

**Montpelier Development Review Board**  
**October 3, 2005**  
**City Council Chambers, City Hall**

*Subject to Review and Approval*

**Present:** Philip Zalinger, Chair; Alan Blakeman; Douglas Bresette; Jack Lindley; Guy Teschmacher; Kenneth Matzner

Staff: Stephanie Smith, Administrative Officer

**Call to Order**

The meeting was called to order by Mr. Zalinger.

**Minutes of September 19, 2005, Meeting**

Ms. Smith said that the minutes should be corrected to state that the DRB reviewed and accepted the minutes of the September 6, 2005 meeting (instead of September 19). Mr. Lindley made a motion to accept the minutes of the September 19, 2005 meeting with that correction. Mr. Bresette seconded the motion. The minutes were approved unanimously.

**I. Consent Agenda**

**a. Design Review**

Property Address: 70 Main Street  
Applicant: Jeffrey Jacobs  
Zone: CB-I/DCD

- Rear awning and approval for vinyl siding on southern elevation
- DRC recommended approval on a temporary basis for an additional two year period with the strong suggestion that a permanent plan be developed during that period for use of siding materials acceptable in the Design Review District.

**b. Design Review**

Property Address: 70 Main Street  
Applicant: Jeffrey Jacobs  
Zone: CB-I/DCD

- Installation of awning
- Alterations to existing wall sign
- DRC recommended approval as submitted

Interested party: David Slay, Property Manager for Jeffrey Jacobs

Mr. Zalinger asked whether the applicant accepted the DRC recommendations including the recommendation that the approval expire two years after it is granted. Mr. Slay said that the applicant was familiar with the recommendations and they were acceptable.

Mr. Lindley said that the initial temporary permit was for 15 months. He said that he did not understand why the applicant has been unable to come up with something better than vinyl siding in that time. Mr. Lindley noted that the building is in the design control district and the adjoining building has been rehabilitated. He asked why the applicant cannot move forward within an appropriate period of time. Mr. Slay said that the hope and intention are that the 66 Main Street site will be redeveloped and such redevelopment would cause the changes to the 70 Main Street building to be moot. He noted that the rear of the Country Store building

has vinyl siding on the rear that matches the proposed vinyl siding. Mr. Lindley said that it should be clear by the next construction season in 2006 whether the construction on the lot will be moving ahead. Mr. Slay said that he could not say when the lot might be developed.

Mr. Matzner noted that the original proposal was to make the vinyl siding permanent. He said that created some question about whether the applicant was sincere about his intention to replace the siding. Mr. Zalinger asked how the adjoining building had come to have vinyl siding on the rear. Ms. Smith said that she believed that the DRC approved the vinyl siding. She said that siding is on the rear and is not visible from the street. Ms. Smith said that the vinyl siding on the rear of 70 Main Street was preexisting. Mr. Bresette asked whether the siding on the Charlie O's building was finished. Mr. Slay said that there was no more work to be done on the siding. Ms. Smith explained that the Shouldice's property line actually includes part of the second floor of the building. Ms. Smith also stated that a Certificate of Compliance was issued at the completion of the temporary vinyl siding. Mr. Lindley said that it was the Shouldice's who have not completed the siding on the rear of the building. Ms. Smith said that they had never applied to do that. Mr. Lindley asked how the applicant would react to a one year period instead of a two-year period to get a final plan to the DRC. Mr. Slay said that the two-year period would allow the applicant more time to work out a proposal and to determine whether 66 Main Street will be constructed.

Mr. Lindley said that he was inclined to approve a two-year extension. He said that the property looks unkempt from the road and the City deserves better in the design control district. Mr. Bresette said that he also had a problem with granting two additional years. He said that a lot of effort has been put into the parking lot and the site should be cleaned up. He said that he would rather grant a one year extension. Mr. Matzner said that he also had a problem with the two-year extension. Mr. Zalinger said that he had a hard time compelling one property owner to replace the vinyl siding and not requiring that the adjoining property do the same. Mr. Bresette said that the difference is that the siding in question is on the side of the building, not the rear. Mr. Zalinger said that the side does not have any road frontage except to the parking lot. He said that the property owner does not want to commit to making permanent improvements when development of the adjoining lot might change the entire composition and configuration of the area. Mr. Lindley said that a plan for the property should come sooner rather than later. He said that he thought one additional year was generous in light of the fact that this issue began in 2003.

Mr. Bresette made a motion to approve the temporary vinyl siding for a period of one year from October 3, 2005 and approve the rear overhang, the awning, the alteration of the wall sign. Mr. Blakeman seconded the motion. The motion was approved with five votes in favor and one abstention (Mr. Zalinger).

## **II. Continuation of Site Plan Amendment and Design Review**

Property Address: 493-535 Stone Cutters Way

Applicant: River Station Properties II, LLC

Property Owner: River Station Properties II, LLC

Zone: RIV/DCD

- Exterior alterations on east side enclosure of HVAC units
- Parking lot layout
- Landscaping

Interested Party: Rick DeWolfe

Rick DeWolfe said that the applicant was requesting approval for a revised landscaping plan and for modifications to the parking lot to improve the parking layout and result in additional spaces. Ms. Smith said that there was presently no ADA compliant parking space at one of the buildings. She read the staff advisory comments and recommendations: "Staff recommends, if approved, the applicant be required, before winter, to install accessible

parking spaces that meet ADA requirements. This should include striping for adjacent access aisles and appropriate signage. This is recommended regardless of whether or not there is enough time in this construction season for the applicant to complete the entire project, and at the risk of losing parking spaces.” She noted that the DRC had recommended approval with adjustments.

Mr. Zalinger asked about the likelihood that any of the work will be done this season, if approved. Mr. DeWolfe said that it is the applicant’s intention to get the work on the parking lot finished so that it can be used this winter. He said that the owner may begin the work during the appeal period at his own risk. Mr. Blakeman asked what the timing issue was. Mr. DeWolfe said that the time-critical elements of the project are the installation of the granite curb and the pavement before the temperatures become too cold.

Mr. Bresette asked whether this application included the enclosure for the HVAC units. Ms. Smith said that it included that and the landscaping alterations.

Mr. Bresette made a motion that the Board grant amended site plan approval and design review approval with the staff and advisory comments. Mr. Lindley seconded the motion. Mr. Zalinger suggested a friendly amendment that the approval be conditioned on the construction progressing as far as possible and, if not completed, there be some delineation of the handicapped accessible space during the winter. Mr. Bresette and Mr. Lindley accepted the amendment. The motion was approved unanimously.

### **III. Public Hearing - Variance Request and Conditional Use Review**

Property Address: 88 Grandview Terrace  
Applicant: Paul Richardson and Stephanie Ratmeyer  
Property Owner: Paul Richardson and Stephanie Ratmeyer  
Zone: LDR

- A five foot side yard setback variance requested and a 41' rear yard setback variance requested for the construction of a 24' x 24' residential addition
- Variance of 3% from the coverage requirement

Mr. Blakeman said that he is a friend of the applicants, but felt that he could be objective in the review of the application. Ms. Smith described the application for a 41 foot variance from the rear yard setback requirement and a variance of five feet from the eastern side yard setback requirement, and for a 3% variance from the coverage requirement. She said that the application also requires conditional use approval. Mr. Richardson said that the addition is needed to provide more living space in the house. He said that the existing lot is only one third of the required lot size in the LDR district. He said that a variance was granted for a deck in 1996 or 1997.

Mr. Matzner asked whether the neighbors had been contacted. The applicants said that they had and the neighbors were supportive of the project.

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.* The lot was created and the house was built in 1964. The lot is a preexisting nonconforming lot and does not meet the frontage or lot size requirements.
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. It is not possible to put any 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 existing house is located in the setbacks.*
  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 house will continue to be used as a single family dwelling. The addition will not impair the use of the adjacent property and will not be detrimental to the public welfare.*
  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 increase of the incursion into the setbacks is the minimum necessary.*
  6. *The variance will not result in the initiation of a nonconforming use of land. The use of the property will not change.*

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

1. *Capacity of existing or planned 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 undue 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: There are no known adverse impacts to the site plan criteria.*
  - 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].*
3. *Traffic on roads and highways in the vicinity.*

The Board reviewed and accepted the staff's suggested findings regarding the above criteria.

Mr. Lindley made a motion that the Board grant the variances of 41 feet for the rear yard setback, 5' for the side yard setback and 3% for lot coverage and grant conditional use and site plan approval. Mr. Matzner seconded the motion.

The motion was approved unanimously.

**IV. Public Hearing - Final Subdivision Review**

Property Address: Towne Hill Road  
Applicant: Norman Rice  
Property Owner: Hugh, Susan and Dennis Hawkins  
Zone: MDR

Interest Parties: Norman Rice and Dennis Hawkins

Ms. Smith said that this application was a request to re-subdivide the property along the Montpelier and East Montpelier town line. She said that the application was back before the Board because the two lots that would be created in Montpelier would not have road frontage, but would be served by a proposed 60' access right of way in the Town of East Montpelier. Mr. Bresette asked whether East Montpelier had approved the right of way. The applicant said that it had. Mr. Zalinger noted that the right of way does not exist until it is recorded in a deed.

Mr. Lindley made a motion to grant final subdivision approval with the staff proposed findings. Mr. Blakeman seconded the motion. The motion was approved unanimously.

**Adjournment**

Mr. Bresette made a motion that the meeting be adjourned at 8:05 p.m.. Mr. Lindley 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.*