

Montpelier Development Review Board
September 7, 2004
City Council Chambers, City Hall

Subject to Review and Approval

Present: Philip Zalinger, Chair (arrived after the start of the meeting, participation began with item III); Kevin O'Connell, Vice Chair; Roger Cranse; Jack Lindley; Alan Blakeman; Dave Keller; Douglas Bresette; Ken Matzner (Mr. Matzner participated only in the hearing on 56 College Street)
Staff: Valerie Capels, Planning and Community Development Director

Call to Order

The meeting was called to order by Mr. O'Connell, who was acting as Chair until Mr. Zalinger arrived.

Comments from the Chair

Mr. O'Connell said that action on the minutes would be deferred to the end of the meeting.

I. Consent Agenda

A. Design Review

Applicant: Hunger Mountain Co-op
Property Address: 623 Stonecutters Way
Zone: RIV/DCD

- Enclosure of an existing loading dock.
- DRC recommended approval with optional change

B. Design Review

Applicant: James Blouin
Property Address: 41-45 Court Street
Zone: CB-II/DCD

- Enlarge rear deck, install three windows and remove door
- Site plan amendment for deck expansion was administratively approved.
- DRC recommended approval as submitted. DRC also recommended that the gas tanks may be positioned according to regulations and that bluestone pavers may be installed under the decking.

C. Design Review

Applicant: Sally Longhi
Property Address: 78-80 Barre Street
Zone: CB-II/DCD

- Removal of rear porches and meat room, replacement of two doors with double-hung windows and brick and installation of an air-conditioning unit.
- DRC recommended approval as submitted with the option that a lattice wall with a wood frame may be installed for screening on the street side.

D. Design Review

Applicant: Vermont Land Trust
Property Address: 8 Bailey Avenue
Zone: CB-II/DCD

- Replace an arched window on a carriage barn with two double-hung windows.

- DRC recommends approval as submitted with the option that the window be salvaged and re-used by another owner, if possible.

Mr. Blakeman made a motion that the Board approve all of the consent agenda applications with the staff and advisory comments. Mr. Bresette seconded the motion. Ms. Capels provided copies of the DRC review sheet for 78-80 Barre Street. The Board voted unanimously to approve the applications.

II. Public Hearing - Variance Request

Applicant: Toni Ceckler and David MacVicar
Property Address: 23 Pleasantview Street
Zone: MDR

- Variance Request from Front Yard setback to construct a 4.5' x 12' storage addition.
- Required FY setback: 30'
- Variance Requested 4.5'

Mr. MacVicar and Toni Ceckler were sworn in. Mr. Keller said that he was a neighbor of the applicants but did not believe he would be biased. He would step down if anyone felt that his participation was inappropriate. No one objected to his participation.

Mr. MacVicar described the proposal for a 4.5' x 12' storage addition to his home. He said the shed will be in line with the front line of the rest of the house. He will store trash containers, a snow blower and other equipment in the shed. Mr. Blakeman asked whether this shed will be an extension of the basement. Mr. MacVicar said that it was. He said the only entrance will be from the outside. Mr. Bresette asked about a vent that appeared to be near the proposed addition. Mr. MacVicar said that it used to serve a propane heater, but both the heater and the vent have been removed.

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 house is noncomplying. The house was built in the 1950's, prior to the current zoning regulations. The shed will be used only for storage.
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 proposed outside shed is a utilitarian use of the residential property. The shed is proposed in order to store equipment in a manner that is not unsightly.
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 foot print of the house predates the zoning 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. The proposed shed will be an improvement to the neighborhood because unsightly equipment and material will be stored out of sight.

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 proposed shed location represents the minimum variance possible.
6. *The variance will not result in the initiation of a nonconforming use of land.* The shed will not create a nonconforming use. The use of the land will remain residential.

Mr. Cranse made a motion that the Board approve the requested 4.5' variance from the front yard setback. Mr. Blakeman seconded the motion. The Board voted to approve the motion 6-0.

III. Public Hearing - Variance Request

Applicant: Judith McKinley
Property Address: 146 Northfield Street
Zone: MDR

Judith McKinley was sworn in by Mr. Zalinger. Ms. Capels said that this is an application for a variance to rebuild a barn that was destroyed by fire. The proposed roof will be 22' high. The required side yard setback of 20' must be increased by one foot for every foot that the structure height exceeds 20'. The proposed 22' height results in a required setback of 22', but the proposed structure would be 6' from the side yard property line.

Ms. McKinley said that the original barn structure was 70 feet long. She wants to rebuild it within the existing footprint and install a roof that will slant to the southeast to accommodate solar panels. Mr. Zalinger asked whether the height of the original roof was documented. Ms. McKinley said that she did not have that documented, but she did not object to the determination that the roof height was increasing. Mr. Cranse asked what the length of the proposed structure would be. Ms. McKinley said that she was proposing a 44' long enclosed building and a 25' long outdoor pergola. Mr. Cranse said that the overall length was then 69'. He asked for the copies of the letters from neighbors that were referred to in the application materials. Ms. McKinley said that the neighbors do not object and gave the letters to Mr. Zalinger. Mr. Blakeman asked whether the addition would require a sprinkler system. Ms. McKinley said that she would be installing sprinklers in the addition. Mr. Zalinger pointed out that whether the building is sprinklered is not among the variance criteria.

Mr. O'Connell noted that the application states the addition will be a self-contained living unit. Ms. McKinley said that will be the case. She will be using the space, but might want to use it as an apartment in the future. Ms. Capels said that the living space does not require additional review because the ordinance currently allows for administrative approval of two duplexes on a single lot. She said that there are three other units on the property so the proposed unit would meet the ordinance provision.

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 preexisting structure was constructed in the 1800's, prior to the current zoning regulations. The proposed increase in the height of the ridge line is intended to allow for solar power panels. Other portions of the remaining building are in 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 applicant is rebuilding a structure that was destroyed by fire. The variance arises because the roof is to be raised. It is not possible to rebuild in harmony with the existing structure without a variance. Providing for solar power is a reasonable use of the residential property.
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.* It is clear that the location of the existing building causes the need for the variance. The hardship was clearly not created by the applicant, but relates to the land.
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.* There will be no change in the residential use. Letters from adjoiners do not object to the project. The project will allow for the use of renewable resources.
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 structure will be rebuilt on the existing building footprint. This represents the minimum deviation from the setback regulations.
6. *The variance will not result in the initiation of a nonconforming use of land.* The use of the land will remain residential.

Mr. Lindley made a motion that the Board approve the variance of 16' to the side yard setback. Mr. O'Connell seconded the motion. The motion was approved 6-0.

IV. Public Hearing - Conditional Use Request

Applicant: Lisa Masé, The Langdon Street Café
Owner: Jeffrey Jacobs
Property Address: 4 Langdon Street
Zone: CB-I/DCD
Interested Parties: Lisa Masé, Chuck Haynes

Ms. Masé was sworn in by Mr. Zalinger. Ms. Capels described the conditional use request to convert retail space to a bar/nightclub. She said that the second floor will remain as office space and the third

floor will remain residential. Staff has suggested that some items be clarified prior to action on the application.

Ms. Masé said that she was representing a corporation known as the Langdon Street Café. She gave the Board members photographs and a copy of a floor plan for the project. She is proposing to convert the space to a coffee shop. It is called a nightclub in the application because she wants to have a first class liquor licence. The coffee shop will have internet access. There will also be open mikes and live music about twice per week. The third floor will remain as an apartment. Mr. Blakeman asked whether customers will be going up to the second floor. Ms. Masé said they will not. Ms. Capels asked whether the office space will be used by the café or be leased. Ms. Masé said that four of the second floor rooms will be leased as office space and the fifth will be used as an office for the café. Another second floor office at the back of the building will be leased to a book store. Access to that space will be available to café customers through an internal staircase at the rear of the café. All of the other five offices are accessed through the outside stairs. Ms. Masé said that a kitchen that is proposed on the second floor will be used for baking before and after hours. She said that the café hours will be 11 a.m. to 10 p.m. on Tuesday through Thursday and Sunday. The hours will be 11 a.m. to midnight on Friday and 11 a.m. to 1a.m. on Saturday.

Mr. Cranse asked whether the corporation that Ms. Masé represented would operate the book store. She said that it would not. Ms. Capels said the retail bookstore use would have to be added to the application. She said that she was not sure whether the Technical Review Committee would have questions about the retail use on the second floor. Ms. Masé said that she understood that the room in question was used as part of the previous retail use and therefore the proposed bookstore would not be a change in use.

Mr. O'Connell asked whether the Technical Review Committee considered ingress and egress from a fire safety standpoint. Ms. Capels said that they had. She said that it is unclear what building changes might be required by City and State codes. She said that there might need to be changes to the doors to allow them to open out. Such changes might create the need for changes to the stoops or other exterior modifications. She said that the TRC suggested that these questions could be a reason to delay action on the application pending clarification of these issues. Mr. Zalinger said that the applicant is entitled to move forward as proposed. He said that the applicant would have to request an amended approval if there are subsequent changes required by other agencies. Mr. Blakeman asked whether handicapped access was an issue. Mr. Zalinger said that he would like to go through the evidence and then have any follow up questions. He noted that the Board's review must be based upon the conditional use criteria.

Mr. Zalinger asked about the plans for managing trash and refundables. Ms. Masé said that there will be closed containers on the porch near the river. She said that access to the porch will not be permitted.

Mr. O'Connell asked whether there would be any further reviews to address the site. Ms. Capels said that the site plan review would occur as part of the conditional use criteria.

The Board reviewed the conditional use and site plan criteria.

1. *Capacity of existing or planned community facilities.* The City has indicated that it can provide water and sewer capacity. The streets are already used for retail and restaurant uses.
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.*

Ms. Masé said that the café would have no problem complying with the 65 decibel noise limitations. Velvet curtains will be used to cut down on noise from any live performances. Other businesses on Langdon Street are open at night and produce noise. The two front windows do not open and that is the area where music will be performed. There have been sound checks over the last few months and she has not heard any problems or received any complaints. Only small amplifiers would be used. Mr. Zalinger said that the DRB needs to incorporate specifics into any approval. Mr. Keller suggested that the approval require that no noise may exceed 65 decibels.

Ms. Masé said that the current tenancy of the third floor apartment expires on December 1, 2004. Mr. Zalinger said that future tenants will be aware that there is a café on the first floor.

Ms. Masé said that she would like to correct the information about the hours of operation previously submitted with the application. She said that she would like to stay open until 1:00 a.m. on Saturday.

3. *Traffic on roads and highways in the vicinity.* The project is in the CB-I district. Roads are already constructed to withstand high levels of traffic.
4. *Zoning and subdivision regulations in effect.*
5. *Utilization of renewable energy resources.* Not applicable.
6. *Specific standards for accessory apartments.* Not applicable.

Site plan criteria:

7. *Pedestrian Access and Circulation:* Mr. Zalinger said that the staff report notes the potential that changes required by Labor and Industry may affect pedestrian circulation. Ms. Masé said she has spoken to Labor and Industry. She understands that the café is approved for mixed occupancy up to 49 persons. To exceed that number would require changes to allow the doors to swing out and a second exit through a door on Elm Street. She would like to change the door hinges and provide the second exit in the event that the occupancy exceeds 49 persons.
8. *Vehicular Access and Circulation.* No change to the property is proposed.
9. *Parking.* Ms. Capels said that, as proposed, this application for a change of use in the CB-I district does not require parking. Ms. Masé said that the employees and patrons would use parking in the downtown area. Mr. Chuck Haynes said that he is the owner of an adjoining property on Elm Street.

He is concerned that a parking nuisance not be created. In the past, residents in the apartment have had trouble finding parking in the winter. He wants to be sure that tenants and patrons do not use his parking lot. He needs to plow snow in the lot at night and has had to have vehicles towed. Mr. Haynes said that the proposal will have an impact on the availability of parking in the community.

10. *Loading*: Ms. Masé said that most deliveries will occur early in the morning. She said that delivery trucks will be instructed to pull over to the side of Elm Street and the staff will help to unload and carry the materials in. Much of the food will be brought in by the owners and employees rather than by delivery trucks.

11. *Landscaping*: None proposed.

12. *Lighting*: No changes proposed.

13. *Trash/utilities*: Ms. Masé said that trash and refundable containers will be stored on the porch adjacent to the first floor space. The trash will be removed daily. Mr. Zalinger asked if Ms. Masé would object to a condition requiring covered and enclosed bins with some screening of the porch. Ms. Masé said that she would be willing to provide screening if the bins were not adequately screened by the porch railing. Mr. Bressette asked how rodent problems will be prevented. Ms. Masé said that food waste will be removed on a daily basis and that there will be some inside storage. Ms. Capels suggested a condition requiring that containers be securely closed and not allowed to overflow. Ms. Masé said that she did not object.

Mr. Blakeman asked if it would be possible to specify a size for the bookstore. Mr. Zalinger said that the testimony states that the back office will be used for the store. Ms. Capels said that she would ask that the application be revised to correctly show the square footage for all uses.

Mr. Lindley made a motion that the conditional use be approved with the following conditions:

1. Noise levels shall not exceed 65 decibels at the lot lines.
2. Trash containers shall have tight covers and be screened.

Mr. O'Connell suggested that the staff recommendations be included. Mr. Blakeman seconded the motion. Mr. Zalinger suggested that the Board take the matter under consideration to work out the language for the conditions. Mr. Lindley said that he would withdraw his motion and offer a motion to take the matter up in a deliberative session. Mr. Blakeman seconded. The motion passed unanimously. Mr. Zalinger said that the Board will not be acting tonight, but will communicate by e-mail to work out language. He said that the written determination will probably be issued in about a week.

V. Public Hearing - Conditional and Final Approval of an amendment to the Vermont College AI-PUD Master Plan; Conditional Use and Design Review

Applicant: Union Institute & University and The New England Culinary Institute
Property Owner: Union Institute & University
Property Address: 56 College Street
Zone: HDR/DCD

- Amendment to the Vermont College AI-PUD Master Plan
- Addition and building alteration to accommodate new NECI office use.

- Interested Parties: Richard Hansen, Vermont College of the Union Institute; Eric Seidel, New England Culinary Institute; Jay Ancel, architect; David Grayck, neighbor; Jim Segar, neighbor; Peter DeMasi, neighbor

Mr. Cranse and Mr. Zalinger recused themselves from participation in this hearing. Mr. Matzner joined the Board. Mr. O'Connell acted as Chair and asked Ms. Capels to describe the matter before the Board.

Ms. Capels said that this application is for an addition to connect two existing buildings within the Vermont College Academic Institution-Planned Unit Development. She explained that the staff determined that the addition is not consistent with the current Vermont College Master Plan. The applicants chose to proceed with a proposed amendment to the Vermont College Master Plan, which requires conditional and final approval. The addition also requires design review and conditional use approval. The DRC has reviewed the application and their recommendation for approval is summarized in their minutes. Ms. Capels recommended that the Master Plan amendment be considered first because it will guide the other reviews. The conditional and final approval reviews have been combined into this one hearing.

The interested parties were sworn in by Mr. O'Connell.

Mr. Ancel said that he was the architect for the New England Culinary Institute, which is proposing to purchase the property from the Union Institute and University to locate their administrative offices. He referred the Board to Mr. Hansen's letter of August 17 which explains the Master Plan amendment.

Mr. O'Connell asked if any members of the public wanted to be heard on the Master Plan amendment. There was no response.

Mr. Keller said that the third paragraph of the amendment should be revised to say "The designs shall be compatible with other structures within the overlay district." He said that he does not see the need to limit structures to "being products of their own time". Mr. Ancel said that the language is similar to federal language that requires that modern additions be compatible with historic structures but be distinguishable as modern additions. Mr. Keller said that his proposed change would not prevent that result. He did not want the language to restrict choices.

Mr. Bresette made a motion to approve the Master Plan amendment. Mr. Lindley seconded the motion. Mr. O'Connell asked if there were any comments from the audience. There were none.

Mr. Bresette asked for examples of how the language regarding "products of their own time" could be met. Mr. Ancel cited the connection at the Pavilion Building and the addition to the Kellogg-Hubbard Library as examples. Mr. O'Connell asked if this language would prohibit a historic period building. Mr. Ancel said that it would not prohibit such a building, but such a building would be difficult to do. Mr. O'Connell said that he understands the need for modern materials, but is also concerned that the amendment not force the use of modern designs. Mr. Ancel said that the word "may" could be substituted for "shall."

Mr. Keller said that the language that he suggested does the same thing. He said that all of the structures on the green are from the same historic period with only one exception. He said that he wants to be sure that the language does not result in incompatible buildings designed to be products of their own time. He

noted that the amendment will apply to any building on the campus. Mr. Bressette said that the phrase “product of their own time” is a fairly generic term intended to allow for the use of modern materials and technology.

Mr. Blakeman said that the first sentence of the third paragraph should refer to the “Design Review Committee.”

Mr. O’Connell asked whether the last sentence of the third paragraph would have an effect on the design review process. Ms. Capels said that the current design review criteria do not say “product of their own time,” but refer to compatibility with the subject property and other properties in the district. Mr. O’Connell said that those regulations would supercede the Master Plan language. Mr. Grayck said that he did not think that it is accurate to assume that the regulations trump the Master Plan. He said that the Master Plan is intended to be the first guide for review of those projects. Mr. O’Connell asked how important to the Master Plan was the language. Mr. Ancel said that the deletion of the language would put more responsibility on the designer to ensure compatibility of designs.

Dr. Hansen said that Union Institute was comfortable with substituting “may” for the first “shall.” He said that he believes that it is important that the rest of the language remain in the paragraph.

Mr. Matzner said that he is sympathetic to Mr. Keller’s position. Ms. Capels said that the current motion is for approval of the amendment as written. Mr. Bressette said that he would amend his motion to say “may” instead of “shall” and include Mr. Blakeman’s suggested addition of the words “the Design Review Committee.” Mr. Lindley said that he would accept the change and seconded the motion.

The Board voted to approve the motion 4-2, with Mr. Matzner and Mr. Keller voting against.

The Board then considered conditional use and design review. Ms. Capels said that an academic institution is a permitted use in the A1-PUD district. She described the proposed addition. The application was modified in the design review process, which is summarized in the report. Parking is to be provided off-site in the existing parking lot across the street. Mr. Ancel described the changes that were made as a result of the DRC review. He has met with the Fire Chief who is satisfied with the circulation plans and the sprinkler system.

Mr. O’Connell asked if the TRC reviewed the application. Ms. Capels said yes. Mr. O’Connell asked whether the staff comments are acceptable to the applicant. Mr. Ancel said that they were.

Jim Segar, 62 College Street, said that there are 19 apartments in a nearby building. He is concerned that the project will result in visitors to the admissions office using the on street parking spaces that residents rely on. He asked whether there can be restricted parking signs on the street. He also asked whether the building will be used after 11 p.m. for functions. He is also concerned with how people will safely cross the road and asked if something could be done to slow down the vehicles in the area.

Ms. Capels said that it was the TRC’s impression that the proposed use will not be much different from the previous use, which was the Center for Sustainable Communities. The application states that most of the visitors are by appointment and will be told where to park when they call for the appointment. Mr. Blakeman said that staff condition 4b should address the parking concern. Ms. Capels said that condition refers to a sign on the 56 College Street property, not on the parking lot itself.

Mr. Keller said that if the building changed to a different education use, it could generate different visitor patterns that might cause parking problems. Mr. Bressette said that could happen at any building on the campus. He had expressed his concern with handicapped access at the previous meeting. He is also concerned with parking for special social events at the building. Mr. Seidel, of NECI, said that the proposed use is office only. There is no intention to have evening events. The building will typically be used between 7 a.m. and 6 p.m. None of the spaces in the building will accommodate a gathering of more than 10 persons.

Mr. Grayck said that it was his understanding, based upon the application and past testimony, that the building would be used for admissions, that there would be no student functions in the building and that there would be no function room. He understood that there would be an average of 30-50 visitors per month. With those understandings, he is in favor of the project. Mr. Seidel said that he is in agreement to those points being included in the hearing record. He expects from 2 to 12 visitors per week.

Mr. Keller said that the parking issue could be resolved by placing a sign on 56 College Street directing visitors to the parking lot across the street and by a sign at the parking lot saying that there is parking for NECI in the lot. Mr. Seidel said that he was concerned that the spaces in the lot not be dedicated to NECI because they are also available to other users. Mr. Grayck said that he would be concerned with the location of a new sign at the parking lot; he would not want a sign next to his house.

Mr. Matzner said that he is confused about how this use is to be handled as part of the Vermont College AI-PUD. Ms. Capels said that the property will continue to be part of the AI-PUD. Mr. Matzner said the property could be sold for general office use if NECI vacates it. Ms. Capels explained that once the ownership of the property transferred, the large institutional property criteria would no longer apply and the property would revert to the underlying zoning which is high density residential. Mr. Ancel noted that under the AI-PUD provisions, you could have multiple owners to make up the required acreage.

Mr. Matzner said that he is concerned the proposed use would change the character of the area since the design will look institutional and the underlying zoning provides for residential uses. He pointed out several of the design review criteria that were relevant to this issue. Ms. Capels said that the DRC's determinations regarding those criteria are in their report. Mr. Matzner noted that the DRC's review does not address larger neighborhood concerns.

Mr. Grayck said that he agrees that construction will affect the neighborhood. He does not think the effect will be adverse based upon the applicant's representations. He was generally satisfied with the changes made as a result of the DRC comments.

Mr. Ancel said that the DRC criteria do look at compatibility with other structures in the neighborhood. The addition is not highly visible to the adjoining residences. The applicant met with the DRC three times and has responded to their comments. Mr. Matzner said that he thinks that the building should be made to look more like multifamily housing and made more readily convertible to residential use.

Peter DeMasi, an adjoining neighbor, said that he does not think that parking has been adequately addressed. He asked why part of College Street cannot be restricted to residential parking.

The Board reviewed to conditional use and site plan criteria, citing the staff's notes in their report.

1. *Capacity of existing or planned community facilities.* The proposed use is not functionally different from the previous use.
2. *Character of the area affected.*
 - a. *Performance standards in section 814.*
 - i. *No use shall emit noise at the property line in excess of the standards set in the Montpelier code of Ordinances, Chapter 11, Article 10.*
 - ii. *Emit odor which is offensive at the property line*
 - iii. *Emit dust of dirt at the property line.*
 - iv. *Emit smoke in excess of Ringman Chart no. 2.*
 - v. *Emit noxious gasses which endanger the health, comfort, safety, or welfare of any person, or which have a tendency to injure or damage property, business or vegetation.*
 - vi. *Emit lighting or signs which cause undo glare, which could impair the vision of a driver of any motor vehicle or are offensive to the neighborhood.*
 - vii. *Cause fire, explosion, safety hazard or create electrical interference.*

The current use is an office. No effect is expected from the proposed office use.
A sprinkler system will be installed in the building.

 - b. *Site plan review standards in 506.C.* See staff notes.
 - c. *Hours of operation.* See staff notes.
 - d. *Cumulative impact of the proposed conditional use taken together with other conditional uses in the neighborhood.* See staff notes.
 - e. *Compatibility with existing and proposed development for the area.* See staff notes.
 - f. *Traffic generated per unit.* See staff notes.
 - 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.* See staff notes.
 - h. *Noise generated per unit.* See staff notes.
 - i. *Any other factors judged to have an adverse impact on the area.* See staff notes.
3. *Traffic on roads and highways in the vicinity.* See staff notes.
4. *Zoning and subdivision regulations in effect.* See staff notes.
5. *Utilization of renewable energy resources.* See staff notes.
6. *Specific standards for accessory apartments.* See staff notes.

Mr. O'Connell read through the staff and advisory comments. Mr. O'Connell asked if the applicant has reviewed and agreed with the staff comments. Mr. Seidel said that he had.

Mr. Keller asked if it was possible to use clapboard siding on the addition. Mr. Ancel said that the proposed siding was specifically requested by the federal agency that is providing funding for the project. The applicant can ask that agency if the change would be acceptable. He would not want to see clapboard as a condition of approval.

Mr. Lindley made a motion to grant conditional use and design review approval with the staff and advisory recommendation and an additional condition that the applicant explore the possibility of using clapboard siding. Mr. Blakeman seconded the motion.

Mr. Matzner said that he wants to emphasize that the off-street parking will be used. Mr. Lindley said that everyone is concerned about parking. He said that item 4b of the comments requires signage to direct visitors to the off street lot. The City Council may wish to consider parking permits under its purview. Mr. Segar said that the neighbors wanted to see resident-only parking signs as part of the project. Mr. Keller said that is not within the purview of the DRB. He said that would be the City Council's jurisdiction. Ms. Capels added that the issue could also be brought to the attention of Montpelier's Traffic Committee.

Mr. Grayck said that it should be clear that any reallocation of the 23 parking spaces would require an additional regulatory review. Mr. O'Connell said that the approval would be premised on those 23 spaces. Ms. Capels said that the staff would look at whether parking is over committed by the College in subsequent applications.

Mr. Matzner said that he wanted to go on record that making the house look more institutional effects the neighborhood adversely.

Ms. Capels said that there is a correction to the findings. She said that the reference to staff note 8 should actually be to staff note 14 and the reference to staff not 23 should be revised to note 26.

The Board voted to approve the motion 5-1, with Mr. Matzner opposed.

Minutes

Mr. Cranse moved approval of the August 16 meeting minutes, seconded by Mr. Lindley. The motion passed 4-0, with 3 abstentions.

Mr. Keller requested that consideration of the August 30 meeting minutes be held for the next meeting. He said that he had just received the minutes and had not had time to review them. Mr. Zalinger agreed

Adjournment

Mr. Lindley made a motion to adjourn the meeting. Mr. Blakeman seconded the motion. The Board unanimously approved the motion.

Respectfully submitted,

Valerie Capels
Planning and Community Development Director

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.