

CITY OF RUTLAND, VERMONT
Development Review Board Minutes
Wednesday April 4, 2018

Development Review Board Members: Stephanie A. Lorentz, Al Paul, Jim Pell, Steve Wilk and Mike McClallen.

Members present: Lorentz, McClallen, and Wilk. Also present, Zoning Administrator Tara Kelly. Jim Pell, a DRB member who recused himself from the hearing, sat in the audience.

At 6:17 PM Chair Lorentz called to order the hearing of a Subdivision application submitted by Rutland County Agricultural Society to subdivide the land associated with 223 South Main Street so it can be sold to the existing business, Good Stuff. Good Stuff intends to continue operation of a retail store within the existing building.

Also present to participate in this hearing were the following:

- Thomas Massey of Good Stuff
- Kayce Massey of Good Stuff
- Robert Congdon of Rutland County Agricultural Society
- Cash Ruane of Rutland County Agricultural Society
- John J. Welch, Attorney representing Rutland County Agricultural Society
- Jack Facey, Attorney, representing Good Stuff
- Jim Pell, Realtor

Chair Lorentz introduced the project under consideration and explained the hearing process. She then swore in anyone wishing to give testimony for this hearing. She explained the hearing process and then invited the applicants to present their application.

Mr. Facey explained the overall scope of the request. His client, Tom Massey, would like to purchase the land associated with the building at 223 South Main St. He has been operating out of that location for more than a year and plans to continue doing so. Mr. Facey pointed out that there has been a building with a public-facing business operating separately from the Fairgrounds at this location for several decades. However, the land itself has never been subdivided from the main property of the Fairgrounds. The request is to do so now.

Mr. Facey shared an aerial view of the location. He explained the intent is to divide off the building and associated parking lot. There was some discussion about the intended property line. As drawn, the boundary would be along the edge of the building with an easement provided that would surround the parcel in order to facilitate maintenance and repair of the parcel (which slopes off drastically in all directions), the building, the parking lot, fences etc. After some discussion all parties agreed a 10' easement would be sufficient to serve the needs of the newly developed parcel.

Chair Lorentz asked if any changes were planned to the building or lot. Mr. Massey described work that has been completed since they took over the building. There are no additional changes planned at this time (beyond planting some flowers and replacing a light bulb that lights the parking lot).

There are 13 spaces in the parking lot which has proven to be sufficient for the business operations. The business had been operating in another Rutland location prior to moving to this location and has proven to be well-managed.

Chair Lorentz noted that the DRB has received a memo from the Department of Public Works regarding a sewer line that crosses under the parking lot. The location of the line was discussed and maps presented that show an 8" sewer line under the parking lot that extends from the trunk line that crosses the Fairgrounds to the south and then follows Mussey Brook. There does not appear to be an easement in place for the line being discussed. The parties agreed they would grant such an easement to the City for repair and maintenance of the line.

Mr. Facey further explained that the previous owner of the building and the leaseholder of the land owes back taxes. Good Stuff has been paying taxes since moving there. Part of the agreement of the real estate deal is that \$62,000 of back taxes will be paid to the City upon closing.

Chair Lorentz noted that the lot being proposed would not meet the setback standards for the zoning district (Gateway Business – South Main St). Mr. Facey explained that it could be viewed as a de facto subdivision with the lot essentially in existence and operating as such for many decades. The applicant is asking the DRB to waive the provision of meeting setbacks and minimum lot size for the Zoning District. They are asking the DRB to treat this application as a minor subdivision. And, they are asking that the requirement for a final surveyed plat be waived. Chair Lorentz stated that a survey should be done in order to clarify what is being conveyed. Mr. Welch and Mr. Facey made the case that the lot itself is self-evident on the ground given how it has been developed. They explained the sketch plan with boundaries shown based on physical markers such as light poles and fence posts etc. Chair Lorentz pointed out that the Subdivision Regulations require a final plat – even for a minor subdivision. Member McClallen reinforced this point.

Mr. Facey asked if the decision could be issued with a condition that the final plat be provided so that the appeal period can start to run. Chair Lorentz agreed that would likely be possible. DRB members stated a fully surveyed map is needed that shows the property boundaries, measurements and record the easements etc. Mr. Facey asked for clarification about the bounds of the survey. DRB members agreed a survey plat that shows the newly created lot is sufficient (versus needing a survey of the entire Fairgrounds boundary).

ZA Kelly provided the applicant copies of various maps found within the Department of Public Works to assist the applicants with the creation of the final plat.

The hearing was adjourned at 6:45 PM.

Respectfully submitted,
Tara Kelly
Development Review Board Clerk