

**Montpelier Development Review Board**  
**June 5, 2006**  
**City Council Chambers, City Hall**

*Subject to Review and Approval*

**Present:** Phillip Zalinger, Chair; Alan Blakeman; Mr. O'Connell, Vice Chair; Roger Cranse; Jack Lindley; Guy Teschmacher (recused on items VI and VII), Ken Matzner (participated in items VI and VII ); Ylian Snyder (recused on items VI and VII)  
Staff: Kathy Swigon

**Call to Order**

The meeting was called to order by Mr. Zalinger.

**Minutes**

Mr. Blakeman made a motion that the minutes of the May 15, 2006 meeting be accepted as drafted. Mr. Lindley seconded the motion. The motion was approved 7-0.

**I. Consent Agenda**

**a. Design Review - Sign Permit Application**

Property Address: 2 Jay Street  
Applicant: New England Culinary Institute  
Owner: Central Vermont Community Land Trust  
Zone: CB-I/DCD

1. Replacement of existing metal doors with single lite metal doors
2. DRC recommends approval as submitted.

Interested Party: Will Colgan

Mr. Lindley made a motion that the board grant design review approval. Mr. Cranse seconded the motion. The motion was approved unanimously.

**b. Design Review - Sign Permit Application**

Property Address: 45 State Street  
Applicant: Glen Sturgis  
Property Owner: Jeff Jacobs  
Zone: CB-I/DCD

- Installation of a 15.75 s.f. wall sign centered above door
- DRC recommended approval with adjustments

Mr. Sturgis said that the DRC recommendations were acceptable. Mr. Blakeman made a motion to grant design review approval with the DRC recommendations. Mr. Lindley seconded. The motion was approved unanimously.

**c. Design Review - Sign Permit Application**

Property Address: 8 Bailey Avenue  
Applicant: Kristopher Hammer  
Property Owner: Vermont Land Trust  
Zone: CB-I/DCD

- Removal of existing wall sign and installation of one 3.75 s.f. ground sign
- DRC recommended approval as submitted

The board discussed the staff recommendation that the sign be located at least 4.5' back from the curb. Mr. Hammer said that the sign location would comply with that recommendation. Mr. Blakeman made a motion that the board grant design review approval. Mr. O'Connell seconded the motion. The motion was approved unanimously.

**d. Design Review - Sign Permit Application**

Property Address: 27 State Street  
Applicant: Robert Watson  
Property Owner: Stephen Everett  
Zone: CB-I/DCD

- Installation of a 13 sf wall sign and option to install a wall sign on west side of building
- DRC recommended approval with adjustments

Interested Party: Tom Quinlan

Mr. Quinlan said that the adjustments were acceptable to the applicant. Mr. O'Connell made a motion to grant design review approval for the proposed wall signs with the DRC recommendations. Mr. Lindley seconded the motion. The motion was approved 6-0 with Mr. Zalinger abstaining.

**II. Public Hearing - Variance Request, Conditional Use Approval and Site Plan Review**

Property Address: 427 Elm Street  
Applicant: Sheila Kunkle  
Property Owner: Sheila Kunkle  
Zone: MDR

- Construction of a 10' x 12' deck on a single family residence

Interested Parties: Sheila Kunkle

Ms. Swigon described the application for a variance and conditional use approval for the construction of a 12' x 10' deck on the back of an existing house. She said that the proposed deck will replace an existing 4' x 12' deck. She said that the existing property is non compliant because the house is 6' from the northerly side property line (a 20' setback is required) and the existing lot frontage is only 39' (a 100' frontage is required). Mr. Zalinger noted that a 14' sideyard variance was requested.

Mr. Zalinger asked whether any of the neighbors wished to be heard. No one responded. The Board reviewed the variance criteria:

1. *That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lots size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning regulation in the neighborhood or district in which the property is located.* The existing narrow lot width of 39' creates unique physical circumstances.
2. *That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is, therefore, necessary to enable the reasonable use of the property.*

There is no where to build the deck that will not require a variance because the lot is only 39' wide.

3. *That the unnecessary hardship has not been created by the appellant, and the hardship relates to the applicant's land, rather than personal circumstances.* The hardship relates to the width of the lot.
4. *That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use of development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare.* This will continue to be a residential use in a residential neighborhood. The deck will be used for the residence. There was no testimony from any neighbors to indicate that there would be any impairment of the use of adjacent properties. The proposed deck will not be detrimental to the public welfare.
5. *That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulation and from the Montpelier Municipal Plan.* The deck does not increase the existing encroachment into the setback.
6. *The variance will not result in the initiation of a nonconforming use of land.* The use of the land will remain residential.

Mr. O'Connell made a motion that the board approve a variance of 14' for the construction of the proposed deck. Mr. Blakeman seconded the motion. The motion was approved unanimously.

The Board reviewed the conditional use criteria and the staff recommended findings.

1. *Capacity of existing or planned community facilities.* There will be no effect.
2. *Character of the area affected.*
  - a. *Performance standards in 814*
    - i. *No use shall emit noise at the property line in excess of the standards set in the Montpelier code of Ordinances, Chapter 11, Article 10 [814].*
    - ii. *Emit odor which is offensive at property line [814]*
    - iii. *Emit dust or dirt at the property line [814]*
    - iv. *Emit smoke in excess of Ringmann Chart no.2 [814]*
    - v. *Emit noxious gasses which endanger the health, comfort, safety, or welfare of any person, or which have a tendency to injure or damage property, business or vegetation*
    - vi. *Emit lighting or signs which cause undo glare, which could impair the vision of a driver of any motor vehicle or are offensive to the neighborhood [814]*
    - vii. *Cause fire, explosion, or safety hazard, or create electrical interference[814]*
  - b. *Site plan review standards in 506.C.*
  - c. *Hours of operation.*
  - d. *Cumulative impact of the proposed conditional use taken together with other conditional uses in the neighborhood.*
  - e. *The noise generated per unit [504]*
  - f. *Any factors judged to have an adverse impact on the area [504]*
  - g. *The cumulative impact of the proposed conditional use taken together with other conditional uses in the neighborhood [504].*
3. *The proposed deck is consistent with the residential uses in the area.*
  3. *Traffic on roads and highways in the vicinity.* There will be no effect.

4. *The zoning and Subdivision Regulations in effect [504].* A variance has been approved.
5. *Provisions to protect the utilization of renewable energy resources [504].* Not applicable.

Mr. Lindley made a motion that the Board grant conditional use approval. Mr. Cranse seconded the motion. The Board voted unanimously to approve the motion.

### **III. Public Hearing: Conditional Use Approval**

Property Address: 456 East Montpelier Road  
Applicant: Sam Daniels Company, Inc.  
Property Owner: Jim and Donna Daniels  
Zone: IND

- Renovation of 3,020 s.f. of an existing manufacturing building into self storage units.

Interested Party: Jim Daniels

Ms. Swigon described the application for the conversion of 3,020 s.f. of an existing manufacturing building to mini warehouse units. She said that the site is currently used for manufacturing and mini warehouse units. She said that conditional use approval is required pursuant to Section 205.B.2.b because the cumulative size of the structures on the parcel exceeds 10,000 s.f.

Mr. Daniels said that this application would add ten more storage units to the site and bring the total number of mini warehouse units on the site to 78. He said that there are 60 to 65 leasees. He said that they typically access the units by pulling their vehicles up to the doors. Ms. Swigon noted that the area around the buildings has a gravel surface. The board discussed parking on the site. Mr. Daniels said that there are currently 4 employees working in the manufacturing building on the site.

The board discussed the staff's comment that the proposed fixture did not appear to be a true shielded fixture based upon information provided in a prior application for the site. Mr. DeWolfe said that the existing lights are 100 watt halide lights. He said that they all have cutoff shields except for two existing lights at the back of building B. He said that he believed that the lights complied with Section 810. Ms. Swigon said that she understood the question to be whether the proposed lighting would comply with the ordinance. Mr. DeWolfe said that the proposed lights will be metal halide bulbs with cutoff shields that will provide a 90-degree cutoff.

The Board reviewed the conditional use criteria.

#### **Conditional Use**

1. *Capacity of existing or planned community facilities.* The conversion of a portion of the manufacturing space to mini warehouse units will not make unacceptable demands on City services.
2. *Character of the area affected.*
  - a. *Performance standards in 814*
    - i. *No use shall emit noise at the property line in excess of the standards set in the Montpelier code of Ordinances, Chapter 11, Article 10 [814].*
    - ii. *Emit odor which is offensive at property line [814]*
    - iii. *Emit dust or dirt at the property line [814]*
    - iv. *Emit smoke in excess of Ringmann Chart no.2 [814]*

- v. *Emit noxious gasses which endanger the health, comfort, safety, or welfare of any person, or which have a tendency to injure or damage property, business or vegetation*
- vi. *Emit lighting or signs which cause undue glare, which could impair the vision of a driver of any motor vehicle or are offensive to the neighborhood [814]*
- vii. *Cause fire, explosion, or safety hazard, or create electrical interference[814]*
- b. *Site plan review standards in 506.C.*
- c. *Hours of operation.*
- d. *Cumulative impact of the proposed conditional use taken together with other conditional uses in the neighborhood.*
- e. *The noise generated per unit [504]*
- f. *Any factors judged to have an adverse impact on the area [504]*
- g. *The cumulative impact of the proposed conditional use taken together with other conditional uses in the neighborhood [504].*

The proposed conversion of manufacturing space to ten additional mini warehouse units will not affect the character of the area.

- 3. *Traffic on roads and highways in the vicinity.* No adverse effects are expected.
- 4. *The zoning and Subdivision Regulations in effect [504].* No adverse impact is expected.
- 5. *Provisions to protect the utilization of renewable energy resources [504].* Not applicable.

Mr. O'Connell made a motion to grant conditional use approval to the application as submitted. Mr. Cranse seconded the motion. The motion was approved unanimously.

#### **IV. Public Hearing - Request for Conditional Use Approval and Site Plan Review**

Property Address: 186 River Street  
Applicant: James Barrett  
Property Owner: James Barrett  
Zone: GB

- Construction of five mini-warehouse buildings including access and lighting.

Interested Parties: James Barrett, Gesualdo Schneider, Richard Brock, Esq., John Thetford

Ms. Swigon said that this application was for 5 mini-warehouse buildings. She said that the board continued the review of the application from the May 1, 2006 meeting in order to receive testimony from a representative of the fire department. She said that the board had received copies of a report from the Fire Department and a response to the report from Jack Thetford, for the applicant.

Mr. Barrett said that he was withdrawing the request for building #8 in order to eliminate any issue regarding the placement of fill on the site. Mr. Brock asked Mr. Barrett whether there had been any filling of the floodplain since he owned the property. Mr. Barrett said that there had not been any such filling since he owned the property. Mr. Barrett said that there is adequate access to the property and that access lanes were provided to the proposed units.

Ges Schneider, Acting Fire Chief, said that the report that was provided to the board was prepared under his supervision. He said that the Fire Department was concerned about the adequacy of the fire fighting water supply to the site back when the Finkerman's restaurant was put in. He said that the water supply on River Street was poor and that, with the additional development, it was time to require a hydrant system on the site. He said that the other concern

was the provision of adequate access to allow fire trucks and emergency equipment to get onto the site. Chief Schneider said that there has been a slow progression of development on the site without adequate improvement of the infrastructure that serves it. He noted that fires in storage units can be very dangerous fires because of the unknown nature of materials that might be stored there. Mr. Blakeman asked whether the City has a pumper truck. Chief Schneider said that the City has three pumper trucks.

Mr. Thetford said that he would agree with Chief Schneider if the buildings were to be occupied, but, he said that the proposed buildings will be unoccupied, metal buildings. Mr. Thetford said that there are hydrants available on River Street within 300' of the site and that the river could be used as a water source, if necessary. He said that the access drive at the "Trading Post" serves tractor trailers and is adequate for fire and emergency vehicles. He added that trucks could park on River Street to fight a fire on the site. Mr. Thetford said that the 6" line that would be needed if a hydrant was to be added on the site would cost \$50,000. He said that there were places for emergency vehicles to turn around between buildings 3 and 4 and between the restaurant and building #2. He provided photographs of the site to the board.

Mr. Lindley asked whether the condition of the water service had changed since the Trading Post fire on the site. Chief Schneider said that there had been some improvements to the water lines at either end of the line in question. He said that water supply had not been a major issue in that fire because the decision was made to not attempt to save the main building. He said that he would like to see a 500 to 1,000 g.p.m. hydrant on the same side of the railroad tracks as the proposed buildings.

Mr. Blakeman asked what a dry hydrant was. Chief Schneider said that it is a hydrant that is capable of drawing water from a river or pond when a pumper is connected to it. He said that type of hydrant requires that a fire engine remain there to pump the water. Mr. Barrett said that he understood that, during the Trading Post fire, a fire truck from Berlin carrying 2,000 feet of hose was able to connect to a hydrant 1,400 feet away that supplied water at an adequate rate.

Tom McArdle said that an upgrade to the water line is in the Capital Plan, but he believed that the upgrade was not anticipated for about five years. Mr. Thetford provided a plan showing an existing hydrant about 300' from the site. He said that hydrant is served by a 12" water line. Acting Chief Schneider said that all of the hydrants are across River Street. He said that the use of those hydrants to fight a fire on the site would require hand laying of the hose lines across the road. He said that requires a great deal of manpower to accomplish. He said that the Fire Department typically looks to have a hydrant within a distance and at a location that allows the hose to be layed out from the truck. He said that the Fire Department does not have the resources to lay hose out by hand or over great distances without assistance from other fire departments. Mr. O'Connell asked whether the current issue is the same as the issue that was raised when the Finkerman's restaurant was proposed. Acting Chief Schneider said that the issue is the amount of development that has been incrementally added to the site and the lack of water supply to serve the development. Mr. O'Connell made a motion that the board close the hearing and take the matter up in a deliberative session. Mr. Lindley seconded the motion. The motion was approved unanimously.

#### **V. Site Plan Review**

Property Address:	5 Allen Row and 184 Berlin Street
Applicants:	Pamela Milosevich
Property Owners:	Pamela Milosevich and Anne Charbonneau
Zone:	GB/MDR

- Change of use from single family residential to medical clinic with access proposed through 184 Berlin Street
- Removal of an existing garage, a 1,350 s.f. addition, site alterations including parking and lighting.

Interested Parties: Pamela Milosevich, Daniel Richardson, Esq., Wayne Lawrence, Steve Bellanger, Sam Hill, Karen Kelly

Ms. Swigon described the application to change the existing single family residence at 5 Allen Row to a medical clinic and to construct an access drive and parking on 184 Berlin Street to serve the medical clinic and the residential use on 184 Berlin Street. She said that staff had recommended a number of revisions and clarifications to the plan.

The board asked the applicant to discuss the application in relation to the site plan criteria:

1. *Pedestrian Access and Circulation [803]*. Mr. Richardson said that the clients will park in the proposed parking lot and walk to the clinic entrance.
2. *Vehicular Access and Circulation [804]*. Mr. Richardson said that the plan shows the proposed grading of the drive.
3. *Parking [805 and 807]*. Mr. Richardson said that adequate parking has been proposed.
4. *Landscape and Screening [808]*. Mr. Richardson said that no landscaping was proposed. He said that existing trees and vegetation provide screening
5. *Outdoor Lighting [810]*. Mr. Richardson said that lighting was shown on the previously submitted plan, but was not indicated on the final plan.

Mr. Cranse suggested allowing for public comment and then tabling the application to allow the applicant to address the issues identified in the staff report. Mr. O'Connell said that he agreed with that approach.

Karen Kelly said that she lived at 1 Allen Row. She said that she is concerned about traffic flow on Allen Row. She said that there is a high likelihood that people will use Allen Row as a short cut unless the access from the site to Allen Row is gated off. She said that the road is not adequate for use as a through road. She said that she is also concerned about the loss of a housing unit when the house is converted to a medical clinic and suggested that the existing medical office be converted back to housing.

Steve Bellanger, of 186 Berlin Street, expressed concern about lighting. He said that he wanted to know where the lights would be, how long they would be lit and whether they would be shielded.

Sam Hill, of 180 Berlin Street, said that he had no concerns about the existing business. He said that the proposal will provide more off street parking and that he did not see any traffic issues. She said that she did not think that the driveway should be moved from the current location because it would interfere with the roots of a very large, old tree.

Mr. Zalinger asked how the proposed clinic would compare to the existing practice. Ms. Milosevich said that there will be an additional practitioner at the proposed clinic and an employee at the front desk.

The board asked Mr. McArdle to comment on the plans. Mr. McArdle said that the proposed finished grades are not shown on the plan which leaves a lot to assumption. He said that he was not sure how the parking lot is to be graded since only the existing contours were shown on the plans. He said that the project might require a State stormwater

permit since it appeared that more than 5,000 s.f. of new impervious surface was proposed. He added that the project will also require a construction permit from the Montpelier Department of Public Works.

Mr. Lindley asked about emergency access to the site. Mr. Lawrence said that the proposed access drive will be wide enough to allow two vehicles to pass. Ms. Swigon said that the TRC had discussed the access drive and determined that the proposed driveway surface would be adequate for emergency vehicles.

Ms. Snyder asked how drivers will be prevented from using Allen Row to access the site. Mr. Richardson said that directions to the clinic will only mention Berlin Street. He said that the driveway at Allen Row will be smaller than the access drive. He said that the applicant would consider eliminating use of the driveway at Allen Row, but did not want to lose the ability to lose that point of access in case the property is sold in the future.

Mr. Zalinger said that he believed that the plans needed to be advanced to show all proposed development accurately and to address the technical comments. Dr. Milosevich said that she felt that the plans adequately addressed the stormwater management issue. Mr. Cranse said that the staff's comments clearly stated the deficiencies.

Mr. Blakeman made a motion to continue the application to July 17, 2006. Mr. Cranse seconded the motion. The motion was approved unanimously.

#### **VI. Public Hearing - Conditional Use Approval and Site Plan Review**

- Property Address: 383 Sherwood Drive  
Applicant: Family Center of Washington County  
Property Owner: Montpelier Congregation of Jehovah's Witnesses, Inc.  
Zone: MDR
- Change of use of 3,700 s.f. building from a church to a community center on a 1 acre parcel
  - Site improvements including parking alterations, drainage and landscaping.

See discussion in item VII below.

#### **VII. Site Plan Review**

- Property Address: Sherwood Drive  
Applicant: Family Center of Washington County  
Property Owner: Montpelier Congregation of Jehovah's Witnesses, Inc.  
Zone: MDR
- Construction of an 8,500 s.f. child care facility on a 9.2 acre parcel of undeveloped land including, but not limited to, development of a parking lot, landscaping, drainage, access and lighting.

Interested Parties: Lee Lauber, of the Family Center of Washington County; John Rayhill, of Black River Design; Brian Beisel, of Conley Associates; Joe Ferwarda, Don Marsh, of Marsh Engineering; Wally and Laura Farnham, Catherine Dent, Carol Scoppetone

Mr. Zalinger noted that the Development Review Board had issued a decision on the appeal of the Administrative Officer's decision regarding the applications. He said that the appeal period has not yet expired. Ms. Swigon said that



the board had received additional materials related to both of the applications on Sherwood Drive that were submitted by the Family Center of Washington County. She said that a number of the application materials related to both sites and asked the board whether it wished to take up the applications individually or together. Mr. Zalinger suggested that the board take evidence on the common subject matter rather than segregate the information by site.

Ms. Lauber provided a written description of the proposed uses on parcels A and B. She said that there will be two different uses on the two parcels. Mr. Rahill gave an overview of the existing site conditions and the proposed building and associated improvements. Mr. Marsh described the stormwater management and engineering aspects of the plans. He provided revised plans. Ms. Swigon said that she had received the revised plans that day and had not had a chance to fully review them or to discuss them with members of the TRC. Mr. Zalinger said that revised plans would require TRC review. Mr. Marsh explained that the revisions only clarified the plans in response to earlier TRC comments.

Mr. Zalinger said that he would like to move ahead with testimony on the traffic issues. Brian Beisel discussed the elements of the traffic report, the findings and the conclusions. He said that the analysis used traffic volumes that were provided by the Family Center since those volumes were higher than the estimates. He said that the "tube" study by CVRPC showed that the daily traffic volumes on Sherwood Drive are significantly higher than the estimates. He said that meant that the proposed uses would cause an increase of 6% in the daily traffic volume and a peak hour increase of 30% in the morning and 10% in the evening.

Mr. Farnum asked about the impacts of the off-site counseling on the number of trips generated by the proposed facilities. Mr. Beisel said that those trips were reflected in the count of the existing facility. He said that the actual count was actually lower than the estimate that was used. He said that the actual count at the Montpelier site was expanded using ITE estimates to address the additional traffic from the Family Center office in Barre. Mr. Farnum said that he had just received the memos prepared by Mr. McArdle and Conley Associates and had not had time to fully consider them. He said that he has a concern about using the applicant's numbers as the basis of the traffic analysis. Mr. Beisel said that the numbers from the applicant were higher than the actual counts or the ITE estimates. Mr. Farnum said that the existing Montpelier site is different from the proposed site because a significant number of people walk to the current site. Mr. Beisel said that the count was done at the door of the Montpelier site and people were asked about how they got to the site, so any pedestrian traffic would be accounted for. Mr. Farnum said that he remained concerned about the counts. Ms. Lauber said that the Family Center presently had 46 staff members and that number would increase by five additional employees. She said that a significant number of the employees are part time and the maximum number of staff on the site at any one time would be 28. Mr. Beisel said that the Barre site is an office use and it was appropriate to address that use with the ITE estimates since they are reliable for office uses.

Mr. Farnum said that he was concerned about staff who will travel from the site to the off site meetings. He said that the current use of the Kingdom Hall site involves only six cars from 9a.m. to 12 p.m. on weekdays. Ms. Lauber said that the estimates for the Kingdom Hall use were confirmed with the Jehovah's Witness representative.

Tom McArdle said that the CVRPC conducted the traffic count on Sherwood Drive in response to his request that they check the traffic numbers. He said that he was not surprised by the result of the Sherwood Drive traffic count. He said that traffic estimations are not exact, but he believed that the DRB has reliable information on which to base its decision. He said that the information from the applicant is helpful because the proposed use of the site is unique. He said that facilities are typically designed for peak times. He said that the analysis shows that the facilities will not have a great impact on the peak hours of traffic. He added that Montpelier does not have a standard for the minimum level of service. Mr. Beisel said that the level of service at the key intersections will not change due to the proposed development. Mr. Zalinger said that this situation was unusual in that the facilities actually exist at other locations. He said that might give more confidence in the estimates.

Mr. McArdle said that it would be helpful to have a follow-up study if the Family Center moves to the Sherwood Avenue sites. He said that the City has been considering the addition of a left turn lane on Route 302 at Sherwood Drive. Mr. Farnum said that a left turn lane on Berlin Street was also needed. He added that the construction of the roundabout at Route 302 and Route 2 will result in increased traffic on Sherwood Drive as drivers seek ways to avoid the construction delays.

Katherine Dent said that she lived near the Kingdom Hall site and only observed a few cars on the site before noon and none in the afternoon on weekdays. She said that the major traffic occurs on Sundays.

Carolyn Scoppetone said that she lived next to the Family Center for years and has not seen any significant traffic impact. She said that the vehicle trips tend to be staggered throughout the day and do not cause a problem.

Mr. Zalinger suggested that the board schedule a continuation of the application due to the late hour. Mr. O'Connell made a motion to continue the application to the June 19, 2005 meeting. Mr. Cranse seconded the motion. The motion was approved unanimously.

**Adjournment**

Mr. Lindley made a motion that the board adjourn the meeting and go into a deliberative session at 11:10. Mr. Blakeman seconded the motion. The motion was approved unanimously.

Respectfully submitted,

Kathleen 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.*