

Montpelier Development Review Board
May 16, 2005
City Council Chambers, City Hall

Subject to Review and Approval

Present: Philip Zalinger, Chair (participated in item IV through adjournment); Alan Blakeman; Roger Cranse; Douglas Bresette; Jack Lindley; Guy Teschmacher; Ylian Snyder (participated in items I through III)
Staff: Stephanie Smith, Administrative Officer

Call to Order

The meeting was called to order by Mr. O'Connell who explained that he would be acting as Chair until Mr. Zalinger arrived.

Minutes of May 2, 2005 Meeting

Mr. Blakeman made a motion that the minutes of the May 2, 2005 meeting be approved. Mr. Cranse seconded the motion. The motion was approved by a vote of 6-0 (Mr. O'Connell abstained).

I. Consent Agenda

a. Design Review - Sign Permit Application

Property Address: 28 Barre Street
Applicant: Michael Tragner, Fountains Real Estate
Property Owner: Stephen Murphy
Zone: CB-I/DCD

- A two square foot wall sign adjacent to doorway
- DRC recommended approval as submitted

b. Design Review

Property Address: 1 Terrace Street
Applicant: Karen Schonberg and Michael LaPera
Property Owner: Karen Schonberg and Michael LaPera
Zone: HDR/DCD

- Installation of porch railing and a gate
- replacement of two exterior doors
- Repainting of exterior trim
- DRC recommended approval with adjustments.

Mr. O'Connell explained the review process for the consent agenda. He asked if anyone wished to discuss either of the two applications further. No one requested further discussion. Mr. Lindley made a motion that the applications be approved with the adjustments recommended by the DRC. Mr. Bresette seconded the motion. The motion was approved by a vote of 7-0.

II. Continuation of Public Hearing - Variance Request

Property Address: 2 Peck Place
Applicant: Barbara Bruno
Property Owner: Barbara Bruno
Zone: HDR

- Construction of an attached shed on an existing single family residence
- Variance of 6' requested from the eastern side setback requirement
- Variance of 10' requested from the southern side setback requirement

Interested Party: Barbara Bruno

Ms. Smith explained that the Board had requested additional information related to this variance application. She said that Ms. Bruno has provided more information. Ms. Bruno said that she had provided some dimensions and information about materials. She said that there would be a slate colored metal roof, T-111 siding and a dirt floor. She said that the dimensions would be essentially the same as the existing dimensions. Ms. Smith said that she wanted to clarify that the size of the shed would be 13' x 7' since there was a typographical error in the description. Mr. Lindley said that he understood that the shed would be the same size as the existing shed, but a variance was never issued for the original shed. Ms. Bruno said that she was not aware of any variance being issued.

Bruce Roe, the owner of a house adjacent to the property in question, said that the shed was built around 1994. He said that it is now made up of stockade fencing walls with a tarp over the top. He said that he is concerned that measurements be taken to ensure that the rebuilt structure will not encroach onto his property. Mr. O'Connell asked the Board whether it felt that the application should be continued to give the neighbors an opportunity to work out the issue. Mr. Lindley said that he was not sure that the DRB has jurisdiction over the property line question. He said that the Board can issue a variance for a 3' setback from the property line and the owner will be responsible for determining where the property line is. Mr. O'Connell agreed.

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.* Without the shed, the house would just meet side yard setbacks, but would still be noncompliant for the rear yard. A storage shed is not generally considered to be an unusual use in a residential district. The house was built in the late 1800's, before the zoning regulations. The lot is already non-conforming.
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 variance is necessary to allow a shed on the house.
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 hardship is related to the location of the existing house and the size and shape of the lot rather than personal circumstances.
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 use of the shed will be consistent with the principal single family residential use.
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 is replacing an existing storage shed with one at the same location and with the same dimensions. This is the minimum deviation from the 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 a variance of 6' from the east side yard setback and 7' from the south side yard setback.

III. Public Hearing - Conditional Use Review

Property Address: 4 Emmons Street
Applicant: Win Turner
Property Owner: Win Turner
Zone: MDR

- Construction of ancillary apartment built within an existing garage

Interested Parties: Laura Bozarth

Ms. Bozarth said that she was Win Turner's wife and was representing the applicant. Ms. Smith described the application for a change of use from a single family dwelling to a single family dwelling and an ancillary apartment at 4 Emmons Street. She said that the proposed ancillary apartment is to be located in an existing garage. Ms. Smith advised the Board that it may allow, as a conditional use, one dwelling unit in or attached to a primary single family residence in any district where single family residences are permitted or conditional uses. She said that ancillary apartments are exempt from the minimum lot size requirements and the Board may reduce or waive the off-street parking requirement if the waiver will not create an undue negative impact on the neighborhood. Ms. Smith said that an ancillary apartment is allowable as a conditional use provided that it meets specific criteria including the requirement that the apartment floor space not exceed 30% of the floor space of the single family dwelling or 400 square feet, whichever is greater. She noted that the property owner must also occupy the single family residence or the ancillary apartment and said that she understood that the Turners would occupy the primary residence. Mr. Lindley asked whether a new owner would have to re-apply if the property were sold. Ms. Smith said that the permit runs with the land and the apartment could continue to be rented as long as the new owner met the conditions. She explained that the only way that both units could be rented would be for the property to be approved as a duplex, but the property would not meet the requirement for the minimum area per family. She said that a variance to allow for a non-conforming use could not be issued.

Ms. Bozarth said that she and her husband want to create more space for their own use, but would like the ability to rent the space in the future. Mr. O'Connell asked whether there is a time limit on the length of time a permit for an ancillary apartment remains effective if it is not actually used for the intended purpose right away. Ms. Smith said that the creation of the separate kitchen and sanitary facilities would constitute a new unit, and therefore the construction of the unit meets the permit requirements.

Ms. Bozarth described the proposed modifications to the garage. She said that skylights, insulation, flooring and new windows would be added to the garage loft. A concrete slab would be poured on the first floor and the kitchen and bath would be built on that level. She said that there would still be room for one car in the garage. Ms. Bozarth said that a shed would be added to replace the lost storage for bicycles and equipment. Ms. Smith said that the shed can be approved administratively.

Mr. Blakeman asked whether the house was part of the old Civil War hospital. Ms. Bozarth said that it was, but was not on the National Register. Ms. Smith noted that the site is not in the Design Control District. Mr. Blakeman asked whether the vehicles will be parking in the driveway. Ms. Smith said that there are only two parking spaces for the two units. She advised the Board that the number of spaces was allowable if the Board accepts the reduced number of spaces under the criteria for ancillary apartments, which states that the Board may reduce or waive the off-street parking requirement if the waiver does not cause undo negative impacts. Ms. Bozarth said that there will be two spaces in the driveway and one in the garage. Mr. Bresette observed that the parking space in the garage will not be useable once the living space is created on the first floor. He asked how many cars the property owners have currently. Ms. Bozarth said there were currently two cars. Mr. Bresette said that would mean at least three cars associated with the property when the apartment is rented. Mr. O'Connell noted that the owner would still be obliged to find off-street parking from November through April.

The Board decided to review the conditional use criteria.

1. *Capacity of existing or planned community facilities.* The proposed use is an ancillary apartment and will require water and sewer capacity.
2. *Character of the area affected.*
 - a. *Performance standards in 814.* No adverse impacts are expected .
 - 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 [814].*
 - ii. *Emit odor which is offensive at property line [814]*
 - iii. *Emit dust or dirt at the property line [814]*
 - iv. *Emit smoke in excess of Ringmann Chart no.2 [814]*
 - 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 [814]*
 - vii. *Cause fire, explosion, or safety hazard, or create electrical interference [814]*
 - b. *Site plan review standards in 506.C.*
 - c. *Hours of operation.* No adverse impacts are expected .
 - d. *Cumulative impact of the proposed conditional use taken together with other conditional uses in the neighborhood.* No adverse impacts are expected .
 - e. *The noise generated per unit [504]* No adverse impacts are expected .
 - f. *Any factors judged to have an adverse impact on the area [504]* No adverse impacts are expected .
 - g. *The cumulative impact of the proposed conditional use taken together with other conditional uses in the neighborhood [504].*

The neighborhood is residential. The apartment will be ancillary to the existing residential use. The proposed residential use will meet the performance standards.
3. *Traffic on roads and highways in the vicinity.* Only one ancillary apartment unit is being added.
4. *The zoning and Subdivision Regulations in effect [504].* No adverse impacts are expected .
5. *Provisions to protect the utilization of renewable energy resources [504].* Not applicable.

Mr. Cranse asked if there are any other ancillary apartments in garages in the neighborhood. Ms. Smith said that she was not aware of any in the immediate area, but ancillary apartments are within the City. She said that there were such apartments at Bob Hitzig's property on Elm Street; and at Barbara Bruno's property on Peck Place an garage was converted into living space.

Mr. Lindley said that the Board should be clear that the applicant must request water and sewer allocations so that the City is aware of the additional unit. The applicant said that there would not be separate meters or connections. Ms. Smith said that she would look into the issue and advise the applicant accordingly. Mr. O'Connell said that he believed that there is a service charge per unit. Mr. Lindley added that he thought there was also a connection fee for each unit. He asked that the staff research the matter.

Mr. Blakeman made a motion that the Board approve the application for conditional use with the reduction of one of the required parking spaces and with the condition that the applicant and staff find out about the water and sewer requirements for the ancillary apartment. Mr. Lindley seconded the motion. The motion was approved by a vote of 5-2 with Mr. Cranse and Mr. Bresette voting in opposition to the motion.

Ms. Snyder stepped down and Mr. Zalinger took his place as Chair of the Board.

IV. Public Hearing - Variance

Property Address: 178 Berlin Street
Applicant: Ginger Bartlett
Property Owner: Ginger Bartlett
Zone: GB

- Construction of additions to a single family dwelling
- Variance of 8' from side yard setback for an addition to living area
- Variance of 12' from the side yard setback and 18' from the front yard setback requirements for the construction of a deck.

Interested Parties: Ginger Bartlett, Pam Milosevich

Ms. Smith described the application for variances from the front yard and side yard setback requirements for the construction of a one-story 12' x 14' residential addition and a 8' x 16' deck. She said that the applicant was requesting an 8 foot variance from the side yard setback for the addition. She said that a 12 foot variance from the side yard setback and a 18 foot variance from the front yard setback were also requested for the proposed deck.

Ms. Bartlett said that the house was constructed around 1890, but she did not know when the lot was created. She said that she met with her neighbor and found that there is a question as to the exact location of the property line between lot 178 and lot 182. Ms. Bartlett said that her neighbor thinks that the property line is 4' closer to Ms. Bartlett's house than is shown in the application materials. Ms. Bartlett said that she does not have a current survey of her property and hoped that the application could be adjusted in case the adjoining owner is correct about the location of the line. Pam Milosevich, the owner of lot 182, said that her property has been surveyed. She said that it is clear that the proposed structures will not be located on her property. She said that she believed that the large cedar tree is on her property and she was concerned that, if it is killed by the construction, the tree be replaced with another cedar tree. Dr. Milosevich said that she was comfortable with the application with that condition. Mr. Zalinger said that he had a problem with a condition subsequent to an approval. He said that the Board could discuss adding screening to the deck now, but it could not impose a condition that becomes effective five or ten years from the approval. Dr. Milosevich said that she would accept the agreement between the property owners.

Ms. Bartlett said that she would like the application to reflect the possibility that the property line is different than the current materials might state. She asked whether the variance could be based on the location of the property line as understood by her neighbor. Mr. O'Connell said that could create a problem for the Board if the property line is found to be where the applicant thought it was. He said that the applicant might move or change the size of the deck to take advantage of the additional space. Mr. Zalinger said that the best information on the record is the neighbor's testimony about the survey. Ms. Smith said that the Board would be approving a specific deck and addition size so the deck dimensions would be set. Mr. Zalinger said that the variance would be for the specific dimensions of the deck attached to the house with the deck permitted to be as close as 8' to the property line.

The Board members considered the variance criteria and their findings are summarized below:

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 unique physical circumstances include the location of part of the house and porch in the setbacks. The lot does not have frontage on a public right of way and would not be permitted today. The lot is already non-conforming.
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.* Based on the location of the house and its location in the setback, it is virtually impossible to put a deck or addition on the house without a variance.
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 hardship is related to the location of the existing house and the size and shape of the lot, which was created before 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 use of the house and deck will continue to be a principal single family residential use. There is no evidence in the record or comments indicating there will be any impairment to the use of adjacent property. The proposal will not be detrimental to the public welfare and will not reduce access to renewable energy.
 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 is proposing reasonably sized additions and decks within standard construction dimensions.
 6. *The variance will not result in the initiation of a nonconforming use of land.* The use of the land will remain single family residential.

Mr. O'Connell made a motion that the Board approve the variances consistent with the dimensions shown on the site plan. Mr. Zalinger suggested clarifying the motion by stating that the approval was for a variance of 18' from the front yard setback for the deck, a variance of 12' from the side yard setback for the deck and a variance of 8' from the side yard setback for the addition. Mr. O'Connell and Mr. Blakeman said that they would accept that modification to the motion. The motion was approved by a vote of 7-0.

V. Public Hearing - Variance

- Property Address: 12 Redstone Avenue
Applicant: William and Emily Boedecker
Property Owner: William and Emily Boedecker
Zone: MDR
- Construction of a garage
 - A variance of 16' from the west side yard setback requirement
 - A variance of 16' from the north side yard setback requirement

Interested Parties: William and Emily Boedecker

Ms. Smith described the application for variances of 16' from each of the two side yard setback requirements for the construction of a 24' x 24' garage that would be 20' high. She said that the property is a corner lot, so it has two front yards and two side yards. Mr. Boedecker explained that the proposed driveway would be located off of Clarendon Street. He said that the lot presently has no driveway. Mr. Cranse asked the applicant whether he had considered moving the garage closer to the house or connecting it to the house. Mr. Boedecker said that the proposed location was chosen so that the garage would not block the light and view of the adjacent house. He said that he had subsequently considered moving the garage to the corner of the house. Mr. Teschmacher asked what the roof will be like and whether there will be a second floor. Mr. Boedecker said that there will be a gable roof with a pitch close to, but not as steep as, the pitch on the roof of the house. He said that the ridge of the roof would run north to south. He said that the proposed 20' height would be the maximum. Ms. Boedecker said that they were trying to maintain the character of the property while minimizing the impact to the neighbors.

Priscilla Page, the owner of adjacent property on Redstone Avenue, said that she did not approve of the garage as

proposed. She said that the plan does not show the large maple tree on her property and about three to four feet from the property line. She said that she is concerned about the possible damage to the crown and roots of the tree. She said that most of her house is about 16' from the property line. Ms. Page said that she felt that the size of the garage is too big for the lot. She noted that it is almost as big as the house. She said that the proposed garage represented a huge change in the neighborhood. Mr. Boedecker said that the base of the tree is about 5' from the property line and that the branches overhang the property line by about 7'.

Mr. O'Connell asked what the garage would be used for. Mr. Boedecker said that it would be a two car garage with some room for storage. He said that the garage would be about 6' or 7' from the house. Mr. O'Connell asked Mr. Bresette in his experience as a builder, what a standard size of a two car garage would be. Mr. Bresette said that 24' by 24' was a standard size. He noted that the setback dimensions are to the overhang, so the building wall would actually be about 5 ½' from the property line. He said that if the tree roots extended as far as the branches, the building would not cover much of the roots.

Mr. Bresette asked how much of the setback would be increased if the garage was moved closer to the house. Ms. Boedecker said that the setback would be increased to about 7' on either side. Bill Rockford, the former owner of adjacent property to the north, said that the proposed garage will block his sunroom and dining room windows if it is moved forward. He said that he would not object to the relocation of the garage so that the corner touches the corner of the Boedecker's house.

Mr. Zalinger noted that a high percentage of lots in Montpelier have buildings constructed in the setbacks. He said that situation causes variances to be required for ordinary and customary residential amenities. He said that, while the Board has a track record for granting variances, it infrequently sees applications where the adjacent property owners raise objections. Mr. Zalinger said that, in this case, it was difficult to balance the views of the different neighbors. He said that it is more difficult to meet the variance criteria when a freestanding building is proposed. He also observed that there seemed to be options to minimize the variances needed. Mr. Boedecker said that he had another plan that might better meet the setbacks. Mr. Lindley said that the Board could table the application so that the applicant could bring a revised plan back to the Board. Mr. O'Connell observed that the Board did not seem to be favorably inclined toward the current plan. Ms. Boedecker said that the alternative would be to attach a 24' x 27' garage to the corner of the house. She said that would provide for 7' side yard setbacks and place the garage 12' from the tree. Mr. O'Connell said that the Board avoids getting into designing the project with the applicant and that he would object to reviewing the alternate plan at the meeting. Mr. Cranse said that there were sensitive neighborhood issues involved in the application and he would agree with Mr. Lindley's suggestion to table the application. Mr. Blakeman said that the tabling of the application would allow time for the neighbors to review and discuss the plan. Mr. Boedecker asked that the Board table the application to the June 6, 2005 meeting.

Mr. Lindley made a motion that the application be tabled to the June 6, 2005 meeting. Mr. Blakeman seconded the motion. The motion was approved by a vote of 7-0.

VI. Continued Public Hearing - Conditional Use Review

Property Address: 191-221 Barre Street
Applicant: Central Vermont Community Land Trust
Property Owner: River Station Planned Community
Zone: CB-II/DCD

- Request for four additional units
- Alterations to parking layout and landscaping, locations of buildings, building design and location of common use areas

Interested Parties: Jeff Stetter, Gossens Bachman Architects; Rick DeWolfe, DeWolfe Engineering Associates; Kathy

Beyer, Housing Vermont; Will Giblin, CVCLT; Ken Pearson; Kelly Taft and Trevor Cole

Ms. Smith that this application was for conditional use review of an amendment to a PRD. She said that the Board previously saw the proposal for sketch plan review. Mr. Stetter said that 14 townhouses and 10 flats are proposed. He described proposed changes to the previously approved plan including combining the buildings, adding a pocket park and modifications to the appearance of the building facade. Mr. O'Connell said that the proposal represents a major change from the project that the Board had reviewed in painstaking detail. Mr. Stetter said that the rental building is unchanged. Ms. Smith said that the DRC reviewed and approved the changes without raising significant concerns. Mr. Bresette asked whether the proposal still included the technique of varying the insets of the facade to give the appearance of separate buildings. Mr. Stetter said that it did. Ms. Smith asked if the building location had been modified to address the minor issue regarding the sidewalk width. Mr. Stetter said that change had not yet been made. Ms. Smith observed that there had been no changes to the plans since the Board conducted the sketch plan review.

Mr. Pearson questioned the address for the site. Ms. Smith said that she had transposed numbers on the agenda and staff report. She said that the correct address was 191-221 Barre Street. Mr. Pearson said that he believed that the project is significantly larger than any other multi-family dwelling in this neighborhood. He said that the project already received some density bonuses and that owner occupancy is necessary to preserve the neighborhood. He said that, if any additional units are approved, the Board should require that the 14 condominium units be owner-occupied. He said that the Board should deny additional units if it is not able to impose such a condition. He said that the density would be too high and the parking inadequate. Mr. Pearson said that at least two parking spaces are needed for each unit.

Kathy Beyer, of Housing Vermont, said that the proposal is to sell the 18 condominium units and create a condominium association. She said that the ordinance allows up to 56 units on the parcel and that 54 units are requested. She said that the intention is that each of the condominium units would be governed by the condominium association by-laws. Ms. Beyer said that six of the units will be subject to income-related requirements and twelve units will be market units. Mr. Zalinger asked whether the purchasers of the six subsidized units would have to live in them for a minimum amount of time. Ms. Beyer said that she was aware of other projects where the governing condominium documents restricted the number of non-owner occupied units. She said that the by laws and owners' association documents had not yet been drawn up. She said that she could not state the number of units that would be owner-occupied, but there would be a restriction on the number of investor units.

Mr. O'Connell asked why the changes to the buildings had been proposed. Ms. Beyer said that there was no change to the rental building. She said that the changes to the condominium buildings were proposed to accommodate the increased number of units and to improve how the units worked on the site. She said that there had been a problem with how the buildings would shed snow and that the narrow separations between the buildings did not function well. She said that she felt that the revised design was an improvement.

Ms. Smith said that the DRC had an issue with the proposed brackets on the building and had recommended an option for them. Mr. O'Connell said that the building looks like a box. Mr. Stetter objected to that characterization. He said that the design features large windows, substantial overhangs reminiscent of the Italianate buildings on Barre Street, bays paneled with wood and fiber cement, brackets similar to those on other buildings on the street, cornices broken up with changes in insets, high quality brick and stone at the entrances and transoms.

Trevor Cole, a neighbor at 207-209 Barre Street said that he supported the project since the beginning, but did not support reduced parking or the additional four proposed units. He said that he preferred a wooden fence to the chain link fence. Mr. DeWolfe responded that the chain link fence was previously approved and had not changed as part of the current amendments.

Mr. O'Connell said that he was concerned with the totality of the streetscape. He said that the Board's ability to be objective was hampered by the fact that the plans showed the one building in isolation. He asked if the design kept the changes in the setbacks and the variation in the facade that were intended to replicate the look of three separate buildings. Mr. Stetter said that the design included those techniques. Mr. O'Connell said that he felt that it was important to recognize that the original application was for one project that included the apartment building and the condominiums. Mr. DeWolfe said that the details of the apartment building would be brought to the final review. Mr. Bresette said that the building is now huge and it would be helpful to have a comparison of the originally proposed three buildings and the new design. Mr. DeWolfe noted that the new design actually has fewer linear feet of wall on Barre Street.

Mr. Pearson said that he was concerned about the number of units because there are no guarantees of owner occupancy. He suggested that the Board make any approval of the amendments be contingent on by-laws stating that twelve units will be owner-occupied.

Ms. Smith reviewed the staff and advisory comments from the staff report. She added that, based on that night's discussion, she would also recommend that an overlay of the previously approved plans for the site and elevations for the apartments be brought to the next meeting.

Mr. Cranse noted that the previously approved plan showed a small park that has now been replaced with a passive park. He asked where the children living in the buildings would play. Ms. Beyer said that the approved plan has a 0.1 acre grass area and the proposed amendment provides a more defined area that appeared to be larger. She said that there is no room on the plan for a larger area. She noted that the bike path and play area at the Recreation Center are nearby. Mr. Cranse expressed concern that the children would be playing in the parking lot. Mr. Pearson said that he understood that the owner of the site also owned the property across Granite Street. The applicant said that property is currently providing parking.

Mr. O'Connell asked how the changes will affect the number of parking spaces. Ms. Beyer said that she would give the Board a side by side comparison, but there would be more than the requirement of one space per unit. Kelly Taft raised concerns about the potential for the project to increase demand for on-street parking.

Mr. Zalinger suggested that the applicant address the issues that have been discussed, develop a design comparison and give some thought to the parameters of the condominium documents related to the investor/owner issue. Ms. Beyer said that it seemed odd to discuss the condominium documents in relation to the zoning ordinances. Ms. Smith noted that draft protective covenants are required as part of the application.

Mr. O'Connell asked whether the applicant had concerns or questions about the staff recommendations. None were identified. Mr. Zalinger explained the impact and intent of conditional use review.

Mr. O'Connell made a motion to close the hearing. Mr. Cranse seconded. The motion was approved by a vote of 7-0.

VII. CONTINUED - 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

Ms. Smith said that there was nothing new to report on this application.

III. Site Plan Amendment and Design Review

Property Address: 493- 535 Stone Cutters way
Applicant: River Station Properties II
Property Owner: River Station Properties II
Zone: RIV/DCD

Ms. Smith said that DRC tabled this application and that it was scheduled for review by the DRC on May 17, 2005.

Other

Ms. Smith noted that the terms of Board members O'Connell, Blakeman, Lindley and Matzner will be up on July 24, 2005. She said that the members could reapply by sending a letter to the City Manager.

Adjournment

Mr. Lindley made a motion that the meeting be adjourned. Mr. Cranse seconded the motion. The motion was approved unanimously.

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.