

**Montpelier Development Review Board**  
**June 19, 2006**  
**City Council Chambers, City Hall**

*Subject to Review and Approval*

**Present:** Philip Zalinger, Chair; Kevin O’Connell, Vice Chair; Alan Blakeman; Roger Cranse; Guy Teschmacher; Ylian Snyder. 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 June 5, 2006 be accepted after a minor correction of a spelling to a name. Kevin O’Connell seconded the motion. The minutes were approved 6-0.

**1. Design Review – CB-I/DCD**

79-83 Main Street

Applicant: Heney Family Limited Partnership

- DRC tabled application. It is scheduled to be taken up at the July 5, 2006 Design Review Committee meeting.

**2. Public Hearing – Variance – Conditional Use Approval – Site Plan & Design Review – HDR/DCD**

3 Corse Street

Applicant: Jim Donovan and Jody Petersen

Interested Parties: Jim Donovan and Jody Petersen.

- Request approval of constructed 20’ x 9’ platform
- Construction of access stairs to platform
- Installation of lattice on two sides of the platform
- Approval for changes to windows and trim
- DRC recommends approval with optional changes

Ms. Swigon described the application. Jim Donovan explained that the platform was installed to allow construction of the previously approved addition. He said that the platform is under the existing deck and within the footprint of the approved addition.

The Board reviewed the variance criteria:

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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 hardship relates to the topography of the lot*
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.*
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 slope of the land.*
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. There have been no objections from the neighbors. There will be no detriment 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 changes are within the footprint of the previously granted variance.*
6. *The variance will not result in the initiation of a nonconforming use of land.*

The Board reviewed the conditional use criteria and the findings recommended by staff:

1. *Capacity of existing or planned community facilities.*
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 the 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]*

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- 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.*
3. *Traffic on roads and highways in the vicinity.*
  4. *The zoning and Subdivision Regulations in effect [504].*
  5. *Provisions to protect the renewable energy resources [504].*

The board determined that there was no adverse impact on City services, upon the character of the neighborhood or to any of the site plan criteria is expected. The house will continue as a single family dwelling.

Kevin O'Connell made the motion to approve the variance and grant site plan and design review approval, and it was seconded by Ylian Snyder. The motion was approved unanimously 6-0.

### **3.Public Hearing – Variance – Design Review for Sign Permit - OP/DCD**

Property: National Life Drive

Applicant: National Life Insurance Company

- o Installation of 3,045 square foot wall sign
- o DRC noted concerns but recommended approval.

Interested Party: Shawn Bryan

Ms. Swigon described this application is for the replacement of a wall mounted sign on the National Life building. The current sign says “National Life of Vermont”, and the proposed sign will “National Life Group” and the corporate logo. The existing sign is lettering mounted directly on the building wall. The existing lettering is about 9 feet high and blue coloring, equipped with lighting. The current lettering is in disrepair and a safety concern. The proposed replacement sign requires an application because the replacement is not strictly maintenance but a change to the type of materials as well as the size and coloring of the lettering. The variance is required because the 3,045 square foot sign exceeds the maximum of 150 square feet. Mr. Bryan said that the proposed lettering will actually be smaller than the existing lettering. He said that the proposed sign will not have lighting. Mr. O'Connell noted that the DRC had recommended approval of the application.

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 unique circumstance is that there is an existing sign that could be repaired as is. The proposed sign will reduce the size of the lettering and eliminate the possibility of lighting the sign.*
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. The Variance is needed to allow a reasonable sized sign. The existing sign is significantly larger than the 150 square foot limitation. The proposed signs will be about 3,045 square feet and will be smaller than the existing lettering.*
  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. To require a sign that would conform to the zoning ordinance would create a hardship because of the size and location of the existing building.*
  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. There will be no adverse impacts on the city. Approval of this application will eliminate the possibility that the sign will be lighted in the future.*
  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. This is a decrease in the gross square footage of sign and the size of the actual letters will decrease as well.*
  6. *The variance will not result in the initiation of a nonconforming use of land.*

Kevin O'Connell made a motion to approve the application for design review, a variance and a sign permit for the replacement of the sign at the National Life Group's headquarters as proposed; Alan Blakeman seconded the motion. The motion was approved unanimously 6 – 0.

#### **4. Public Hearing – Variance – Conditional Use Approval & Site Plan Review – LDR**

Property: 168 Grandview Terrace

Applicant: Dale and Mary Stafford

Interested Parties: Paul and Pam Richardson; Paul Richardson.

- Construction of 16' x 20' addition to rear of house
- 8' x 12' screened in porch and 3' – 6' bump-out on upper floor for master bedroom enlargement

Ms. Swigon described the application for a variance as the construction of a 320

square foot addition and an 8' x 12' screened porch. A separate addition of 3' by 6' is also proposed, but it doesn't require a variance. The property is in a LDR district with a 40' front yard and a 40' side yard and a 75' rear yard. Those setbacks have actually changed slightly based on some Council approvals last Wednesday, but the variance and conditional use approval remain necessary in this situation. The addition will require a variance of 22.5' (12.5' under the recently changed ordinance) from the side yard setback requirement. The proposed porch requires a variance of 26.5 feet (16.5' under the recently changed ordinance) from the side yard setback. The lot is only .46 acres in the LDR zone and the house was constructed in 1972. Paul Richardson, a neighbor, said that he supports the application.

The Board reviewed the variance criteria:

1. *That there are unique physical circumstances or conditions, including regularity, 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 lot was created and the house was built prior to the adoption of the zoning ordinance. It is a substantially undersized lot.
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.* This is a house of modest dimensions. There is very little likelihood that an addition could be placed on this house without using the existing deck area which is the most level area of the property without the granting of a variance.
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 land.
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.* The house will continue as a single family dwelling. The board heard testimony from an adjacent property owner who supported the project. The project 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.* These are modest additions. There is already a substantial incursion into the setback.
6. *The variance will not result in the initiation of a nonconforming use of land.*

Conditional Use Issues:

1. *Capacity of existing or planned community facilities.* There will not be any demand on the city to provide additional services.
2. *Character of the area affected.* This will continue as a single-family residence.
  - 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 the 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.*
3. *Traffic on roads and highways in the vicinity.* There will not be any increase in traffic.
4. *The zoning and Subdivision Regulations in effect [504].* The applicants have applied for a variance.
5. *Provisions to protect the renewable energy resources [504].* This is not applicable with this application.

Alan Blakeman moved approval for a variance and conditional use approval for 168 Grandview Terrace. Roger Cranse seconded the motion. The Board voted unanimously to approve the motion 6-0.

**e). Public Hearing – Variance – Conditional Use Approval – Site Plan Review - LDR**

3026 Elm Street  
 Applicant: Steve Foster

- o Construction of a 14' x 12' residential addition.

Ms. Swigon gave a summary of the application. This is an application for a variance and a conditional use approval for the construction of a 14' x 12' sunroom addition to an existing house. The existing house does not meet the setback requirements in the LDR zoning district in which it is located. The application actually requires conditional use approval. A variance is no longer required for the sunroom because it is going to be 38.5 feet from the side yard, and the actual change has reduced that side yard requirement. The Board only needs to go through the conditional use.

The Board reviewed the conditional use criteria:

1. *Capacity of existing or planned community facilities.* There will be no additional demand on the city's capacity to deliver services.
2. *Character of the area affected.* This is in the rear of the building so you can't see it from Elm Street. It is also a continuation as a residential use. I think it's fair for the Board to conclude that the area affected will not be adversely impacted
  - a. *Performance standards in 814:*
    - i. *No use shall emit noise at the property lie 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 of 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].*
    - ii. *Traffic on roads and highways in the vicinity.* There will be no increase in traffic.
    - iii. *The zoning and Subdivision Regulations in effect [504].*
    - iv. *Provisions to protect the utilization of renewable energy resources [504].* A variance will not adversely impact renewable energy resources.

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Alan Blakeman made a motion to approval the application for a variance, with Roger Cranse seconding. Conditional use approval was granted with a unanimous vote of 6-0.

**5. Public Hearing – Variance – Conditional Use Approval and Site Plan Review – IND**

949 Dog River Road

Applicant: City of Montpelier

Todd Law – Montpelier Public Works Department

- o Construction of ultraviolet disinfection system facility

Ms Swigon told the Development Review Board that this application is for a variance, conditional use and site plan review for the construction of an ultraviolet disinfection system in a new prefabricated building that will be located over an existing chlorine contact tank at Montpelier's wastewater treatment facility. The existing chlorine contact tank is 10 feet from the front property line. There are also several other structures on the site there. The existing property is nonconforming. The proposed prefabricated metal building will be over the contact tank and will extend 5 feet beyond the edge of the tank into the front yard so the proposed front yard for the proposed building will be a 5 foot setback. Therefore, a dimensional variance of 5 feet from the setback will be required.

Todd Law stated the proposed improvements will actually be safer for everybody in the area because the chlorine storage will be eliminated.

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.* This is a pre-existing use. The proposed ultra-violet disinfection system must be located at the location of the existing disinfection system.
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.* The plant was built before the ordinances were adopted. It is a pre-existing use that is already located in the setbacks.
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 location of the building is driven by the location of the existing disinfection infrastructure.

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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 project will benefit 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 dimensions of this project are the absolute minimum required to affect this kind of disinfection*
6. *The variance will not result in the initiation of a nonconforming use of land. This is an industrial district, and this is a conforming use.*

The Board reviewed the conditional use criteria:

1. *Capacity of existing or planned community facilities. It is not expected to have any adverse impact upon the ability of the city to successfully and adequately operate its existing facilities.*
2. *Character of the area affected. The area will continue to operate as a wastewater treatment facility*
  - a. *Performance standards in 814:*
    - i. *No use shall emit noise at the property lie 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 of 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. *Traffic on roads and highways in the vicinity. There will be no increase in traffic.*
4. *The zoning and Subdivision Regulations in effect [504].*
5. *Provisions to protect the utilization of renewable energy resources [504]. A variance will not adversely impact renewable energy resources.*

The board considered the relevant site plan standards. Mr. Law said that there is adequate sight distance for the driveway. He said that the Department of Public works met with the State who found the driveway location to be acceptable.

Todd said ultraviolet disinfection technology had been used in wastewater treatment for a number of years. This is a new way of killing bacteria without using chlorine.

Kevin O'Connell made a motion that the City of Montpelier's application for a variance, conditional use and site plan approval for the Dog River Wastewater Treatment facility be granted. Alan Blakeman seconded the motion. The motion was approved unanimously 6-0.

**6. Continuation of Public Hearing – Conditional Use Review & Site Plan Review – MDR**

383 Sherwood Drive

Applicant: Family Center of Washington County

- Change of use of 3,700 square foot building from church use to community center use on 1-acre parcel of land;
- Including but not limited to parking alterations, drainage, and landscaping

**7. Continuation of Site Plan Review – MDR**

Sherwood Drive

Applicant: Family Center of Washington County

- Construction of an 8,500 square foot child care facility on a 9.2 acre parcel of undeveloped land including but not limited to construction of parking lot, landscaping, drainage, access and lighting.

Recusals: Guy Teschmacher and Ylian Snyder recused themselves from all discussion surrounding the Family Center of Washington County's applications

Interested Parties: Lee Lauber, Don Marsh, Joh Rahill, Wally Farnum, Ms. Hersey, Joan Van Cour

The continuation of items #6 and #7 were heard together.

Lee Lauber distributed a letter supporting the child care center from a current neighbor of the Family Center on College Street, Courtney Parento. Ms. Parento speaks very highly of her relationship with the Family Center.

Don Marsh addressed the combined stormwater runoff in the parking lot, the majority flows to a collection and treatment system which is an underground system. The overflow will run into the existing city system and will comply with the Agency of

Natural Resources stormwater discharge program and the more restricted terms of the City of Montpelier's requirements. Kevin O'Connell inquired if Mr. Marsh knew of there were any current drainage problems with the neighborhood. Mr. Marsh said that, currently, all of the flow from the gravel parking goes uncontrolled offside onto the Farnum property and other neighboring properties. He said that the proposed development will be improving the situation and treating the runoff. A neighbor inquired about snowplowing in the winter. Mr. Marsh said most of the snow would be plowed to the north of the parking lot.

Mr. Marsh said he didn't believe there was any issue with municipal water and sewer. Electrical power will be underground from the road to the new building. The existing power pole in front of the Farnum property will remain to serve Kingdom Hall. Mr. Farnum remarked that currently there were a bunch of electrical wires hanging off a pole in the trees on the Kingdom Hall property. Mr. Marsh said that the applicant would look into that situation.

A neighbor inquired about how close the garbage would be stored in proximity to their backyard. Mr. Marsh replied that it would be approximately 125 feet. Garbage will be stored in the rear of the building. There will be a dumpster, composting and recycling bins screened by a fence and landscaping. Another neighbor said there were bears in the neighborhood so she was concerned. Mr. Marsh said the garbage would be enclosed by a fence and they would deal with the bears if they become a problem in the future.

Mr. Rahill made a presentation on some of the other site plan issues before the Board. There are existing trees on the site; on the north side of the site there are some mature pine trees. All of the present plantings in front of Kingdom Hall are being kept and they are adding some screening to provide buffers to adjoining neighborhood properties. Screening is being added adjacent to the Farnum property to screen parking lot lights. The parking lot is being moved away from the property line because the house is very close. The playground of the Family Center will be fenced in.

A neighbor asked whether the open land would remain open or be used in future development of the Family Center and whether the buffer zones would remain. Mr. Rahill replied that the eastern portion of the area inquired about is not particularly good due to the slope of the land. Lee Lauber affirmed that this is a large undertaking for the Family Center, that they have a large amount of money to raise, and have no future plans for future expansion at this point. Chair Zalinger reminded those in attendance that the applicant can only testify to what the applicant's present intentions are. Under the existing ordinance, any modification to the plan would have to come back before the Development Review Board if it were going to be modified or expanded substantially.

Kevin O'Connell inquired how the landscaping complements the project. Mr. Rahill added that the property has nice views and that the plantings were added for additional screening. He said there is quite a bit of existing vegetation on the site. Mr. O'Connell said he was concerned about trying to soften the effect of the parking and paving. Mr. Rahill said they had thought about the planning a lot and felt it fit quite

nicely into the neighborhood. They are going to put the parking area under the utility lines and the plantings will build screens to break it up into smaller parcels.

A concerned neighbor inquired if the Family Center was going to replace trees that were cut by the church and Mr. Rahill said there no future plans for new plantings. Mr. Farnum replied they had a meeting on March 24<sup>th</sup> and had indicated that he felt the planting of cedars would be unacceptable because the deer would damage the trees. Mr. Farnum said the parking lot is designed so that cars come into the site and their lights face directly into the Farnum's home. The trees are not sufficient for screening their property. They are only 2 to 4 feet high. He said he believed the ordinance says they have to be at least 5 feet high. He said he didn't feel the split rail fence afforded any privacy at all. There should be an 8 foot stockade fence at minimum.

Kevin O'Connell said he felt there were many aspects of the project that are commendable but he felt that there was lacking a full comprehensive landscape plan. Perhaps a landscape architect should be brought on board to design the type of site integration that seems to be lacking. He said that he would like to see elevations, views and information to give the Board some insight into what the project looks like and how it is going to impact the surrounding neighborhood and also so the neighbors can understand what they are going to be looking at. Mr. O'Connell said the Development Review Board could require up to 3 percent of the project be allocated to landscaping.

Mr. Zalinger said if there was a problem with the landscaping it may be because of the shared border with the Farnums. Mr. Rahill said he thought they were improving the situation with the plantings. He said that the Family Center felt that a stockade fence was not in the neighborhood's best interest and that the tree plantings would provide a more attractive buffer. Mr. Farnum said that cedar plantings wouldn't last the winter because of the deer population in the neighborhood. Mr. Farnum said he felt a stockade fence would provide more privacy to neighbors working in their yards. Mr. Zalinger told Mr. Farnum he was free to negotiate with the applicant and work out the details outside of the meeting. He reminded Mr. Farnum that the Board has jurisdiction over screening issues. Roger Cranse said he felt there was a plan here that meets the specifications. Mr. Rahill said the Family Center's intent was to make the neighbors happy with the landscaping plan. Mr. Zalinger suggested that the applicant go back to meet with Mr. Farnum and resolve the landscaping issues. He said they would revisit the landscaping and screening topic and continue the hearing. Lee Lauber said the Family Center would be glad to continue those discussions later.

The next topic the Board reviewed was site lighting. Mr. Rahill said the existing lighting is unshielded lights on a pole. The proposed lighting will be cutoff lights on the building. There will be lighting on the back of a shed to illuminate the playground at night for security. That primarily constitutes the site lighting. There are five total pole lights and five bollards around the handicapped parking spaces. These can be controlled so they are only turned on during operational hours when the sun goes down. The Family Center would turn the lights on for evening meetings. Mrs. Hersey, a neighbor, inquired

if there would be lighting on the playground after hours. Mr. Rahill said he understood that the playground was not to be made available outside of operational hours in response to neighbors' concerns about people congregating. The playground will not be available after hours.

A neighbor voiced concern about drug and alcohol parties in the woods behind Kingdom Hall. There is also drug dealing going behind the church in the parking lot. Neighbors are concerned that if the playground is open with no lighting this activity would be encouraged. The neighbor suggested that the playground should be lighted at night to deter some of this activity. Kevin O'Connell said he felt this is a police enforcement issue. Mr. Zalinger said it is hard to measure activities that are going on at a relatively quiet site now to what kind of activities occurs after the site is developed and active and more secure.

Lee Lauber said it was the Family Center's intention to maintain a safe environment for children, families and staff working there, and its' intention to maintain an environment that is collegial to the neighbors. She said that the lighting would be used only when the building is in use. The Family Center would propose future changes if problems become apparent.

At this time the Board addressed parking and loading issues for the Family Center. Mr. Rahill said the parking was clearly marked out and loading is in a loop area that is designated for deliveries. The dumpster is located so trucks can back up to pick up the trash. A Board member inquired if they anticipated vehicles other than automobiles. Lee Lauber replied the Family Center leased a mini school bus which is operated under contract with the Vermont Department of Children and Families to take children to their childcare facilities around central Vermont. They are also a site where the Montpelier mini school bus drops off children for their childcare. We anticipate one trip in the morning and one in the afternoon. None of this will take place on Sherwood Drive, but all at the Family Center building.

Ms. Swigon said the parking requirement for the 383 Sherwood Drive building is a total of 13 parking spaces required. The parking requirement for the new building is a total of 25 spaces. There are 66 spaces proposed. Mr. Zalinger inquired about why the additional spaces were necessary. Lee Lauber said that one of the uses the Family Center has are playgroups. Playgroups happen 3 mornings a week. This is a situation where parents and children come together for an hour and a half. We needed to make sure there was enough parking for this. This number varies, but we anticipate 25-30 families attending. Mr. Farnum said he didn't feel that 66 parking spaces could be justified. This wouldn't reduce the size of the original Kingdom Hall parking lot. The parking lot at Kingdom Hall extends significantly onto the adjacent site. He said that the statement that this will reduce the parking lot is misleading because the parking lot is not on Kingdom Hall property. Mr. Marsh said he wanted to be very clear that the Family Center is increasing parking by 2,500 square feet. A neighbor voiced concern that this project is clearly a vehicular dependent facility inconsistent with environmental concerns to promote pedestrian access or bus transportation.

Mr. Zalinger inquired about the plans for snow storage during the winter. Mr. Rahill said there were areas between the parking lots to store the snow on site. He said there was adequate green space and buffers to store the snow. Mr. Farnum voiced concern about where the landscaping plan called for tree plantings because the snow would damage the trees. Mr. Zalinger inquired if there were further comments about parking. He suggested that landscaping and screening will have to be addressed again.

The Board moved on to the conditional use criteria for the Kingdom Hall site. Mr. Zalinger explained the criteria to the audience and pointed out that the conditional use review applied only to the Kingdom Hall site.

1. *Capacity of existing or planned community facilities.*
2. *Character of the area affected. Performance standards in 814:*
  - 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 [914].*
    - 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 drive 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. *Traffic on roads and highways in the vicinity.*
4. *The zoning and Subdivision Regulations in effect [504].*
5. *Provisions to protect the utilization of renewable energy resources [504]. This is not applicable to this type of site.*

A neighbor voiced her concern that the traffic with the church didn't impact their lives that much, but the Family Center traffic will. There is currently no major traffic from the church, but that will increase as a result of the proposed project. The road is not

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safe to walk on now. People use Sherwood Drive as a short cut to the beltway and Berlin Street.

Mr. Zalinger told those attending the hearing the DRB had to return to the topics of landscaping and screening. If there are any other areas people want to testify to at that time, the DRB will take evidence.

A female neighbor inquired if the DRB would be addressing the impact on the new building upon the character of the neighborhood. There is no conditional use jurisdiction over the new building. There is only site plan review over the new building. The DRB has conditional use and site plan jurisdiction over Kingdom Hall.

Mr. O'Connell said the one area that the aesthetics could be considered would be under the landscaping and how it would be integrated into the whole site.

Ms. Swigon said there was a prior appeal of an administrative officer's determination that the child care center did not require conditional use approval. In other words, it was a permitted use within the zoning district. That appeal was heard by the board on a number of evenings and the appeal was denied. The administrative officer's determination that the child care center, which is the new building, is a permitted use. Because it is a permitted use it doesn't go through the conditional use approval which is the criteria that Mr. Zalinger just reviewed. That building is not being looked at under the conditional use criteria.

Mr. Zalinger said the DRB had opened the scope of the hearings to the affected parties and neighbors. He said that the board had permitted the neighbors to ask questions you want to ask of the applicant.

Mr. Zalinger suggested the hearing be continued until July 17<sup>th</sup>

Kevin O'Connell made a motion to continue the public hearing on the Family Center to July 17<sup>th</sup>. Alan Blakeman seconded the motion, and it was voted unanimously 4-0.

Alan Blakeman moved to adjourn, with Roger Cranse seconding the motion. This was voted unanimously. The meeting adjourned at 10:20 p.m.

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.*