Minutes of the Growth Management Steering Committee
Small Meeting Room, Rutland Library
April 17, 2019 6:30 pm
The meeting was called to order at 6:40 pm by Chair Ron Barron.

Members Present:
Jeff Stillings, for the Board of Selectmen
Shawn Moore, for the Conservation Commission
David George, Town Planner
Joseph Buckley, Director of Public Works
Richard Williams, for the Planning Board
Scott Gilroy for the Board of Health

Ron Barron for the Central Mass Regional Planning Commission

Not present: Town Administrator Michael Nicholson.

There were no members of the public present for the meeting and the meeting was not televised or recorded by RCTV Cable.

CHANGE OF CHAIR
Ron Barron reported that Central Mass Regional Planning prefers he not fill a role as Chair, but rather to serve as a Technical Advisor, to fill a similar role as Mr. Buckley, Nicholson, and George do within the Committee.

A MOTION was made by Shawn Moore and seconded by Scott Gilroy to select Jeff Stillings as the new Chair of the Rutland Managed Growth Steering Committee. All approved.

March 27, 2019 Minutes:
A MOTION was made by Mr. Williams and seconded by Mr. Buckley to approve the minutes of the March 27, 2019 meeting of the Managed Growth Steering Committee (MGSC). Unanimous/approved.

Review of Draft Development Rate Limitation Bylaw, also known as the Growth Management Bylaw:
Dave George presented a revised version of the proposed bylaw, updated on April 1, 2019 by the Zoning Bylaw Review Committee of the Planning Board. Mr. George provided a synopsis of any modifications made to the previous revision. They are:

Section 1: Purpose and Intent
Moved some language from Section 4 into Section 1. Not changed substantially, just a better grammatical read.

Section 2: Applicability
No changes

Section 3: Residential Development Limitation
Change to the number of permits from 30 to 36 dwelling units in a single year. The changes were made by the Bylaw Sub-Committee. Discussion on Chair Stillings regarding the Bylaw Sub-Committee revising absent direction from either the Steering Committee, Planning or Select Boards. Mr. Moore reports the change from 30 to 36 permits was based upon math and being 12 months in the year, so as to not have a fraction of a permit. Most of the Bylaw Review Board are members of the Planning Board.

Section 4: Issuance of Building Permits
Change made in Paragraph B, to the number no more than three (3) permits issued in a calendar month. The reason for the change was a math adjustment based upon the Section 3 number of permits being increased to 36.

Section 5: Exemptions
Paragraph F was added to include exemptions based upon catastrophic event. Discussion of whether this is duplicative to Paragraph D. Consensus agreed to leave it as it stands.

Paragraph C relating to Subdivision Control Act (ANR) will be run by town counsel.

Section 6: Special Permit
The paragraph wording was shortened for grammar and read, no substantive changes made.

Section 7: Zoning Change Protection
No changes made

Section 8: Term of Bylaw
Change made by Zoning Bylaw to lower the sunset time from 10 years to 5 years. Discussion on this adjustment, Stillings concerned that 5 years will come too soon and all the effort will need to be duplicated.

Discussion on the wording of extending the bylaw for another five years based on majority vote at town meeting. Most of the Bylaw Review Board are members of the Planning Board.

Mr. Moore stated that the 5 year sunset duration may make it more appealing to voters at the Annual Town Meeting. Mr. Gilroy stated that the longer the term of the sunset, the more likely a legal challenge.

Mr. George reports that Town Counsel will further opine on the majority vote or 2/3 vote.

Section 9: Severability
No changes

The Zoning Bylaw Committee is meeting April 18, 2019, and will be reviewing proposed modifications based upon Town Counsel review and recommendation. The revisions will be available to the Steering Committee after the April 18 meeting.

Town Counsel
Mr. George reports that Town Counsel is actively involved in the bylaw product. Counsel has provided key wording to mitigate exploitative loophole language, such as ANR use.

Discussions
Discussion about whether unused building permits carry into the following year for use. The consensus states the unused permits are null and void at year’s end.

Discussion about the 25% to any one builder wording. Consensus is okay with an inclusion in the special permit section. Special Permits will have value as a negotiation tool and onsite impacts. Mr. George reports this concept is a basic land use principle.

CMRPC
Ron Barron would like to be included in any pre-annual town meeting preparatory meeting as happened last year. Mr. Barron stated that he may have a scheduling conflict with the May 11 Annual Town Meeting. Mr. Stillings stated that his presence is critical to the meeting, as much as based
upon the findings in Phase 1 and 2, which will certainly be brought up for clarification. Mr. Baron will see if he can adjust his schedule, or have another representative from CMRPC attend.

Ron Barron reports that the grant funding for the managed growth project runs out in June of 2019. Discussion about future endeavors and need for an extension of the grant, and request for continued technical support from CMRPC. Ron will look further into grant extensions and opportunities. Mr. Barron would like to have a MGSC meeting in June to review his final report.

Old or New Business:

Dave George asked CMRPC Ron Barron for follow up on the question of who has the authority to create a Water and Sewer District. Mr. Barron reports that the Water and Sewer Commission can create a District. The gray area is if the Water and Sewer Commission has the authority to create a hard boundary line of the district, i.e. outside of this boundary you cannot connect. The answer is it is a legal question. Stillings asked about the process for Water and Sewer Commission to initiate the District. Mr. Barron stated that the process is the same: a public hearing, promulgate the information, meaning post publically. Mr. Barron will see if he can write a technical assistance request to assist the Town with establishing a Water and Sewer District.

Brief discussion about future endeavors the Steering Committee can partake: DLTA: Upzoning/District Development rights, developing and receiving districts. Further endeavors to be addressed after the Annual Town Meeting.

Next Meeting

The next meeting of the Managed Growth Steering Committee will be Wednesday April 24, 2019 at 5:30, in the Library.

Meeting called for adjournment at 7:52 pm; motion approved/seconded/adjourned.

Respectfully Submitted: 04-17-2019

Jeffrey A. Stillings, Chair
Select Board Representative to the Managed Growth Steering Committee
Scribe of meeting minutes