

**Montpelier Development Review Board**  
**December 4, 2006**  
**City Council Chambers, City Hall**

*Subject to Review and Approval*

**Present:** Philip Zalinger, Chair; Kevin O'Connell, Vice Chair; Jack Lindley; Guy Teschmacher; Ylian Snyder; Alan Blakeman, Roger Cranse and, Jeremy Hoffman, Alternate  
Staff: Stephanie Smith.

**Call to Order:**

The meeting was called to order by Mr. Zalinger.

**Minutes:**

Alan Blakeman, Roger Cranse, Jack Lindley, Guy Teschmacher and Jeremy Hoff were in attendance at the November 20 meeting. Mr. Blakeman moved approval of the November 20<sup>th</sup> Minutes of the Development Review Board, with Mr. Lindley seconding the motion. The Minutes of the November 20, 2006 Minutes were approved unanimously.

**I. Design Review for a Sign Permit – CB-I/DCD**

Applicant: Vermont Information Technology Leaders  
144 Main Street

- Installation of a proposed 2' x 3' double sided ground sign  
Overall height is proposed to be 5 feet.
- Design Review Committee recommends approval with revisions.

Interested party: Norma J. Lang, Executive Assistant

**Mr. Zalinger recused himself from this application.**

Ms. Lang said her application had been recommended for approval by the Design Review Committee with some adjustments. Ms. Lang said they objected to one of the adjustments, which was that up to a ¾" pinstripe be put around the edge of the sign. Both the sign designer and logo designer said that it would negatively impact the design of the sign.

Mr. O'Connell asked why they objected to the pinstripe. Ms. Lang said Jon Miller from Sign Design said it would take up the white space.

Ms. Snyder said she would intend to agree with the applicant in that the swirl around the logo is what their sign is about and to put another rectangular pinstripe would detract from the logo.

Mr. Zalinger asked Jeremy Hoff to sit in on this application since he is going to recuse himself from participating in any action on the application. The board can adopt the DRC's recommendations in full. The DRB can adopt in part and reject in part the recommendations of the DRC, or the DRB can begin redesigning the sign itself.

Mr. O'Connell said he is inclined to support the DRC's recommendations.

Mr. Blakeman asked if the applicant had any objections to the grey boxed cap and the finials/balls on top be grey. Ms. Lang said they could live with the other adjustments.

Mr. Lindley said 24" x 36" is a small sign and he agrees with Ms. Snyder.

Mr. Blakeman moved that the sign for 144 Main Street be approved with the recommendations of the Design Review Committee, with adjustments being optional. Mr. Zalinger said he thinks the recommendations by the DRC are perceived to be conditions and are not optional. Mr. Zalinger told Mr.

Blakeman that his motion is to approve the sign with all of the recommendations and suggested adjustments the DRC made. Mr. Blakeman withdrew his motion.

Ms. Snyder moved approval the application for the sign at 144 Main Street with the DRC's recommendations, with the exception of the pinstripe border around the sign. Mr. Lindley seconded the motion.

Mr. O'Connell said he wanted to state for the record that he is going to vote against this. It is important to support our boards. They can argue whether or not the pinstripe is appropriate, but he is certain the DRC has deliberated on that. He said he isn't willing to redo what the DRC has already done. Mr. Hoff said he agreed with Mr. O'Connell.

The motion failed by a vote of 4 against to 3 in favor.

Mr. O'Connell made a motion to approve the sign with the recommendations of the DRC. Mr. Cranse seconded the motion. The motion passed on a 4 in favor (Jeremy Hoff, Kevin O'Connell, Roger Cranse, Guy Teschmacher) to 3 against (Jack Lindley, Alan Blakeman, Ylian Snyder).

**II. Continuation Design Review for a Sign Permit – HDR/DCD**

9-11 West Street

Applicant: 9 East Network

- Installation of a single sided 10 square foot ground sign mounted on 4" x 4" posts

Ms. Smith said Jon Miller from Sign Design and the applicant weren't present this evening. Mr. Zalinger inquired if the applicant had received notice, and Ms. Smith said yes. This is a continuation from the November 20<sup>th</sup> meeting. Mr. Zalinger said the DRB has considered applications of this sort without the applicant in the past.

Mr. Lindley said there was a significant amount of information missing for them to conclude their hearing and they specifically requested more information relative to the location and adjustment. Mr. Hoff had a question about the signage in the AI-PUD. Ms. Smith distributed the section of the AI-PUD, which refers to signage for the board's review.

Mr. Lindley moved they continue this application until the December 18<sup>th</sup> meeting. Mr. O'Connell seconded the motion. The motion to continue the application at 9-11 West Street was voted to continue until December 18, 2006 by a vote of 7-0.

**III. Continuation of Design Review – HDR/DCD**

1 West Street

Applicant: New England Culinary Institute

- Installation of two compressor/condenser units on the west side of the building (Dewey Hall)

Ms. Smith said the adjoining neighbors have requested a continuation on this agenda item. Eric Seidel conveyed to Ms. Smith that it was okay.

Mr. O'Connell asked Stephanie Smith where things with this application stood. Ms. Smith said there is no new information to the Board. The mediation is ongoing, and the next mediation session is January 11<sup>th</sup>. Yvonne Byrd and the Montpelier Community Justice Center is handling the mediation between NECI and neighbors

Mr. O'Connell moved that the New England Culinary application at 1 West Street until January 16<sup>th</sup>. Ylian Snyder seconded the motion. The motion was passed unanimously 7-0.

**Other Business:**

Gwen Hallsmith, Director of Planning and Community Development in Montpelier, appeared before the DRB. She came to participate in the meeting tonight because Stephanie has an announcement to make.

Stephanie Smith said she resigned as the Administrative Officer and her last day would be December 15<sup>th</sup>. She is going to be working for the Vermont League of Cities and Towns in their municipal assistance center. DRB members congratulated Stephanie and said she was going to be greatly missed.

Ms. Hallsmith said the Planning Department needs to hire a new administrative officer/zoning administrator as soon as possible and she would like to invite members of the DRB to participate in the hiring process since this their key support staff. She said they were asking job applicants to have their resumes in by December 20<sup>th</sup> in hopes of scheduling interviews after the holidays and hope to have somebody on board in early February. She said she would be planning on attending as many meetings as she could in the interim so there is some continuity. She hasn't memorized the new zoning regulations yet, but she is working on it. Mr. Zalinger said he had participated in the past with interviews and would be happy to do that again.

Ms. Hallsmith said one of the requests from the Planning Commission is that they have regular all board meetings, specifically boards that have something to do with development and planning. Regularly could mean annually to quarterly. She said it is important that the communication involved between the boards with development and planning be regular and would be helpful. The Planning Commission is about to embark on the master planning process where they are going to be doing a multi stakeholder group process to engage the community in a new way for planning for the future, and you'll be invited to participate in that. During that time when we are trying to take a look at where the city is going having all of you involved in these all-board meetings is a good idea. The Planning Commission is also very interested in hearing on an ongoing basis some of the issues you have in the way the zoning is interpreted and administered. The DRB is on the front line with that. They aren't, and they don't review developments every time they meet so they need to understand where the DRB is having difficulties, where there are ambiguities, and where some of the regulations don't work very well.

Mr. Zalinger inquired when the Planning Commission meets. Ms. Hallsmith said the Planning Commission meets on the second and fourth Mondays of each month, but they would probably schedule the all-board meeting at a time that is mutually convenient on another night of the week. Ms. Hallsmith said it would be the Planning Commission, the DRB, the DRC, and probably the Conservation Commission to start with.

The other issue she and Stephanie have been going over as she makes the transition is that there are a number of hearings you have opened because applicants have come in with different projects, and they have never come back, the hearing is still open. Mr. Zalinger said he would recommend the Planning Department send a notice to them that there if there is no affirmative action on the application within 60 days of the letter, then the DRB on its own initiative will take action. Ms. Smith said she had approached a number of the applicants in the past, they have given her some promises, and then get off the radar screen, but in an effort to clean things up we should proceed in a manner suggested. Ms. Smith said they would also warn it in the newspaper as well so there would at least be public notice in the paper. Within those 60 days if they don't respond, the Planning Office will warn it for the next available meeting so that everyone is noticed and aware of it, including the property owner, and then act.

Mr. Zalinger suggested that the DRB would take this matter up on a date certain, and when the Planning Office wrote the letter you could project out to when that next meeting is 60 days after the date of the letter. The DRB could take additional evidence, act, or continue on the application.

Mr. Zalinger said they could shorten it to 30 days.

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

**Subdivision – GB/MDR**

Capital Heights – Hebert Road/River Street

Applicant: Fecteau Residential, Inc.

- Development on two lots totaling 77.8 acres
- Phase 1 – one commercial lot, 28 condo units, 60 units of elderly housing
- Phase 2 – 29 single family lots and 46 condo units
- Phase 3 – 40 condo and 16 single family lots

Ms. Smith said the Development Review Board has gotten through most of the general development standards for the conditional review of the subdivision and planned unit development of Capital Heights excluding traffic. She included in their packets a revised staff report that incorporated the comments from the previous two meetings of October 16<sup>th</sup> and November 6<sup>th</sup>. It would also be an opportunity for the applicant and others to make any findings, if they are different than what is contained in the staff report.

Mr. Zalinger told interested parties that the DRB would like to take evidence on the outstanding traffic issues. Perhaps, the most efficient way to proceed is to ask Tom McArdle to come forward and advise the Board whether the expert the City retained has further comments about the project.

Mr. McArdle said the Board should have received a memorandum from Janet Choi from RSG, Inc. dated November 29<sup>th</sup>. She has covered all of the items she was asked to look at as part of a normal traffic analysis. This analysis was conducted in accordance with city standards which conform to the State of Vermont standards for conducting a traffic impact study.

In the conclusions there are some questions about the commercial trips and how the driveway interacts with the River Street. Some sort of left turn lane will be needed on River Street to support the development.

There is also a recommendation concerning the need for a follow-up study. It is a big project built out over a long period of time and following a VTrans type of review this type of project would warrant a follow-up study.

Mr. O'Connell asked if Mr. McArdle could summarize what Janet Choi is recommending in terms of the next level of study. Mr. McArdle said Janet is using the numbers that Bob Alexander from Summit Engineering provides to her. There is no reason to doubt that the data that Summit Engineering is providing is reasonable.

Mr. Cranse said that a left turn lane would probably be needed. When will that decision be made? Mr. McArdle said they would need to have that resolved prior to the final design so the DRB will know what is actually being built, and when it is being built, so you can grant final approval. With conditional approval, as he understands it, is that it lays out what conditions must be satisfied in order to ultimately obtain that final permit.

Mr. Zalinger said RSG, Inc. did recommend that a monitoring study be conducted in 2008, but the premise upon that is that is within one year after half of the development is built. He asked if that was an accurate projection. Mr. McArdle said 2008 is based on their preliminary build-out, but that could change based on market conditions. Mr. McArdle said any time they are talking about traffic they are talking about projections, and those projections are the basis for how they think about design and how the project will impact our roadway system. Follow-up is much confirmation and validation of the numbers, so it may mean there is more traffic being generated for some circumstance they hadn't predicted.

Ms. Smith said if a monitoring study at half build-out of 108 units and the commercial lot being constructed yields the need for more mitigation, would that be done at the applicant's expense prior to completion? Mr. McArdle said yes. Mr. McArdle said regarding the commercial lot, it is tricky because

we don't know what it is, whether there needs to be two lanes, or any of the features that need to accommodate this development. That aspect of the project would be left conditionally until there is actually a site plan that could be reviewed. Mr. O'Connell said that is what they expect as well.

Mr. DeWolfe said when they get to 50 percent occupancy you would need the traffic study. You could have the 60 elderly units constructed and nobody living in them. It seems it should be based on an occupancy level, not necessarily a structure standing or permit that has been issued for a structure. A traffic generator needs to be there to make the study valid. You might have an occupancy rate at 98 or 99 percent, but they wouldn't want to do the count if they had 50 percent occupancy. If you can tie it to the issuance of an occupancy permit, if you say when the 110<sup>th</sup> occupancy permit is issued, the study must be undertaken. By the time the study is being conducted, there will be at least 110 units offered. Ms. Smith said the problem she sees with that is that occupancy permits aren't issued for single family residential dwellings so it couldn't be tied to that. We would be doing this for the condominiums.

Mr. DeWolfe said if 22 percent of these units are single family, when we hit 39 percent of the occupancy permits that would be 50 percent build-out. Mr. McArdle said when the traffic study is done they will need to know what the occupancy is so a good projection can be made for the remaining build-out. Mr. DeWolfe said the higher the occupancy rate, the better the report. Mr. McArdle said in either case a specific traffic study will be needed for the commercial use.

Ms. Smith said she neglected to include the conclusions by Bob Alexander and she will incorporate that into the findings. It includes the trips and numbers. The proposed development could add an average of 198 one-way trips during the p.m. peak hour to and from River Street. In the a.m. peak hour these generated trips would average 153 one-way trips from River Street.

Mr. O'Connell asked if the Act 250 review is concurrent with the DRB review. Mr. DeWolfe said yes.

Mr. Zalinger asked if there were sufficient funds to meet their obligations with RSG for this level of review. Ms. Smith said there wasn't yet. She said they had expended all of the funds they had in escrow, and there is probably one more bill coming. Mr. Zalinger said he wasn't sensing that it is appropriate to ask for additional contribution for future traffic studies at this time. Mr. McArdle said at the request of the applicant the funds were set aside for level one only. We are recommending to the DRB that a level two study should be done, so they would need to contribute the additional funds for that. One of the conditions of the conditional approval would be that they escrow their funds for the level two study. That would be one of the conditions that would have to be met for final approval.

Ms. Smith said they had received an updated sheet C.105 in response to the memo she had given to the applicant after the conclusion of the November 6<sup>th</sup> meeting. The November 20<sup>th</sup> letter from DeWolfe Engineering addresses those concerns from the Board.

Mr. Lindley asked if they had resolved the diameters for the cul-de-sac. Mr. DeWolfe said they were still under discussion on that. Tom's last comment said that prior to final review we'll resolve that. His memo states he is recommending minimum diameter of 90 feet. They are still closing at this point at 80 feet on the outside diameter, which is based on a school bus design being the most common vehicle with the longest wheel base having to go around that on a regular basis. Mr. McArdle said that would require they would have no parking in the cul-de-sac. Mr. Zalinger said the design of the cul-de-sac is awaiting final approval.

Are there any requested waivers from height restrictions within the MDR, or are we postponing that until final review? Ms. Smith said she wanted to be sure there wasn't going to be any requests for waivers from the height restriction. Mr. DeWolfe said it was three-story, plus underground parking. That is about 42 to 45 feet. At this point they don't think they need a waiver for the height.

Mr. Zalinger asked if it were appropriate for the applicant to provide testimony as to whether the proposal is in harmony with the surrounding area.

Mr. DeWolfe said he believes the Board members are familiar with where the project is located. When you look at the four sides of the project and what it abuts to, on the River Street side they are proposing commercial uses, where there are abutting existing commercial uses. It is a commercial corridor. As you go up to the south side of the project, the project abuts multi-family. Across the south border their project has the elderly housing, which is aside the multi-family housing. To the west towards Isabelle Circle they have condominiums for single family and multi-family housing which abuts condominiums and single family development. The area to the north, which is all single family homes, abuts, for the most part, vacant land, with the exception of residential houses which are one lot removed from the Green Mountain Power property which they abut. It is in between Walker Ford on the very northeast corner of the project. Walker Ford is buffered from this single family residential development by a common area that is to remain undeveloped. This is where the words phase 3 are shown on the site plan. They feel they have provided a buffer for the future residential houses from the commercial uses on River Street at that point.

Mr. Blakeman asked Mr. DeWolfe what the cul-de-sac would look like coming up Fecteau Drive. Mr. DeWolfe said if you look at that lot today there is an open field that rises rapidly from River Street. Across from the driveway that goes to the Fecteau Homes, they are going to bring a road that starts up the hill that will immediately bend to the left. In order to keep their grades as shown on the profile, it has to be cut into the hillside. Then, the cleared area you see today, they are going to come off of River Street and bend to the south, and then just before they get to the existing tree line they are going to start bending to the west. At that tree line there will be a hole in the tree line cut for the width of the road, plus the sidewalks, slopes. As you progress in your car through there you'll have woods on both sides, and immediately to the left they will open up an area where the elderly housing will be. Between that open fields you see now and where the elderly housing is you'll see a section of woods that remains to buffer that common area. On the site plan it is shown as part of the elderly housing lot. When you get to where you can see the elderly housing on the left, immediately on the right will be the driveway that goes to the 28 condominiums. That will actually drop off into a terrace, which is still separated from that open field by a road. If you stand down on River Street and look up at the project during phase 1, you will not see a wide open cut slope with houses sitting on top of it. You are going to see trees, and through those trees you are going to see bits and pieces of houses. If you stand at the right point looking up through there from River Street you might see the elderly housing project.

Mr. O'Connell said the housing in the elderly housing project is more like apartments than what you think of as a nursing home. Mr. DeWolfe said yes it is independent assisted living with common dining areas. The total square footage for the elderly housing project is approximately 60,000 square feet on three floors, so there will be close to 10,000 square feet per floor.

Mr. DeWolfe said that project will be reviewed here by the Development Review Board because they will have to obtain site plan approval for that building.

Mr. Blakeman asked if people would own their apartments in the elderly housing project, or be under a common management. Mr. DeWolfe said the way they have done these projects in Rutland, Manchester, Windsor – they are working on the fifth project in the last three years. These are becoming very popular. You technically sign a long-term lease, and the term of the leases varies between the projects. In Maine, you have a choice between an 80 percent and a 90 percent refund, so you actually make a significant purchase down payment. You pay the fees for all of the different services you use. You are going to pay for taxes, maintenance, etc. When you leave, you get back 80 to 90 percent of the initial investment you made.

Mr. Blakeman said getting back to the cul-de-sac, what is going to prevent people from driving through those two cul-de-sacs? Mr. DeWolfe said there would be a curb, so it will be just like what

prevents you from driving through the roundabout between the top of Main Street and Spring Street. Secondly, it will be signed Do Not Enter, Emergency Access Only. The Police Department had some information on how they are going to enforce it, but it will not be physically impossible to drive through there. Mr. Blakeman said he was concerned about safety.

Mr. Zalinger asked if Mr. DeWolfe could give the Board an update on the status of their discussions with the City of Montpelier with respect to the exchange of land. Mr. DeWolfe said at the last City Council meeting an agreement was made between City Council and Fecteau Homes on the transfer of that excess right-of-way along River Street to Fecteau Homes.

Mr. McArdle said at the November 29<sup>th</sup> City Council meeting they voted unanimously to sell the land. It was based on a review by staff and the City Council accepted Mr. Fecteau's offer. Although it is tied to the development, there were no conditions that would apply to the actual sale of the land. This is a subdivision, so in order for that sale to proceed there is a boundary line adjustment that is taking place here. Mr. Zalinger said the City Council has authorized the sale of the property at a time and date to be determined by the applicant.

Mr. McArdle said there are a couple of minor points in the staff recommendations, page 11. In item 13, where staff recommends the applicant provide a proposed construction for infrastructure improvements, storm systems should be added as part of the improvements. Also, in the same sentence where it speaks of construction of driveways it should also include sidewalks. Then, in item 14 storm water systems should also be included.

Ms. Smith said she had a question about the street tree installation sequence. Mr. DeWolfe said street trees will be installed with the development of each lot. Whether the lot is commercial, multi-family or single family, street trees will be installed. What they would request from the Board for the actual placement of the trees is some flexibility in the type of trees so they can allow the single family homeowner some flexibility themselves in choosing their own trees. In the final design, they would select some specific species for the required spacing. They would prefer not to place trees until construction is completed for each individual lot. The street trees are actually going to be behind the sidewalk. They will be within the street right-of-way, and they would prefer to plant the trees as the lots are developed. Mr. DeWolfe said they would like to allow some latitude with the lot purchaser as to the type because if the lot owner has a sense of ownership in the tree it will be better cared for. He said they didn't want to put in a bunch of trees the city will be responsible for.

Mr. DeWolfe said there will be a final landscaping plan that will show the conceptual design of where the trees will go, but if it turns out he shows a tree on a lot and the house picked out for the lot has a driveway conflicting with the tree because of the configuration of the house or the way two lots are together, they would like flexibility for positioning the tree.

Mr. McArdle recommended that the applicant consult with the tree board about recommend street trees. He believes Green Ash is considered over planted in the city and should not be used.

Mr. Zalinger asked if the applicant would be comfortable if the Development Review Board closed the evidence on the conditional review. Mr. DeWolfe said they would be comfortable with that. Closing the evidence on the conditional review of the subdivision really ends the public hearing on the matter. The Board will deliberate and issue a decision.

Mr. O'Connell moved the DRB close the public hearing on conditional review of the Capital Heights project. Mr. Blakeman seconded the motion. The motion to close the public hearing portion of the Capital Heights project was approved unanimously 7-0.

Mr. Zalinger said he would like to go on record for commending Stephanie Smith for her efforts and the quality of her writing and organizational skills. Mr. O'Connell said in his 20 years serving on the

Zoning Board, and now the DRB, there has never been such a high standard of staffing. Stephanie has set the bar so high at this point we want to continue that level of excellence. Stephanie thanked them and said the Board would be served well by her successor, whoever that may be.

Mr. Blakeman moved adjournment of the DRB, with Ylian Snyder seconding the motion. The motion was approved unanimously.

Respectfully submitted,

Stephanie Smith  
Administrative Officer

Transcribed and Prepared by:

Joan Clack  
City Clerk & Treasurer's Office

*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.*