

Public Comment

Ms. Harrington was sworn in by the Chair. Ms. Harrington said she was concerned that the existing garages are too close to the property line, and was fearful of the damage a second story might cause to her property, with regard drainage, and loss of light. Ms. Harrington said she was concerned about the aesthetics of building a second story. Ms. Harrington said she was concerned about the history of the building and noted she did not believe the building was a two-story building on the state historic register. She said she would like to see the integrity of the building protected.

Ms. Harrington was also concerned that the proposed second story would be a wall along her property line. Currently she enjoys being able to see above the one story garage.

End Public Comment

Mr. Schy said the pitched roof and a gutter system would divert water run-off from the area Ms. Harrington was concerned about. He said many homes have two stories and it would be similar to other properties in the area. Mr. Schy said he would be happy to submit information that would show that the second story addition would be similar in scale and design to the existing structure. He intends maintaining the same roof pitch as the existing structure and use similar materials and windows as the existing structure.

Mr. Cranse asked for clarification on the second story deck. The staircase is an exterior staircase. It was noted that the plans should to be amended to show stairs.

The board discussed the drainage of the proposed roofline. It was determined that the situation would be improved because ½ the water would now drain out to the property line. Whereas today the shed roof moves all the water caught by the roof to the side property line.

Variance Criteria

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lots size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning regulation in the neighborhood or district in which the property is located. **The existing house predates the zoning regulations in place. Existing structure is already 8 feet from the rear property line and 1.5 feet at its closest point from the side property line. The applicant does not propose to change this condition.**
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is, therefore, necessary to enable the reasonable use of property. **The reasonable use of the property the Board decided to review in the context of the community, and the community is experiencing a housing crisis therefor the addition for an additional unit is reasonable.**
3. That the unnecessary hardship has not been created by the appellant and the hardship relates to the applicant's land, rather than personal circumstances. **The location of existing building on lot is within the required setback.**
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use of development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare. **The proposed addition will not alter character of**

neighborhood, and may improve drainage issues that are shared with the adjacent property. The applicant stated he was willing to accommodate neighbor concerns.

5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulation and from the Montpelier Municipal Plan. **The proposal does not increase the level of encroachment into the setback.**
6. The variance will not result in the initiation of a nonconforming use of land.

Mr. Blakeman made a motion to approve the variance as submitted. Mr. Cranse seconded the motion. Mr. O'Connell added a friendly amendment that the structure be done as testified and be incorporated as testimony. The motion was approved 7-0.

Site Plan Review

The fire chief requested that parking spaces in front of the garage be removed to allow full access to the building without obstruction. Mr. Zalinger indicated on a plan the parking spaces to be removed. The parking requirement for a multi-family structure is 1 space/unit, and the parking requirement would still be met with the removal of three spaces.

Mr. O'Connell moved approval of the site plan application with the removal of three parking spaces. Mr. Blakeman seconded the motion. The site plan approval passed unanimously 7-0.

Continuation of Public Hearing

Applicant: River Station Properties III, LLC
Property Address: 221 Barre Street
Zone: CBII/DCD
Purpose: Conditional Use, Variance and Conditional Review for a Planned Residential Development
· Construction of 50 dwelling units on 1.67 acres

Participating Members: Philip Zalinger, Sharon Allen, Alan Blakeman, Jack Lindley, Kevin O'Connell, Roger Cranse and Dave Keller.

Interested Parties: Rick DeWolfe (DeWolfe Engineering, engineer for Applicant); Lynette Whitney (DeWolfe Engineering)

Mr. DeWolfe and Ms. Whitney were reminded they were sworn in and still were under oath.

Ms. Smith said the DRB is now in receipt of the full packet of information for 221 Barre Street. She said there are some changes in the plan in the report provided by the applicant.

Mr. DeWolfe said they received information on landscaping concerns that they will review with their landscape architect. He said there are ongoing concerns on how the dumpster for Susan's Kitchen will be located. He said there is a possibility of sharing a dumpster and the applicant expects to have the matter concluded soon.

Mr. Blakeman had some clarifying questions for Mr. DeWolfe about signage, a frost wall, the base flood elevation, mountable curbs, and air conditioning units. Mr. DeWolfe and Ms. Whitney answered his questions.

There was discussion about allowing waivers, and it was noted there is no binding precedent in granting waivers. Mr. Lindley requested that prior to conditional approval the applicant should submit a written request for specific waivers. Mr. DeWolfe stated the applicant is requesting the waivers illustrated on the plan.

Mr. Lindley moved conditional approval for plans submitted by River Station Properties III, LLC for 221 Barre Street with waivers requested by the applicant. Mr. Blakeman seconded the motion. The motion was amended to include all staff advisory comments included as conditions. The motion was approved 7-0.

Public Hearing

Applicant: Kenneth and Joan Senecal
Property Address: 420 Murray Hill Drive
Zone: LDR/MDR
Purpose: Final Approval of a Planned Residential Development and Subdivision

- Four-lot subdivision
- Construction of three condominiums and one single family dwelling

Participating Members: Philip Zalinger, Sharon Allen, Alan Blakeman, Jack Lindley, Kevin O'Connell, Roger Cranse and Dave Keller.

Interested Parties: Kenneth Senecal (Applicant); Robert Townsend (for the applicant) Michael Nelson (431 North Street); Michael Chernick (President, Murray Hill Area II Board); Joyce Foster (Unit #83); Linda Milne (Unit #50, Murray Hill); Tom McArdle (City of Montpelier)

Mr. Senecal and Mr. Townsend were reminded they had both been sworn in and were under oath. Mr. Nelson requested Mr. Zalinger step down as Chair during the proceedings as he said he felt Mr. Zalinger had a conflict of interest. Mr. Zalinger explained the rules of procedure and said he did not have a conflict of interest. Mr. Zalinger reiterated that he had no conflict of interest, but was going to recuse himself in order for there not to be an appearance of conflict.

Mr. Senecal said he did not feel that a intimidation should be rewarded unless there was a conflict of interest. Mr. Cranse asked Mr. Zalinger to reconsider his decision to recuse himself, as he felt personally that the allegations by Mr. Nelson are incomprehensible in matters of business before the DRB.

Mr. Zalinger said he felt he had an obligation to avoid creating a situation in which the progress that might be made by the DRB is arrested at a later date because he participated in the review of the application. Mr. O'Connell said he felt that the disruption by the request of Mr. Nelson is contrary to the nature of what the DRB does. Mr. Zalinger turned the proceedings over to Ms. Allen as Vice Chair.

Ms. Allen presided over the hearing as the Vice Chair

Mr. Senecal said the project is for a four (4) lot subdivision with two lots merged. In the existing Area 2, storm water is collected from all developed areas and channeled into a stormwater basin on the 11-acre lot. Mr. Senecal said residents of North Street, Elsa Dahl and Karen Bradley, have written him with concerns about the sewer line placement. Houses along North Street have historically had problems with drainage runoff. Mr. Senecal said he did not discount those concerns and believes he has addressed them fully. The drainage pond is sized to maintain the rate at which water leaves the property the same as pre-construction conditions. Mr. Townsend, the engineer, used the most current state recommended standards for erosion control methods and incorporated them into the plan.

Mr. Senecal noted that the staff has asked for a city designated engineer to conduct inspections before, during and after construction. He said this engineer will be someone the city has confidence in as an independent individual. Mr. Senecal said Mr. Nelson requested that he should be required to hire a

hydrogeologist and an independent forester. At the time of the earlier hearing, Mr. Senecal was not inclined to do so, but after the hearing; he did hire someone to try to respond to neighbor concerns.

Mr. Senecal said there are proposed changes around the garages and the private road that go through Area 2.

Public Comment

Michael Chemick was sworn in by the Vice Chair. Mr. Chernick said he is president of the Murray Hill Area II Board of Directors. He said the board has twice held a vote and both voted unanimously in favor of the project.

Michael Nelson was sworn in by the Vice Chair. Mr. Nelson said he lives at 431 North Street. Mr. Nelson said he is concerned about the sewer line placement and how the area would be re-vegetated. He voiced concern about how trees are cut and replaced and suggested that construction take place between August 1 and October 15, the driest season of the year. He asked the board if they had conducted a site visit. The Board had not conducted a site visit. Mr. Nelson was also concerned that blasting could cause hydrofracturing and cause harm to subsurface soils.

Mr. Nelson was concerned about baselines and the documentation of existing conditions and suggested that the baseline be established over a two year period of time. He was concerned that in the future a road maybe built on the sewer line easement. Mr. Nelson said he had a question about the certificate of insurance and felt three years was insufficient in terms of the property and scope of work. Ms. Allen said the board would take it under advisement, and that construction would be monitored. Mr. Nelson said he believes a site walk-through is needed with soils and slopes visible. Mr. Nelson said he had concerns about the displacement of Class III wetlands as he felt they are fed by Class II wetlands, noting his concern about the potential increased rate of flow. Mr. Nelson voiced concern about disrupting wildlife in the area and requested a nature biologist walk the property. Mr. Nelson asked about the major storm basin. Mr. Senecal said the basin is designed for a 25-year storm event, but is also 14 percent larger than what would have been designed to meet those standards.

Mr. Nelson was asked to provide other information to the board in writing as there were others waiting to testify. Mr. Nelson stated he felt he had been besmirched by this process.

Ms. Milne was sworn in by the Vice Chair. Ms. Milne said she lives at Unit Number 50 and is the furthest from where the development will be. She said she felt Mr. Senecal has done a good job addressing concerns of safety with regard to residents backing out of the existing garages. She felt that the solution presented by Mr. Senecal was satisfactory. She noted she did not want one homeowner's suggestion on the record without giving one of her own.

Ms. Foster was sworn in by the Vice Chair. Ms. Foster said she lives closest in proximity to the proposed construction. She noted that five of the eight board members of the Murray Hill Association are in the audience tonight and two were absent but had hoped to be present. She said she has been the president of the association for the past three years. Ms. Foster said the association, which represents 34 units, is strongly in favor of the proposal. Ms. Foster said she felt the Senecals addressed all their concerns and kept them informed on the process. Ms. Foster was concerned about issues raised by one homeowner. Ms. Allen reminded Ms. Foster that statements from this evidence has already been given to the board. Ms. Foster felt the roads do not need to be widened and that the safety measures from Mr. Senecal are sufficient. She reiterated that she strongly supported the proposal.

Mr. McArdle was reminded he remained under oath. Mr. McArdle said the manhole detail of the sewer line has been addressed and there are a few details to work out. He said the staff notes have recommendations to monitor the construction and pre-development review. Mr. McArdle noted that the

city is working for all taxpayers and is aware there are conditions that exist on the site. He said there is evidence of historic erosion. Mr. McArdle said the city does not know the area as well as the residents do and the more the residents can show and document the existing conditions, that information can get on the record.

Mr. McArdle noted details on the garages and said he would like to see the plans show details such as trees, walkways and light fixtures.

End Public Comment

Mr. Keller said he was glad to see that Mr. Senecal included information about securing a hydrogeologist to look at the property. Mr. Senecal said when he first spoke to Jefferson Hoffer, the hydrogeologist, he said Mr. Senecal was asking him to do civil engineer work. Shannon Morrison the state wetland biologist did walk the site and suggested revisions to the plan to minimize impact to the Class III wetlands. The current plans reflect her suggestions.

Mr. Keller asked how far underground the sewer line would be. Mr. Senecal said the line would be 5 feet deep and the only thing seen above ground would be the manhole cover. Mr. Keller asked how the five feet on either side of the sewer line would be re-vegetated. Mr. Senecal said it would be reseeded with grass, but there was no intention to maintain the section so the vegetation would come back naturally. There was question about visibility of the sewer line. The perpendicular section to North Street would be visible. Other sections should not be that visible.

Mr. Blakeman asked some clarifying questions about the garages and site obstruction from recreational vehicles Mr. Senecal said Area 2 does not allow RV parking in those spaces. It was noted that the Fire Chief has signed off on access for emergency services.

Mr. Keller asked why the sewer line needs to be constructed through parcel #1. Mr. Senecal said he does not have the ownership to go in and modify the current system. He would need permission from the landowner's to hook into their sewer line as well as permission to rip up established lawn areas. He said the association would have to vote a two-thirds majority to allow it and he felt the likelihood would be remote. Mr. Senecal said if he thought he had an alternative, he would not go to North Street.

Ms. Smith noted concerns about blasting. Mr. Senecal said test pits were dug 12 to 25 feet deep and encountered no bedrock. He said they did not expect to encounter bedrock and there was nothing that an excavator could not move.

Mr. Lindley said he felt the details on the garages could be looked at administratively and did not want to delay the process.

Mr. Keller was interested in conducting a site visit. Ms. Allen said she did not have expertise on geology or hydrology and did not feel she would be able to gather any additional information, which would assist her in making a decision. Mr. O'Connell said the Board has done site visits in cases where there were advantageous representations such as balloons to represent buildings. He agreed with Ms. Allen.

Mr. Cranse said he wondered whether the Board should have a deliberative session before doing final approval. Ms. Allen agreed.

Mr. Lindley made a motion to close the hearing and go into deliberative session to be determined at a time the Chair selects Mr. O'Connell seconded the motion. Ms. Smith suggested the deliberative session take place after the next DRB meeting 2/17/04. The motion passed 6-0.

Public Hearing

Applicant: City of Montpelier
Property Address: Westview Meadows
Zone: MDR
Purpose: Sketch Plan for Subdivision

· Two-lot subdivision Parcel #1 proposed to be 23.1 acres, Parcel #2 proposed to be 2 acres

Participating Members: Philip Zalinger, Sharon Allen, Alan Blakeman, Jack Lindley, Kevin O'Connell, Roger Cranse and Dave Keller.

Interested Parties: Tom McArdle (representing the Applicant)

Mr. McArdle was advised by the Chair that he remains sworn in.

Mr. McArdle explained the subdivision, he said that at this point in time they are not looking for site plan or conditional use approval. This location makes sense, as a water tank requires a certain elevation to meet the pressure necessary for the system. The tank stands 20 feet high but will be mostly buried in the ground and only have 10 to 12 feet exposed. Mr. McArdle said there are 30 foot high conifers in the area to screen the proposed tank. Mr. McArdle said the City Council approved the tank in exchange of permit fees for the development, subject to the approval of the subdivision. He said the development will probably not be for at least five years, which is why they have only preliminary engineering completed.

Mr. Blake man asked if there was enough water for domestic needs at Westview Meadows. Mr. McArdle said there is enough for domestic needs, but the system had to be supplemented for fire suppression.

Ms. Smith said the applicant would receive a copy of the minutes noting if there are any concerns from the board.

Approval of Minutes

There was a motion to table consideration of the January 20 DRB meeting minutes. It was noted that the minutes were not complete, Page 3 was missing. Approval of the minutes were deferred until the next meeting when they would be corrected.

Adjournment

Motion to adjourn was made by Ms. Allen and seconded by Mr. O'Connell. The meeting was adjourned at 9:50 pm.

Respectfully submitted,

Nicole Parker Van Iderstine

Nicole Parker Van Iderstine
Secretary

These minutes are subject to approval by the Development Review Board. Changes, if any, will be recorded in the minutes of the meeting at which they were acted upon.