

**Montpelier Development Review Board
February 6, 2006
City Council Chambers, City Hall**

Subject to Review and Approval

Present: Philip Zalinger, Chair; Kevin O'Connell, Vice-Chair; Alan Blakeman; Douglas Bresette; Roger Cranse; Jack Lindley; Kenneth Matzner (participated in items II through adjournment)

Call to Order

The meeting was called to order by Mr. Zalinger.

Minutes

Mr. Lindley made a motion that the minutes of the January 17, 2006 meeting be approved. Mr. Blakeman seconded the motion. The motion was approved unanimously.

I. Public Hearing - Conditional and Final Review of Subdivision

Property Address: 356 River Street
Applicant: Robin Cody Nicholson
Property Owner: Cody Chevrolet
Zone: GB

- Request for a subdivision of a 11.1 acre lot into two lots.

Interested Parties: Robin Cody Nicholson, Mark Nicholson

Mr. Zalinger asked whether there had been any changes to the application since the Board reviewed the sketch plan. Mr. Nicholson said that there were no changes. Ms. Smith said that she had received a survey plat for the property. She said that it was not at a typical scale because, in order to meet statutory requirements for the size of a filed survey plat, the engineer had to draw the plat at a scale of about 1"= 71'. Ms. Smith said that a plat at a typical scale will be provided for the City's files. Mr. Blakeman asked where Purno Road was. Ms. Smith said that it was an old road that was aligned through the property. Mr. Lindley asked the applicant whether he had any problems with the staff comments. Mr. Nicholson said that he did not have any issues.

Mr. Blakeman made a motion that the application for subdivision be approved with the staff comments. Mr. O'Connell seconded the motion. The motion was approved unanimously.

II. Sketch Plan - Subdivision

Property Address: 133 Towne Hill Road
Applicant: James Nagle and Na An
Property Owner: James Nagle
Zone: LDR

- Request for a three-lot subdivision of two parcels of land containing a total of 25.5 acres

Mr. Zalinger explained the sketch plat review process. James Nagle described the application for a three-lot subdivision on a 25.5 acre parcel that was known as the Johnson Farm. He said that a 3,000 square foot home and two barns exist on the property. He said that he is proposing to subdivide the upper part of the lot along Towne Hill Road into a one acre lot and a 2.4 acre lot. He said that both lots would be served by a 25' private driveway. He said that he intended to serve both lots with municipal water and sewer. Mr. Nagle said that an existing pond on the site will remain. Mr. Matzner asked about the water source for the pond. Mr. Nagle said that it is spring fed. He said

that it overflows into a water course along the driveway and eventually into natural drainage courses and into Blanchard Brook.

Mr. Matzner asked whether the applicant had any thoughts on what will be done with the 20-acre remainder lot. Mr. Nagle said that fruit trees have been planted on four acres of that lot and that he hoped to develop a small organic farm. He said that he hoped to keep the remainder lot intact. Mr. Blakeman asked about the small lot that was south of the Nelsons' property. Mr. Nagle said that lot belongs to the Nelsons.

Mr. Zalinger asked Mr. Nagle whether he knew where the other driveways were along Towne Hill Road. Mr. Nagle said that all of the lots to the west of his property connected to Towne Hill Road except for the Nelsons' property which connects to Coolidge Road. He said that the lots to the east all connect to Towne Hill Road. Mr. Zalinger described the concept of sight distances and asked the applicant whether he was aware of the sight distances at his driveway entrance to Towne Hill Road. Mr. Nagle said that he is able to see down to the intersection of Main Street and Towne Hill Road and to the crest of Towne Hill Road near Grandview Drive. He said that those distances were probably about 400 to 500 feet in either direction. Ms. Smith said that the TRC will look at the application to determine whether there is an issue with sight distances with the increased use of the drive. Mr. Zalinger asked whether there were any obstructions that would limit the sight distance. Mr. Nagle said that there were no trees or bushes at the end of the drive. Mr. Bresette asked about the slope of the driveway as a car would leave the site. Mr. Nagle said that a driver would drive up an incline onto the sidewalk and then it is level. Mr. Lindley asked whether there were any plans to address water runoff. He said that the soils in the area were predominantly clay. Mr. Nagle said that percolation tests had shown that there were septic sites that would not require mound systems, but he preferred that the new houses be connected to public sewer and water.

Mr. Lindley noted that the property contains an important vista. Mr. Matzner added that the Master Plan land use map designates the property as Conservation Land. Mr. Blakeman asked whether Mr. Nagle expected to have people coming to the farm to buy produce. Mr. Nagle said that he did not anticipate that at this point. He said that, if he did not go ahead with the subdivision, he might want to put up a farm stand near the road.

Mr. Zalinger asked what the Board members thought about the possibility of combining the conditional and final reviews of the application. Mr. O'Connell said that would be acceptable provided that the application materials addressed the issues raised in the staff comments. The Board generally agreed. Ms. Smith said that, based upon the Board's discussion, she would add two additional issues to be addressed. She said that those were the concerns about sight distances and soil erosion control during construction of the houses. Mr. Zalinger said that he would direct the applicant's attention to staff and advisory comment #2 regarding subsequent submissions.

III. Other Business

22 Court Street: Ms. Smith said that she provided the Board with copies of the report on the structural integrity of the building. She said that the next step was for the Board to schedule a date to hold a continuation of the matter. She said that it was not required that the continuation be warned, but the date must be stated at a public meeting. She said that, if the Board wished, she could provide another notification to those who had previously participated. Mr. Cranse said that he thought that the notification should be provided as a courtesy. Ms. Smith said that she would do that. She said that Jeremiah Parker, who prepared the structural report will be available for the meeting. Ms. Smith said that she could answer questions on the economic analysis that she prepared with George Seiffert and Valerie Capels. Mr. Zalinger said that all of the new information should be provided to the interested parties before the meeting. He said that the purpose of the meeting will be to take testimony on whether it is economically feasible to do something other than demolition. Mr. O'Connell asked whether the Board's role was limited to approving or denying the permit for demolition. Mr. Zalinger said that was the case. Mr. O'Connell said that meant that the

property owner would still be able to decide whether or not they will do something for the property. Mr. Zalinger said that the standard that the Board will be addressing is whether there is an economically viable alternative. Mr. Bresette asked whether the City has a right to require that an owner maintain property to certain standards. Ms. Smith said that there is nothing in the zoning ordinances related to that. She said that the building codes require the roof and foundation of a vacant building to be maintained and require that the building be sealed. Mr. Bresette said that the failure to take those steps has caused the present situation with the property in question. Mr. Zalinger said that the Board has not finished taking testimony and should avoid making conclusions until the testimony is completed.

The Board agreed to schedule the continuation for February 21, 2006. Mr. Zalinger noted that it may require more than one meeting to complete the hearing. He said that the hearing may have to continue to the subsequent meeting on March 6.

Adjournment

Mr. Lindley 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.