

**Montpelier Development Review Board**  
**April 3, 2006**  
**City Council Chambers, City Hall**

*Subject to Review and Approval*

**Present:** Phillip Zalinger, Chair; Alan Blakeman; Douglas Bresette; Roger Cranse; Jack Lindley; Guy Teschmacher, Ylian Snyder  
Staff: Stephanie Smith

**Call to Order**

The meeting was called to order by Mr. Zalinger.

**Minutes**

Mr. Blakeman made a motion that the minutes of the March 6, 2006 meeting be accepted as drafted. Mr. Cranse seconded the motion. The motion was approved in a vote of 6-0 by those members who were present at that meeting (Mr. Blakeman, Mr. Cranse, Mr. Lindley, Mr. Teschmacher and Mr. Zalinger). Mr. Cranse made a motion that the minutes of the March 20, 2006 meeting be accepted as drafted. The motion was seconded by Mr. Lindley. The motion was approved in a vote of 4-0 by those members who were present at that meeting ( Mr. Cranse, Mr. Lindley, Mr. Teschmacher, Ms. Snyder).

**I. Design Review**

Property Address: 4 State Street  
Applicant: Robert T. Gaston  
Property Owner: David Kelly  
Zone: CB-I/DCD

- 18" x 14" wall sign
- DRC recommended approval with an option

Mr. Gaston said that he was in agreement with the DRC recommendations. Mr. Blakeman made a motion that the Board grant design review approval to the 18" x 14" wall sign. Mr. Lindley seconded the motion. The motion was approved unani mously.

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

Property Address: 22 Court Street  
Applicant: Vermont Mutual Insurance Company  
Property Owner: Vermont Mutual Insurance Company  
Zone: CB-II/DCD

- Expansion of parking lot resulting in net increase of 11 spaces

Interested Parties: Rick DeWolfe, Jon Anderson

Mr. Zalinger said that the Board had closed the acceptance of evidence on the demolition portion of the project and had reached a decision on the demolition. He said that the Board would now proceed with design and site plan review. Mr. Teschmacher said that he had recused himself from participation in the demolition part of this application, but no longer needed to do so on this part of the application. He said that he no longer had any involvement with the project.

Mr. DeWolfe explained that the building at 22 Court Street would be demolished and the area excavated. He said

that a "Redi-Rock" retaining wall will be installed. He described the Redi-Rock material as concrete blocks with a rusticated face. He said that a pipe railing with balusters will be installed on the north wall and a wood fence will be used to screen the property from #20 Court Street. Mr. Bresette asked whether the vegetation along the property line would be removed. Mr. DeWolfe said that the ash trees and lilacs between the two parking lots would remain. Mr. Anderson said that the staff comments recommended that a buffer acceptable to the adjoining property should be installed. He said that the applicant expects to convey part of the land adjoining Mr. Martin's property to him. Mr. Zalinger asked whether the proposal, including the cedar fence, was acceptable to him. Mr. Martin said that the current proposal was acceptable.

Ms. Smith recommended that the Board consider requiring an estimate of landscaping costs and a guarantee for the landscaping. She said that the Board could also specify a suitable size for the proposed lilac plantings. Mr. Zalinger said that those plantings would not be large enough to screen the chain link fence. He said that it was unfortunate that the proposed pipe rail fencing did not extend along that area instead of the 80 feet of chain link fence. He said that the treatment of that area was inconsistent. He asked Mr. DeWolfe to describe the proposed guard rail. Mr. DeWolfe said that the existing wooden guard rail is inadequate and the applicant proposed to replace it with a w-channel guard rail. He said that the DRC requested that a tubular weathered steel guard rail be used. He said that the tubular steel material would be significantly more expensive and he did not think that it would make a visual difference at the proposed location running down a slope. Mr. DeWolfe said that he was, therefore, proposing to use the w-channel material. Ms. Smith said that she understood that the DRC was concerned about the shininess of the w-channel. Mr. DeWolfe said that the specification could be for a w-channel with a brown rusted face. Mr. Zalinger said that he thought that would be preferred with wood posts. Mr. DeWolfe said that 4"x 6" pressure treated posts with a block offset could be used. Mr. Bresette said that he thought that rusted metal posts would look better since the pressure treated posts would look too much like a highway. Mr. DeWolfe said that he could look into the possibility of weathered posts, but had never seen them. Mr. Bresette said that painted metal posts would look better and would tie together with the pipe railing. Mr. Zalinger asked whether there would be a maintenance issue with the painted metal. Mr. DeWolfe said that it would have to be painted periodically.

Ms. Snyder said that she would like to see the chain link fence replaced with pipe rail so that there was not a hodgepodge of fences and railings. Mr. DeWolfe said that he thought that the City installed the wall and fence in this location. Mr. Zalinger said that the existing pipe railing with two horizontal rails could be extended to replace the chain link fence. Mr. DeWolfe said that it would be acceptable to extend the existing pipe railing with two horizontal pipes with appropriate uprights to replace the current chain link fence along Court Street.

Mr. Zalinger said that the staff also noted that the maple trees that are proposed are susceptible to salt damage. Mr. DeWolfe said that there are existing maples on the opposite side of the street that are doing well. He said that he would like to keep the trees consistent with the other trees in the area, but, if the proposed maples are not successful, the applicant will request approval for another species to replace them.

Mr. Bresette asked where the runoff from the site would go. Mr. DeWolfe said that it would flow to a manhole near parking space 31 and will connect to the existing drainage system that eventually discharges to the Winooski River. Mr. Zalinger asked what would happen to the triangular area near Court Street. Mr. DeWolfe said that it is grass and will be conveyed to Mr. Martin. Mr. DeWolfe said that Mr. Martin may propose to add a parking space on the parcel. Mr. Zalinger noted that the parking space was not shown on the plans. Mr. Anderson said that Mr. Martin would be submitting an application for that in the future, if he wishes to pursue it. Mr. Bresette asked who would maintain the perennial bed. Mr. Anderson said that the area with the bed would be conveyed to Mr. Martin. Mr. Zalinger said that the application before the DRB included that area in land to be retained by Vermont Mutual and any agreements

about future conveyances were not before the Board. Mr. Bresette said that he understood that the application before the Board included perennial beds at the top of the wall and those beds would be maintained by Vermont Mutual.

Mr. Teschmacher asked whether the top of the Redi-Rock will be stepped along the slope. Mr. DeWolfe said that the top of the rock will be angled so that it is horizontal along the slope. Mr. Teschmacher asked whether the pipe rail will then be parallel to the slope. Mr. DeWolfe said that it would. Mr. Bresette asked what size Redi-Rock would be used. Mr. DeWolfe said that the size would be somewhere between the two sizes shown in the photos submitted to the Board.

Mr. Cranse said that he was concerned that the Board had decided on changes to the specifications for which there were no illustrations or cut sheets. He said that he would abstain from any vote because he did not have a clear understanding of what the elements of the plan would look like. He said that he would defer to the other Board members' views.

Ms. Smith reviewed the following aspects of the proposal that had been agreed upon:

- The guardrail will be w-channel weathered steel mounted on steel uprights that will be painted black or dark brown similar to the pipe railing.
- The chain link fence will be replaced with railing similar to the existing two-rail pipe railing.
- Four foot high (minimum) lilacs will be planted as designated on the plans.
- A landscaping estimate and guarantee will be provided.
- The Redi-Rock wall will have trapezoidal shapes at the top and a fence will run parallel to the wall.

Mr. Lindley made a motion that the Board grant site plan and design review approval for 22 Court Street with the staff recommendations and changes identified by Ms. Smith. Mr. Bresette seconded the motion. Mr. Zalinger said that this decision will have to be incorporated together with the decision on demolition and a final combined decision issued. The Board approved the motion with six affirmative votes and one abstention (Mr. Cranse).

### **III. Public Hearing: Planned Development - Conditional Review for Subdivision**

Property Address: Capital Heights - Hebert Road & River Road  
Applicant: Fecteau Residential, Inc.  
Property Owner: Fecteau Residential, Inc.  
Zone: MDR/GB

- Development on two lots totaling 77.8 acres
- Phase I - one commercial lot, 24 condominium units, five single family units
- Phase 2 - 24 single family dwellings and four condominium units
- Phase 3 - 40 condominium units and 16 single family dwellings
- Phase 4 - 46 condominium units

Parties for Applicant: Rick DeWolfe, David Frothingham, Vic Fecteau

Mr. Zalinger read an explanation of the conditional approval stage from the ordinance. He explained "interested person" status and said that he would restrict participation to interested persons who are residents of Montpelier. Ms. Smith noted that the zoning regulations allow interested party status to any 10 persons within an adjoining municipality or a neighborhood. Mr. Zalinger agreed and said that he would like to proceed to establish the interested persons and to identify those who would like to speak. The following persons said that they wished to speak:

Leane Page Garland, 35 Hebert Road, Unit 1, Montpelier  
Heather Cipolla, 24 Isabel Circle, Montpelier  
Dave Keller, 4 Pleasantview Street, Montpelier  
Eric Bigglestone, 31 Hebert Road, Montpelier  
Lara Merchant, 4 Hebert Road, Montpelier  
Frank Carriveau, 28 Isabel Circle, Montpelier  
Charon Goldwyn 35-6 Hebert Road, Montpelier  
Barbara Agnew, 155 Forest Drive, #4, Montpelier  
George Johnson, 13 Isabel Circle, Montpelier  
Robert Pierce, 2 Isabel Circle, Montpelier

The following persons indicated that they wished to reserve their rights to speak:

Lori Cornell  
Tina Muncy  
Mary Baum, 26 Isabel Circle, Montpelier  
Christina Gillease, 26 Isabel Circle, Montpelier  
Jim Hutten, 1 Judson Drive, Montpelier  
Connie Webster, 19 Hebert Road, Montpelier  
Craig Montgomery, 170 Robinhood Circle, Montpelier  
Paul Burns, 18 Isabel Circle, Montpelier  
Susan McCreary, 33 Hebert Road, #6, Montpelier  
Lee Quesnel, 33 Hebert Road, #5, Montpelier

Mr. Zalinger swore in all of the people who thought they might testify. He asked Mr. DeWolfe to provide an overview of the project. Mr. DeWolfe said that the project was a combination of commercial and residential development. He said that a new roadway is proposed to be excavated at River Street across from Fecteau Homes model display lot. He said that the new road will eventually connect to Isabel Circle.

Mr. DeWolfe referred to plan sheet C1.03 which shows the four phases of the project. He described the phases as follows:

- Phase 1: A commercial lot, two open space areas, a 60 unit assisted living facility, five single family lots, 28 condominium units and a temporary cul-de-sac.
- Phase 2: 24 single family lots and extension of the new road to a connection to Isabel Circle.
- Phase 3: 40 condominium units and a series of single family lots.
- Phase 4: 46 condominium units.

Mr. DeWolfe said that the intent is to turn the street over to the City on Montpelier. He said that a sidewalk would be installed along one side of the street for its entire length. He said that the proposed sewer system would connect to the City system at two locations.

Ms. Smith recommended that the Board conduct a site visit. Mr. Zalinger said that he would like to hear from Tom McArdle on technical issues. Mr. McArdle said that the Public Works Department focuses on infrastructure and technical questions. He said that his office looks at issues like stormwater permitting, traffic impacts, water systems, sanitary sewer and wastewater disposal systems, utility easements, streets and rights of way. Mr. McArdle said that the technical review committee (TRC) recommended that an independent consultant be retained to provide outside assistance to the DRB on the following aspects of the application:

- The review of the traffic report
- The review of water supply concerns
- The review of sewer transmission and pump station capacity

Mr. McArdle noted that there was a potential issue with an existing sewer line that is at or near capacity near the location of Walker Ford. He said that the traffic report that was provided with the application addresses levels of service on the roadways. He said that those levels will be reviewed in relation to guidelines established by VTRANS. He added that VTRANS also has some guidelines for when sidewalks should be considered. Mr. McArdle said that, based on the level of traffic that is expected with this project, sidewalks are a good idea. He said that there may be some discussion on whether a sidewalk on one side or sidewalks on both sides are appropriate. He said that the City identified Stonewall Meadows as needing sidewalks in the Capitol Plan. A member of the public suggested that sidewalks should be installed at the time that the roads are connected which was earlier in the phasing schedule than the applicant proposed. Mr. McArdle said that the Capitol Plan identified Stonewall Meadows as being in need of sidewalks now. He said that the plan may have to be adjusted.

Mr. McArdle said that there are fees associated with technical assistance, if the Board decides that it is required. He said that the potential total cost of the technical assistance on traffic could be \$9,700 (the cost of the level 1 technical assistance for the traffic study would be \$3,000, level 2 assistance would be \$5,000 and \$1,700 would be needed for meeting attendance and testimony). Vic Fecteau said that an expert had already been paid to produce the traffic study that was submitted. He questioned the appropriateness of requiring additional costs this early in the project. Mr. McArdle said that the applicant's traffic study had to be reviewed independently on behalf of the public. Mr. Fecteau said that his point was that it is too early in the application process to require the outside study. Mr. Zalinger said that issues regarding traffic impacts must be identified by the Board as part of the conditional review of the application.

Mr. McArdle said that the estimates for water and sewer technical assistance were about \$1,000 for water and \$3,000 for sewer.

Ms. Smith asked whether technical assistance was recommended for review of the stormwater management plan. Mr. McArdle said that was not included in the recommendations since the project will go through significant evaluation at the State. He said that Todd Law, Director of Public Works, also has extensive experience in storm water management.

Mr. Zalinger explained the review process, including the use of outside experts. He said that he would like everyone to give consideration to when a site visit should be conducted.

Ms. Smith clarified that the staff report included comments that were based on her assumption from the plans that a sidewalk was proposed on one side of Isabel Circle. She said that she now understood that a sidewalk was not proposed at that location.

Susan McCreary said that she was concerned about traffic on Hebert Road and Berlin Street since she expected that many people will go up Isabel to Hebert to turn onto Berlin Street. She said that Hebert Road is a dangerous street with many curves. Mr. McArdle said that he thought that the traffic study was based on a 60:40 split based on trip distribution. He said that Hebert Road/ Berlin Street intersection were part of the submitted traffic analysis.

Paul Burns noted that the City has not planned sidewalks for Isabel Circle and asked whether the proposed

development would be factored into the City's considerations about the need for sidewalks on that street. Mr. McArdle said that traffic on the streets are factored into the determinations regarding where sidewalks are needed. Mr. Burns asked whether there was any consideration of a gate on Isabel Circle so that only emergency vehicles would use it to access the new development. Mr. McArdle said that possibility had been raised, but the fire and emergency services input would be needed. Ms. Smith noted that the zoning regulations promote logical connection of streets.

Frank Carriveau asked whether the construction traffic would use the new road rather than Isabel Circle. He said that Isabel Circle is already in bad shape. Mr. McArdle said that was a good question to consider when looking at limiting construction impacts. Mr. Carriveau asked where the blasting would occur. Mr. McArdle said that a blasting plan would have to be submitted. He said that a pre-blast survey would be recommended to establish existing conditions. He said that would help any property owners in a case where there was any property damage. Mr. Carriveau said that all of the water from Isabel Circle flows onto his property. He asked whether any additional water from the proposed development would flow to his property. Mr. DeWolfe said the development project would not drain toward Mr. Carriveaus' property.

Leane Garland said that the report noted that existing pump station for the condominiums is problematic. She asked when that pump station would be tied into the new sewer system. Mr. McArdle said that gravity systems are preferred to pump stations. He said that, as the operator of the sewer system, the City would be able to provide the condominium owners' association the opportunity to tie into the system. He said that the applicant would be required to provide a stub and easement so that the condominium association could construct the connection.

Heather Cipolla asked whether the DRB could mandate that most of the commercial traffic for the congregate care facility use one route to the facility. Mr. Zalinger said that it was too early in the process to address that level of detail. Mr. McArdle said that conditions imposed by the Board would have to be enforceable. Ms. Cipolla said that she understood that the traffic study for Hebert Road was done during Thanksgiving week and may not be representative of normal traffic patterns.

Dave Keller recommended that the Board also require outside assistance for the review of the natural resource inventory. Ms. Smith said that staff recommendation #3 suggested that the Board might consider technical assistance for environmental issues. Mr. DeWolfe said that the state professionals involved in the Act 250 review would serve as the peer review for the natural resource issues. Ms. Smith said that copies of the information should be provided to the Board so that it could consider the issues in relation to the criteria in the zoning regulations which may have a point of view that is different from Act 250. Mr. Zalinger said that the Act 250 process has a mechanism for the State Wildlife Biologist to provide technical input. He said that forum is better suited to addressing the natural resource issues. Mr. Keller asked why the provision was included in the City code if there was no intent that a review be conducted by the City.

George Johnson asked that the Stonewall Meadows Recreation Association be placed on the list of interested parties. He pointed out what he believed to be an error in the map showing the ridgeline and asked that the Board look at it in the site visit. He said that he had photos showing the visibility of a balloon floated at the height of the proposed buildings. Mr. Zalinger said that it was too early in the process to discuss that detail. Mr. Johnson said that the proposed buildings will be visible from the hospital and from Rt. 302 and Rt. 62 at locations outside of Montpelier. Mr. Zalinger said that Act 250 deals with visual impacts for the locations outside of the city. Mr. Johnson said that the open space was not suited to use by the residents because it was predominantly wetlands and steep slopes. He

suggested that the proposed open space was fragmented and should be combined into one larger piece that would connect to the existing recreation land.

Charon Goldwyn said that deer overwinter in the area of the private pond behind the Stonewall condominiums. She also referred to a letter submitted by Stonewall Meadows Homeowners' Association which raised issues regarding sewage, streets, traffic, the phasing plan, the congregate housing proposal, recreation, protection around the stormwater ponds and "phantom condominiums." She explained there appeared to be four condominium buildings on the plans that would be on property owned by the Stonewall Meadows Homeowners' Association and the Stonewall Meadows Recreation Association. She said that they do not appear to be included in the application and their status should be clarified.

Mr. Zalinger said that the agenda for April 17 was full, so the site meeting would have to start at 6:00 p.m. and conclude by 7:15. Ms. Smith said that the identification of phase limits and geographic markers in the field would be helpful to the Board. Mr. DeWolfe suggested meeting at the cul-de-sac at the end of Isabel Circle. Mr. Zalinger said that the site meeting would occur on April 17 at 6:00 p.m. and conditional use review would be continued until May 15, 2006. He suggested that the Board go into a deliberative session to discuss whether outside technical assistance would be required.

### **Adjournment**

Mr. Bresette made a motion that the meeting be adjourned and that the Board go into a deliberative session. 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.*