

**CITY OF RUTLAND, VERMONT**  
**Public Hearing Minutes**  
**Wednesday September 23, 2020**

**5:30 PM Public Hearing: Proposed Amendments to Zoning Bylaws**

**The hearing was held by teleconference because of the new COVID-19 protocols.**

Members present: Rutland City Planning Commissioners Susan Schreibman, Alvin Figiel, Dave Coppock, Larry Walter and Patrick Griffin.

Also present: Alderman Talbott, RRA Executive Director Brennan Duffy, Tara Kelly, Planning Director and Zoning Administrator, John Weatherhogg and Mark Ellenbogen of Heartland Developers, Atty. Jim Goss.

Commissioner Schreibman, Chair, called the hearing to order and turned it over to Tara Kelly. Tara discussed the impetus to create a new district for the former College of St. Joseph property that reflects the goals in the City's Municipal Plan for development of a variety of uses while respecting the neighborhood and the natural buffers and features of the property. Additionally, the amendment brings the current zoning into compliance with VSA Chapter 117 updates; and creates a waiver provision that State Statute has allowed for several years but has not been availed by the City. She discussed the City's current use of a variance which technically is not the correct tool and could prove problematic in an appeal.

Tara further discussed amendments to the Zoning Bylaws that include adding medical clinics and skilled nursing facility to the list of permitted uses in the Planned Office Park (POP) district near the hospital, as well as, requiring site plan review in the POP district.

The Chair asked for comments from the public:

Brennan Duffy spoke in regard to the written comments that were submitted to the Planning Commission. He said the RRA had reviewed the proposed amendments and asked the Commission to consider two changes regarding the proposed Campus Development District. The first is to decrease the minimum lot size from 5 acres to 1 acre so as not to preclude any potential future investment. The second relates to the removal of the language in Section G, 10, regarding fossil fuel pipeline uses. The RRA feels that prohibiting fossil fuel pipeline uses in the Campus Development District might preclude potential future investment.

Atty. Jim Goss spoke on behalf of Heartland Developers stating that the CSJ property is under contract to purchase and design of an adult residential care facility is proceeding. The proposed district in Section 31.318 allows this unique property to be developed as such as a conditional use with site plan review. Commission Figiel asked if the language regarding fossil fuel pipeline uses made any difference to the Heartland Developers. Atty. Goss said no and Mark Ellenbogen concurred.

The Chair asked if anyone from the public had any additional comments. Hearing none, the Chair noted a motion to close the hearing would be in order. Commissioner Figiel so moved and Commissioner Griffin seconded. Motion passed. The hearing ended at 5:47 PM.

Respectfully submitted,

Barbara Spaulding  
Planning Commission Recording Secretary



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September 22, 2020

Rutland City Planning Commission

Dear Commission Members:

The RRA board has reviewed the Rutland Planning Commission's draft Zoning Bylaw amendment document and supports the RPC's initiative to amend the City's current zoning regulations.

In regards to Section 31-318 Campus Development District the RRA board had two specific suggestions.

The first, related to Section C, 4, being the decrease of minimum lot size from 5 acres to 1 acre for this new district. The RRA board feels that the proposed 5 acre minimum lot size might preclude potential future investment, especially for future residential use development of that land.

The second, related to Section G, 10, would be to remove the language prohibiting "Any fossil fuel pipeline right-of-way, terminal, or distribution facility". The RRA board feels this prohibition is not appropriate in a single zoning district and might preclude potential future investment.

Please feel free to contact me with any thoughts or questions about these suggestions.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Brennan Duffy", written over a light blue horizontal line.

Brennan Duffy

Executive Director, Rutland Redevelopment Authority

### Additional Proposed Changes 9/15/20

Since circulating the draft, I thought of a couple other helpful changes for the Planning Commission to consider. I also have a suggested definition to incorporate (Recreation, Outdoor and Recreation, Passive) based upon an observation made at the Rutland Redevelopment Authority's meeting.

Industry, Cottage. Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving the use of hand tools, or the use of mechanical equipment commonly associated with residential or office-type uses, or a single kiln.

- Add as a Permitted Use to all Zoning Districts except Single Family Residential

Structure, Attached. Any structure that is attached to or fully abutting a building by a common wall, by a roof, or by structural connections that allows pedestrian access to both structures, including but not limited to decks, stairways, carports or breezeways.

Recreation Facility, Outdoor. A facility designed and equipped for the organized or informal conduct of sports, leisure activities, and other recreational activities wholly or partially outside of any building or structure. Fields, trails, bodies of water, or other land may be used for recreational purposes. Where permitted by the Development Review Board, associated structures may include swimming pools, tennis courts, baseball fields, soccer fields, skating rinks, skateboard parks, playground equipment, storage or other accessory buildings, and accessory uses such as snack bars, pro shops and locker rooms.

- Add as a Permitted Use in Park Districts and Conditional Use in all others

Recreation Facility, Passive. An area or facility designed and equipped for leisure pursuits that require no type of structure designed to enhance those activities, including but not limited to areas designated for cross-country skiing, snowshoeing, ice skating, cycling, fishing, swimming, hiking and running trails, and horse trails and riding rings, and excluding commercial use of motorized vehicles on materially unenhanced surfaces.

- Add as a Permitted Use in all districts