

**Montpelier Development Review Board
January 18, 2005 City Council Chambers, City Hall**

Subject to Review and Approval

Present: Philip Zalinger, Chair; Jack Lindley; Alan Blakeman; Roger Cranse; Guy Teschmacher; Ylian Snyder

Staff: Stephanie Smith, Administrative Officer

Call to Order

The meeting was called to order by Mr. Zalinger at 7:10 p.m.

Minutes

Mr. Lindley made a motion that the minutes of the January 3, 2005 meeting be approved. Mr. Blakeman seconded the motion. The motion was approved 5-0 with Ms. Snyder abstaining.

Election of Chair and Vice Chair

Mr. Lindley made a motion that the Board elect Mr. Zalinger as its Chair. Mr. Cranse seconded the motion. The motion was approved unanimously.

Mr. Zalinger made a motion that the Board elect Mr. O'Connell as its Vice Chair. Mr. Blakeman seconded the motion. The motion was approved unanimously.

Comments from the Chair

There were no comments from the Chair.

I. Design Review

- | | |
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| Applicant: | Vermont Association of Hospitals and Health Systems |
| Property Owner: | Vermont Association of Hospitals and Health Systems |
| Property Address: | 148 Main Street |
| Zone: | CB-II/DCD |
- Replacement of door, addition of window unit and replacement of window
 - DRC recommended approval with adjustments.

Interested Parties: Carole Mielke for Vermont Association of Hospitals and Health Systems

Mr. Zalinger said that his office at 140 Main Street is near the property in question, but he did not feel that would interfere with his ability to be objective in the review of the application. The applicant had no objection.

Ms. Smith described the proposed modifications to an existing building. She said that the applicant proposes to add a wood window on the north elevation, relocate an entry door, remove one window and replace another window on the west elevation. Mr. Zalinger asked Ms. Mielke if she was in agreement with the DRC recommendations. Ms. Mielke said that she was.

Mr. Blakeman made a motion that the Board grant design review approval with the DRC adjustments. Mr. Cranse seconded the motion. The motion was approved 6-0.

II. Continuation of Public Hearing - AI-PUD Site Plan and Conditional Use Review and Design Review

- | | |
|-----------------|--------------------------------|
| Applicant: | Susan Kimmerly |
| Property Owner: | Union Institute and University |

Property Address: 9-11 West Street
Zone: HDR/DCD

- Change of use from residential to school including shared parking with 9 West Street

Interested Parties: Susan Kimmerly, Steven Hingtgen

Mr. Cranse said that he would recuse himself. Mr. Zalinger reminded Ms. Kimmerly that she remained under oath. Mr. Zalinger explained that Ms. Snyder had not attended the last meeting, but could participate if she wished to review the minutes and the application file. Ms. Snyder said that she would do that.

Ms. Smith described the application for a change of use to a school for elementary and secondary instruction at 11 West Street. She said that the Board began its review at the last meeting, but did not make a decision regarding the conditional use criteria. She said that the Board asked the applicant to return with more information on parking and circulation. Ms. Smith said that a parking inventory was distributed to the Board members and that additional information was included in their meeting packets.

Mr. Lindley said that he believed that the Board was deliberating on the number of parking spaces that would be required. He said that the staff has recommended that 23 spaces be required and asked Ms. Smith to describe the basis for that number. Ms. Smith said that the number was based upon the information that the applicant had provided regarding the parking needs. Mr. Zalinger said that he believed that the questions related to circulation and the overall parking scheme was based upon the conditional use criteria related to traffic. He said that he would like to start there.

Ms. Kimmerly explained how the drop-off times for the students would be staggered. She described the locations at which the students would be dropped off based upon the needs of the current students. She said that the drop-off times and needs will be adjusted as new students are added. Mr. Lindley asked whether there will be any handrails or an ADA compliant entrance on the West Street entrance. Ms. Kimmerly said that the existing ramp at the side of the building would be adequate. Mr. Lindley asked whether the least disabled students will be dropped off on West Street. Ms. Kimmerly said that was correct. She added that the drop-off location was also affected by the particular staff member driving the student and whether the staff member would be parking in the lot anyway.

Mr. Zalinger asked Ms. Kimmerly whether she understood the conditions related to the shared driveway. She said that she understood that the first 20 of depth from the curb cut was shared. Mr. Zalinger said that it also appeared that six feet of the 12 foot wide drive is shared by each side.

Mr. Teschmacher said that, based upon the proposed drop-off schedule, there will be only three cars arriving in any ten minute period. Ms. Kimmerly said that was correct for the student drop-offs. She said that there may be other employee vehicles arriving. Mr. Teschmacher asked whether the afternoon schedule was the same. Ms. Kimmerly said that it was, except that the pickups would not be compressed into a 45 minute period. She said that the schedules may change due to the students' community activities, but that the staggering of drop-offs and pickups would be maintained.

Mr. Zalinger asked whether there would be a protocol to tell the drivers where to enter and turn around in the lot. Ms. Kimmerly said that she expected to develop one. Mr. Zalinger asked if it was expected that there would be permanent use of the handicapped space. Ms. Kimmerly said that was not expected. She said that the drop-off location would have to be changed if one of the employees became disabled.

Mr. Hingtgen said that, with the changes and the additional information, he was satisfied with the proposal. He said

that he would want to see the applicant's representations put into writing so that there would be accountability. Mr. Blakeman asked whether the two parking spaces on Mr. Hingtgen's property should be designated for his use with signs. Mr. Hingtgen said that those spaces do not function as spaces because they are now used as a driveway. He said that he parks in and in front of his garage.

Mr. Zalinger said that the Board also requested an analysis of the parking needs. Ms. Kimmerly said that had been submitted. She said that she determined that 23 spaces are needed. She said that there are 10 spaces off of West Street (or nine since the handicapped space will be used for drop offs). She said that three spaces would be added off of East State Street. She said that on-street spaces on West Street and around the Union Institute green would be used to meet the additional parking needs. Ms. Kimmerly said that a summary of the parking availability within Union Institute was provided. Mr. Zalinger stated his understanding that the school would need 10 spaces off of the site and existing parking on West Street and around Union Institute would be used. Ms. Smith said that she understood that there are 129 available spaces within Union Institute, but those are available on a first come, first serve basis. Mr. Zalinger noted that he drives past the area every day around 1:00 and has always seen parking spaces available.

Mr. Lindley said that the testimony was that the previous occupant of the building had 60 employees. Mr. Zalinger said that, of the 23 spaces that are needed, 13 will be accommodated on the site and ten will be on-street parking in the vicinity. Ms. Smith said that she wanted to be clear that 23 spaces are needed for the school, but there is also an office building on the site. She said that the use of the office building will not change, but there is some parking need associated with that building. She said that the ordinance provides that the parking requirement for offices is based upon square footage. Ms. Kimmerly said that there will be three persons in the office, so three spaces would be needed for that building. Ms. Smith said that there is no need for the Board to review the office use at 9 West Street. Mr. Zalinger said that any spaces used for the office would not be available for the school. Ms. Kimmerly said that three of the on-site spaces would be used for the office and 10 would be used for the school.

Mr. Hingtgen said that some of the school parking may be taken up if the number of office employees increases. He added that the handicapped space is used as a drop-off area, and it really cannot be counted as a parking space. Mr. Zalinger said that any conditional use permit for the site would require the dedicated use of the spaces to the school at 11 West Street. He said that spaces will have to be found elsewhere if the use of 9 West intensifies. Mr. Teschmacher asked whether the staff had calculated the number of spaces that would be required for the office based on square footage. Ms. Smith said that the total number of spaces for the office use would be nine spaces. She said that parking standard P-20 would require 35 spaces for the school, but said that the staff recommended that 23 spaces be required. Ms. Snyder said that she understood that three spaces would be assigned to 9 West and 10 spaces would be assigned to 11 West with one space used for drop-off and pick-up. Mr. Hingtgen said that it was important to designate the handicapped space as a drop-off rather than a parking space because the entire circulation plan depended on the drop-off space. Ms. Snyder said that she understood that the total number of spaces would not change because the spot next to the handicapped space would be used for the drop-off if the handicapped space is required for parking.

Mr. Zalinger said that the proposed parking off of East State Street was reviewed by the DRC on January 4, 2005. Ms. Kimmerly said that she would use the existing curb cut for the driveway on East State Street to access the three parking spaces. She said that she is unsure of the existing surface of the drive since the ground has been snow covered, but a surface will be installed before the drive and parking spaces are used. She said that two parking spaces will be in front of the garage doors behind 11 West Street and one space will be in front of the garage at the side of 9 West Street. She said that there is room for more parking, but she would like to limit the parking to the proposed configuration to maintain the lawn around the buildings. Mr. Lindley advised the applicant that she would have to return to the Board for any additional parking.

Ms. Smith said that the staff had concerns about whether there was enough room for the vehicles to maneuver so that

they do not have to back out of the driveway onto East State Street.

Mr. Zalinger asked what the applicant planned for the surface of the drive and parking spaces. Ms. Kimmerly said that the area will be surfaced. She said that she expected to be back before the Board with a plan for additional improvements after closing on the property and moving in. Mr. Zalinger asked if a condition saying that vehicles may not back out, but must drive forward to exit the drive. The applicant indicated that would be acceptable.

Mr. Zalinger asked Ms. Smith if the traffic committee had any recommendations. Ms. Smith said that it was requested that the applicant comply with any recommendations of the traffic committee if any problems arose. She added that the traffic committee had also requested that drop-offs take place at least 50 feet from the East State Street intersection. Mr. Zalinger asked if the committee had any projection of a traffic problem. Ms. Smith said that there was none at this time.

Mr. Lindley said that if the Board grants conditional use approval, it should be based on a staggered drop-off and pick up time and staff recommendations 1-6. He said that the dumpster was not an issue because it has been removed. He said that the Board would also expect a final plan for the surfacing of the drive and parking, for any landscaping and for any flagpole. He said that those details could be approved administratively. Ms. Smith said that, where possible, the staff would conduct administrative reviews and approvals. Mr. Lindley said that any conditional approval should also require that at least one parking space be designated as the drop-off space for 11 West Street. Mr. Zalinger suggested that the condition require that a protocol be established to use one parking space adjacent to the entrance as a drop-off area. Mr. Lindley agreed.

Mr. Lindley made a motion that the Board approve the application for conditional use with staff recommendations 1 through 6 and with the following conditions:

1. In order to provide for adequate vehicle and pedestrian circulation, the school shall use a schedule of staggered drop-off and pick up times for the students that is equivalent to the schedule provided with the application.
2. A final plan for the surfacing of the drive and parking spaces including any proposed landscaping, flag pole or other proposed improvements shall be submitted to the Administrative Officer prior to use of the drive and parking spaces and prior to the initiation of any of the other improvements. The information shall be reviewed administratively, if possible.
3. A protocol shall be established to use one parking space adjacent to the entrance as a drop-off area.

Mr. Blakeman seconded the motion. The motion was approved 5-0 with Mr. Cranse abstaining.

Mr. Lindley made a motion that the Board grant site plan and design review approval for the proposed addition of two parking spaces in the rear of 11 West Street and one parking space to the rear of 9 West Street with the condition that vehicles be able to turn around and exit by driving forward. Mr. Zalinger asked if Mr. Lindley would consider adding a condition requiring that, in the spring, the applicant supplement the information on file once a determination has been made regarding the consistency of the material to be used to construct the drive. Mr. Lindley said that he would accept that change as a friendly amendment to the motion so that the information can be administratively reviewed. Mr. Zalinger said that the condition would be consistent with staff recommendation #5 which recommends that "prior to use of the single space in front of the garage at #9 West Street, the Board require that the applicant provide a site plan that shows the sufficiency of this area for vehicle maneuvers, proposed parking spaces, pavement limits, and landscaped areas (grass to remain). This should be submitted for review by the TRC prior to occupancy of the school...".

Mr. Teschmacher seconded the motion with Mr. Zalinger's amendment. The Board voted to approve the motion 5-0.

Mr. Zalinger made a motion to have the conditional use and site plan approvals collectively constitute a minor amendment to the AI-PUD for the site. Mr. Lindley seconded the motion. The motion was approved by a vote of 5-0 with Mr. Cranse recusing.

III. Public Hearing - Conditional Use and Site Plan Review

Applicant:	James Barrett
Property Owner:	James Barrett
Property Address:	186 River Street
Zone:	GB

- Change of use from warehouse/retail space to retail and mini-warehouse
- Minor building alterations
- Site alteration including parking areas, lighting and pedestrian access

James Barrett was sworn in by Mr. Zalinger. Ms. Smith described the application for a change of use of 8,755 square feet that were previously used as retail/warehouse space. She said that the proposed use will be 3,025 square feet of retail and 5,730 square feet of mini-warehouse (climate controlled storage). She said that the application was also for changes to bring the property into compliance under the previously issued permit for a restaurant on the site by amending the site plan through the DRB review process.

Mr. Zalinger asked Mr. Barrett if he would be looking for a new retail tenant. Mr. Barrett said that was correct. Mr. Zalinger said that the Board's jurisdiction was for the internal changes under the conditional use provisions. He asked whether the Board would be conducting site plan review for the external changes. Ms. Smith said that the site plan requirements were folded into the conditional use review under the criteria for the character of the area affected. Mr. Zalinger asked what the climate controlled storage was. Mr. Barrett said that a steady temperature will be maintained in the interior mini-warehouse storage. Mr. Zalinger asked what type of traffic the use would generate. Mr. Barrett said that once the units are fully rented, there would hardly be any traffic. Mr. Zalinger asked how many units were proposed. Mr. Barrett said that he believed that there would be 37 units. Mr. Zalinger asked if any signs were proposed. Mr. Barrett said that there would be no signs other than a sign on the building. He said that there is an existing storage facility on the site. Mr. Zalinger asked Mr. Barrett whether he was comfortable that no other signage was needed. Mr. Barrett said that additional signs were not needed. He said that an employee usually takes the renters around to show them the units and then they know where to locate their storage unit.

Mr. Lindley asked how large the mini-warehouse units would be. Mr. Barrett said that they would be 5' x 10' and 10' x 10'. Ms. Smith asked where the rental office would be. Mr. Barrett said that the existing office in the Trading Post would be used.

Mr. Zalinger asked Mr. Barrett whether he had reviewed the staff's report. Mr. Barrett said that he only received the report the day before the meeting and had not reviewed it. Mr. Zalinger said that it appeared that there were a number of issues that had not been addressed from the previous approvals that the DRB issued for other development on the site. He said that the Board does not typically get involved in compliance issues, but in this case the Board is asked to consider site plan approval for a site that is not in compliance with prior approvals. Mr. Zalinger said that, in this situation, he found it hard to approve a new site plan for a site that is deficient. Mr. Barrett said that part of the problem was that he was trying to address those issues with the current application. He said that he is not building the office with the sprinklers, so some of the items that were required are no longer necessary. Ms. Smith said that the requested changes, if approved, will help to bring the site into compliance. She said that it has been determined that the lighting mounted on the building is adequate to meet standards, so the pole mounted lighting is no longer required. She said that issue would be resolved if the Board approves the revised site plan. Mr. Zalinger asked

whether Ms. Smith was saying that some of the elements of the current site plan represent amendments to the previously approved site plan. Ms. Smith said that was correct and added that the current site plan also incorporates some additional changes.

Ms. Smith provided a summary of the staff's advisory comments including the following points:

- The TRC committee is requesting a four foot wide raised asphalt sidewalk at the Trading Post door in order to improve safety for pedestrians.
- The proposed "do not enter" sign at the easterly access on River Street should be replaced with a "no right hand turn" sign to avoid confusing drivers on River Street. Similarly, the originally proposed sign at the end of the eight parking spaces could be a "do not enter" sign.
- Pavement markings should be placed at the door of the Restore building to improve the safety of pedestrians.
- Appropriate barriers should be shown on the plans in front of all parking areas at the top of the river bank.
- The staff recommends that the Certificate of Compliance for each building be issued separately at the discretion of the Administrative Officer.
- The recommended 4' wide sidewalk and the pavement markings should be installed prior to the issuance of a permanent Certificate of Compliance for any of the uses.
- The easterly side of the warehouse building should be designated for loading and unloading rather than parking.
- An extension of the zoning permit to September 2006 has been requested. The Board may grant one 12-month extension.
- Staff recommends that the Board not approve any existing or proposed filling as part of this application as no information has been provided on this matter.
- Mr. Barrett has requested approval of the use of crushed ledge as the parking area surface rather than pavement.

Mr. Lindley asked what the benefit of the permit extension would be if the office building with the sprinklers was not feasible. Mr. Barrett said that he might find a tenant and that might make the building feasible.

Mr. Lindley asked the applicant if he had issues with the staff recommendations. Mr. Barrett said that he did. He said that none of those issues came up when he and his consultant met with the TRC. He said that the four foot wide raised sidewalk recommended by the staff would create more of a hazard. He said that the building was used as a bar for years without any sidewalk. Mr. Zalinger said that he understood that this issue was a component of the last approval that was issued. Mr. Barrett said that he understood that was required because the office building was proposed, but the office building will not be built at this time.

Mr. Barrett said that he also had issues with the recommended barriers for the parking lot. He said that there are trees on the bank that would prevent anyone from driving into the river. Mr. Zalinger asked whether the installation of barriers was a condition of the previous approval. Mr. Barrett said that he did not think so. Ms. Smith said that she thought that it was, but could be wrong. Mr. Zalinger said that the barriers would also help to avoid having snow plowed directly into the river. Mr. Lindley said that the barriers would also protect the trees.

Mr. Zalinger asked about the recommended pavement markings in front of the Restore entrance. Ms. Smith said that item came up when the TRC reconvened to review the materials that Mr. Barrett submitted. Mr. Barrett said that he did not object to painting lines at that location, but said that he did not know that the staff did not want parking in front of the building. Ms. Smith said that the plan shows parking on the other side of the driveway, rather than in front of the building. She said that parking may be located in accordance with the plan.

Mr. Zalinger asked Mr. Barrett whether he objected to a sign designating parking for the warehouse in order to prevent the restaurant customers from parking at the warehouse and walking across the railroad. Mr. Barrett said that he did not care if people parked there. Mr. Zalinger said that the Board has concerns about people crossing the railroad tracks to get to the restaurant. Mr. Barrett said that he did not object to the sign. Mr. Zalinger asked if there were any objections to the recommendation regarding the "no right hand turn" sign. Mr. Barrett had none.

Mr. Zalinger said that it appeared that the applicant was not in agreement on the barriers or the four foot wide raised sidewalk.

Mr. Lindley made a motion to grant conditional use approval with staff recommendations 1 through 9 including the extension of the zoning permit. Mr. Cranse seconded the motion. Mr. Blakeman asked Mr. Barrett what he will do if snow cannot be pushed over the bank with barriers in place. Mr. Barrett said that he did not know, he said that everyone else pushes snow into the river. Ms. Smith said that snow may be pushed onto the bank, but not directly into the river. Mr. Zalinger said that the barriers were part of the previously issued permit and the project is not in compliance with that permit.

The Board approved the motion by a vote of 5-1 (Mr. Blakeman voted against the motion).

Other

Mr. Zalinger said that he would be unable to attend the next meeting on February 7, 2005.

Adjournment

Mr. Lindley made a motion to adjourn the meeting. Mr. Cranse 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.