

**CITY OF RUTLAND, VERMONT**  
**Development Review Board Minutes**  
**Wednesday September 19, 2018**

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

Members present: Lorentz, McClallen (Chair), Paul, Pell and Wilk. Also present, Zoning Administrator Tara Kelly.

At 6:08 PM Chair McClallen called the hearing to order. He noted that there had been a public hearing scheduled for 6:00 PM to consider a Conditional Use request for 18 Stone Ridge Drive. He announced that due to the fact that public notice hadn't been properly given for the hearing, it would need to be postponed with new public notice given. At issue is the State Statute requires 15 days notice be given in several specific ways. In this instance, due to staff error, not all steps were taken within that time frame.

In attendance for this hearing were:

- Christopher Williams and Amy Rankin of 18 Stone Ridge Drive (applicants)
- Sheri Burgess and Randall Johnson of 51 Stone Ridge Drive
- Brian and Karen Pariseau of 20 Stone Ridge Drive
- Kelly and Fred Bordeau of 22 Stone Ridge Drive
- Melanie Reedy of 66 Stone Ridge Drive
- James Mongeon of 56 Stone Ridge Drive
- Gordon Dritschilo of the Rutland Herald

A number of questions were asked about the noticing requirements and other procedural matters. Explanations and apologies for the inconvenience were provided. All present were told they will receive written notice from the City of the new date. These notices, including notices to abutters who were not present in the room, will be sent via both Certified Mail and regular mail. Chair McClallen assured everyone at the hearing that by virtue of their attendance, they have retained their right to file an appeal. All present were told that if they are unable to attend the hearing on October 17<sup>th</sup>, they are welcome to submit their questions, concerns, or other comments on the proposal in writing in advance of the hearing. Those written submissions would become a part of the record and demonstrate participation in the hearing. The applicants were told they are must discontinue short-term rentals until/unless a favorable decision is issued by the DRB.

In response to a question from an audience member, Chair McClallen described how hearings typically work, the timeframes associated with issuing a decision, and the subsequent 30-day appeal period. The hearing was recessed until October 17, 2018 at 6:00 PM.

At 6:17 PM the discussion ended and the DRB took a break until the 6:30 PM hearing.

At 6:30 PM Chair McClallen called to order the Public Hearing to consider a Site Plan application for 258 South Main Street and 261 Chase Avenue, both owned by Irving Oil Marketing Inc. Approval is requested for a number of site improvements which include: Demolish existing car wash and an existing

storage building, replace underground storage fuel tanks, replace diesel fuel area with a new canopy, and make overall site improvements.

Chair McClallen explained the DRB hearing process and that participation in the hearing was a prerequisite to the right to appeal. Anyone wishing to participate in the hearing was given a chance to swear in. Chair McClallen swore in the applicant's representative: Hüseyin Sevincgil of MHF Design Consultants as well as the following members of the public:

- Suzanne Pitaniello of 258 Chase Ave
- Myra and Edward Munger of 260 Chase Ave
- Carlene and Shawn Wieger of 254 Chase Ave
- Darlene and Mike Davis, owners of 257 Chase Ave
- Dagne Canney, owner of 254 South Main Street
- Dennis Dillon of Irving Oil

Mr. Sevincgil began by introducing himself and describing the scope of changes planned by Irving. He showed and described various elements represented on the site plans. Specific details included:

- Convenience Store and gas canopy with 4 retail fuel dispensers to remain with some upgrades to the pumps
- Demolish existing car wash
- Upgrade commercial diesel offering by putting in 3 dispenser islands with 2 fueling positions (2 trucks can fill at the same time using the multiple hoses – including off-road filling)
- Remove and replace underground storage tanks
- Piping to be modified and drainage improvements to be made
- Demolish vacant building at the rear of the site
- Eliminate paving on the Chase Avenue side of the lot
- Create a line of new parking spaces with a vertical curb extending 6" above the ground designed to prevent cut-through traffic in the area behind the store toward Chase Avenue
- Loam and hydroseed area beyond (to the east of) the new curb (over 3K sq ft area)
- 1,000 lb above-ground propane tank (to serve the convenience store's needs) would be installed in the new grassy area with an underground pipe toward the building
- Propane tank will be filled from the Irving parking lot via a hose pulled from a truck; this will not be accessed from the Chase Avenue side
- No curbing will be provided along Chase Ave, but per the Engineer's memo, a sawcut will be done along the street edge with loam and hydroseed installed up to that line
- The existing three curb cuts along South Main Street are proposed to remain. The northernmost curb cut was established to serve the car wash. They would like to maintain that as an exit point for the diesel fuel islands. They are willing to put up "do not enter / exit only" signs on either side of the curb cut.
- Irving recently invested in a free-standing sign located on the middle island. They would rather not disturb this area.

- The southernmost curb cut is subject to a shared ROW agreement. This is where most trucks will enter to go around the building and up to the diesel area.
- The middle curb cut is what most customers to the retail fuel and convenience store use.
- New parking spots will be striped, including creation of an ADA accessible spot, which is currently lacking on the site
- Parking currently located on the northeast side of the parcel will be removed
- The current dumpster will be remain out in the open with no enclosure
- Negotiations are underway with the Davis' regarding Irving purchase of 257 Chase Avenue. Irving is reluctant to invest in a dumpster enclosure or to put the propane tank underground at this time given there could be a new plan (which would require a new application/review) in the future if 257 Chase is successfully purchased.
- Dumpster enclosure in the form of chain link fence with slats may be a measure Irving is willing to install under this current application
- Willing to paint a crosswalk for customers from the sidewalk on North Main Street to the building (no room / good way to install a sidewalk)
- Snow removal will be toward the eastside of the property (the new grassy area)
- The plan traverses two separate lots but currently there is no plan to merge those lots
- Cross-connecting vehicle access between the Irving parcel and the parcel to the north will be completely eliminated
- Grassy area near the existing dumpster to remain
- Landscaping strip with curbing on the northside of the lot would then be extended for the remaining length of the northern side of the parcel.
- Pavement markings are intended to show flow of traffic.
- The proposed layout, in the project engineer's estimate, is suitable for delivery of fuel. Overall truck circulation will be improved by removing parking spaces on the northeast side of the parcel.
- Proposed drainage systems and site grading were acceptable to the City Engineer
- The increase in impervious surface was called out by the City Engineer as a significant improvement
- Irving is able to comply with #10 and #11 of the City Engineer's memo.
- Existing stockade fence around 257 Chase Avenue to remain
- Two new light poles to be installed in new parking space area along the western edge of the new grassy area. One new light pole will be installed in the dumpster area.
- New lights will be LED and downcast shining toward the building; a lighting plan was presented to show a low degree of light trespass onto adjacent properties

DRB member Lorentz noted that the Zoning Ordinance states there should be only one curb cut per parcel. Mr. Sevencil noted that the curb cuts are existing and the changes to the plan are relatively

minor. Member Lorentz requested that the DRB be provided a copy of the deed describing the ROW agreements at the Chase Avenue side and at the southernmost curb cut.

Chair McClallen asked if there were any questions or comments from the public on this Site Plan application and went around the room giving each person an opportunity to participate.

Suzanne Pitaniello testified that cut-through traffic onto Chase Avenue has had a large negative impact on the neighborhood. She was glad to see the new plan will prevent this type of traffic movement. She also commented on lighting and said as long as the lights were downcast and meant to project back toward the parking lot versus toward the homes that was acceptable.

Edward Munger expressed concern about lighting impacts. The lighting plan was reviewed. Mr. Munger asked if a fence or other buffer could be installed in order to soften the visual impact and to prevent trash from the store from blowing into the neighborhood. He also commented that the 261 Chase Avenue lot has been neglected with overgrown weeds, hypodermic needles, trash etc. posing a blight for the residential neighborhood. Mr. Munger also expressed a concern that cars might park in the grassy area proposed. Mr. Munger asked about the use of the propane tank. Mr. Sevincgil said it was to serve the needs of the store. It is not a tank that will be used for filling retail tanks.

Carlene Wieger said many of her concerns were being voiced and addressed. She asked about further plans for acquisition of 257 Chase Avenue. Mr. Sevincgil could not comment on that as he is not directly involved in the negotiations. Ms. Wieger asked about protecting the propane tank from risk of explosion. Mr. Sevincgil pointed out the bollards planned for the direction of the parking lot. He said additional bollards to protect the tank from other directions is also possible. The size the tank was compared to one that may service a home or other building. Irving will be subject to and will follow applicable fire safety codes with respect to the type of new tank installed, location and safeguards.

DRB Member Pell asked about additional measures that could be put in to stop cars from driving onto the grassy area from the Chase Avenue side. Mr. Sevincgil said the focus for Irving is to stop cars from their business site driving onto Chase Avenue.

Ms. Wieger asked about visual screening around the propane tank and to help stop trash from blowing from the site toward their neighborhood. She asked that a stronger visual buffer be created to help maintain the character of the residential neighborhood along Chase Avenue. Mr. Wieger suggested a wall of some sort could be put around the tank to protect it from impact. Mr. Sevincgil said this is not required, but he would discuss the possibility of a visual screen around the tank with Irving.

Ms. Davis of 257 Chase Avenue said there is a right-of-way along the southern side of their property. She asked how that would be maintained. Mr. Sevincgil asked if the Davis' have a deed. The Davis' said they have a deed. DRB member Lorentz asked the Davis' to provide a copy of that deed to the DRB. Ms. Davis emphasized they are in strong support of stopping the cut-through traffic, as proposed. But, would like to understand how their own access will be maintained.

Ms. Davis asked for visual screening to be considered in order to soften the impact of the commercial area on the residential neighborhood. She mentioned the propane tank is a concern. Mr. Sevincgil emphasized there will not be any retail sales so the fumes will not be released as often. DRB Chair McClallen asked why the propane tank was not being put underground. Mr. Sevincgil said because of the potential future plans for the back of the property and potential purchase of 257 Chase Avenue,

Irving does not want to go through the hassle of burying the tank if it may need to be moved in the future. Mr. Sevincgil said it is possible it could be buried in the future. He reiterated he will ask the client (Irving) if it is possible to further screen the tank.

DRB Member Lorentz asked about the dumpster and how it is used. Several neighbors stated it has been a problem with people dumping in and around the dumpster. They feel the fact it is out in the open contributes to this issue.

Ms. Canney, owner of 254 South Main Street, distributed a letter and photos to the DRB members. She inquired about the new diesel island. Mr. Sevincgil explained the island has 4 nozzles, but it will only be able to fuel two trucks at the same time which is the same as current conditions. The ability to do "off road" filling has been added and the overall service is being improved to be safer and more efficient. For retail sales, there is the ability for 8 cars to fuel at the same time. The proposed landscaping strip alongside the northern property boundary is 6' wide.

Ms. Canney expressed significant concern about the ability for the trucks to efficiently exit the site. She noted that currently trucks often have to wait for traffic to clear before they exit. Given the length of the trucks, a second truck waiting to fuel will need to wait before entering into fueling position. She said this adds to the length of time a truck is sitting and idling in this area which is close to her property. Given the upgraded facilities, she anticipates a higher rate of usage by trucks and therefore a greater impact in terms of fumes and noise on her property. She also expressed concern with the ability for trucks to exit from the northernmost curb cut area given the way the curb cut is designed. (A similar concern was shared by the City Engineer in his memo.) She also noted that the only ingress to her property is fairly close to the northernmost curb cut on the Irving lot. She is concerned about the ability for vehicles to safely enter her property if the truck circulation leaving Irving is not done properly. In particular, the ability for vehicles to cross onto her property creates a significant problem. Mr. Sevincgil reiterated they will adjust the plans to close up that space.

Ms. Canney emphasized the need to enclose the dumpsters, including the cardboard recycling saying it often blows all over. She noted that she has been required to enclose and lock the dumpsters on her own property.

There was some discussion about the location of the canopy. Ms. Canney was concerned snow and ice would trespass onto her own property. The plans show the edge of the canopy is 10.5' from the property line and Mr. Sevincgil noted it has a roof drain that will tie into the drainage system. He noted that the City Engineer's memo was supportive of the drainage plans as presented.

Chair McClallen explained the decision and appeal process.  
Hearing adjourned at 7:45 PM.

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