March 27, 2019

Minutes of the Growth Management Steering Committee
Small Meeting Room, Rutland Library
March 27, 2019 6:30 pm

The meeting was called to order at 6:35 by member Jeffrey Stillings. The meeting was held in the small meeting room in the Rutland Library basement and was recorded by the cable commission. All present were so advised. Chairman Ron Barron was unable to attend the meeting.

A MOTION was made and seconded to select Jeff Stillings as Vice Chair to lead the evening’s meeting. All approved.

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


There were no members of the public (except for the Cable Commission camera operator) present for the meeting.

March 14, 2019 Minutes:
A MOTION was made by Mr. Williams and seconded by Mr. Moore to approve the minutes of the March 14, 2019 meeting of the Managed Growth Steering Committee (MGSC). Unanimous/approved; Stillings, Moore, and Williams were only voting members; Joseph Buckley and David George were present as technical advisors for the Town.

Agenda items:
Debriefing of March 18, 2019 joint meeting of the Board of Selectmen and Planning Board, review and discussion of example town bylaw packets, and action items to be followed up on:
Dave George stated that since the last meeting he had been reviewing MDC guidance documents and sample bylaws, specifically the Cape Cod Commission model bylaw relating to Managed Growth, the Town of Rutland’s managed growth article of 2002 (hereafter 2002), and has a draft bylaw prepared for review. Mr. George stated that he did run the draft product by Ron Barron; Mr. Barron replied that it looked good.

Old or New Business:
none to report

Process:
Mr. Moore and Mr. Buckley inquired about the process of the bylaw from this point. Mr. George provided a process analysis. After this evening’s revisions, he will re-edit the product and present it to the Planning Board’s bylaw review panel.

The re-edit will be complete and presented to the Planning Board subcommittee on April 1, 2019. The Warrant closes on April 5, 2019. The Planning give their recommendation and sends the bylaw to the Board of Selectmen, for placement on the warrant for Town Meeting (May 11, 2019).

Timeline and meetings:
The Planning Board will hold their next meeting on April 9, 2019.
The Planning Board will hold a Public Hearing on the Managed Growth bylaw on April 23,
Discussion about a follow up joint meeting between the Planning Board and the Board of Selectmen. It was decided to invite the BOS to their April 9, 2019 Planning Board meeting. A BOS agenda will be posted in case a BOS quorum is present.

**Review of Draft Managed Growth Bylaw:**

Mr. Williams reported that the Planning Board met the previous evening, March 26, 2019. At the meeting, the Planning Board voted to set the number of building permits for new residential building for the proposed bylaw at thirty (30).

Mr. George presented a graph of the “Rural 11” towns, which are nearby Rutland in general, which showed the number of annual permits issued by each town. Rutland’s numbers were proportionately higher than the Rural 11, which averaged 3 to 5 permits per year. Mr. Buckley stated for example, Rutland issued 30 permits in a given year, while Barre issued 9, and Oakham issued 4 permits.

Discussion about the bylaw number of building permits. Mr. Moore stated that to set too low a number would mean growth would nearly stop.

Mr. George stated in 2017, Rutland issued 51 new residential building permits, and 56 such permits in 2018. Mr. George provided an analysis of crude regression, also known as a trend line, showing a number of forty (40).

Mr. Williams asked if the town’s Building Inspector was still issuing building permits leading up to town meeting in May.

There was specific review/read through of Mr. George’s draft bylaw product:

The Title was Development Limitation Bylaw 2019 Rutland
Section 1: Purpose and Intent
Standard language, nothing further
Section 2: Applicability
Standard, nothing further
Section 3: Residential Development Limitation
Mr. Moore made a MOTION to recommend the set number of new residential building permits annual limit for the bylaw at thirty (30) dwelling units. MOTION SECONDED by Mr. Williams. All in favor: Williams/Moore; OPPOSED: Stillings. Not voting: George and Buckley. Mr. Stillings stated the he felt the number should be much lower but respected the process by the Planning Board and MGSC member for deriving the number.

Discussion about a cap on exemptions specifically individual applications or the percentage of applicants.

Section 4: Issuance of Building Permits:
Discussion on section 4.
MOTION by Mr. Williams for Section 4 paragraph C to set the wording at twenty-five (25) percent. Seconded, approved unanimous. Wording would read:
A. No more than twenty five (25%) percent of the building permits authorized by § 3 for new dwelling units shall be issued to any one applicant or set of applicants involving one or more of the same principals within a single year.

Section 5: Exemptions
Discussion on section 5.
Discussion regarding 55 and older exemptions. Mr. George stated the draft’s wording was derived from the 2002 product, which stated twenty (20) special permits per year. The 20 number back in 2002 was based upon a total cap request of 60. Prorated to the proposed 30 cap would be 10 special permits for 55 and older housing.

MOTION by Mr. Williams to set the number of 55 and older special permits exempted in paragraph B at ten (10) per year. The wording would be:
A. Dwelling units that are age-restricted to resident owners 55 years and older, up to a total of ten (10) units per year. Building permit requests for more than ten (10) units per year shall be subject to the provisions of this bylaw.
Seconded by Mr. Moore; approved, unanimous

Discussion on Section E, states that the Rutland Heights development is exempt. Mr. Williams would like wording such as the zoning allows only senior housing and assisted living development.

Discussion from Mr. Williams about exemption for house fires. Consensus likes an exemption for casualties to dwellings, that permits related to a casualty such as fire would not count toward the permit total. Mr. George will create a Section F and include.

Section 6: Special Permits
Discussion on Section 6 first paragraph regarding Special Permits. The last sentence of the first paragraph was merged into the following paragraph, with the remaining of paragraph 1 to be deleted. MOTION by Mr. Moore, seconded by Mr. Williams to strike the wording in paragraph 1:
The Planning Board may grant a special permit to allow the issuance of building permits for particular development projects that will result in authorizing construction of a total of a maximum of (blank) dwelling units ( ) above the annual residential development limit, per calendar year.

Mr. Stillings stated that a set number of special permits was not discussed or set during the joint meeting of the BOS and Planning, and his understanding was that the Planning Board would decide on case by case basis on the special permits, with the emphasis in the following paragraph being that the Planning Board may grant a special permit only if the proposed benefits of the development will not outweigh the adverse effects to the community.

Discussion on Section 6 Special Permit, section E, relating to the set percent (%) relating to allowable residential density.

MOTION made by Mr. Moore, seconded by Mr. Williams to list the set percentage at twenty five (25%). Motion approved/unanimous. The section would read:

A. reduction in otherwise allowable residential density. Particular consideration shall be given to special permit applications that demonstrate a reduction in allowable density of twenty-five (25) percent or more.

Section 7: Zoning Change Protection

No further discussion on Section 7 Zoning Change Protection.

Section 8: Term of Bylaw

Discussion on Section 8: Term of Bylaw. This is the sunset clause. Discussion the sunset term should be between five and ten years.

MOTION made by Mr. Williams to set a ten (10) year sunset duration in Section 8. Seconded by Mr. Moore; approved/unanimous.

MOTION made by Mr. Moore, seconded by Mr. Williams, for the term of extension stated to be five (5) years from the sunset. Approved/unanimous. Section 8 would therefore read:

This bylaw shall be effective through May 11, 2019. The bylaw may be extended for up to five (5) years, to achieve its purposes without lapse of its provisions, conditions and limitations by majority vote of a Town Meeting prior to May 11, 2029.

Section 9: Severability

No further discussion, standard language

The next meeting of the Managed Growth Steering Committee will be Wednesday April 10, 2019 at 6:30, in the Library.

Meeting called for adjournment at 8:12 pm; motion approved/seconded/adjourned.

Respectfully Submitted: 04-17-2019

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