

**CITY OF RUTLAND, VERMONT**  
**Development Review Board Minutes**  
**Wednesday, January 17, 2018**

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

Members present: Lorentz (arrived 6:14 PM), McClallen, Paul, and Wilk (by phone). Also present, Zoning Administrator Tara Kelly.

At 6:10 PM Acting Chair Paul called to order the hearing on a Variance application to reestablish a non-conforming use (duplex) in the Single Family Residential district (SFR) at 46 Kingsley Avenue. Barbara Wood was present as the representative for the prospective purchaser of the property, Robert E. Chanan. Also present to participate in this hearing were the following:

- Sherri and Matthew Prouty of 45 Kingsley Ave
- Marguerite Sommer of 48 Kingsley Ave
- Darlene Delehanty of 41 Roberts Ave
- Melissa Pierce and Kevin Volz of 39 Kingsley Ave
- Marc Therrien of 44 Kingsley Ave
- David Allaire (Mayor) of 51 Church St
- Barry Keefe of 52 Kingsley Ave
- Michael McGuire of 50 Kingsley Ave
- Jody McIntosh of 45 Roberts Ave
- Lyle Jepson of 49 Kingsley Ave
- Catharine Cooke of 47 Kingsley Ave
- Greg Josselyn of 7 Stratton Rd (signed in, but was present for the second item on the agenda)

Acting Chair Paul introduced Steve Wilk of the Development Review Board who was in attendance via telephone. Acting Chair Paul swore in anyone wishing to give testimony for this hearing. Member McClallen was in the room from the start of the hearing and Member Lorentz joined the meeting shortly after everyone was sworn in at 6:14 PM.

Ms. Wood introduced herself. She has visited Rutland on multiple occasions and is interested in purchasing property here. She has been in real estate for 30 years and has worked to rehabilitate properties in other locations. Working with a business partner, Robert Chanan, Ms. Wood applied to purchase two City Owned Properties, 118 Gibson Ave and 46 Kingsley Ave. She stated that she intends to invest in the properties to rehabilitate them and in doing so bring value back to the neighborhoods.

She appreciates the beauty and character of the house at 46 Kingsley Ave. She recognizes it will take a lot of work and investment to bring the house up to the condition she would like including restoring hardwood floors and other features. Her intention is to work with the existing systems of the house to re-establish the two living units that existed before the house fell into the City's hands (ex. there are 2 kitchens in the building). She would develop the property to have two 2BR units. She is aiming to fill an identified housing gap – high quality rental units for professionals moving to the area or who want to live close to downtown.

She had not yet decided whether or not she will live in the building. But, if not, she intends to have a local professional property manager. She is in the area approximately once per month and will check in on the status personally.

Ms. Wood explained the property is listed in the City Records as having 2 units – dating back to 1986. The use as 2 units was an existing non-conforming use. However, it lost that status because it has been vacant for more than one year. She is asking that the past use be allowed to be reestablished.

Member Lorentz asked if the units are side by side or up and down. Ms. Wood stated they are side by side and would remain that way.

Acting Chair Paul asked about parking. Ms. Wood explained the existing detached garage has space to be a 2 car garage and would be used as such. She would also establish parking spaces alongside the garage for 2 more cars for a total of 4 spaces. There is a large barn on the property next door so the exterior parking would not pose a visual impact.

Member Wilk asked if the 5 Criteria for a Variance were submitted with the application. ZA Kelly confirmed the application includes responses.

Members of the public in attendance were asked for comments. A petition was submitted voicing opposition to the Variance. The petition has 16 separate signatures representing 11 properties in the area. A copy of the petition is in the file.

Mr. Jepson stated this property has been a problem for the neighborhood in the past with frequent police calls and disturbances. He stated the neighborhood would prefer single family. If the Variance is granted, he asked that the DRB consider restrictions or other means of assuring the property is properly maintained and managed so it doesn't return to the problems of the past.

Ms. Wood noted she understands the property, at the point there were issues, was inhabited by a person who had inherited the property. So, it was owner occupied at that point in time. She contended that having the owner on-site, in that case, did not alleviate the problems. She stated she will be investing in the property heavily, will charge rent accordingly, and will closely manage the property.

Mr. Therrien stated he recently purchased his property. He decided to do so because of the SFR Zoning District status. He came from a different neighborhood with different zoning. He suggested \$60,000 was not enough money to invest in the property to bring it up to the status being described. Ms. Wood stated she has access to additional funds if needed. Mr. Therrien is opposed to a Variance from the existing zoning. He knew this property had issues. But, he hoped someone would purchase it and develop it as a single family house. Member Lorentz noted that there are other properties on this block that are not single family. Mr. Therrien acknowledged that fact, but stated that those pre-existing conditions are acceptable but he would not like to see any additional buildings converted.

Ms. Sommer is the owner of the 4 unit building next door to 46 Kingsley Ave. She has lived there 20 years. Apartments are needed as evidenced by other buildings throughout the surrounding neighborhood that have two or more units. She lives in her building in order to manage it closely. She ascribed the previous problems with 46 Kingsley to the unique problems of the previous tenant. She is troubled by the characterization that all renters will have similar issues. She noted that at any point the wrong person could be living in a single family home and have similar problems. She asserted it is not

how many units a building has that causes neighborhood issues, it is who the people are that live within a building of any size or configurations. She supports the proposal for a two-family house.

Ms. Prouty is concerned about having multiple units without the owner living on-site. Acting Chair Paul asked if a management company would sufficiently address her concern. Ms. Prouty was uncertain that it would since she believes having someone living locally and actively concerned would produce a different outcome than having an out-of-state owner. Ms. Wood stated she understood the concern. However, she wondered why a local person didn't make a comparable offer on the property. She is very committed to doing this right. But, she is concerned about neighbors who would be unkind and uncooperative. This would be a serious investment for her. She doesn't intend to put that at risk. She would have as much at stake as the neighbors in terms of tenants. She has been to Rutland multiple times in the past year researching the town. She will be in town at least once per month. She will be using local contractors. She will be bringing fresh dollars into the city.

Mr. Keefe stated he is in attendance as a neighbor, not a public official. He said there are 9 residences on Kingsley Ave between Church Street and Lincoln Avenue. The 4 unit apartment house and a duplex on the street are both grandfathered. However, the street is now zoned "R-1" (single family residence). He understands that the Variance is a request for an exception. He feels the type of tenants is not a zoning issue. The zoning issue is the main focus of his concern. All of the neighbors have made significant investments in their own homes as these larger, historic homes require this. The square footage of the homes is large enough to accommodate multiple units. The SFR zoning is the "safety net" that protects the neighborhood. A Variance would be a step in the wrong direction.

Mr. Keefe shared his understanding of the history of the property which included providing housing to clients with caretakers from Rutland Mental Health acting more as a group home than a true duplex. He believes it was not fully developed into 2 units. Things were fine until the heir to that owner came in and had many problems with trash, drugs, gun fights, disturbances etc. The lister card says it is two units because it has multiple bathrooms and a small kitchenette in addition to the main kitchen.

Mr. Keefe stated that the DRB's decision should not be made based upon the character of Ms. Wood since the Variance would be a designation that carries forward if the property is sold. There was some discussion about other properties in the neighborhood that are not single family and their status. Mr. Keefe stated that the nonconforming use expired after 12 months and it should be honored that a duplex is not in keeping with the current zoning and the vision going forward.

Mr. Allaire spoke from his perspective as Mayor and as a resident in this part of the city. He noted that the application to purchase this property was reviewed as part of a multi-layer process and the potential purchaser fully vetted. He is personally very interested and concerned about the overall neighborhood. He does not view a duplex at this location as detrimental. It appears to be the highest and best use of the property given the way it has been developed in the past.

Ms. McIntosh suggested that if Ms. Wood's goal is to own and manage duplexes she should focus on neighborhoods with Mixed Residential zoning. She suggested the marketing of the property may have discouraged other potential buyers because it suggested single-family owner occupancy was preferred. She also described issues she has had with tenants in some of her own properties and warned Ms. Wood to know this could be a challenge for her as well.

Mr. Therrien quoted information from the application to purchase the property completed by Ms. Wood. He asked what Ms. Wood meant by “highest and best use” and if that simply meant turning a profit. Ms. Wood said her research shows that the niche within the housing market right now is for professional people likely to fill jobs that are currently going unfilled. This would be a place to move into the community before deciding to stay and invest.

In closing, Ms. Wood reinforced that she is not asking to convert a Single Family home into a duplex. She is simply asking to retain the status of the property as it was last used.

Acting Chair Paul adjourned the meeting. He stated the DRB has 45 days to issue a decision. That decision will be issued in writing and shared with everyone present. There is a 30 day appeal period that follows the date of the decision. The hearing was adjourned at 6:52 PM.

At 7:07 PM Chair Lorentz called to order the meeting to review a preliminary site plan for the proposed redevelopment of the Stewart’s at 194 Woodstock Avenue. This is not a public hearing but rather a chance for the DRB and public to comment on the conceptual plans prior to a full application. The proposal is to consolidate 4 properties, demolish all 4 buildings, and then replace and relocate the existing Stewart’s Convenience Store and Gas Station with a new building and site design.

Chris Potter of Stewart’s Corporation was present on behalf of the applicant. Members of the public in attendance were the following:

- Alvin Figiel (20 North St) of the City’s Planning Commission and Architectural Review Committee
- Susan Schreibman (117 Lincoln Ave) of the City’s Planning Commission
- Dave Coppock (21 Engrem Ave) of the City’s Planning Commission and Architectural Review Committee
- Greg Josselyn, owner of 7 Stratton Rd
- Morris and Grace Merrifield of 9 Stratton Rd
- Jim and Joan Watson, owners of 182 Woodstock Ave

Ms. Lorentz explained this meeting is information and not part of the public hearing process.

Mr. Potter described the scope of the project. Stewart’s is planning to purchase 7 Stratton Road, 186 Woodstock Ave and 184 Woodstock Ave. All existing buildings, including the Stewart’s would be demolished. A new building, approximately 3,856 SF would be constructed with 6 gas fueling pumps. The site does not currently have diesel, but would going forward.

Several details of the project were discussed. DRB members and all members of the public in attendance provided comments and suggestions which will be captured in a memo to be shared with Stewart’s. Once a public hearing has been scheduled, notice will be provided to all in attendance as well as any others for whom notice is required.

The meeting ended at 7:39 PM.

Respectfully submitted,  
**Tara Kelly**  
**Development Review Board Clerk**