

**Montpelier Development Review Board**  
**May 15, 2006**  
**City Council Chambers, City Hall**

*Subject to Review and Approval*

**Present:** Phillip Zalinger, Chair (participated in item IV); Alan Blakeman; Roger Cranse; Jack Lindley; Guy Teschmacher; Ylian Snyder  
Staff: Stephanie Smith, Kathy Swigon

**Call to Order**

The meeting was called to order by Mr. Lindley at 7:05 p.m. Mr. Lindley said that he would serve as chair until Mr. Zalinger arrived.

**Announcements**

Mr. Lindley announced that the public hearings for the applications by the Family Center of Washington County for properties on Sherwood Drive would be continued to June 5, 2006.

**Minutes**

Mr. Blakeman made a motion that the minutes of the April 17, 2006 meeting be accepted as drafted. Mr. Cranse seconded the motion. Mr. Blakeman pointed out that the address listed for the application by Duane Wells Construction (Adrienne and David Brownlee, owners) was incorrect. The correct address is 172 Chestnut Hill Road. The board voted 4-0 (Ms. Snyder abstained) to approve the minutes with that correction.

**I. Design Review and Site Plan Review**

Property Address: 89 State Street  
Applicant: Vermont Mutual Insurance Company  
Property Owner: Vermont Mutual Insurance Company  
Zone: CB-I/DCD

- Installation of an emergency power generator on the roof of the single story storage/maintenance room
- DRC recommended that a visual representation, to scale in terms of size of generator and its location as viewed from Governor Davis Avenue, be submitted to the DRB.

Interested Parties: Greg Lord, Brian Eagan

Ms. Swigon described the application for the installation of an emergency power generator on the roof of the single story section of the Vermont Mutual building. She said that the DRC reviewed the proposal and recommended that a photographic representation of the unit be provided to the DRB. She said that the applicant had provided that additional information. Mr. Lord said that the photo mock-up was provided because the Design Review Committee wanted the Board to be able to see what the generator unit would look like. Ms. Smith noted that Vermont Mutual obtained a noise waiver for the operation of the generator for 15 minutes every Saturday.

Mr. Cranse made a motion that the Board grant design review and site plan approval to the application. Mr. Blakeman seconded the motion. The motion was approved by a vote of 5-0.

**II. Continuation of Public Hearing: Conditional Use and Site Plan Review**

Property Address: 354 River Street  
Applicant: Frank Alexander, Primax Properties  
Property Owner: Cathi Cody-Hudson, Richard Cody, Diane Patno, Robin Nicholson & Lauri Cody  
Zone: GB

- Construction of a 22,670 s.f. building for retail store, site to include 20,200 s.f. outdoor display area enclosed by an 8' high chain link fence, parking and loading spaces, lighting, landscaping and storm water detention and treatment facilities.

Interested Parties: Dereck Woolridge of Cross Engineering

Mr. Lindley noted that the Board had received copies of a memo from Tom McArdle in response to questions that the Board had raised at its last meeting. Mr. Lindley asked Mr. Woolridge for his response to the memo including the issue regarding the location of the fire hydrant water line near the sewer line. Mr. Woolridge said that he believed that the applicant could meet all of Mr. McArdle's recommendations. Mr. Woolridge said that the water line would have to be sized for the sprinkler system in accordance with NFPA guidelines. Ms. Smith said that issue would be covered by the building code and did not need to be addressed by the DRB. Mr. Blakeman asked whether the TRC had accepted the traffic study. Ms. Smith said that the traffic study was reviewed and no issues were identified.

Mr. Cranse made a motion that the Board grant conditional use and site plan approval with the recommendations of the staff and Tom McArdle. Mr. Blakeman seconded the motion. The motion was approved 5-0

**III. Continuation of Public Hearing - Amendment to a Planned Residential Development and Site Plan Review**

Property Address: Cedar Hill Lane  
Applicant: Bernard Chenette  
Property Owner: William McNamara, Central Cedar Hill, LLC  
Zone: MDR

- Reconfiguration of the parking area, including drainage and lighting

Interested Parties: Bernard Chenette, Tom Ball

Mr. Chenette said that he met with the neighbors and addressed the screening, drainage and lighting issues accordingly. He said that he agreed to add two new catch basins, dig out the ditch, remove the floodlights from the building and to locate the pole lights to prevent issues with the adjoining properties. He said that he did not object to the staff recommendations and will provide a performance bond for landscaping.

Mr. Blakeman asked why the planter boxes were to be removed. Mr. Chenette said that the plantings will remain, but the boxes will be removed because they limit the space for vehicles to back out of the parking spaces. Tom Ball, a neighbor, said that he was satisfied with the revisions to the plan.

Mr. Blakeman made a motion that the Board grant the requested amendment to the Planned Residential Development and grant site plan approval to the application. Ms. Snyder seconded the motion. The motion was approved by a vote of 5-0.

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

Property Address: Capital Heights - Hebert Road & River Street  
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

Participants: Rick DeWolfe, David Frothingham, Vic Fecteau, Leane Garland, Susan McCreary, Paul Burns, Geoff Beyer, Tom McArdle, George Johnson

Mr. Lindley asked the Board members to record their observations from the site visit of April 17, 2006. Mr. Lindley said that he did not see any unusual wildlife or major wildlife areas or wetlands that would be impacted by the proposed development. Mr. Blakeman noted that there is steep terrain on the site. He said that there were also some beautiful trees on the site. Mr. Teschmacher said that the areas designated for open space were quite steep and he wondered whether they would be usable. Ms. Snyder asked whether the ordinance required the open space to be available to the public or whether it could be designated for the use of the residents of the subdivision. Ms. Smith said that section 813.B provides that the open space may be either improved or unimproved. Ms. Snyder asked whether the open space would be conveyed to a homeowners association. Mr. Fecteau said that it would be.

Leane Garland asked what was proposed for the gorge on the site. Mr. DeWolfe said that it would be part of the open space. George Johnson said that the buildings would be located on a ridgeline and asked whether that was an issue. Mr. Lindley said that he understood that the buildings would be down the slope from the ridgeline. Mr. DeWolfe said that the north end of the condominium buildings will be 35 feet from the property line and the other end will be 60 feet from the property line. He said that the finished floor elevation of the condominiums will be about 835. Mr. Teschmacher noted that the ground elevation at the top of the ridge is 835.

Mr. DeWolfe described the congregate care facility as similar to an assisted living facility. He explained that services like cleaning and meal preparation will be provided, but the facility would not provide nursing care like a nursing home. He said that a separate site plan approval will be requested for the congregate care site. Ms. Smith read the ordinance definition of "housing for the elderly" and noted that it allows for density bonuses. Mr. DeWolfe said that the applicant has no intention of seeking density bonuses.

Mr. DeWolfe said that the plan for phasing the development has been changed. He said that Phase I was extended to end in a "hammerhead" configuration at a proposed road intersection to address the Fire Department's concerns about turnarounds. Mr. DeWolfe said that the water line in Phase I had been modified so that it will connect with the east end of the existing water line at Stonewall Meadows. He said that Phases IV and II have been combined to form the new Phase II and five single family lots that were part of Phase I have also been added to that phase. Mr. DeWolfe said that a sewer stub had been added to the plans to allow for a possible future connection by Stonewall Meadows.

Mr. Zalinger asked whether there were any changes to the timing of construction. Mr. DeWolfe said that he expected that the time frame for build out would be the same. Mr. Cranse asked which zoning district the Phase I commercial development would be in. Ms. Smith said that it was in the GB zone. She noted that the ordinance allows flexibility in applying the zoning lines for a PUD like this project.

Mr. Lindley asked for clarification of the applicant's response to the ridgeline issue. Mr. DeWolfe said that the area that the Stonewall Meadows residents call a ridge is actually a hummock that creates a high spot. He said that, based on the Montpelier Master Plan map, the actual ridge is off the site toward Berlin Street. He said that he would like guidance from the City regarding the definition of ridgeline. Mr. Zalinger said that the board would give that answer at a later time, when it has a complete set of plans.

Susan McCreary asked whether the traffic for Phase II will use Hebert Road. Mr. DeWolfe said that Phase II will use Barre-Montpelier Road. Mr. Fecteau said that Phase II will be built in about two to three years. Leane Garland asked about the water line location. Mr. DeWolfe said that water line would extend from the existing line in the Barre-Montpelier Road, through Phase I and through the Stonewall Meadows Condominium Association property to the existing line in that development. He said that a 12' wide path will be required for the installation of the line through the Condominium Association property. Mr. DeWolfe said that Mr. Fecteau believed that he has the legal right to run the utility line through that land. Ms. Garland said that issue was in dispute. Tom McArdle, of the Montpelier Public Works Department said that there would have to be a clear title to the easement that is conveyed to the City. He said that the City has been reluctant to accept utilities on private roads and across private properties except in situations where there is a public purpose served by the acceptance of those utilities. Mr. Zalinger said that the applicant would need to provide some representation that he has a valid right to locate the line on the property. Paul Burns asked whether the board would consider conditions that would allow the development to go forward without placing buildings on the ridge adjacent to the existing homes adjacent to the site. Mr. Zalinger said that the plan has evolved and the Board did not have the benefit of staff comments on the new material. He said that he thought that there would be at least one more conditional approval hearing in which the Board would make comments.

Geoff Beyer, of the City Parks Commissioner, said that this would be the first large development in an area that is under served by recreation space since the park impact fee has been in place. He said that the Park Commission encourages the DRB to discuss the park impact fee requirements or open space set asides pursuant to section 820 of the ordinance. Mr. Blakeman noted that there was precedent in the North Park Drive development for donation of land to the Parks Department in lieu of the park fee.

Mr. Lindley asked about the traffic study. Mr. DeWolfe said that it would be available soon. Mr. Zalinger said that he would like to continue the application to allow the Board to receive staff comments on the plans. He asked whether it was likely that all the information will be completed and reviewed by the June 19 meeting. Tom McArdle said that he was not sure since the plans had just been provided and the applicant needs to provide a new traffic report. Mr. DeWolfe said that the July 5 meeting date would also be acceptable for the continued hearing.

Mr. Lindley made a motion to continue the hearing to the July 5, 2006 meeting. Mr. Cranse seconded the motion. The motion was approved unanimously.

**Other**

Ms. Smith advised the Board that Doug Bresette had resigned from the Development Review Board. The Board members expressed their appreciation for Mr. Bresette's service on the Board and their regrets that he would no longer be serving.

**Adjournment**

Mr. Lindley made a motion that the meeting be adjourned at 9:10. Mr. Blakeman seconded the motion. The motion was approved unanimously.

Respectfully submitted,

Kathleen M. Swigon  
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.*