Town of Rutland
Planning Board

Minutes: January 28, 2020

Meeting Opened: 6:34 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: None

Votes:

- Motion to accept meeting minutes from January 14, 2020 with amendments—Motion made by Dick Williams, seconded by Shawn Moore; vote unanimous at 6:51 P.M.
- Motion made to amend the meeting minutes from December 10, 2019 after prior approval—Motion made by Shawn Moore, seconded by Tim Nahrwold; vote unanimous at 6:51 P.M.
- Motion made to close the meeting—Motion made by Shawn Moore, seconded by Tim Nahrwold; vote unanimous at 8:18 P.M.

Notices from abutting towns reviewed

ANRs

Viner Property, Emerald Rd.
Dick Williams raised concerns about 6 acres that are Chapter 61A in the corner of the property and the board's ability to endorse the ANR knowing it is there. David George clarified that if the frontage is on an approved roadway with site access from that road, the endorsement can't be withheld. He would advise that the applicant look into it further, however, because it will need to be addressed when applying for building permits. Dave spoke to the Town Assessor about the property as well and she is going to bring it to the 61A specialist in her office for review. The board would also like to bring it to the building inspector's attention via e-mail. Dave also shared that this situation is re-viewable by the assessor anyway since the lots are being divided. The notes on the ANR indicate that there is a wetland crossing and approval from the Conservation Commission will be needed as well. The applicants paid $550, however, they still owe an additional $50 based on the number of lots.
- Motion to endorse the ANR plan of Emerald Rd. for the Viner property with the acknowledgment that an additional $50 is required from the applicant—Motion made by Tim Nahrwold, seconded by Dick Williams; vote unanimous at 7:12 P.M.

Subdivision Development Administration: Brice Lemon Estates
Tim Nahrwold recently drove through Brice Estates and observed that C.B. Blair is preparing to build a retaining wall in Phase 2. Dick Williams wants an engineer stamped assessment of the wall and David George confirmed that this will definitely take place and a drainage analysis will be included as part of the assessment. However, it was noted that the wall is outside the purview of the board since it is on one of the lots and not on one of the streets. The board also has concerns about the Homeowner’s Agreement. It was found that there are certificates recorded for each property under the Brice Lemon Estates Trust that references the HOA document, which is also recorded at the Registry of Deeds. The Trust is the HOA. As of right now, Blair is still the trustee until 4 months after 75% of the lots are conveyed or 3 years after the lots are started, whichever comes first. At
that time, the ownership will be transferred to the homeowners. The certificates are recorded under the address, but are not noted on the deed. The board asked if there is a need to do anything and Dave George said there will likely be a further discussion at the time of street acceptance. The board asked if there is maintenance needed on the detention basin or Rail Trail access, who is the responsible party? Dave noted that these would not be zoning violations, so the town wouldn't have cause for concern. It affects private property and private residents. Marilyn asked how the HOA is set up after it transfers ownership, such as who will run it and how will they know when it’s their responsibility? The answer is unknown at this time, however the HOA states that there is a $50 fee into the Detention Basin Fund upon conveyance of the lot to be used towards maintenance. The board agreed that they would like to ask town counsel what the best way would be to handle the HOA, specifically whether the HOA should be explicitly referenced in the deed. There is also a concern that the current town counsel, KP Law, did not review this HOA as it was created when the previous town counsel was employed. So, the board would like to know if it is standard practice for town counsel to review an HOA and what rights the town has in enforcing it. Also, would the town hold any responsibility should there be a violation? Dave noted the specific questions and will present them to KP Law.

On another note, Shawn recommended holding a business meeting specifically for the discussion of subdivision regulations and the board agrees.

**Annual Town Report**

Dave put together a very comprehensive report for the Office of Planning & Community Development. He shared it with the board for their information. The report will go to the Town Administrator to be included with the town’s annual report.

**Other**

With budget season upon us, Dick Williams raised concerns about back owed stipends to members of the board. He and other members would like to see the annual amount raised to $1,000 as it used to be in 2010. David George said this would need to be updated on the budget and said he could do so because budget meetings will not begin until mid-late February.

- Motion to request stipends be restored to $1,000 annually—Motion made by Tim Nahrwold, seconded by Dick Williams; vote unanimous at 6:58 P.M.

Dick Williams shared that David George had attended the recent Ag-Commission meeting on Agro Tourism and it went very well. He expressed that they were happy to have Dave there and appreciated his input.

Dick raised his concern with E-1 systems and the need to create a standard. Tim and other members were in agreement and feel Rutland is behind other towns in creating a standard. Dave said there may be an opportunity to include this as part of the regulations written in the storm water bylaws.

Respectfully Submitted,

**Tomeca Murphy, Secretary**