

Montpelier Development Review Board
February 20, 2007
City Council Chambers, City Hall

Subject to Review and Approval

Present: Philip Zalinger, Chair; Alan Blakeman; Jeremy Hoff; Roger Cranse; and Ylian Snyder. Staff: Kathy Swigon.

Call to Order:

The meeting was called to order by Mr. Zalinger.

Minutes:

The DRB reviewed the minutes of February 5, 2007. Mr. Hoff said he participated in items 4 and 5 of the February 5th meeting. Ylian Snyder said she did not participate in the last item on the agenda. Mr. Zalinger noted that Mr. Hoff and Ms. Snyder would not be voting on the portions of the minutes relating to the matters in which they did not participate. Mr. Blakeman moved approval of the minutes as corrected. Mr. Cranse seconded the motion. The minutes were adopted.

I. Design Review – HDR.DCD

1 West Street

Applicant: Eric Seidel for New England Culinary Institute

- Installation of two compressor/condenser units.

Continued to March 5, 2007.

II. Design Review – CB-I/CB-II/DCD

Main Street & School Street

Applicant: Montpelier Downtown Community Association

- Main Street streetscape enhancements
- DRC recommends approval with adjustments

Interested Party: Suzanne Hechmer, Director, MDCA

Ms. Hechmer said the MDCA is in agreement with the DRC's recommendations.

Mr. Blakeman asked if the new tree planting in the sidewalk area at Main and School Streets had been discussed with the city engineer. She said they had worked with Tom McArdle on the whole design of the application.

Mr. Cranse moved design review approval of the Main Street and School Street MDCA project. Mr. Hoff seconded the motion. The motion for approval was granted 5-0.

III. Design Review – CB-II/DCD

149 Main Street

Applicant: O.M. Fisher Home, Inc. (Gary Home)

- Replacement of all windows & relocation of fire exits
- DRC recommends approval with adjustments

Interested Parties: Charles Haynes, President, O.M. Fisher Board of Directors;
Brad Lawson, Lajeunesse Construction.

Mr. Zalinger asked Mr. Haynes if he had reviewed the suggestions from the Design Review Committee and Planning Office staff. Mr. Haynes said they have no problem with their suggestions. One of the DRC suggestions is going to be beneficial because it will actually be less expensive to install equipment to tighten up the existing windows instead of replacing them.

Mr. Blakeman asked if the fire escape stairs were going to be painted. Mr. Lawson said the DRC suggested that they should be painted white. Ms. Swigon said that it was agreed at the DRC meeting that the wood on the fire escapes would be painted white except for the treads.

Ylian Snyder moved approval of the design review of the O.M. Fisher Home at 149 Main Street with the Design Review Committee's recommendations. Mr. Blakeman seconded the motion. The motion was approved 5-0.

IV. Design Review – CB-II/DCD

169 Barre Street

Applicant: Michael McCarty

- Roof modifications; installation of vinyl siding on back & sides of building.
- DRC recommends approval with adjustments

Mr. Zalinger administered the oath to Michael McCarty. Mr. Zalinger asked if he had reviewed the Design Review Committee's recommendations with regard to his application. He asked if he was in agreement with them. Mr. McCarty said he would was not to be in agreement with what the DRC had recommended.

Ms. Swigon said the DRC reviewed an amended proposal from Mr. McCarty for the removal of the roof that was installed over the entire mansard roof and for the construction of a new roof over a third floor porch. She said that the DRC recommended both adjustments and options. Adjustments to the scope of the project were:

- a. The roof design will be a low hip roof with rafters cut to be flat at the roof edges on the two sides. The framing and trim of the porch shall be matched to the existing materials. This is the roof over only a small porch portion of the structure
- b. The roofing material will be ½ lap or modified bitumen.
- c. The vinyl siding will not be installed. Vinyl siding was proposed for three sides of the building, the two sides and the rear.

Options:

- a. Porch supports may be replaced. Structural maintenance of porch may be performed and is strongly recommended. The DRC had concerns about the structural integrity and there might be heaving of the supports, which was causing the drainage problems. That is listed as a strongly recommended option.

Mr. McCarty said his application has become a historic preservation situation as far as the DRC is concerned and they don't want his new roof on the building at all. He would still like to have the Board consider that. He said he had been to three meetings with the DRC and the only thing satisfactory to the committee was to remove the new structure. He said he would like to ask the DRB to consider his proposal of maintaining the roof he has installed and allowing him to finish it.

Mr. Zalinger asked whether the fact that there is no variance request before the Board a reflection of the change to the application. Ms. Swigon said the original application for the variance, because he added height to the roof structure, and the variance part of the application was eliminated because the roof structure was being removed. She said that, based upon the changes to the ordinance that were adopted, a variance would not be required even if the roof structure was to remain.

Ms. Snyder said the DRB has a request before it to review a different application than the DRC reviewed. She noted that the site is in the Design Control District.

Mr. Zalinger asked Mr. McCarty at what point in the process he changed his application. Mr. McCarty said that he didn't think he did. Mr. McCarty said he was present at the meetings and listened to what the DRC had recommended. He said he asked what he might be able to do to modify his roof to suit their needs, and at the last meeting they told him to take the roof off. They said he could fix the porch.

Mr. Zalinger questioned whether, as a matter of record, that action constitutes a modification of the application. Ms. Snyder said if there were recommendations and the applicant said they did not agree with the recommendations, he could take it forward to the DRB, but if the applicant said he would take the roof off, the DRC reviewed it on that basis. Mr. McCarty said he would like to maintain the roof that is on the building. Basically, he wanted to work with the Design Review Committee to understand their level of tolerance for any adjustments to his building. Then, he would come to the DRB and present his position so they could make a determination.

Ms. Swigon said she wanted to clarify the process as she was involved in it. There were several DRC meetings on this application since 2004. Mr. McCarty sent the revised design for the DRC two meetings ago. This wasn't a change that happened at the meeting and put in as an adjustment. The change to the roof came in as a submission from Mr. McCarty.

Mr. Zalinger said the DRB has the minutes from the last DRC meeting on February 6th. Mr. Zalinger asked if they could infer that the Design Review Committee had rejected the new roof. Ms. Swigon said it is fair to say that the Design Review Committee was absolutely not in favor of the roof over the entire structure.

Mr. Cranse said in looking at the recommendation form and the evaluation criteria regarding the preservation or reconstruction of an appropriate and historical style he asked what was the DRC's judgment. Ms. Swigon said the form applies to just the porch roof. The DRC did not make findings on the large roof that covers the entire structure. They did find with the adjustment the proposed porch roof would meet the criteria.

Ms. Snyder said that given that their findings are only for the porch roof, the DRB is at a disadvantage in not having recommendations about the main roof. The DRB would be reviewing the main roof at this point in time without the benefit of the DRC's comments.

Mr. Zalinger said he agreed with Ms. Snyder. The Development Review Board has the final decision aside from an appeal to an environmental court. In other typical design review instances if there is agreement between the applicant and the Design Review Committee, the DRB approves it and the project goes on. The DRB does not need to go through the entire record and all of the evidence if there is concurrence. He said that in this case, there is a disconnect between the applicant's view and the Design Review Committee, and the DRB does not have a complete record of the original application. There are some photos of the partially completed roof and your testimony to the effect that you would like to stick to the proposed roof. And they only have the minutes of the last DRC's meeting. It would be in everyone's best interest, rather than moving forward, to have all of the evidence in front of the board.

Mr. Zalinger said that it appears that the vinyl siding was an area of disagreement as well between the applicant and the Design Review Committee. Mr. McCarty said at the DRC discussed the vinyl siding and was of the opinion that the paint chipping was a result of roof leak and not age so the vinyl siding would not fix the problem. Mr. McCarty said he has photographs of multiple buildings he could see from his porch that were vinyl sided on the street as well. Some of the buildings are of historic value and are vinyl sided, which looked very nice as well. Mr. McCarty said he would like to vinyl side the building for aesthetics and maintenance. Ms. Snyder asked if he was also proposing to cover the trim and decorative details. Usually, when you vinyl side a building you tend to cut off window sills and details. Mr. McCarty said he wasn't. He said he would keep all of the ornamental trim as it presently is. He just wanted to cover the peeling parts. The building's look won't change much as far as the design. It should have been painted five or six years ago.

Mr. Zalinger reviewed the design review procedures of the ordinance which state that the Design Review Committee shall review the proposed development according to the criteria for the design control district and make recommendations to the applicant regarding design modifications that may further the intents and purposes of the design control provisions of the ordinance. The DRC may request that the applicant incorporate the recommended modifications into a revised plan for review by the committee. The DRC shall report its

recommendations to the Development Review Board based upon these revised plans, or if no revised plans are prepared the originally submitted plans. The DRB shall review the application and act to approve, approve with conditions, or deny the proposed plan. The board, at its discretion, may incorporate the Design Review Committee's recommendations into its decision. Mr. Zalinger said that, in this case, the DRB doesn't have the original submitted plan for the application.

Ms. Snyder said she would recommend continuing the hearing on the matter until the DRB receives the appropriate application in front of them. Mr. Zalinger said he thought having the record from the DRC would be of assistance to the Development Review Board on the application. Mr. McCarty has essentially rejected all of the recommendations from the DRC. Mr. Blakeman said the fairest way to deal with the application is to have all of the facts in front of them. Mr. Zalinger said they should also ask for a DRC representative to come to the meeting on March 5th. The DRB has jurisdiction over the application now. Mr. Zalinger said it would help if all members became familiar with the property and the location.

Mr. Zalinger told Mr. McCarty the Board would take a fresh look at his original application and evidence from him and a representative from the Design Review Committee.

Ms. Snyder moved to continue the design review for 169 Barre Street application to March 5, 2007. Mr. Blakeman seconded the motion. The motion was approved 5-0.

V. Sketch Plan Review – MDR

97 Cedar Hill Lane

Applicant: Bernard X. Chenette, Jr.

- Three lot subdivision
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Ms. Swigon said the application is for a three-lot subdivision of an existing lot at Cedar Hill Apartments. The three lots to be created would be an 8.43 acre lot, a 6.71 acre lot and a .93 acre lot. The three multi-family residential buildings, parking areas and associated development is located on the largest lot, the 8.43 acres. The proposed Lot 2 will contain an existing paved parking area and wooded area. Proposed Lot 2A will be a vacant lot. All of the proposed lots meet the minimum lot size in the MDR district. There are a number of cross easements proposed. Because some of the utilities cross Lot 1 to Lot 2, there are cross easements on the utilities. Access to proposed lot 2 will be across proposed lot 1.

Ms. Swigon reviewed the staff and advisory comments with the DRB.

1. Staff recommends that the DRB consider whether a combined preliminary and final subdivision and planned development review will be appropriate.
2. Staff recommends that Section 715, site protection and design, be addressed as part of the submission for preliminary approval.
3. Staff recommends that the building envelopes for Lots 2 and 2A be addressed as part of the submission for preliminary approval.
4. Staff recommends that the feasibility of providing water and sewer service to Lot 2A be addressed as part of the submission for preliminary approval.

Mr. Chenette said the applicant wanted to pursue this application several months ago but they discovered that the site was not in compliance with site plan approvals from the past, such as decks, lighting, etc. They ended up spending a lot of money to make some changes and upgrade parking, lighting and drainage and received their certificates of compliance. They are proposing a subdivision without proposing any development at this time because the owners of the property are in the process of refinancing for a term of ten years and they don't want to tie up the entire property for the next ten years. Mr. Chenette said the applicant would request the board consider combining the preliminary and final approval for the sketch plan review.

Mr. Zalinger said for the record that sketch plan review is preliminary and the Board does not make findings. The Board agreed that it was appropriate to combine the preliminary and final approval subdivision review as the next step.

VI. Conditional Use Review – MDR

159 Berlin Street

Applicant: Carolyn McLaughlin

- Conversion of duplex (2 unit) to multi-family (3 unit) residential building.

Interested Party: Reed Hart

Ms. Swigon said this is a request for conditional use approval for the conversion of an existing two-unit residential building to a three-unit residential building, which is defined as multi-family. The property is in the MDR district. The ordinance establishes a minimum requirement of 8,000 square feet per family for existing structures in the MDR district, and the lot has adequate land to meet that requirement for the proposed three units. No site changes are proposed. There is an existing parking area that has adequate parking. It provides for more than the three parking spaces that are required. The third unit will be accessed through the use of an existing exterior stair case that leads up to a second floor porch.

Mr. Zalinger administered the oath to Reed Hart.

Mr. Blakeman asked if the abutting property owners were notified about this proposal. Ms. Swigon said they were. Mr. Blakeman said he was amazed there were no neighbors present because normally there are some comments. Ms. Swigon said there are no exterior changes to the site. It is simply an interior proposal for another residential unit.

The Development Review Board reviewed the conditional use criteria. Mr. Zalinger said conditional use may be approved only if the DRB determines that the use will not adversely impact the following:

Conditional Use Criteria:

1. Conditional use

- The capacity of existing or planned community facilities [304].* The addition of a single studio unit in the MDR will not unduly burden the capacity of the city to deliver essential services.
- The character of the area affected [304].* It appears there is more than adequate parking. Parking is off street and no one will have to back into Berlin Street. Cars can turn around on site in the parking area. The proposal is not expected to affect the character of the area.
- Traffic on roads and highways in the vicinity [304]:* No adverse impact is expected.
- The Zoning Regulations in effect [304]:* No adverse impact is expected
- The utilization of renewable energy resources [304]:* No adverse impact is expected

2. Area affected:

- The performance standards contained in Section 714 of the ordinance;
- The site plan review standards and approval conditions in Section 306.C excluding uses exempt from site plan review;
- The cumulative impact of the proposed conditional use taken together with other conditional uses in the neighborhood;
- The compatibility with existing and proposed development for the area
- The traffic generated per unit;
- The cumulative impact of the proposal's failure, if applicable, to fully satisfy each of the conditional use standards in Sections 304.D and 712;
- The noise generated per unit;
- Any other factors judged to have an adverse impact on the area.

The DRB reviewed the above criteria and found there were no adverse impacts expected.

Mr. Cranse moved approval of conditional use for 159 Berlin Street. Ylian Snyder seconded the motion. The motion was approved 5-0. Conditional use approval was granted for the application.

VII. Site Plan Review – GB

51 Berlin Street (Dunkin Donuts)

Applicant: Damartin Quadros

- Creation of a drive-through lane, removal of two parking spaces and associated site changes.
- **To be continued to March 5, 2007.**

Adjournment:

Mr. Blakeman moved adjournment with Mr. Hoff seconding the motion. The meeting adjourned at 8:10 p.m.

Respectfully submitted,

Kathleen Swigon,
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.