

**Montpelier Development Review Board
November 7, 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; Roger Cranse
Staff: Stephanie Smith, Administrative Officer

Call to Order

The meeting was called to order by Mr. Zalinger.

Minutes of October 17, 2005 Meeting

Mr. Blakeman made a motion to accept the minutes of the September 19, 2005 meeting. Mr. Cranse seconded the motion. The minutes were approved by a vote of 7-0.

I. Sketch Plan Review

Property Address: 6 Parkside Drive
Applicant: William and Jean Jolley
Property Owner: William and Jean Jolley
Zone: MDR

- Changes to a previously approved and recorded subdivision plat

Ms. Smith described the application for sketch plan review of modifications to a previously approved two-lot subdivision. She explained that, as a result of an appeal, the Environmental Court required the applicant to file a revised subdivision plan incorporating evergreen planting adjacent to the Sayles' property. The Environmental Court also required that the plan show a drainage design that would prevent an additional water from the driveway from being thrown onto or ponding on the Sayles' property. Ms. Smith said that some changes were made during construction including the installation of a culvert instead of a drainage swale and the applicant was required to seek the Development Review Board's approval of the revised plan. She said that she understood that the changes were made because ledge was encountered during construction.

Ms. Smith noted that copies of an e-mail message from Mr. Sayles had been distributed to the board members. Mr. Zalinger said that Mr. Sayles has not waived his right to appear at the conditional and final review of the application. The Board did not have comments on the sketch plat. Mr. Zalinger suggested that the applicant request combined preliminary and final review.

II. Public Hearing-Conditional Use Review

Property Address: 62 River Street
Appellant: Patrick Malone
Property Owner: Patrick Malone
Zone: GB

- Demolition of an existing garage structure.
- Construction of an addition to an existing retail building, reconfiguration of parking and other site improvements.

Interested Parties: David Frothingham, of DeWolfe Engineering

Ms. Smith described the application for conditional use review for the expansion of an existing non-conforming property. She said that the existing use consists of 4,325 square feet of retail use (Sherwin Williams) with associated

office and storage space and a 744 square foot garage space. She said that the applicant proposes to demolish the 744 square foot garage space and construct a 2,277 square foot addition to the remaining building. She said that the remaining garage bay will be renovated into retail space that will be leased with the proposed addition. Mr. Cranse asked why the property was considered to be nonconforming. Ms. Smith said that the rear corner of the building is located in the setback. Mr. Matzner asked whether the proposed addition would meet the setback requirements. Ms. Smith said that the addition appeared to comply with the setbacks. Mr. Zalinger asked whether all other dimensional requirements would be met. Ms. Smith said that the lot met the minimum lot size and the dimensional requirements would be met.

Mr. Lindley asked why the DRB was granting an access permit. Ms. Smith said that the reference in the staff report was in error and that those permits were granted by the Department of Public Works. Mr. Cranse asked what the height of the proposed addition would be. Mr. Frothingham said that he understood that the addition height would be 20' or less. Mr. Cranse asked what landscaping was proposed. Mr. Frothingham said that there were some existing plantings in a landscaping strip along the road, but no additional plantings were proposed. He said that most of the site is paved and there is no room for additional landscaping. Mr. Matzner said that there appeared to be some room for additional plantings. Mr. Lindley asked whether some more ash trees could be planted.

Mr. Bresette asked whether one accessible parking space was adequate since space will be rented to another business. Ms. Smith said that the development must comply with ADA standards. Mr. Frothingham said that the ADA requirement was for one handicapped space per 25 parking spaces. Mr. Bresette said that it did not appear that the one space in front of the Sherwin Williams business would be adequate for handicapped access to the new space.

Ms. Smith asked whether the area where the curb cut would be reduced would be seeded with grass. Mr. Frothingham said that it would be seeded. Mr. Lindley asked whether the existing dumpster would serve the new use. Mr. Frothingham said that the existing dumpster on the east end of the Sherwin Williams building would serve both uses. Mr. Lindley asked about the other dumpster that was shown in the photographs of the site. Mr. Frothingham said that the dumpster may be used for cardboard recycling. Ms. Smith said that the Board could ask that the dumpster be shown on the site plan.

Mr. Zalinger said that the application was before the Board for conditional use review based upon a building footprint and no additional information about the proposed use. He said that the Board had no information to use in determining whether the proposal would be compatible with existing uses in the area. He said that the lack of information on the proposed use effects the Board's ability to determine whether the application meets the conditional use criteria including traffic impacts. He said that he was not inclined to vote for conditional use approval without more information on the use. Ms. Smith said that the application indicates that the use will be retail. She said that the estimate of traffic would be the same for any retail use. She noted that the TRC did not have any issues related to traffic. Mr. Zalinger said that he was not averse to retail, but did not see how the Board could make the findings required for a conditional use approval. Mr. Bresette said that he had the same issue. He said that he would like to be able to see whether the proposed building would be compatible with the existing use. Mr. Frothingham said that he did not have the information of the specific use of the retail space, but could try to find out. Mr. Lindley said that he would like to table the application. Mr. Frothingham asked what the ramifications of a denial would be. Ms. Smith said that the applicant would have to start over again. Mr. Frothingham said that he would request that the application be tabled to allow the applicant to present more information on the proposed use. Mr. Zalinger added that the Board also wanted information on the design and compatibility with other uses. The Board agreed to table the application to November 21, 2005.

III. Sketch Plan Review- Subdivision

Property Address: 201 Kildrummy Way

Applicant: Kali Erskine
Property Owner: Kali Erskine
Zone: LDR
• Four lot subdivision of a 75.8 acre parcel

Interested Party: David Frothingham, DeWolfe Engineering Associates

Mr. Zalinger recused himself and Mr. Lindley agreed to act as chair. Ms. Smith described the application for sketch plan review of a four-lot subdivision of an existing 75.8 acre lot. She said that the plan submitted for conditional review should show building envelopes, clearing limits, locations of utilities and any necessary easements. She added that confirmation that the septic system, roads or any other type of development proposed in the Green Mountain Power utility easement is permitted in the easement. Ms. Smith said that the TRC commented that the access for Lot 2 off of Towne Hill Road was just adequate and that it might be better to serve the lot off of the private drive. Mr. Frothingham said that the house locations cannot be determined until the soil tests were completed. He said that, if the soil work shows that the best location for a septic system on the lot is near Towne Hill Road, the applicant would want the house to be located there. Ms. Smith said that she was concerned that the test pit location for Lot 4 could result in the house being located in the setbacks. Mr. Frothingham said that there will be a pump and force main so that the houses could be located outside of the setbacks. He said that he understood that the subdivision plan cannot create a hardship for a variance.

Mr. Lindley asked why more lots were not proposed. Mr. Frothingham said that the site was limited by ledge and steep slopes. Ms. Smith said that the public street standards would also make it difficult to create more lots because only three dwellings can be served by a private drive. She said that a public or private street would be limited to 1800' in length. The Board discussed the use of the proposed driveway in comparison to a public street.

Ms. Smith said that the applicant could request that conditional and final review be combined.

IV. Continuation of Site Plan and Design Review

Property Address: 22 Court Street
Applicant: Vermont Mutual Insurance Company
Property Owner: Vermont Mutual Insurance Company
Zone: CB-II/DCD
• Demolition of an existing two family vacant structure
• Expansion of parking lot

Ms. Smith said that she reissued the RFP, but received no proposals in response. Mr. Zalinger said that the DRB issued the request for proposals in order to have an independent economic analysis. He said that he would like to place the matter on the November 21 agenda to seek the input of all interested parties. Mr. Cranse suggested that the City purchasing policy be discussed at the next meeting. Mayor Hooper suggested that it might be helpful to have the applicants and interested parties get together to come up with a suggested solution. Mr. Bresette said that he thought that was the intention of the next meeting. Mr. Zalinger said that the matter will be taken up at the next meeting with notice provided to all of the parties.

V. Design Review and Site Plan Review

Property Address: 3 Pitkin Court
Applicant: Duane Wells
Zone: CB-I/DCD

Ms. Smith said that the applicant requested that this application be postponed.

Other

Ms. Smith said that she received an estimate for landscaping for Vermont Mutual. She said that the estimate of \$4,772 is significantly less than the \$20,000 estimate provided at the Board's meeting. She said that the \$20,000 estimate had been incorporated into the Board's findings and that the Board may need to reopen the application in order to revise the findings. Mr. Zalinger said that, if the estimate submitted to the Board contained a mistake that resulted in a material mistake in the findings, the Board could correct the record to correct the mutual mistake by the Board and the Applicant. Mr. Lindley made a motion that the corrected estimate of the cost of landscaping be set at \$4,772 and the administrative record and the findings be corrected to reflect that figure. Mr. Blakeman seconded the motion. The motion was approved by a vote of 6-0 with Mr. Cranse abstaining.

Adjournment

Mr. Blakeman made a motion to adjourn. Mr. Matzner seconded. The Board unanimously approved the motion to adjourn at 8:10 p.m.

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.