

**Montpelier Development Review Board
March 7, 2005
City Council Chambers, City Hall**

Subject to Review and Approval

Present: Philip Zalinger, Chair; Kevin O'Connell, Vice Chair (participated in the review of items II and III); Alan Blakeman; Roger Cranse; Douglas Bresette; Jack Lindley; Guy Teschmacher (participated in items I and III); Ylian Snyder (participated in the review of item I), Ken Matzner (participated in review of item II)
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 March 7, 2005 meeting be approved. Mr. Cranse seconded the motion. The Board approved the minutes by a vote of 7-0 (Mr. O'Connell and Mr. Matzner did not participate).

Comments from the Chair

Mr. Zalinger said that the application for sketch plan review at 122 Gallison Hill Road agenda would be moved up on the agenda as the applicants for 73 Main Street nor 623 Stone Cutters Way had not yet arrived.

I. Sketch Plan Review

Property Address: 122 Gallison Hill Road
Applicant: Patrick Malone
Property Owner: Patrick Malone, Malone Properties
Zone: IND

- Construction of a 12,000 square foot commercial bakery within an existing PUD

Participating DRB members: Philip Zalinger, Alan Blakeman, Roger Cranse, Douglas Bresette, Jack Lindley, Guy Teschmacher; Ylian Snyder

Interested Parties: Rick DeWolfe, DeWolfe Engineering Associates

Ms. Smith described the application for sketch plan review of a major amendment to an existing planned unit development. She said that the development previously approved on the site includes wholesale trade, truck tire sales, retail sales, office warehouse and a 25,000 square foot dry storage building. Ms. Smith said that the previous approval for the dry storage building (zoning permit #20030-138) was extended by the DRB to an expiration date of 11/24/06. She said that the 12,000 square foot light manufacturing building is proposed in the same location as the previously approved 25,000 square foot dry storage building, and if approved would supercede that portion of the previous approval.

Rick DeWolfe said that Cabot Cheese has located the dry storage operation in Barre instead of on the subject property. He said that the applicant is now proposing a 12,000 s.f. commercial bakery to be located north of the existing Cabot warehouse. A new drive is also proposed to improve truck circulation on the site. Mr. DeWolfe gave copies of a revised site plan to the Board. He said that the revised plan shows a free standing building and adjustments to the proposed drive that will allow for a reduction in the amount of proposed paving. He said that the proposed grading will involve a cut of 13 feet to 14 feet at the back of the building.

Ms. Smith noted that GCR Tire has established a great deal of outdoor storage of tires. She said that the

existing storage areas should be shown on the site plan and included in the application or the outdoor storage should be eliminated from the site.

Mr. Zalinger said that sketch plan review is an opportunity for the DRB to provide the applicant with feedback on the application. Mr. Bresette asked whether the Board would be seeing a plan that shows proposed grades and contours. Mr. DeWolfe said that would be provided in the next submission. Mr. Teschmacher asked whether the public would be coming to the proposed building. Mr. DeWolfe said that the public would not be coming to the site for the proposed building. Mr. Bresette noted that the application materials indicated that the employees would be traveling to and from the site at night. Mr. DeWolfe explained that the work shift will be from 8 or 9 p.m. to 2 or 3 a.m. He said that the employees will be preparing the bakery items for sale the next day.

Mr. Lindley noted that the staff report says that the plans indicate that 80' trailers will be used. Mr. DeWolfe said that was not correct and that the scale indicator on the plan will be corrected. He said that the maximum trailer length would be about 50'. Mr. Zalinger asked whether there was traffic associated with the previously proposed 25,000 s.f. building. Mr. DeWolfe said that it was and that those traffic numbers were included in the Cabot traffic numbers. Mr. Blakeman asked if the building would be built into the hillside. Mr. DeWolfe said that there would be a cut of 13'-14'.

Mr. Zalinger said that an exhibit depicting the development on the site that has been permitted and the development that is proposed would help the Board when it next hears the application.

Mr. Zalinger said that the DRB does not appear to have substantial questions or modifications related to the sketch plan. He said that he would encourage the applicant to return to the Board for conditional and final review as soon as possible.

II. Design Review

Property Address: 73 Main Street
Applicant: Heney Family Main Street LTD. Partnership
Property Owner: Heney Family Main Street LTD. Partnership
Zone: CB-I/DCD

- Replacement of 69 windows

Participating Development Review Board members: Philip Zalinger, Kevin O'Connell Alan Blakeman, Roger Cranse, Douglas Bresette, Jack Lindley, Ken Matzner
Interested Parties: Tim Heney

Mr. Zalinger noted that Mr. O'Connell had arrived and that Ms. Snyder would be stepping down from participation in this application. He said that Mr. Teschmacher was recusing himself and that Mr. Matzner would step in.

Tim Heney was sworn in. He said that he was proposing to replace 69 windows in the Blanchard building. He said that the windows to be replaced are mostly on the front of the building and are inefficient from an energy standpoint as well as unsafe and in disrepair. He said that he was proposing to use aluminum clad Marvin windows that will essentially be custom windows based on Marvin's measurements of the existing windows. Mr. Heney stated that the aluminum cladding is important to minimize the amount of maintenance needed to keep up the appearance of the windows.

Mr. Heney said that the Design Review Committee had an issue because one member specifically wanted windows with true divided lights. He said that those types of windows only are available in all-wood windows and he felt strongly that the aluminum cladding is important in maintaining these downtown windows. He stated that the windows will have the same dimensions, the same glass and the same patterns as the existing windows. He said that the only real issue raised by the DRC was the question of true divided lights versus simulated divided lights. Mr. Heney said that there is a hybrid that involves putting an aluminum strip between the glass panes, but the strip would reduce energy efficiency. He said that he has looked at both types of windows and cannot see a difference. He said

that two members of the DRC have used simulated divided light windows in their own downtown buildings. He said that Steve Everett used 120 of them on his building and Margot George used them with the aluminum spacer strips on the Thrush building.

Mr. Heney showed the Board a sample window. Mr. Cranse said that he appreciated being able to see the sample window. He said that he would like to better understand the window components including the divider strips and aluminum cladding. Mr. Heney described the window components. Ms. Smith noted that the transcription of the minutes of the DRC meetings incorrectly used the term "mullions" for the components of the windows that are correctly known as "mutins".

Mr. Matzner asked whether any of the windows would be on the first floor of the building. Mr. Heney said that the windows would only be used on the second floor and the upper floors. Mr. Bresette said that, looking at the sample window, he could not see that the aluminum spacer would make a difference. He said that he appreciated the energy efficiency of the proposed windows.

Mr. Cranse said that the applicable design review criteria is #5, the prevention of the use of incompatible materials. He said that he did not like to second guess the DRC, but having looked at this demonstration and other Marvin windows with and without spacers, he did not think that the proposed window was incompatible. Ms. Smith noted that the DRC had been led to believe that the proposed windows would have true divided lights, partly due to the information that had been provided to them by the staff. She said that had resulted in the need for the applicant to appear before the DRC twice, in order to clarify the application. Mr. Lindley asked whether the DRC had seen the window sample. Ms. Smith said that they had not.

Mr. O'Connell said that he would be more concerned if the windows were at the street level, but they will be on the second floor and above. He said that he respects the DRC and the process and wondered if the outcome would have been different if the DRC had the opportunity to see the model window. Mr. Bresette noted that two of the DRC members have similar windows on their buildings. Ms. Smith noted that the application before the Board was for replacing windows on the Blanchard Block and whether the proposed aluminum clad with simulated divided lights were an appropriate replacement window on this building.

Mr. Lindley made a motion to grant design review approval for the windows as presented with a three-year time frame for installation. Mr. Cranse seconded the motion. The motion was approved 6-0 with Mr. Matzner abstaining.

III. Public Hearing - Conditional Use and Design Review

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| Property Address: | 623 Stone Cutters way |
| Applicant: | Hunger Mountain Co-op. |
| Property Owner: | Hunger Mountain Co-op. |
| Zone: | RIV/DCD |
- Temporary 28' x9' refrigerated trailer

Participating Development Review Board members: Philip Zalinger, Kevin O'Connell Alan Blakeman, Roger Cranse, Douglas Bresette, Jack Lindley, Guy Teschmacher

Interested Parties: Rowen Hurley, Hunger Mountain Co-op manager

Mr. Teschmacher resumed participation and Mr. Matzner stepped down for this application.

Ms. Smith described the application for a diesel powered refrigerated trailer. She said that the application stated that the 9' x 28' temporary trailer would be placed on the site for 6 months, but the applicant has amended the requested time period to 8 months. Ms. Smith explained that there is an additional conditional use criterion that applies in the Riverfront district. She said that criterion is related to noise limits and is found on page 2-9 of the zoning code. It permits a maximum noise level of 55 decibels during the day and 50 decibels at night. Mr. O'Connell asked whether that limit applies to the temporary trailer use. Ms. Smith said that she believed that it did.

Bette Buley, of 115 Berlin Street, said that she had some questions and comments that her neighbor, Tom Brown asked her to raise. She asked how loud the noise from the diesel engine will be and whether it will be as loud as the equipment that is already on the site. Mr. Hurley said that the existing equipment generating noise is an air conditioning/refrigeration unit with four compressors mounted on the roof of the co-op building. He said that the proposed diesel engine will not be as loud. Ms. Buley said that the noise from the existing equipment is disturbing because it is constant and she can hear it at night and even in the winter when the windows are closed.

Mr. O'Connell noted that the existing equipment has raised noise concerns since it was installed. He asked whether the co-op had built something around the equipment to mitigate the noise. Mr. Hurley said that a short wall was placed around the equipment to diffuse the noise out to the sides. Mr. O'Connell said that measure had helped a little. He expressed his concern that the applicant might be duplicating a problem that has been partly solved. Mr. Hurley said that he did not have the numbers with him, but he brought the refrigeration company's specifications to the DRC meeting. He said that the engine will be well within the noise limits and will be down on the ground where trees will buffer the noise.

Mr. O'Connell said that the river valley serves as a sound amplifier. He said that he was concerned about the additional noise caused by the generator running 24 hours per day. Mr. Hurley said that the engine would not run 24 hours per day, but would run as needed to maintain the temperature within limits in the refrigeration trailer. He said that the co-op has used a temporary trailer for two to four weeks over the Christmas season for the past four years and does not believe that there have been noise problems. He said that the unit is nothing in comparison to what is on the roof.

Ms. Buley asked how the temporary time limit will be enforced. Mr. Rowen said that the co-op is in the planning stages for construction of a permanent cooler on the back of the building. Ms. Buley asked whether the need for the additional cooling is a sign that the store is outgrowing its permitted use and whether there is any consideration for moving to a larger space. Mr. Hurley said that there is definitely a need for cooler space, but that there are no plans for moving. He said that this application is proposed in order to allow the co-op to address how the backroom operates.

Ms. Buley asked how often the engine will run on a summer night. Mr. Hurley said that the engine will not run constantly. He said that the trailer is insulated and will only run as needed. He said that the staff members who used a smoking area around 25 feet from the previous temporary trailers said that they did not detect any diesel odors and did not hear the noise from the engine. He said that they did hear the sound from the existing roof units. Ms. Buley suggested that the co-op work on that noise and solve the neighbors' problems.

Mr. O'Connell asked whether the roof compressors will continue to operate when the future permanent cooling units are installed. Mr. Hurley said that they would. Mr. O'Connell said that he strongly urged the co-op to seriously consider the effect of the combined noise impacts from the existing and proposed units. He said that there is a lot of disappointment with the amount of noise coming off of the roof from the existing units and this would be a good opportunity to mend some fences. He said that there is no reason that the issue cannot be addressed since the technology exists to make the equipment quiet. He gave the example of the air conditioning equipment on the new office building on Stone Cutters Way. Mr. Hurley said that the units are different because the co-op equipment includes refrigeration units. Mr. O'Connell said that the Meadow Mart enclosed its equipment within an insulated shed which cuts down on the noise. Mr. Hurley said that he would take a look at that equipment installation.

Ms. Smith said that it is correct that a diesel powered refrigeration trailer has been used during the Christmas season and noted that she has not heard complaints related to noise from that temporary use. She added that she wanted to correct the staff report. She said that finding number 11 should say that the dumpster will be temporarily located in front of a loading dock and will temporarily affect loading on the site. She said she assumed that the dock will not be needed while the trailer is on the site. Mr. Hurley confirmed that assumption was correct.

Mr. Bresette asked how the diesel will be stored and delivered. Mr. Hurley said that the trailer has a 25-gallon tank and an additional 100 gallon tank will be mounted under the trailer. He said that in the past uses of the trailers, less than 50 gallons were used in up to 1 ½ months. He said that the fuel will be delivered as needed. Mr. Bresette

said that he was concerned about the tank being located there with a smoking area 25 feet away. Mr. Hurley clarified that the smoking area and open space has to be at least 25 feet from the tanks and that the separation will be greater than the allowable distance.

Mr. Cranse said that the performance standards in Article 8 are listed in the staff report. He said that he was unsure about how to evaluate the proposal against those criteria. As an example, he asked how the Board was to determine whether the diesel engine exhaust would comply with the criteria for noxious gas. Mr. Hurley said that the refrigeration company said that the unit would meet all regulations. He said that the 25-foot limit would be used to keep people an adequate distance from the engine.

Mr. O'Connell said that the staff was suggesting that the Board require specific information on the noise generated at the property line. Mr. Hurley said that the manufacturer rated the decibels at 20 feet from the unit and the unit complied at that distance. Mr. Zalinger said that Section 204.B appeared to apply to the aggregate noise from the site which would include the noise from the roof units. Mr. O'Connell said that was a good point. Ms. Smith noted that those units were pre-existing. Mr. Zalinger said that was understood, but a measurement was needed for all of the units on the site. He said that, on the other hand, he might suggest that the DRB consider the requirement to be construed in that manner for its review of the future application for the permanent cooling units. He suggested that the applicant be prepared to introduce evidence that establishes the cumulative decibel levels at the property line for all of the existing and proposed permanent equipment. Mr. Zalinger said that he was willing to accept the proposed temporary trailer with the intermittent use of the diesel engine. Mr. O'Connell said that eight months can be a long time and sound is a significant issue in the river valley. He said that he believed that the Board needs to have solid information on the temporary use and the permanent installation. He said that would set the groundwork for the Board's expectations.

Mr. Zalinger said that there was no information in the record on the specific noise level that would be created by the proposed use. Mr. Hurley said that he had that information at the DRC meeting, but did not bring it to this meeting. Ms. Smith said that she did not get that information and did not find that information in the DRC minutes either. Mr. Hurley said that he could get the information which was in the manufacturers cut sheets.

Mr. Cranse said that he was reluctant to vote in favor of the application because of the missing data on noise. He said that noise and noxious gases are important concerns in this neighborhood. Mr. Zalinger said that he believed that the application would have to be tabled because the Board did not have information on noise. He said that he was less concerned about noxious gases because the equipment was a diesel engine and there are many such engines running in the city. He said that the engine would also be located a considerable distance from the nearest residence. He said that the Board needed to advise the applicant if noxious gases were a concern. Mr. O'Connell said that he was more concerned about the noise from the engine. He said that the information on the fumes would be good to have, but was not necessary to act on the application. Mr. Cranse said that he would accept Mr. Zalinger's position on the question. Mr. Bresette said that he could only see a problem in the summer when fumes might settle around areas that would affect customers of Allen Lumber or the co-op. Mr. Hurley said that there is a good distance from the unit to the areas used by customers.

Mr. Lindley said that he thought that noise was a significant issue and agreed with the Chair that the permanent application needs to deal with the cumulative noise. Mr. Zalinger said that he would be willing to act on the application for the temporary trailer as long as information is provided addressing the noise measurement from the unit. Mr. Lindley said that he would be happy to have the staff conduct an administrative review on that issue. Mr. Zalinger asked whether the Board members felt that an independent verification of the noise level. He said that Mr. Bresette had pointed out that the manufacturer's cut sheet might not be reliable for a used rental unit. Mr. O'Connell said that he thought that the Board needed to see the manufacturer's information, but did not think that the Board should be trying to independently determine the sound levels based on the age of the unit. He said that the unit should operate at the decibel level that is represented in the information and that it would be an enforcement issue if it did not operate as represented. Ms. Smith said that she did not know how the Administrative Officer would be able to measure the decibel levels from the trailer because of the other noise that is generated on the site. Mr. Bresette said that the Board might accept the manufacturer's representations on noise and assume that the equipment will be in good

working order.

Mr. Zalinger asked if there was room on the next agenda. Ms. Smith said that there was. Mr. Zalinger asked if the delay would be a problem. Mr. Hurley said that the delay would impact the co-op's staff, but was probably due to its own fault.

Mr. Lindley made a motion to table the application to the March 21, 2005 meeting. The motion was seconded by Mr. Blakeman. The Board voted unanimously to approve the motion.

Ms. Smith asked Mr. Hurley to deliver the information to the Planning Office so that it could be included in the DRB information packets for the meeting.

Other

Ms. Smith advised the Board that it had received copies of a letter that she had written to Fred Cleveland concerning the application of Section 608.B of the subdivision regulations. She said that the copy of the letter was provided to advise the Board that modifications to an approved application had been authorized. She said that the modification was to eliminate the need to pave an access drive.

Mr. Zalinger noted for the record that he represents the purchaser of the property in question and was recusing himself from any discussion.

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.