

Montpelier Development Review Board
August 15, 2005
City Council Chambers, City Hall

Subject to Review and Approval

Present: Philip Zalinger, Chair; Alan Blakeman; Douglas Bresette; Roger Cranse; Jack Lindley; Guy Teschmacher; Ylian Snyder, Kenneth Matzner (participated in item II)
Staff: Stephanie Smith, Administrative Officer

Call to Order

The meeting was called to order by Mr. Zalinger.

Minutes of August 1, 2005, Meeting

Mr. Lindley made a motion to approve the minutes of the August 1, 2005 meeting. Mr. Blakeman seconded the motion. The minutes were approved unanimously.

I. Consent Agenda

a. Design Review

Property Address: 154 Main Street
Applicant: Robert Hitzig
Property Owner: Robert Hitzig
Zone: CB-II/DCD

- Illuminated 6 sq. ft. one sided wall sign.
- DRC recommended approval with adjustments and optional changes

Mr. Hitzig said that he was in agreement with the DRC recommendations. He said that he had decided on the option of using two lights. Mr. Blakeman made a motion that the Board grant design review approval with the DRC adjustments and options. Mr. Cranse seconded the motion. The motion was approved unanimously.

b. Design Review

Property Address: 5 Green Mountain Drive
Applicant: State of Vermont
Property Owner: State of Vermont
Zone: GB/DCD

- 38 square foot wall sign above entrance
- DRC recommended approval with optional changes

Amanda Habel, the maintenance supervisor for the building, said that she was representing the applicant. She said that the DRC recommendations were acceptable. Mr. Blakeman made a motion that the Board grant design review approval with the DRC recommendations. Mr. Lindley seconded the motion. The motion was approved unanimously.

c. Design Review

Property Address: 3 Corse Street
Applicant: Johanna Petersen and Paul Donovan
Property Owner: Johanna Petersen and Paul Donovan
Zone: HDR/DCD

- Installation of two 100 gallon above ground fuel storage tanks enclosed by lattice
- Adjustment of previously approved pillars from tapered to straight

- DRC Recommended approval with an adjustment.

The applicants indicated that the DRC recommendation was acceptable. Mr. Lindley made a motion that the application for design review be approved with the DRC recommendation. Mr. Cranse seconded the motion. The motion was approved unanimously.

d. Design Review

Property Address: 155 State Street
Applicant: Vermont State Employees' Association
Property Owner: Vermont State Employees' Association
Zone: CB-II/DCD

- Exterior alterations to an existing building, including a rear door, an alteration to a previously approved ramp, window and landscaping.
- DRC recommended approval with adjustments.

Ed Stanak, representing the applicant, said that the DRC recommendations were acceptable. Mr. Lindley made a motion that the application for Design review be approved with the DRC recommendations. Ms. Snyder seconded the motion. The motion was approved unanimously.

e. Design Review

Property Address: 89 State Street
Applicant: Vermont Mutual Insurance Company
Property Owner: Vermont Mutual Insurance Company
Zone: CB-II/DCD

- Redesign of main entrance
- DRC recommended approval with adjustments.

Greg Lord, of E.F. Wall said that Vermont Mutual is in agreement with the DRC recommendations. Mr. Bresette asked whether the railings were historical features. Ms. Smith said that she understood that they were not original to the building. Mr. Cranse asked how the applicant would respond to the member of the DRC who voted against the recommendation for approval. Mr. Lord said that Vermont Mutual wanted to upgrade the front entry and had wanted the door to swing out in accordance with building codes, but was no longer proposing that change. He said that proposed changes would provide for stairs with 7" risers instead of the current 9" risers. He said that the width of the proposed landing was shortened to five feet. He said that the design was developed in consultation with Mary Jo Llewellyn, a historic preservationist and the current design represents an agreement worked out in a site meeting between Vermont Mutual, Vermont Labor and Industry and Eric Gilbertson of the State of Vermont Division for Historic Preservation.

Mr. Blakeman made a motion to grant design review approval to the application with the DRC recommendations. Ms. Snyder seconded the motion. The motion was approved by a vote of 6-0 with Mr. Zalinger abstaining.

f. Design Review

Property Address: State and Main Street
Applicant: City of Montpelier
Property Owner: City of Montpelier
Zone: CB-I/DCD

- Temporary civic banners to be located on poles that currently support MDCA banners
- DRC recommended approval with options

Beverlee Pembroke Hill, the Assistant City Manager, explained that historic photographs printed on banners will be hung on the front of City Hall to show examples of the town through the decades.

Mr. Lindley made a motion that design review approval be granted for the application. Mr. Cranse seconded the motion. The motion was approved unanimously.

II. Public Hearing - Conditional Use Review

Property Address: 81 and 119 River Street
Applicant: Noyle W. Johnson
Property Owner: Peter Hood
Zone: GB

- Construction of 1,890 square foot commercial addition to an existing building, including parking lot and other site improvements

Interested Parties: Peter Hood, Rick DeWolfe

Mr. Zalinger and Mr. Teschmacher recused themselves from participation in this application. Mr. Matzner joined the Board in the review of the application. Mr. Lindley assumed the role of Chair. He said that he would be happy to step aside if the applicant has a concern about fairness because they are business competitors. Mr. Lindley said that he felt that he could be impartial. Mr. Hood said that he did not have a problem with Mr. Lindley's participation.

Ms. Smith described the application for conditional use review for the expansion of a nonconforming property under section 302.B. She said that the conditional use review includes site plan review. She said that the existing building consists of a 4,003 square foot office use. She said that the proposed project is a two-story 1,980 square foot office addition on the west side of the existing building at 119 River Street, relocation of a landscaped median, reconfiguration of the parking areas at 119 River Street and at 81 River Street and the installation of lighting.

Mr. Lindley noted that the Board really has two items to consider since it needs to consider a waiver of the setback requirement under section 207.D of the regulations. He suggested that the Board take up that issue first. Ms. Smith explained that the conditional use review was actually occurring prior to a lot line adjustment. She said that the lot line adjustment could be approved administratively. She said that the need for the waiver of the setback requirement is based on section 207.D which requires an additional foot of setback for each foot of building height over 20 feet. Mr. Hood explained that he was seeking flexibility to adjust the property line between the two buildings in order to maximize the parking configuration. Mr. Cranse asked what the existing nonconformity was. Ms. Smith said that the existing building does not meet the front yard setback on Wheelock Street.

Mr. Bresette made a motion that the Board waive the setback requirement under section 207.D for 119 River Street. Mr. Cranse seconded the motion. The motion was approved unanimously.

Ms. Smith reviewed the staff and advisory comments:

- Whether the dumpsters, HVAC units, above ground fuel tanks or other utilities are proposed. Mr. DeWolfe responded that one existing above ground tank will be screened by the addition and another tank is already screened by vegetation. He said that the existing air-conditioning units are on top of the buildings or behind the buildings. Mr. Hood said that the new units for the addition may be located behind the building. Ms. Smith said that the units should be shown on a plan prior to the issuance of a building permit.
- The mounting height of the proposed light fixtures was not clear and the number of footcandles at the property line is not shown. Mr. DeWolfe said that the lights will be mounted at the top corner of the building. He said that he did not know the number of foot candles at the property line, but could get that information. Ms. Smith noted that there are no illumination limitations in this zone.
- Information was needed about the type, size and number of plant materials and whether the median

is to be seeded with grass. Mr. DeWolfe said that a 12' wide grass strip is proposed between the parking lots. Mr. Hood said that the plan is to save and relocate the two existing maple trees (2 ½" to 3" caliper) and two euonymus bushes. He said that if the trees and shrubs do not survive, they will be replaced with the same species of similar sizes.

- The traffic increase, if any, should be described. Mr. DeWolfe said that there will be no increase in traffic. He said that the addition will provide more space for the current occupants.

Ms. Smith said that the staff recommended that the following items be addressed prior to the issuance of a zoning permit:

- The applicant supply confirmation that the proposed patio and fence on the adjacent property are acceptable to the adjacent property owners;
- the lot line adjustment be applied for and approved by the Administrative Officer;
- the plans be revised to show a no parking sign at the head of the hatch on the east side of the accessible parking space; and
- the plans be revised to show the planter removed and the pavement hatch marks adjacent to the accessible parking space be extended to the front door of the office building.

Ms. Smith said that the staff recommended that, prior to the issuance of a building permit, the DRB should require the following:

- a performance bond, letter of credit, or other security to guarantee the installation of the plant materials and their maintenance for a period of one year after installation; and
- the applicant pay a traffic impact fee assessed at \$500/1,000 square feet of gross floor area, or \$990.

Ms. Smith said that the staff had the following additional comments:

- Staff recommends that the Board require renewal of the lease agreement every five years until such time as the use at 119 River Street changes and the spaces are no longer required, or the applicant applies for a zoning permit for approval of a different parking program.
- Staff recommends the Board waive the additional setback requirement pursuant to section 207.D of the Montpelier Zoning and Subdivision Regulations.

Mr. DeWolfe said that the applicant accepted the staff and advisory comments.

Mr. Blakeman asked whether the land along Wheelock Street belonged to River Street Partners. Mr. Hood said that it did not. Mr. Blakeman asked why the traffic impact fee was required when the testimony was that traffic would not increase. Ms. Smith said that the fee is based upon the square footage contained in the building.

Mr. Lindley asked what the parking requirements were. Ms. Smith said that the applicable parking requirements for a medical clinic is standard P-19 which is different from P-18 as noted on the submitted plans. She said that there are now 89 spaces between the two buildings. She said that 96 spaces will be required and 97 will be provided. Ms. Smith noted that the plan shows that the parking spaces will be marked with striping, so the striping will have to be completed as part of the parking. Mr. Hood said that the striping will be done.

Mr. Lindley asked whether any signage would be proposed for the new side of the building. Mr. Hood said that the applicant will be submitting an application in the future to relocate the existing sign on the building.

The Board considered the conditional use criteria and the site plan provisions.

1. *Capacity of existing or planned community facilities.* There will be no impact on the capacity of community facilities.
2. *Character of the area affected.*
 - a. *Performance standards in 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 [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. *Compatibility with existing and proposed development for the area [504].*
 - d. *Cumulative impact of the proposed conditional use taken together with other conditional uses in the neighborhood.*
 - e. *Traffic generated per unit [504].*
 - f. *The noise generated per unit [504]*
 - g. *Any factors judged to have an adverse impact on the area [504]*
 - h. *The cumulative impact of the proposed conditional use taken together with other conditional uses in the neighborhood [504].*

The proposed light level will be provided to the staff. The proposal will not affect the character of the area.

3. *Traffic on roads and highways in the vicinity.* No adverse impact is expected.

Site Plan Review Criteria

1. *Pedestrian Access and Circulation [803].* Where the entrance to 81 River Street is proposed to be narrowed, the sidewalk ramp is proposed to be constructed in accordance with VAOT standards.
2. *Vehicular access and Circulation [803].*
3. *Parking and Loading. [805 and 807].*
4. *Landscaping and Screening [808].* The grass area, trees and shrubs will be relocated. The landscaping specifications should be shown on a final plan before the zoning permit is issued.
5. *Fences [809].*
6. *Outdoor lighting [810].*
7. *Performance standards [814].*
8. *Site protection and design [815].*
9. *Utilities [825].*
10. *Provisions to protect the utilization of renewable energy resources.*
11. *Impact fees [Table 1200].*

Mr. Cranse made a motion that the Board grant conditional use approval incorporating the staff and advisory recommendations and comments. Mr. Blakeman seconded the motion. Ms. Smith asked that it be clarified that the motion included the relocation or replacement of the two maple trees and two euonymus bushes and a guarantee for that work. Mr. Cranse and Mr. Blakeman agreed. Ms. Smith said that meant that an estimate of cost and some form of guarantee or assurance must be submitted. Mr. Hood said that he had every intention of moving the trees and shrubs and replacing them if they do not survive. He said that it seems petty to hold a check for one year on that work.

Mr. Lindley said that the Board would accept a guarantee that the applicant will act like a good citizen. The motion was unanimously approved.

III. Continued Sketch Plan - Planned Unit Development

Property Address: Stonewall Meadows
Applicant: Fecteau Residential, Inc.
Property Owner: Fecteau Residential, Inc.
Zone: GB/MDR

This application was withdrawn.

IV. Public Hearing - Variance Request and Conditional Use Approval

Property Address: 20 Corse Street
Applicants: Kris Hammer and Nancy Chickering
Zone: LDR/DCD

The applicants requested a continuance to September 6, 2005.

Other

Mr. DeWolfe said that the Board had expressed an interest in seeing the site of the proposed Capital Heights development. He said that he would be on the site the next day and would welcome any Board members who wanted to visit the site then. Mr. Zalinger said that situation might appear to be inappropriate and recommended that the members not make such a visit. Ms. Smith asked whether the Board wanted to schedule a site visit before the ground becomes snow covered. Mr. Zalinger said that a site visit would be premature since there is really no plan before the Board at this time. He said that the Board may wish to schedule a site visit when the application is submitted for conditional approval. Mr. DeWolfe said that was unlikely to occur before January. Mr. Zalinger said that the Board might be able to conduct a site visit at another time if the applicant let the adjoining property owners and the other interested parties know that such a visit was scheduled. Mr. DeWolfe said that he would discuss it with his client.

Adjournment

Ms. Snyder made a motion that the meeting be adjourned at 8:00. Mr. Cranse seconded the motion. The motion was approved unanimously.

Respectfully submitted,

Stephanie Smith
Administrative Officer

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.

Transcribed by Kathleen Swigon