

CITY OF RUTLAND, VERMONT
Development Review Board Minutes
Wednesday, September 6, 2017

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

The Development Review Board meeting began with a site visit at 2 Piedmont Drive. This location had been given in the public hearing notices. DRB members present: McClallen, Paul, Pell, and Lorentz. Also present, Zoning Administrator Tara Kelly; Appellants Carol Holtz and Nan Bentley; Landowners Michael and Desna DeLuca. In addition, several people from the neighborhood were at the site visit: Brenna Claire Flanagan, Jennifer Cohen, Katharine Bates, Carol Holtz, Patty Donnelly, Judy Stella, Susan Porter, Barry Cohen and Nan Bentley.

At 6 pm Chair Lorentz introduced the members of the DRB and explained that no testimony or evidence would be taken during the site visit. A sign-in sheet was passed around for signatures of those in attendance.

The landowners had staked out the location of the proposed accessory building. Mr. DeLuca said the building would be 38 ft. from the brook and 10 ft. from their home. Their property line is in the middle of the brook. A magnolia tree will be transplanted and the area will be leveled out. The deck stairs will be relocated. The proposed building will be 36ft x 70ft and 16ft at the highest point. There will be two 12ft. garage doors and one small door to access lawn care equipment. Debris and scrub was removed along the tree line closest to the creek.

The Site Visit concluded at 6:12 pm. Chair Lorentz recessed the meeting to City Hall and announced the public hearing would begin in 15-20 minutes once everyone was given a chance to arrive.

At 6:34 pm the meeting resumed in Aldermen's Chambers at City Hall. Landowners Michael and Desna DeLuca were in attendance as were Appellants Carol Holtz and Nan Bentley. A second sign-in sheet was circulated for signatures of all those present outside the rail. The following additional people were in attendance: Lawrence P. Cupoli, Patricia O. Cupoli, Patty Donnelly, Judy Stella, Susan Porter, Brenna Clair Flanagan, Kathy Bates, Barry Cohen, Jennifer Cohen, and Tom Opsahl.

Chair Lorentz said the hearing would afford all interested persons the opportunity to ask questions regarding the Appeal of Zoning Permit 17-100z regarding construction of a 36'x70'x16' accessory structure at 2 Piedmont Drive which is within a Single Family Residential (SFR) zoning district. Ms. Lorentz explained the hearing process and then swore in all attendees at once.

The landowners offered a powerpoint presentation regarding their plans and their response to the concerns raised in the appeal. Mrs. DeLuca discussed the need for the proposed garage to house their vehicle collection (7 cars and a bucket truck). The garage will protect their vehicles from the elements. The bucket truck is strictly used for home repair. There will be no car repairs done on-site. The DeLuca's hired Otter Creek Engineering to design an infiltration trench

to mitigate the effects of stormwater runoff into Moon Brook. Mr. DeLuca cleaned out a considerable amount of garbage and debris along the tree border but there are no plans to cut the remaining trees. The DeLuca's intend to add additional ground cover plantings. The garage height will be 16 ft. at its peak. This is not as high as the original plans submitted (which showed 23'H). The DeLucas also decided to pull the building closer to their house than the original site plan. At the new location, the building would be located 38ft. from the brook (at its closest point). There will be no commercial use of the garage. The DeLucas reinforced that their intention is to use it strictly for personal storage.

The lights on the garage will be downcast with motion sensor lighting. The DeLuca's everyday vehicles will be stored in the existing attached garage. The new detached garage, as proposed, will be stick built with metal siding. A color hasn't been chosen, but the applicants suggested they would be willing to match the color of their house.

An additional curb cut has been approved (by Department of Public Works) based on the standard calculation related to property frontage along the road. The location of the second curb cut has not been determined. The DeLucas have not yet determined they will definitely use the second curb cut or if they will extend a driveway off of the existing driveway down to the detached garage.

The DeLuca's erected a 16 ft. pole and attached a cloth to simulate the height of the garage roof. They took pictures of the pole from the edges of three properties (Holtz, Bentley, Cupoli) to demonstrate what would be visible. Mrs. DeLuca added that with transplanting the magnolia tree on the eastside of the access driveway the visibility of the garage would be diminished. The garage will not have an attic, will not be heated, no plumbing and no floor drains. It will have electricity.

Mr. McClallen asked about the construction timeline. Mr. DeLuca said it will take two months.

There was discussion of increased visibility through the winter months to the neighbors on Ronaldo Court. Those neighbors were not present. Mr. DeLuca said they located the detached garage in its proposed location in order to reduce the visibility of the garage to the greatest extent possible.

Mr. Pell asked about other materials besides metal for the garage. Mr. DeLuca explained the garage was a Lester kit and he was unaware if other materials were offered, but he offered to research the options.

The following attendees spoke outside the rail:

Patricia Donnelly, 53 Piedmont Pond Rd – Ms. Donnelly asked if the applicant was allowed to make changes to the permit. Tara Kelly said the plans have already changed from what was initially submitted. However, if the garage is permitted, final drawings will be needed to reflect any changes and document the final size and location. Ms. Donnelly discussed the changes to the original permit.

Carol Holtz, 5 Piedmont Dr. – Ms. Holtz apologized to the DeLucas for hard feelings. She disagreed with the computation used to determine whether or not the detached accessory

structure, as proposed, is truly "subordinate" to the main structure. She felt that the footprint of the buildings should be compared versus overall square footage. The footprint of the existing home is 60'x32' the footprint of the proposed structure is 36'x70'.

Nan Bentley, 40 Piedmont Dr. – Ms. Bentley presented photos of her home in relation to the landowner's property and photos of a 23 ft. high garage. She stated she did not believe the permit was legal and the proposed building was not appropriate in a neighborhood that is zoned single family residential.

Larry Cupoli, 57 Piedmont Pond Rd – Mr. Cupoli said he feels he will be the most impacted from the proposed garage and is concerned about property values.

Judy Stella, 32 Piedmont Dr. – Ms. Stella is also concerned with property values.

Ms. Lorentz informed everyone that Zoning, by law, can't consider property values when making a determination about a project.

Tom Opsahl, 14 Sargent Ave – Mr. Opsahl said he had seen the permit sign while walking around the neighborhood. The proposed size of the garage was the reason he attended the hearing. He said he does not believe the back yard is a place to store cars. He is concerned with property values and general enjoyment of living in the neighborhood. He stated the building is too large for the neighborhood.

Hearing adjourned at 7:48 PM. The DRB members will set a time and date to enter into deliberative session. Chair Lorentz explained the decision and appeal process to the applicant, including that the 30-day appeal period begins once a written decision has been issued. The written decision will be mailed to everyone in attendance.

Meeting adjourned at 7:49 PM.

Respectfully submitted,
Barbara Spaulding