

CITY OF RUTLAND, VERMONT
Development Review Board Minutes
Wednesday October 2, 2019

Development Review Board Members: Stephanie A. Lorentz, Michael McClallen, Al Paul, Jim Pell, and Steve Wilk. Members present: Lorentz (Acting Chair), McClallen, Paul and Pell.

Also present: Zoning Administrator Tara Kelly and Barbara Spaulding, Recording Secretary

At 6 PM Acting Chair Lorentz called to order the continuance of the Public Hearing to consider an Appeal of Administrative Zoning permit to allow a residential care home to be established at 2 Exeter Road. Chair Lorentz let the audience know that anyone wishing to participate in the hearing that had been sworn in on September 11, 2019 was still under oath. Anyone new that had not been sworn in at the first hearing date was given a chance to do so.

In attendance for this hearing were the applicants, Katherine Wyman and her husband John and Appellants George & Diane Ciavola, 5 Exeter Road. There were 21 additional members of the public in attendance. A copy of the participant sign-in sheet is attached.

Chair Lorentz asked the applicants to review any changes made to their project. She explained this would be followed by questions from the DRB and then questions or comments from the public.

The following testimony was offered by the applicants: Katherine and John Wyman said they met with some of the neighbors regarding their concerns and attempted to take them into account when considering, for example, how to design additional parking on the property. Ms. Wyman interviewed existing 8-person residential care homes and determined that providing 10-12 parking spaces would be sufficient to accommodate staff, visitors and guests. She offered to share the list of establishments she had contacted. In addition to the 4 parking spots in the existing driveway, the Wymans propose to add 8 parking spaces and presented a site plan and drawing to show the location. She added that the only signage would be a 23"x14" sign on the existing sign post that would be for identification purposes versus advertising. She provided photos of the existing lighting and said a single motion-sensor light would be added to the northwesterly corner of the house to serve the proposed new parking. She confirmed the light would be located on the house.

Chair Lorentz asked about the area depicted on the site plan between the two parking areas. Ms. Wyman said it was proposed to accommodate 4 cars, single parked. Chair Lorentz asked how the cars would get into that section. Ms. Wyman said pull in from the driveway. She added that the 2nd (new) driveway would mimic the existing driveway at 35x16' for 4 additional cars. Chair Lorentz made the site plan available to all the neighbors in attendance.

Dr. Ciavola, appellant, asked if the new driveway would require a curb cut. Chair Lorentz said the applicant might have to obtain a curb cut permit from DPW.

Member Paul asked if there were plans to add space to the back porch. Ms. Wyman said no expansion to the porch was planned. The only exterior plans for the rear of the property were elements such as gardens and perhaps paths on the property for supervised walks. Chair Lorentz referred to a photo of

the back porch provided by the applicant. Ms. Wyman added that they may add some paths on their lots on the north side.

Ms. Wyman said they want to keep the property looking as residential as possible. A tree will need to be removed for the new parking but they will keep existing bushes and flowers. The large tree on south side of the house would remain. Additional parking would be crushed stone initially.

Diane Ciavola, appellant, said she had difficulty envisioning that many cars on the lot. There was discussion about the size of the parking.

Chair Lorentz asked about the topography on the north side for the new driveway. Mr. Wyman said it was flat for 20 ft. until it drops off as you proceed toward the second lot. Chair Lorentz asked if the 20 feet could be used for additional parking, if needed. The applicants said yes. Ms. Wyman added there exists a pad on the second lot but they wanted to avoid using it so as not to add lighting and obscure the view for neighbors. Chair Lorentz asked if there was a driveway to that particular pad. There is not.

Dr. Ciavola asked for an interpretation of the covenants on the lots. Chair Lorentz explained that she could not give a legal opinion but he was free to inquire with an attorney. Dr. Ciavola thought it was important to consider the covenants if additional parking is being considered on the other lots. Chair Lorentz said that is not being considered as part of this proposal. She stated the DRB does not get into covenants.

Susan Therrien said the existing pad on the adjacent lot was a basketball court. She asked if it was part of the proposed parking. Ms. Wyman said it is not part of plan.

Robbin Gifford asked how utility vehicles and service trucks would access the site. Ms. Wyman said there would not be regular deliveries as services will be provided by the owners and staff. Ms. Gifford asked about snow removal. Ms. Wyman said cars would be pulled out for plowing just like any other residence.

Dr. John Sussman stated this is an area where there are no sidewalks. He questioned the ideas of paths through grass fields. He also noted the applicant did not address the steep staircase inside the residence. Chair Lorentz explained that the DRB does not have jurisdiction over the interior and that would be up to the fire prevention and licensing. Dr. Sussman then stated he questions whether this neighborhood is the right area for a residential care home.

Chair Lorentz discussed the procedure saying the Board has 45 days to issue a decision based on the evidence from the two days of this hearing. Every one signed in (at either date) will get a copy of the decision. The DRB's decision can be appealed within 30 days to the Environmental Court.

Handouts offered to attendees: (1) 1993 DRB Decision regarding a residential care home in a Single Family Residential district; (2) handout from the VT Land Use Education & Training Collaborative regarding Equal Treatment of Housing; and (3) Language from State Statute 24 V.S.A. §4412 (G) and 9 V.S.A. §4501.

Acting Chair Lorentz adjourned the hearing at 6:26 pm.

Respectfully submitted, Barbara Spaulding

Rutland City - Development Review Board

Participant Sign-In

Continued from September 11, 2019

DATE OF HEARING: Wednesday, October 2, 2019

TIME: 6:00 PM

PROPERTY LOCATION: 2 Exeter Road

APPLICANT: Diane & George Ciavola

LANDOWNER: Katherine Lincoln Wyman

PRINT NAME	PRINT MAILING ADDRESS
Sandra Coyle	300 Grove St. Rutland, VT 05701
Natalie Aboxn	300 Grove St, #14 Rutland
Steven + Patti Frankel	300 Grove St #15 Rutland VT
Harvey + Edel Homer	300 Grove St #32 Rutland
Spencer Sargeant	300 Grove St #36 Rutland
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Daniel Brown	3 Exeter Rd Rutland VT 05701
DIANE CIAVOLA	5 EXETER RD Rutland VT 05701
GEORGE CIAVOLA	5 EXETER RD Rutland VT 05701
William F. Alsop	1 Exeter Rd. Rutland, Vt.
ISRAEL MAC	61 Field Ave, Rutland
COOKIE MAC	" "
Susan Therrien	300 Grove St #11, Rutland VT
Klara Norton	300 Grove St, Unit 35
Patricia A Baird	300 Grove St, Unit 18
David A Baird	300 Grove St, Unit 18
John + Gwen Gussman	300 Grove St. Unit 66
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