

Montpelier Development Review Board
November 21, 2005
City Council Chambers, City Hall

Subject to Review and Approval

Present: Alan Blakeman; Douglas Bresette; Roger Cranse; Guy Teschmacher; Ylian Snyder
Staff: Stephanie Smith, Administrative Officer

Call to Order

The meeting was called to order by Ms. Smith who explained that neither the Chair nor Vice Chair were able to attend the meeting. Mr. Bresette made a motion that Mr. Cranse be elected as acting chair. Mr. Blakeman seconded the motion. The motion was approved 4-0.

Comments

Ms. Smith noted that only five members of the DRB were present. She said that four members are required for a quorum and, if it is necessary for a member to recuse themselves on any application, there would just be enough Board members to make a quorum. She said that the applicant could request that the application be continued to another meeting if they preferred to be heard by a more full complement of Board members. Rick DeWolfe asked whether the continuation of the application on 22 Court Street had to be heard by the same members who were present for the initial review. Ms. Smith responded no, and that as long as the board members reviewed the minutes of the previous meetings they could participate in the review of the application.

Minutes of November 7, 2005 Meeting

Mr. Blakeman made a motion to accept the minutes of the September 19, 2005 meeting. Mr. Bresette seconded the motion. The minutes were approved by a vote of 4-0 with Ms. Snyder abstaining.

I. Public Hearing - Conditional and Final Review - Subdivision

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|-------------------|------------------------------|
| Property Address: | 123 Robinhood Circle |
| Applicant: | Judith and Douglas McArthur |
| Property Owner: | Judith and Douglas Mc Arthur |
| Zone: | MDR |
- Two lot subdivision: Lot 1 - 1.92 acres, Lot 2 - 0.39 acres

Ms. Smith said that this was an application for conditional and final review for a two-lot subdivision of a 2.3 acre parcel into a 0.39 acre lot with an existing house, garage and gazebo on it and a 1.92 acre lot with an existing storage shed on it. She explained that the applicant proposed to relocate an existing gazebo so that it would meet setbacks after the subdivision. She read the following staff and advisory comments:

1. Staff recommends that, if approved at final review, any development proposed in the future on lot #2 should have underground utilities, including primary and secondary electric power, cable television and telephone service.
2. Staff recommends that, if approved at final review, the Board should acknowledge their approval with permanent 50 foot right of way to be shared with Craig and Kristen Montgomery, under Section 207.A of the Montpelier Zoning and Subdivision Regulations.
3. The applicant shall be required to obtain a zoning permit if development is proposed in the future, and should include a connection information for water, sewer and other utilities, the location of any required easements for those utility connections, proposed grading and the clearing limits for the proposed development.
4. Staff recommends that, if approved, within 180 days of the final approval by the Development

Review Board, the applicant shall record a final survey plat in the City's Land Records. If a plat meeting all of the statutory requirements is not recorded within 180 days, the approval of the subdivision by the Development Review Board shall expire.

Mr. Cranse asked if the applicant was in agreement with the staff comments. Mr. McArthur said that he was in agreement.

Mr. Blakeman made a motion to grant conditional and final subdivision approval with the staff and advisory comments. Mr. Bresette seconded the motion. The motion was approved by a vote of 5-0.

II. Public Hearing-Conditional Use Review

Property Address: 39 Clarendon Avenue
Applicant: Hubert O'Brien
Property Owner: Hubert O'Brien
Zone: MDR

- Residential addition to an existing non-conforming structure and demolition of a freestanding existing garage.

Interested Parties: Hubert O'Brien and Elizabeth Courtney

Ms. Smith described the application for conditional use review for the expansion of an existing non-conforming single family residence. She said that the 24' x 24' two story expansion is proposed on the southeast side of the existing structure and meets required setbacks for the district. She said that the existing 24' x 24' garage is proposed to be demolished. Mr. O'Brien explained that he would be moving the existing garage and attaching it to the house. Mr. Blakeman asked when the house was built. Mr. O'Brien said that it was built around 1920. Mr. Blakeman asked what the height of the addition would be. Ms. Courtney said that it would be 20' high. Mr. O'Brien said that the addition will have a flat roof with a two-foot high railing around it. Ms. Courtney said that it will look like the roof on the corner of Baldwin and Bailey Streets. Mr. O'Brien said that he was not sure about whether the greenhouse shown on the plans would actually be built. He said that it depended on the price estimates. Mr. Cranse said that it looked like significant grading will be needed. Mr. O'Brien said that a great deal of grading was anticipated.

Mr. Cranse said that the conditional use review required that specific criteria be met. He suggested that the Board accept the staff's recommended findings regarding those criteria. The Board members agreed.

Mr. Blakeman made a motion that the Board grant conditional use approval. Mr. Bresette seconded the motion. The motion was approved 5-0.

III. Continuation of Public Hearing - Conditional Use Review

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

Interested Party: Rick DeWolfe of DeWolfe Engineering

Ms. Smith explained that the Board had previously requested additional information regarding traffic and the character of the proposed retail building. She said that the applicant still proposes a broad range of potential retail uses, but has provided the ITE traffic estimates for the range of retail uses. She said that the most intensive traffic estimate is associated with a video rental store. Ms. Smith said that revised plans had been provided and were reviewed by the technical review committee. She said that the TRC was concerned that the planting of additional trees within the grass median at the front of the property would reduce the sight distances on River Street, and that the trees were removed

from the plan in response. She said the parking configuration had changed. The applicant now proposed a accessible parking space centrally located between the two storefronts, and parallel parking along River Street.

Mr. DeWolfe said that the applicant will be retaining an overhead garage door. He said that a sidewalk was added in front of the proposed building and the parallel parking was proposed in order to allow for a proper aisle width. He said that a deck for an HVAC unit was added to the back of the building and the dumpster and enclosure was added. Mr. Blakeman asked whether the dumpster would be screened. Mr. DeWolfe said that it would be screened with a fence. Mr. Bresette asked what would happen to the existing dumpster that is presently in the parking space in front of the other dumpster. Mr. DeWolfe said that it will be removed to the new dumpster location.

Mr. Bresette asked whether it was correct that only one handicapped space was required. Ms. Smith said that was her understanding. Mr. DeWolfe said that the location of the handicapped space will allow another handicapped space to be added if the proposed space was regularly occupied by a handicapped employee. Ms. Smith asked for the landscaping cost estimate. Mr. DeWolfe said that it would be less than \$1,000.

Mr. Blakeman said that the proposal would represent an improvement to the character of the area. Mr. Teschmacher asked whether the applicant was representing that the use of the building would be limited to the eight uses listed in Mr. DeWolfe's letter. Mr. DeWolfe said that the applicant did not intend such a limit. Mr. DeWolfe said that he was trying to give the Board an idea of the range of possibilities. He said that the applicant does not know who might occupy the building. Mr. Cranse pointed out that the TRC reviewed the memo on traffic and did not have a concern even with the uses that generate higher traffic volumes. He said that the two conditional use criteria that were of concern at the last meeting were the compatibility with the character of the area and the traffic impacts. He said that the Board had now discussed those criteria. He asked whether Mr. DeWolfe accepted the staff analysis regarding the conditional use criteria. Mr. DeWolfe said that he did. Mr. Cranse asked the Board members if they wished to discuss the matter further. There was no further discussion.

Mr. Cranse said that the relevant site plan criteria, including landscaping and parking had been discussed and the staff report included suggested findings. Ms. Smith said that she would add to the finding on pedestrian access that a concrete walk will be added. She also recommended that a written estimate of landscaping be provided prior to the issuance of a zoning permit and that a financial guarantee be provided prior to the issuance of a building permit.

Mr. Bresette made a motion to grant conditional use approval including the staff and advisory comments and the staff recommended findings regarding the conditional use and site plan criteria. Mr. Blakeman seconded the motion. The motion was approved 5-0.

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

Interested Party: Rick DeWolfe of DeWolfe Engineering

Mr. Teschmacher recused himself from participation in the review of this application.

Ms. Smith said that the City issued two RFPs for technical assistance in cost estimation. She said that the RFPs were published in September and October, but no responses were received. She said that the staff was recommending using the City purchasing policy to accept the recommendation of Parker Restoration and Construction Management

Corporation, of Shoreham, Vermont. She said that the estimate for the structural assessment and cost estimating for the renovation of the building is \$700. Ms. Smith said that the Planning and Community Development Department would conduct the economic analysis using the average rents within the City for both an office and a two family residential use.

Mr. DeWolfe said that the applicant had no objections to the use of Parker Reconstruction. He noted that Vermont Mutual will be required to pay the \$700 cost. He said that he saw no reason for the staff recommendation that the application go back to the DRC. Mr. DeWolfe said that the applicant would not pay for him to go back before that body. He said that the DRC's position on the application was clear and that there was nothing more for them to do. He said that the decision should be made by the DRB. Ms. Smith said that the staff recommended that the application go back to the DRC to review the analysis and make a recommendation to the Board. She noted that the DRC is only advisory to the Board. Mr. Bresette said that he did not see a reason for the application to go back to the DRC if the proposal has not changed. Ms. Snyder said that the only thing is that the DRC has members with different areas of expertise that might inform the DRB.

Mr. Bresette said that, if there is an expectation that Parker will attend a meeting to defend the report, the applicant should be so advised. Ms. Smith asked whether the applicant would want the opportunity to ask the consultant questions. Mr. DeWolfe said that the applicant will want the ability to comment on the report and would want to have a copy a week before the meeting where it would be discussed. He said that the comments could be made in writing. Mr. Blakeman asked Mr. DeWolfe whether he or Vermont Mutual had previous dealings with Parker Construction. Mr. DeWolfe said that there were no such dealings. He pointed out that Parker is not a design professional, but is a contractor and construction manager.

Mr. Cranse invited the public to comment. Charles Martin said that he had received two different plans and was not clear on which plan is proposed. He said that the DRC might be the appropriate place to sort out which plan is proposed. He said that the DRC should make the decision on whether they should hear the application. He added that any cost estimate should not include the cost of maintaining the building since it was a viable building in 1992 and has been damaged by lack of maintenance. He said that he had not heard any discussion of whether there are any buyers who would commit to restoring the building. Ms. Smith said that the plan that she had is dated April 26, 2005 with a last revision on June 1, 2005.

Marcia Hill said that she supported the suggestion that normal upkeep of property that should have occurred should be deducted from the cost estimate. She asked whether she could see the Parker report before the meeting. Ms. Smith said that a copy could be provided.

Paul Hanlon said that he would like to understand whose burden it is to dismiss other alternatives. Ms. Smith said that she understood that the Board was going to review the building for an office use and a residential use. She said that she did not think that the City could require that the owner sell the property. Mr. Hanlon said that he was asking that the applicant address the fair market value if the building were sold. Mr. Bresette said that the applicant had indicated that it had no interest in selling. Mr. Hanlon said that sale was an alternative to preserve the building. He asked why the applicant should dismiss it. Mr. Bresette said that the two uses that the Board was looking at are the two most viable options. Ms. Snyder said that the DRB has the ability to deny the demolition, but it cannot force the owner to fix or sell the building.

Mr. Cranse said that he was in agreement with the staff recommendations. Mr. DeWolfe said that the applicant did not disagree. Mr. Cranse said that he would like to proceed as thoroughly as possible and would like to have the DRC review the additional information.

Mr. Bresette made a motion that the Board accept the staff recommendations. Ms. Snyder seconded. The motion was

approved 4-0 with Mr. Teschmacher recusing.

V. Design Review and Site Plan Review

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

Ms. Smith said that this application had been withdrawn.

Adjournment

Mr. Blakeman made a motion to adjourn. Mr. Bresette seconded. The Board unanimously approved the motion to adjourn.

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.