Town of Rutland
Planning Board
Minutes: January 14, 2020
Meeting Opened: 6:30 P.M.

Attendance:
Board Members Present: Norm Anderson, Marilyn Sidoti, Shawn Moore, Tim Nahrwold, Dick Williams
Board Members Absent: None
Staff Members Present: David George (Town Planner), Tomeca Murphy (Secretary)
Guests: Allan Rantala, Fran Steiner, Skip Clark, Mitch Ruscitti

Votes:

• Motion to accept meeting minutes from December 10, 2019—Motion made by Shawn Moore, seconded by Marilyn Sidoti; vote unanimous at 6:41 P.M. (Dick Williams abstained)
  Discussion: Dick would like to hear from the DPW on the drainage information for Maple Hill Estates.

• Motion made to close the meeting—Motion made by Shawn Moore, seconded by Dick Williams; vote unanimous at 9:58 P.M.

Notices from abutting towns reviewed—no questions or concerns

Ad-Hoc Bylaw Committee Review of Sign Bylaw: Discussion
Norm began by sharing that the bylaw committee is currently reviewing and updating all bylaws. The content will remain the same with the exception of the addition of a bylaw for the Town Administrator because one didn't previously exist. The goal is to have the review completed by the May town meeting. Fran Steiner, owner of Steiner Signs, is concerned that the sign bylaw would change from a general bylaw to a zoning bylaw, which would then take it out of the building inspector's purview. He doesn't want to see the sign bylaw change and asked who would have the authority to enforce the bylaw should that happen. If it happened to change to a zoning bylaw, Norm said it would still be enforced by the building inspector because he is the zoning enforcement officer. However, Dave said there is no plan at this time to change the bylaw and Norm said there is no committee in existence that would be reviewing the sign bylaw at this time. Fran also asked if there is any plan to change the major home occupancy permit because he prefers it as is. Norm said they haven't looked at it yet, but he does have some concerns on what businesses may be allowed in a residential subdivision. Tim is also concerned that there are small businesses in town that are operating without a home occupancy permit and getting away with it. Mr. Steiner's final question asked if the sign permit will soon be available in View Point and Dave George said it's currently being worked on. Tim also shared that he doesn't like that Ad-Hoc agendas are very vague, lacking specifics on the bylaws being worked on at the meetings. Norm agreed it could stand to be more specific and he will speak to Peter Craine about it.

On another note, resident Mitch Ruscitti, inquired as to who manages the Town Planner position, including the use of David George's time. Mitch said when he asked the Town Administrator this question, he was told the Planning Board manages the role. Dave is both the Town Planner and Community Development Coordinator, but whom he reports to is not documented anywhere. Mitch said he has no concerns with David's work personally, just who is overseeing the charge. He is fearful that elected boards can give opposing direction to Dave. Norm said there is a written job description, but nothing more than that. Mr. George indicated that a job description exists and is clear regarding reporting requirements. A job description is standard practice in
defining job responsibilities and no other document is required. Mitch is also concerned that if Dave reports to the Town Administrator, then he also reports to the Select Board—a board that may have different views than the Planning Board, whom Dave also works for. Mr. Ruscitti expressed concern with the Growth Management Steering Committee and its role in developing the Rate Limit Bylaw. Mr. Ruscitti asserted that the Planning Office championed the bylaw, but Mr. George clarified that the Planner was assigned to sit on the Steering Committee by the previous Town Administration. The Committee's work started well before Mr. George was hired. To clarify, the Planning Office's sole role in working with the Steering Committee was to provide technical assistance on the range of growth management tools available for consideration by the Steering Committee. The Planning Office, at no time, was involved in the final policy decision. For further reference, the minutes of the Steering Committee should be consulted. Mitch also asked who does Dave's annual evaluation, but Dave wanted to confer with Mike Nicholson since that is a personnel matter. Norm said he could see the concerns regarding conflict of interests, but the board didn't have a specific answer. As such, they would also like to discuss this topic further with Mike Nicholson, possibly scheduling a business meeting for a later date. Marilyn suggested also having a charge for the organization, which the board agreed with.

- Motion to have Dave George approach the Town Administrator to clarify the job description and responsibilities for the Town Planner/Community Development Coordinator, as well as clarification on who he reports to—Motion made by Shawn Moore, seconded by Dick Williams; vote unanimous at 7:29 P.M.

**ANRs**

None

**Subdivision Development Administration: Brice Lemon Estates**

C.B. Blair Builders provided a revised proposal for the Rail Trail connection per the board's request. Tim Nahrwold and Dick Williams were both dissatisfied with the changes that were made. Dick observed that the contour lines had changed, but the size of the pond had not. The board had previously suggested that the connection run behind the pump station, but that was not done on the new plan. The drainage easement was also moved 10-15 feet shorter from the property line, prompting Tim to ask if the easement is now enough. Dick would also like to find out how management of the open space is worded in the HOA. Allan Rantala, planner from the DCR, was also in attendance and viewed the updated proposal. Norm asked Dave to reach out to Mr. Blair and Julian Votruba to request a written description of the changes made from one plan to the next. Norm doesn’t see any issue with the new plan, but would like additional information including contouring numbers, verification of the size/shape of the pond and why the rip rap drainage was removed. Quinn Engineering also provided a report after visiting the site on January 2nd and 7th. They raised a concern regarding the slope behind one of the lots and emphasized the need for a retaining wall. The building inspector also added that it will need to be an engineered wall. That particular concern was out of the scope of the Planning Board, so the board will leave it to the building inspector.

**Maple Hill Estates Open Space Subdivision: Decisions Review & Approval**

The board reviewed the approval section by section and made appropriate changes as necessary. Dick Williams inquired if there is a conservation restriction on Brice Lemon and the answer wasn’t known, so Dave will look into this. Dick would also like to be certain that appropriate wording was used on the deeds for properties in Brice Lemon, so Tomeca will research this and share with the board. Dave stated that the approval will have to replace the applicant’s finding of fact with the board's finding of fact in order to justify adding a conservation restriction. Since there are changes to be made and comments from town counsel still to be received, the board did not feel comfortable signing the decision. However, since the deadline for the decision is January 28th, the board agreed to sign individually before the next meeting. Also reviewed was the certificate of action and changes were discussed and noted. The certificate of action will also be signed individually by the board prior to the next meeting. The board would also like to check with DPW Director Buckley on his satisfaction with the sewer plan for Maple Hill.
**Working Group for Town Center Study**
A study of the town center was conducted by the CMRPC and recommendations were made. The CMRPC had applied for a grant and received $19,000 to study our town center district. They advised that a small group be put together to form a study committee/working group. Letters were sent to members of all the current boards in town looking for participants, as well as to the school principals seeking students who may be interested. So far 10 applicants have shown interest, but they'd like to keep the board at no more than 7 members for efficiency. Dick Williams volunteered to represent the P. Board and all were amenable to that.

**Annual Town Report**
Dave put together a very comprehensive report, highlighting the great deal of work done by the board in the past fiscal year. The board was very impressed with the final product and thanked Dave for his work. Dave said he will also create a similar report for staff work.

- Motion to endorse the annual town report for submission to the Town Administrator—Motion made by Dick Williams, seconded by Tim Nahrwold; vote unanimous at 8:05 P.M.

**163 Maple Avenue**
The town received notification that Schultz Farm, a 159 acre APR property, is currently in foreclosure. The auction will take place some time in April. Dave shared that they are currently working on an agricultural accessory bylaw, which could be potentially helpful to local farms by allowing them alternate sources of income.

**Administrative Assistant**
Tomeca Murphy has accepted a permanent position as the administrative assistant for the Planning Board. In addition to recording minutes and assembling board packets, she will take over the financial record keeping for the board. As such, Tomeca will meet with Norm on January 16th to learn more about the financial portion of the role.

Respectfully Submitted,

*Tomeca Murphy*, Secretary