Zingale to summarize the opinion from Town Attorney Mr. Kevin Brown. Mr. Zingale stated the applicant initiated the process of asking for an amendment to the existing sub-division, however at the site visit the Commission discovered the applicant is proposing a new ingress and egress to parcels approved in 2010 in a different location, which, according to the 1987 subdivision regulations constitutes a re-subdivision.

Mr. Zingale said there is a concern for traffic management, and since the applicant hasn't proposed anything specific the concentration for the applicant should be the ingress and egress of the proposed lots of sub-division. Mr. Zingale reminded the Commission that at the site visit the applicant's attorney said their plan is to eliminate the conditions as all three parcels have access on public roads on the 2010 permit.

Mr. Zingale said those conditions were not defined, not recorded, and Mr. Brown said the permit is defective. Mr. Zingale said he sent an email to the applicant's attorney requesting a new map showing the proposed changes.

Mr. Cohen suggested the Commission ask the applicant's Attorney Mr. Jim Goss to withdraw the application for a permit amendment and resubmit an application for re-subdivision specific to access to route 7. Mr. Zingale explained it is a re-subdivision no matter what is on the application, the warning for the final hearing has been warned for Thursday, July 7, 2016, and asking for resubmission of documents may delay the process.

Mr. Peterson asked Mr. Zingale how the Commission should proceed. Mr. Zingale said he believed the applicant may ask the Commission to waive the original condition that was drafted improperly and ask the Commission to approve access on Route 7 north. Mr. Zingale cited examples of similar issues with Town sub-divisions and re-subdivisions.

The Commission reviewed the map and sub-division regulation language.

Mr. McKane asked if the applicant knows the easements from 2010 were not recorded. Mr. Zingale said he told the applicant's attorney at the site visit and has had correspondence with the attorney regarding Town Attorney Mr. Kevin Brown's opinion and has not heard back. Mr. Cohen asked if there is a procedure to notify someone who is in violation. Mr. Zingale said he could not recall the Planning Commission taking that action. Ms. Pulling said she wants to alert the applicant is in violation of the original permit ahead of time. Mr. Zingale stated the applicant doesn't want to record the original

easements. Mr. McKane stated he believes the applicant wants to remove the easements for parcel #1 so it will be a stand-alone parcel and the other parcel owner will need an easement to Route 7 north as the property will be land-locked.

Mr. Peterson suggested the Commission take up the amendment issue first and then address the access to Route 7 north. Ms. Pulling asked Mr. Zingale how to proceed with the hearing. Mr. Zingale said that a new map should be presented and agreed with Mr. Peterson on addressing the amendment and then the access to Route 7 north.

Mr. McKane brought up the issue that Town residents at the meeting had trouble hearing the Commission and vice versa. Mr. McKane suggested the Commission go to the Select Board to request a PA system rather than using the current equipment. Mr. Zingale stated that although recording the meetings as the Town does isn't a requirement, however taking minutes by hand or via cassette recorder is much more difficult than watching a video and relying on hand written notes. Mr. Zingale said if there was a PA system installed there would be a "yankee stadium effect". Mr. Burgess said when the new cooling and heating element is installed it will be much quieter in the room. Mr. Peterson asked if the Commission could hold their meetings at the fire station. Mr. Zingale said the Town Fire Department is having second thoughts on letting anyone use the building citing potential problems regarding fire calls.

Mr. Cohen made a motion for Ms. Pulling to speak to the Select Board about improving the audio in the meeting room to assist both Town officials and the public who are suffering from hearing loss. Mr. McKane made a second to the motion. Motion passed unanimously.

Ms. Pulling asked if there is another Select Board meeting on the proposed Town Plan. Mr. Zingale said the Board has not contacted him to warn a hearing.

Mr. McKane made a motion to adjourn. Mr. Peterson made a second to the motion. Motion passed unanimously. Meeting adjourned at 8:25 P.M.

