Town of Rutland
Planning Board
Minutes: February 25, 2020
Meeting Opened: 6:31 P.M.

Attendance:
Board Members Present: Norm Anderson, Marilyn Sidoti, Tim Nahrwold, Shawn Moore
Board Members Absent: Dick Williams
Staff Members Present: David George (Town Planner), Tomeca Murphy (Secretary)
Guests: Mark Elbag, Jr., Greg Goldsmith

Votes:

• Motion to accept meeting minutes from February 11, 2020—Motion made by Tim Nahrwold, seconded by Marilyn Sidoti; vote unanimous at 6:42 P.M. (Shawn Moore abstained)

• Motion made to close the meeting—Motion made by Tim Nahrwold, seconded by Shawn Moore; vote unanimous at 8:26 P.M.

No notices received from abutting towns

ANRs

Greg Goldsmith—Pommogussett Rd.
Mark Elbag, Jr. presented on behalf of the applicant as he is doing the engineering for Mr. Goldsmith. There are 6 lots and one will require a special permit for an estate lot. On the plans presented to the board, lot 3A was labeled as an estate lot, but it doesn't yet have the special permit, so the board wanted the language changed to avoid any possible confusion. After some discussion, the board agreed to change the wording to “proposed” estate lot with a note similar to a previous ANR approved for the Viner property. Mark Elbag changed the wording on the plans in the presence of the board. The applicant paid the $600 ANR fee with check no. 1241.

• Motion to endorse the ANR as noted for Greg Goldsmith on Pommogussett Rd.—Motion made by Tim Nahrwold, seconded by Shawn Moore; vote unanimous at 6:56 P.M.

Maple Hill Estates: Plan Endorsement
C.B. Blair is seeking a plan endorsement, however in order to endorse a subdivision plan, either a covenant OR a sureity/tri-party agreement is needed. This essentially would mean that the developer cannot sell any lots until the infrastructure is complete. Most commonly, the board receives a covenant. However in looking at the original Maple Hill subdivision, there was no covenant. The standard practice is to file the convenant with the subdivision paperwork as an agreement between the town and the developers. Going further, this is not just a requirement for subdivision regulations but is also required under the Subdivision Control Act. The board was not comfortable signing the plan until a covenant or tri-party agreement is received. They asked Dave George to write and send a letter to Mr. Blair sharing all of this information.

Subdivision Development Administration: Brice Lemon Estates
The logging is ongoing for Phase 3 for the entrance from Main St. Per the board’s discussion at the last meeting, Norm followed up to determine if the board made completion of Phase 1 a requirement before occupancy permits could be issued for Phase 2. He found no record of the board making this a condition. At this time, the
board would like to notify Mr. Blair that they will not accept Phase 1 until the sidewalks are completed, the Rail Trail connection is made and a DOT approved guardrail is installed in the area discussed with DPW Director Buckley. Dave George added that he had met with Mr. Blair and his engineer, Julian Votruba, where they discussed the street acceptance procedure and reviewed the timeline for that process. At this time, Mr. Blair has paid $63,089.10 of the $168,000 that is owed, to be paid at application, approval and bonding. Norm also noted that there will be ANRs in Brice Lemon that will be coming before the board. These are a result of changes made to subsurface maps by the Commonwealth and some lot lines will need to be re-configured. Norm anticipates 7-8 ANRs, but they are not creating any new lots. Since there will be a number of them, Norm suggested setting a base fee of $300 with $50 for every lot line change and the board was amenable to that option. Overall, the board has been displeased with the tracking of revisions on Brice Lemon Estates. The tracking falls on the applicant and their engineer, so the board would like to see a text document for all revisions for each phase and referencing corresponding plans. Dave added that this request has been made to them, but it's not yet been implemented. The board would like Dave to draft a letter sharing what was discussed and to ask that Mr. Blair attend an upcoming meeting so further details can be discussed in person. Dave said he would draft the letter and send it to Norm for review prior to sending it out.

Other
Norm would like “old business” added as a standard topic to all future agendas.

Marijuana Bylaw: Based on discussion at the previous meeting, Norm asked Shawn Moore if he plans to file a citizens petition to have the bylaw changed. Shawn responded that he would like to pursue that option if he’s legally able to. One the petition is received (with 10 signatures), it’s then forwarded to the Planning Board so a public hearing can be held and a recommendation is given at town meeting. Shawn added that he’d like to see farm land in town being used to grow hemp in an effort to earn some income for struggling farmers.

Tim asked what happened with the old right of way on Rt. 56 and he was told that nothing came of it.

Tim requested that the board set a definitive date for a business meeting to work on the subdivision regulations. Dave suggested that the board read through the regulations at home and come to the meeting with questions and comments to help expedite the process. A business meeting is scheduled for Thursday, March 26, 2020 at 6:30 P.M.

- Motion to hold a business meeting on March 26, 2020—Motion made by Tim Nahrwold, seconded by Shawn Moore; vote unanimous at 8:26 P.M.

Respectfully Submitted,

Tomeca Murphy, Secretary