

**Montpelier Development Review Board**  
**May 3, 2004**  
**City Council Chambers, City Hall**

*Subject to Review and Approval*

**Present:** Philip Zalinger, Chair; Roger Cranse; Dave Keller; Guy Teschmacher; Jack Lindley; Kevin O'Connell (Mr. O'Connell arrived at 7:10)  
**Staff:** Valerie Capels, Planning and Community Development Director

**Call to Order**

The meeting was called to order by Mr.Zalinger.

**Approval of Minutes**

Mr. Keller said that he only received his meeting packet today and did not have a chance to review the April 19, 2004 minutes. There was agreement among the Board to delay action until the next meeting.

**Sign Permit**

Applicant: John Miller for ORCA Media  
Property Address: 89 Main Street

- Two 2' x 6' wall signs
- DRC recommends approval with adjustments

Interested Parties: Kenric Kite, ORCA Media

Mr. Zalinger asked whether the applicant agrees with the comments of the DRC. Mr. Kite said that he did. Mr. Cranse noted that the Board had only received a memo on this application. Ms. Capels circulated images of the sign designs from the staff application file. She said that the proposal is for two signs within the sign band at City Center.

Mr. O'Connell made a motion to approve the application for a sign permit, seconded by Mr. Keller. The motion was approved unanimously

**Continuation of Public Hearing - Conditional Use, Design Review and Final Review for a Planned Residential Development**

Applicant: River Station Properties, III, LLC  
Owner: Dernavich Associates, Inc./River Station Properties, III, LLC  
Property Address: 221 Barre Street  
Zone: CB-II/DCD

Interested Parties: Richard DeWolfe, Greg Rabideau, Ken Glines, Sarah Halpine, Morgan Glines

Mr. Rabideau was sworn in by Mr. Zalinger. Mr. DeWolfe was reminded that he remained under oath. Mr. Zalinger noted that all six of the board members present will participate in this final review of the application. Mr. DeWolfe said that he understood that the applicant had satisfied all outstanding issues except for those relating to the materials to be used on the building exteriors. He noted that the agenda calls for a follow-up on landscaping plans and said that he could address that item after Mr. Rabideau, the project architect, discussed the building materials. Mr. Rabideau described the final elevation plans and said that they address the Board's comments. He circulated samples of the building material. Mr.

Rabideau said that the design of the front of the buildings is intended to be consistent with the existing wood frame residential buildings in the area. The base will be a decorative block material topped with a concrete lentil. The trim will be a fiber-cement composite which is more resistant to rot than pine. The siding will be a cement composite, horizontal-lap siding. A scalloped shingle material will also be used. The trim will predominantly be a dark green. The same materials will be used on all of the buildings, but there will be some variation in the colors of the buildings. Mr. Rabideau said that the changes that the DRC suggested were a change in the texture of the siding, a change in the shape of the shingles, a change in the style of the brackets holding the cornices and a change in the panels at the building openings.

Mr. O'Connell asked what the purpose was of the building openings. Mr. Rabideau said the openings will allow light into the parking area below the buildings. There will also be electrical and utility rooms below the buildings. Mr. Cranse said that it is difficult to tell if a clapboard look will be achieved. Mr. Rabideau confirmed that the siding material will look like clapboard. Mr. Teschmacher asked why two colors of hardi-plank were shown. Mr. Rabideau said that one of the colors will be the primary clapboard color and the other color will be used on the accent strips and shingles.

Mr. Zalinger indicated that the minutes of the April 19 meeting say that the applicant would provide revised elevations, revised landscaping, and information in response to staff comments. Mr. Rabideau said that a plan with elevations with a key to the building materials has been provided. He said that detailed material specifications had previously been provided to the staff.

Ms. Capels said that reduced copies of the revised site plan were attached to the staff report. She described the most significant changes as the addition of the light poles and the corrected identification of tree species. Mr. Rabideau said that he understood that there was a concern with the use of ginkgo trees. Mr. O'Connell noted that he believed that there is only an issue with the female ginkgo trees. Mr. Rabideau agreed, saying that the female trees are messy and that most nurseries will only supply male ginkgo trees for landscaping uses. Mr. Rabideau indicated that he understood that the board wanted the species to be changed. The change was acceptable, although he likes to use male ginkgo trees because they are tolerant of abuse. Mr. O'Connell said that there is nothing wrong with the use of male ginkgo trees and that he likes to see variety in the tree species planted in the City. Mr. DeWolfe said that, based on his understanding that the Board wanted the change, the plans were revised to call for red maple trees instead of the ginkgo trees. Mr. Rabideau noted that the plans do provide for quite a bit of variety in the tree and shrub plantings. Mr. Keller asked about the size of the pear trees that will be used. Mr. Rabideau responded that they will be 3" to 4" in caliper and probably around 15' high. He said that they are fast-growing trees.

Mr. Zalinger asked whether anyone in the audience wished to comment. Ken Glines said that he lives directly across the street from the project. He asked whether the view from adjoining buildings is important in the site plan review criteria. His house was built in 1890 and there are views of the ridge line from the front windows. The proposed building would block the view, block sunlight (resulting in increased heating costs), cause light pollution, and increase noise. He said that Durwood Lamb had advised him that the City had previously required that the sludge pit on the development site be replaced with a cement pit that would store the sludge for removal. The testing of the site was inadequate because it only went 1½ feet into the sand fill in the pit. He said that the existing tank that Mr. DeWolfe identified as an oil tank is actually a sludge holding tank that separated water from the sludge. Mr. Glines said that the whole site should be checked for pollution and that the State Health Department told him that they could do nothing unless the testing results in a sample that is bad. The City should make

sure the site is not polluted before the application goes further. He added that all four houses directly across the street from the project are single family homes, not multifamily and the project is way out of line with the existing development. There is already plenty of diversity on Barre Street and there are many rental units available including 15 units that the New England Culinary Institute is no longer using. He stated that the residents have been building the area up, that this project will be detrimental and will reverse the improvements. He said that the project will cause the area to revert to a miserable ghetto situation.

Mr. Zalinger said that the Board is always willing to hear evidence on matters before it. He said that Mr. Glines had raised a host of subjects, some of which the Board has authority in, some of which it does not. Mr. Glines said that the Board does have authority over the view and natural resource issues including sunlight. Mr. Zalinger noted that the issue regarding the view is a complex matter if the building is built within the dimensional requirements of the zoning ordinance. Mr. Glines responded that the Board would be giving the application all sorts of variances and that the building height shown on the plans does not show equipment and elevator shafts that would be on top of the building. He added that residents who spoke at previous Board meeting were "yelled at". Mr. Glines said that he believed that the Chairman should recuse himself because he is biased and asked whether the Chairman is a member of Friends of Sabin's Pasture. Mr. Zalinger replied that he is not a member of that group. He had lost his cool at the last meeting because some of the comments were repetitive, irrelevant and inflammatory as was some of Mr. Glines testimony tonight. Mr. Glines questioned whether his concern about his view was inflammatory. He said the Chairman's job is running the meeting, to be unbiased, and to fight this thing as required by State law. Mr. Zalinger replied that State law does not require the Development Review Board to fight the project. Mr. Glines said that the Board is supposed to take the citizens' view. Mr. Zalinger said that he does not think that he is biased, that he has "no horse in this race," and that he would not recuse himself from this matter. He had discontinued irrelevant testimony at the last meeting and he had chastised some people for repetitive testimony. He said that some of Mr. Glines' testimony tonight goes beyond that which would normally be permitted at a public hearing. Mr. Zalinger added that some of Mr. Glines' testimony about the morals and past times of the residents in the neighborhood was unseemly. Mr. Glines replied that he had been talking about police calls to the neighborhood, B.B. guns, prostitutes and drugs. Mr. Zalinger asked whether the other Board members had any questions for Mr. Glines. Mr. O'Connell said that Mr. Glines' testimony is on the record and suggested that the Board move on.

Mr. Zalinger said that the Board needs to consider the Conditional Use Criteria and PRD standards. He referred to the staff report of April 19, 2004 and confirmed that the Board members had copies.

1. Capacity of existing or planned community facilities:

Board members noted that water and sewer lines are located adjacent to the site. The traffic report submitted with the application showed that the project would not produce unacceptable traffic conditions on Barre or Granite Streets. Mr. DeWolfe said that a school impact questionnaire that was completed as part of the Act 250 process had received positive comments from the school. The school indicated that they did not expect to be overburdened by the project. He estimated that about 30 school age children would occupy the proposed units, but noted that many of them probably already live in the City. The Board noted that there will be fire protection in all of the buildings. Mr. DeWolfe said that the project will provide affordable housing units.

2. Character of the area affected.
  - a. Performance standards in 814
  - b. Site plan review standards in 506.C.
  - c. Hours of operation
  - d. Cumulative impact of the proposed conditional use taken together with other conditional uses in the neighborhood.
  - e. Compatibility with existing and proposed development for the area.
  - f. Traffic generated per unit.
  - g. The cumulative impact of the proposal's failure, if applicable to fully satisfy each of the conditional use standards in 504.D and 812.
  - h. Noise generated per unit.
  - i. Any other factors judged to have an adverse impact on the area.

Board members stated that the character of the area will be immensely improved when the project replaces the vacant granite shed. Property values should also be increased after construction. The quality of life will improve as a more vital community comes into being and becomes integrated into the neighborhood. Mr. Rabideau said that, being sensitive to the character of the neighborhood, the applicant has incorporated underground parking into the project. The building is designed with a flat roof in order to occupy the minimum external volume. The project incorporates extensive landscaping, quality materials, and represents a \$3.5 million dollar investment in the community. Mr. O'Connell added that the project is very much a step in the right direction and that the applicant has been sensitive to community concerns in the development of the project.

Mr. Glines said that traffic will increase and that the lack of facilities for children should be considered. He does not see how this will help the community, which contains many single family homes. He said that the project will put a strain on the possibility of renting the many existing apartments that are vacant. He added that the railroad tracks will be dangerous to children.

Sarah Houpin, who lives across the street from the project site, said that all four buildings across from the project are single family homes. The project is not consistent with the character of the neighborhood and will not improve the neighborhood. She said that she has no issue with the townhouse units, but the apartment building will be out of scale with the neighborhood. The proposed front setback is not consistent with other residential buildings on the street, only the businesses right up on the road.

3. Traffic on roads and highways in the vicinity.

Mr. Cranse referred to the traffic study, noting that it indicates that the project will not significantly impact traffic on adjacent streets and the road network. He said that the Department of Public Works generally agrees with this determination.

4. Zoning and subdivision regulation in effect.

The Board found that the PRD application is seeking setback variances. The applicant has demonstrated that the application will not adversely affect the zoning regulations because it accompanies a Conditional Use application.

5. Utilization of renewable energy resources. Not applicable.

Mr. Zalinger said that the Board also needs to address the PRD section of the ordinance. He asked for the Board member's thoughts on closing the evidence this evening and conducting a deliberative session in order to render a written decision at that time. Mr. O'Connell said that he would support that concept. Mr. Lindley said that he would support a deliberative session as long as it is scheduled in a timely fashion. He said that all parties have the right to know of the results in a timely manner. Mr. Keller said that he agreed. Mr. Cranse asked for clarification on which criteria need to be considered. Mr. Zalinger said that the PRD standards are specific and that he believes that the record is now complete. He asked whether anyone else wished to introduce evidence. There was no response.

Mr. Zalinger noted that the staff report asked for clarification on the phasing and construction schedule. Mr. DeWolfe said that construction of the apartments could begin in 2004. The schedule for the condominiums is less definite, but they would probably be constructed in 2005. He added that the applicant is submitting the Act 250 permit application this week. Ms. Capels asked whether the applicant needs more than the two-year effective period after approval. Mr. DeWolfe said that the construction would require 30 months and could be completed by November of 2006. He added that he understands that the applicant would have to return to the Board if the project could not be completed in that time frame.

Mr. Zalinger noted that the Act 250 process will address construction activities including dust control. Mr. Lindley asked whether the existing buildings can be removed prior to completion of the Act 250 process. Mr. DeWolfe said that the applicant has permission from the District Commission to remove the buildings and the City has approved a demolition permit. Mr. Lindley asked who will be liable to secure the site after the buildings come down. Mr. DeWolfe said that the landowner or contractor would be responsible. Mr. Lindley asked whether the City puts time limits on the length of time allowable to fully demolish the buildings. Ms. Capels said that she would have to check. Mr. DeWolfe said that his client wants to demolish the buildings in a timely fashion and grade the site in order to prepare for construction.

Mr. Glines said that he hopes that the applicant gets a "package deal" to build both buildings. He also said that permits should not be issued until it is clear that this project can be built. He said that a representative of the Community Land Trust questions the viability of the condominium portion of the project. Ms. Halpine asked what would happen if the applicant did not construct both the apartments and condominiums. Ms. Capels said that the applicant must request a Site Plan Amendment if the project will not be built according to plans. If the applicant did not receive approval of the amended Site Plan and did not construct the buildings in the authorized time frame, they could be in violation. The City would take action that could result in fines.

Morgan Glines, a resident of 202 Barre Street, said that children from at least five families play in the lot that is the project site. He said that there must be a place for the children to play and that the lack of such facilities will contribute to childhood obesity and diabetes.

Mr. Zalinger said that the Board would close the evidence and consider the record to be closed. He said that the Board will take the matter under consideration, deliberate and make a decision in a timely manner.

**Sign Permit**

- Applicant:** Andrew MacLean  
**Property Owner:** James Blouin  
**Property Address:** 45 Court Street  
**Zone:** CB-II/DCD
- One ground sign

Interested Parties: Tom Quinlan

Mr. Quinlan said that the application was approved by the DRC with comments. He had accepted all of the comments except for the comment relating to reducing the overall length of the sign structure to 48". Mr. Quinlan said that he does not want to change the client's logo which represents the length of the sign. He originally designed the sign to be 24" high by 59" long based on the ordinance provision allowing a 12 square foot sign for the two businesses in the building. He has modified that proposal to a 20" by 59" sign. He cannot reduce the length because it will affect the client's logo. He also noted that the photo-representation of the sign provided in the application materials shows the sign to be larger in proportion to the building than it will actually be.

In response to a question from Mr. Zalinger, Ms. Capels said that the sign does not need a variance. Mr. Teschmacher asked what the distance between the two front building columns is. Mr. Quinlan said that the distance is 10' and the overall length of the sign support structure is 67". Mr. O'Connell noted that the sign is more visible because it is closer to the road. Mr. Quinlan said that he will put the sign as close to the building as possible while avoiding roof runoff. Mr. O'Connell asked Ms. Capels if she could provide an interpretation of the DRC's findings. Ms. Capels said that she was not at the meeting, but understands that the issue relates to the proportion of the sign to the front of the house.

Mr. Quinlan said that if the logo were reduced to fit into the 48" length, the lettering size would have to be reduced to the point that it would not be readable from across the street at the intersection. He said that he believes that the sign is in keeping with the area. In response to a question from Mr. Keller, Mr. Quinlan said that the color scheme of the sign is based upon the business logo. The applicant will be repainting the building in a color scheme that will fit with the sign.

Mr. Keller said that he would like to see an accurate representation of the sign in relation to the building. Mr. O'Connell said that he would not want to see the sign take a way from the historic quality of the street. Mr. Quinlan said that he would not propose a sign that would detract from the neighborhood. Mr. Zalinger said that the DRC has influenced some changes in the sign design, but noted that the sign is within the size limitations of the ordinance. He is respectful of the DRC and would defer to it on design issues, but the current issue is really dimensional. He said that the ordinance specifies the allowable size. Mr. Zalinger said that he would support a motion to grant the sign permit. Mr. Cranse said that he agreed and that there should be good reasons for not permitting something that is within the limits set by the ordinance. He noted that the reasons given by the DRC are not specific. Mr. O'Connell said that he respects the expertise of the DRC and would need to see an accurate representation of the sign before he would vote to approve a permit. Mr. Teschmacher said that he would also like to see such a representation. Mr. Quinlan said that he could provide the representation and asked if the application could be approved with a stipulation that it be provided. He said that he had created a design that met the requirements of the regulations. He also noted that he has modified the design to address all of the DRC

comments except the one relating to length. Mr. Cranse said that if the sign meets the regulations, the Board should seriously consider the application.

Mr. O'Connell noted that this sign is in a unique district that requires DRC review. He made a motion to approve the sign as amended by the applicant. Mr. Lindley seconded the motion.

Mr. Keller said that the question is whether the sign meets the ordinance requirement that a sign's design, dimensions, color scheme and materials be compatible with other properties in the district. He said that it would be helpful to have an accurate representation of the sign to determine whether it meets this requirement. Mr. O'Connell asked how the applicant can be dealt with procedurally if it looks like the motion will fail. Mr. Zalinger said the motion can be withdrawn and the application could be tabled until the next meeting.

The Board then voted on the motion to approve the application as amended by the applicant. The motion passed 4 to 2, with Mr. O'Connell and Mr. Teschmacher voting against.

#### **Design and Site Plan Review**

**Applicant:** Union Mutual of Vermont

**Property Owner:** Union Mutual of Vermont

**Property Address:** 139 State Street

**Zone:** CIV

- Generator unit and related site improvements
- The DRC recommends approval with optional changes that may be made at applicant's discretion

Interested Parties: John Fitzhugh, General Counsel; Brad Keyser, Vice President

John Fitzhugh and Brad Keyser, both of Union Mutual of Vermont, were sworn in by Mr. Zalinger. Ms. Capels described the application for a diesel-fired emergency generator. The proposed location of the generator has been changed and the Site Plan provided does not show a specific location for the unit. She said that the project has been approved by the Capitol Complex Commission. Mr. Fitzhugh said that the DRC did not like the original location and that the applicant has not had time to produce a site plan with the new location. He noted that the new location will require an easement from the state to allow for necessary grading and a retention wall. Once the site plan is updated, the applicant will meet with the State and finalize the details on the easement.

Mr. Teschmacher asked how often the generator will be tested. Mr. Fitzhugh replied that it will be tested for about 15 minutes once a week. Mr. Zalinger said that the Board really cannot approve the application until the design details are finalized. Mr. Fitzhugh said that the Capitol Complex Commission has approved the project and that the applicant is just working out final details. Mr. Cranse asked what measures will be employed to address noise and odor. Mr. Fitzhugh said that there will be a critical grade exhaust system and that the generator employs the latest EPA approved technology. The generator will be located within a noise enclosure and will have a muffler to control noise. Mr. Keller asked whether the generator will comply with the noise limitations of the ordinance. Ms. Capels said that the limit is about 55 decibels at the property line. Mr. Fitzhugh said that he did not believe that the generator would comply with that limitation.

Mr. Fitzhugh asked how many times the applicant had required emergency power in the last year. Mr. Fitzhugh said that there had been three times when there was a need for emergency power. These periods had lasted for one half to one hour. Mr. Keyser said that the company will soon be using entirely paperless technology and they must be able to continue to run the business during power outages.

Ms. Capels noted that her previous reference to a 55-decibel standard was based upon her recollection of the requirements in the Riverfront area. She said that the specific standard may be different for this district. Mr. Lindley asked how the applicant will be able to comply with the sound standards. Mr. Fitzhugh said that he believes that the manufacturer's specifications show sound levels in the low 70 decibel range. Mr. Cranse said that specifics are needed to address the noise and smoke standards. Mr. Zalinger said that the Board needs to see a comparison of the manufacturer's specifications to the allowable noise levels. He said that smoke is probably not an issue because the generator will use an internal combustion engine that is similar to those used in vehicles.

Mr. Lindley said that the noise issue should be resolved so that the Board knows whether the project requires a variance. He made a motion to table the application until the manufacturer's specifications on noise are provided. Mr. O'Connell seconded the motion.

Ms. Capels said that, if it wishes, the Board could approve the application with a condition that the sound specifications are submitted to the staff and a variance will be required if the project does not comply. Mr. O'Connell said that he would rather have the information before acting. Mr. Zalinger said that the Board needs the sound information and the other information identified in the staff comments, including landscaping and the handrail. Ms. Capels said that the May 17 Board agenda was quite full, but that it might be possible to add this application.

Mr. Keyser asked for clarification on the information that is needed. Mr. Zalinger said that the necessary information consists of a revised site plan including landscaping and the railing, if proposed. In addition, the information on noise must be submitted. Ms. Capels noted that if a variance is required, the June 7 agenda would be the earliest that a hearing could be scheduled. Mr. Fitzhugh said that would impact the construction schedule as there is a 10-12 week lead time on the delivery of the generator. Mr. Zalinger said that the Board needs to be consistent with the application of the requirements and that it needs to determine whether the project requires a variance.

The motion to table the application was approved unanimously.

#### **Public Hearing - Variance & Conditional Use**

**Applicant:** Linda Leehman and Mary Jane Kennedy

**Property Owner:** Linda Leehman and Mary Jane Kennedy

**Property Address:** 33 North Franklin Street

**Zone:** MDR

- Creation of an accessory apartment in an existing single family dwelling
- Addition to structure requires a 16-foot variance from the side yard setback

Interested Parties: Linda Leehman and Mary Jane Kennedy

Ms. Kennedy and Ms. Leehman were sworn in by Mr. Zalinger. Ms. Kennedy said that the existing house is shared by the applicants. She said that they are proposing to demolish a 244 square foot addition on the rear of the house, construct a basement and construct an addition. The addition will be an apartment for one of the current residents of the house. The other resident will occupy the remainder of the house. Ms. Kennedy corrected the staff report, saying that the house was built in 1860, that the project will result in 476 square feet of living space and that there will be a 110 square foot increase in the building footprint. She said that the existing house is 24 feet high and that the existing rear addition is 14 feet high. She said that the proposed addition would be 5 feet higher or a total height of 19 feet. The pitch of the new roof will match that of the existing roof. Ms. Kennedy said that the existing addition was built around 50 to 60 years ago.

Mr. Cranse asked about parking. Ms. Kennedy said that the driveway can accommodate three cars comfortably. Ms. Capels noted that two neighbors had stopped in at the Planning Office and raised concerns about the height of the proposed addition. She said that a note provided by one of the neighbors was included in the Board's materials, but that the neighbor appeared to be under the impression that the height of the addition would be the same as the existing roof. Ms. Kennedy said that she had originally planned to have the addition match the height of the existing house, but reduced the height after talking to that neighbor and observing the view from the neighbor's window. Ms. Leehman said that they intended to keep the neighbor happy.

Mr. O'Connell asked for clarification on whether an accessory apartment is a permitted use. Ms. Capels said that the Administrative officer determined that it is a conditional use. She said that an accessory apartment does not have to meet lot size requirements.

The Board reviewed the 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 structure was built before 1860 and predates the zoning ordinances. The steep bank creates a unique situation on the lot. The existing dwelling is currently located in the setbacks. The addition will not cause further encroachment into the setbacks.

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 the property.

The existing building is already within the setbacks. There is no way to construct the addition without construction in the setbacks.

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 presence of the existing building within the setbacks has created the hardship. The lot and improvements predate the regulations

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.

This application will improve old, substandard construction. The use will remain residential. The proposed development will not impair the use of the adjacent properties and will not be detrimental to the public welfare.

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 applicant will continue the existing line of the building in the setback.

6. The variance will not result in the initiation of a nonconforming use of land.

The Board then reviewed the Conditional Use Criteria.

Conditional Use Criteria:

1. Capacity of existing or planned community facilities: There will be no impact on the community.
2. Character of the area affected.
  - a. Performance standards in 814
  - b. Site plan review standards in 506.C.
  - c. Hours of operation
  - d. Cumulative impact of the proposed conditional use taken together with other conditional uses in the neighborhood.
  - e. Compatibility with existing and proposed development for the area.
  - f. Traffic generated per unit.
  - g. The cumulative impact of the proposal's failure, if applicable to fully satisfy each of the conditional use standards in 504.D and 812.
  - h. Noise generated per unit.
  - i. Any other factors judged to have an adverse impact on the area.

There are multifamily dwellings on the street. This application will result in the continuation of a residential use compatible with other uses in the MDR District. The applicant will use the same clapboard siding and metal roofing material that is on the existing structure.

3. Traffic on roads and highways in the vicinity: There will be no measurable increase in traffic over the existing use.

4. Zoning and subdivision regulations in effect: This Conditional Use Application is a companion to the Variance Application. The project will not negatively affect the zoning regulations.
5. Utilization of renewable energy resources: Not applicable.
6. Specific standards for accessory apartments: One of the applicants is 55.

Mr. O'Connell made a motion to approve the application for a Variance and Conditional Use. Mr. Cranse seconded the motion. It was approved unanimously.

**Continuation of Public Hearing from April 7, 2004.**

407 Barre Street, Twin City Harvest Christian Church

Mr. Zalinger noted that the hearing on the application for a Conditional Use approval for property at 407 Barre Street will be continued to the next meeting.

**Public Hearing - Conditional and Final Review**

171 Westview Meadows, City of Montpelier

Mr. Zalinger noted that the application to create a separate lot for a water retention facility had been postponed to June 7.

**Other Business**

Mr. Lindley said that he will be absent from May 15 to May 26 and asked the Chairman whether he wanted to schedule a deliberative schedule. Mr. Zalinger said that he would like to schedule the session before May 17. He said that will confer with Ms. Capels and possible dates will be e-mailed to the Board members.

Ms. Capels said that the copies of the ordinances containing recent amendments had been provided to the Board. She said that the changes include the extension of the Design Control District on Barre Street, multi-family housing, PRD zoning and a cleanup of typographical errors.

**Adjournment**

Mr. O'Connell made a motion to adjourn the meeting. Mr. Cranse seconded the motion. It was unanimously approved and the meeting was adjourned at 9:35 p.m.

Respectfully submitted,

Valerie Capels, Director of Planning & Community Development

Transcribed by Kathleen Swigon

*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 are acted upon.*