

**Montpelier Development Review Board
December 20, 2004
City Council Chambers, City Hall**

Subject to Review and Approval

Present: Philip Zalinger, Chair; Kevin O'Connell, Vice Chair; Alan Blakeman; Roger Cranse; Guy Teschmacher; Kenneth Matzner
Staff: Stephanie Smith, Administrative Officer

Call to Order

The meeting was called to order by Mr. Zalinger.

Minutes

Mr. Blakeman made a motion that the minutes of the December 6, 2004 be approved. Mr. Matzner seconded the motion. Mr. Cranse said that the minutes should be corrected to indicate that he voted against the approval of the variance at 21 Pleasantview Street. The Board voted 5-0 to approve the minutes with the correction. Mr. O'Connell abstained.

I. Consent Agenda

A. Sign Permit

Applicant: Montpelier Downtown Community Association
Property Address: 65 Main Street
Zone: CB-I/DCD

- Temporary civic banners on a continuous basis
- DRC recommended approval with adjustments

Interested Party: Paul Carnahan

Mr. Carnahan said that the Montpelier Downtown Community Association is in concurrence with the adjustments recommended by the DRC. Mr. Blakeman asked if the proposed banners would replace the banners over East State Street. Mr. Carnahan said that this proposal does not have any relation to other banners, but said that he did not think that banners are currently permitted across State Street.

Mr. O'Connell made a motion that the application be approved with staff and advisory comments. Mr. Blakeman seconded the motion. The motion was approved by a vote of 6-0.

B. Design and Site Plan Review

Applicant: National Clothes Pin Company
Property Address: 1 Granite Street
Zone: RV/DCD

Interested Party: Peter Merrill, National Clothes Pin Co.

Mr. Merrill said that he was in concurrence with the DRC's suggested adjustments. Mr. Blakeman noted that a fire escape will be removed and asked if the Fire Chief has looked at the proposal. Mr. Merrill said that he was working with Labor and Industry. He said that they prefer the interior fire-rated stairway that he is proposing.

Mr. O'Connell made a motion that the application be approved with staff and advisory comments. Mr. Matzner seconded the motion. The motion was approved by a vote of 6-0.

II. Sketch Plan - Subdivision

Applicant: Nancy McAvoy and Gary MacAvoy
Property Address: 49 Haggett Road
Zone: LDR

Interested Parties: Nancy McAvoy and Gary McAvoy

Mr. Zalinger explained that sketch plan review is an informal preliminary review intended to give feedback to the applicant. Mr. Zalinger disclosed that he has known Gary McAvoy for about 20 years. He said that Mr. McAvoy has done work for him and he has done work for Mr. McAvoy. Mr. Zalinger said that he did not think that relationship would interfere with his ability to be objective. Mr. O'Connell said that he would like to disclose that he has known Nancy McAvoy for a number of years and at one point, worked on the same floor as she did. He said that he did not believe that would interfere with his ability to be objective.

Ms. McAvoy said that she is proposing to subdivide the house, garage and barn on the property onto a 2.75 acre lot with a right of way across it to serve the large remainder lot. She said that the house and new lot will be sold, but she and her brother will retain the remainder lot. Mr. Zalinger asked if the proposed right of way will be the only access to the remainder lot. Ms. McAvoy said that was correct. Mr. Matzner asked how steep the slopes to the rear lot were. Ms. McAvoy said that she did not know the actual slopes, but that they were similar to the adjoining property. Mr. Matzner said that the Board will need to see a plan showing the slopes so that the Fire Chief can be satisfied that the access to the lot is adequate for safety vehicles.

Ms. Smith described some of the concerns raised by the technical review committee. She said that they, also, had questions about the slope on the right of way. She said that they also would like to have information on who would maintain the proposed right of way. Mr. McAvoy said that the City owns the land up to and including the bridge he said that the City does not maintain the drive beyond the bridge. Ms. Smith said that there should be information to demonstrate that there are agreements and arrangements for the maintenance of the right of way so that it is clear for access by emergency vehicles for review by the DRB, under Section 802.B(a) of the zoning regulations. Mr. Zalinger said that the Board would want to see written understandings for the maintenance and repair of the common right of way. He said that the deeds would have to encumber all lots serviced by the common right of way.

Ms. Smith suggested that a proposed building envelope be shown for the remainder lot to demonstrate that a house can be constructed at a location that meets setback requirements. Mr. Zalinger asked how large the remainder lot would be. Mr. McAvoy said that it would be more than 20 acres. Mr. Zalinger said that, in that case, the building envelope is not as great a concern. Ms. Smith said that the TRC also recommended that the plan should show streams, tree lines and natural features. She noted that the new lot will not have the minimum lot frontage required so the staff recommends that the applicant request approval under section 207.A of the zoning regulations. She said that the applicant should submit the information required

Ms. Smith said that the applicant has requested that the conditional and final review be combined and the staff agrees with the request.

Mr. Blakeman said that the property is on the river and a flood plain line should be shown. Ms. Smith said that the staff has determined that it is not in the flood plain. She said that both lots will have to be included in the plans and survey. She said that information will help to clarify the issues and acreage.

Mr. Cranse said that the staff has recommended that the building envelope be shown for a single family dwelling. He asked about the possibility that a developer might buy the larger lot and subdivide further into smaller house lots.. Mr. O'Connell said that this will just be a representation of one possible development scheme. Mr. Zalinger said that the applicant is only requesting two lots and that any further development would have to rest on its own merits.

Mr. O'Connell made a motion that the Board vote to show its general sense of the application at this stage. Mr. Blakeman seconded the motion. The motion was approved 6-0.

III. Design Review

Applicant: Vermont Association of Hospitals and Health Systems
Property Address: 148 Main Street
Zone: CB-II/DCD

Mr. Zalinger said that the applicant has requested a postponement to January 18, 2005.

IV. Public Hearing - Variance and Design Review

Applicant: Michael McCarty
Property Address: 169 Barre Street
Zone: CB-II/DCD

Mr. Zalinger said that the application had been tabled by the Design Review Committee pending further developments.

Other

Mr. O'Connell said that he wanted to mention that he will be taking a class on Mondays. He said that the classes end at 7:00 p.m., but are in Montpelier so he may be slightly late for some meetings in the future.

Adjournment

Mr. O'Connell made a motion to adjourn the meeting. Mr. Blakeman seconded the motion. The Board unanimously approved the motion to adjourn.

Respectfully submitted,

Stephanie Smith
Administrative Officer

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.