

**Montpelier Development Review Board**  
**July 2, 2007**  
**City Council Chambers, City Hall**

*Approved*

**Present:** Philip Zalinger, Chair; Kevin O'Connell, Vice Chair; Alan Blakeman, Guy Teschmacher, and Roger Cranse. Staff: Leslie Ratley-Beach.

**Call to Order:**

The meeting was called to order by Mr. Zalinger at 7:00 p.m.

**Minutes:**

The first item on the agenda is the review of the Development Review Board's June 18, 2007 minutes. Mr. Blakeman pointed out an omission on page 3 with regard to the review of 51 Berlin Street. It stated that Kevin O'Connell voted no, and he voted no also. Mr. Zalinger said he wasn't sure it belonged in the minutes because the decision itself is the decision. He told Mr. Blakeman that his vote on the decision stands for itself. Mr. Zalinger said they will make that amendment. Mr. Cranse said he agreed. The Board didn't take a vote at the public meeting but at a deliberative session. Mr. O'Connell said they should strike it. Mr. Zalinger said all of the other business will be struck. Ms. Ratley-Beach said she would strike everything under "Other Business" from the June 18<sup>th</sup> minutes.

Mr. Cranse moved approval of the minutes with the amendment of "other Business" being struck from the minutes. Mr. Blakeman seconded the motion. The minutes from the June 18, 2007 DRB were adopted 5-0.

**I. Design Review – RIV/DCD**

623 Stone Cutters Way

Applicant: Hunger Mountain Coop

Expansion of Existing Building

Interested Parties: Amy Joslin, Project Manager

Brian Leet, Representing the Architects and Planners  
of Hunger Mountain Coop

Bill Maclay, Civil Engineer for Hunger Mt. Coop.

Mr. O'Connell inquired why the Design Review for Stone Cutters Way was a Consent Agenda item. Ms. Ratley-Beach replied that the Design Review Committee accepted the proposal as submitted with only a minor landscaping addition. Mr. Zalinger said their jurisdictional review is design review. The application will be before the Board on July 16<sup>th</sup> for conditional use and site plan.

Mr. Zalinger said he and staff decided in collaboration that the Board should move forward with the design review. As long as the applicant and all of his consultants were present, there is no bar to the Board asking any questions it wanted to ask about other elements of the project. The evidence that comes in is in; if we want to repeat it in two weeks they will still have to go through the criteria for site plan and conditional use.

Mr. Zalinger said they look kindly upon broad ranges of questions. To the extent the Board can apprise the applicant of issues that the board finds require attention there is no reason not to do it tonight. There will be another opportunity to go through the criteria in two weeks.

Amy Joslin, Project Manager at Hunger Mountain Coop, said Audra had called and said they were inadvertently notified. She said they could use the meeting to cover as much as possible.

Mr. Leet said he would be presenting the project and would like to go through a brief presentation of the overall substance of the project and take questions from the Board. One of the pages shows photographs of the existing building and the adjacent building. Mr. Leet showed where the massing which expanded from the existing

building. The proposed site plan uses that same mass extended toward Stone Cutters Way. They are also reworking the entry and adding a structure extension, which is primarily a cooler structure for the back house operations of the Coop on the Allen Lumber side.

At the Design Review level they talked about expansion to the café and deck. Since the Design Review Committee meeting, they have had more discussions at the Coop. One additional request has been made which they would like to bring before the DRB, which is to place the deck on the other side of the café. It is the same basic concept for the deck and they would keep it within the setbacks the area would allow. This is proposed as an alternate. They do have the originally submitted site plan for the Board's review and are open to discussions about how best to move it through the process. They are most interested in getting the application completed and are willing to use this as a potential amendment.

Mr. Leet went through the proposed elevations for Stone Cutters Way and the proposed elevation for the main entry of the parking with the new entry roof structure. They had the plan available for discussion.

The purpose of the expansion from the Coop's point of view is a modest increase of the sales floor area, but a substantial increase of their back house operations.

Mr. O'Connell inquired what the main expansion was for.

Mr. Leet said the majority of the space is supporting freezers, coolers and staff safety and food handling operations behind the scenes. There is an increase in the sales floor and an increase in the checkouts, along with a modification to the entry way.

Mr. O'Connell said the utility area in the shed would be compressors. Where is that located?

Mr. Leet said the existing HVAC unit is located on the Allen Lumber side. It is anticipated that a smaller new compressor would be required for the increased cooler capacity and that would be installed immediately adjacent to the existing compressor.

Mr. O'Connell asked if an analysis had been done on the noise generation from the compressors.

Mr. Leet said an analysis has been done on the noise generation from the existing compressors. Based on that analysis, they also have some feedback they are planning to use to allow the new compressors to be much quieter.

Mr. O'Connell said the original compressor design on the existing building was a problem and required some buffering after the construction. Being in the river corridor there it amplifies up and down through the corridor.

Mr. Leet said he was aware there were concerns around the initial compressors and a study was done. The study is what is informing the Coop in terms of anything they add to the building that is going to be compressor equipment. They are very sensitive to noise concerns.

Mr. O'Connell inquired if the study was available, along with an analysis of what the existing decibel levels are.

Mr. Leet said they did not have an analysis that would include the new compressors.

Mr. O'Connell asked what the impact of the new compressors is.

Mr. Leet said the Coop does not have a study that incorporates an analysis of that information.

Mr. O'Connell stated he personally would find that data to be a very important aspect of the mechanical design of the presentation.

Mr. Leet said he could describe the specific steps they have identified, which is that most of the compressor noise comes from two main areas. One is the startup of the fans, which are currently hard start fans so you get a loud clang when they start up. They can eliminate that noise by using VFD's and variable speed motors which allow the fans to ramp up to speed. A VFD is a variable frequency drive. It allows the motor to start slowly and ramp up to speed over a period of 2 to 3 seconds as opposed to running all of the current into it at one time. That will eliminate the startup clang. They could also get a new compressor and change the formation of the fan blades to reduce the amount of actual fan noise that is created. Those are both things the Coop is planning to incorporate into the new compressor. They have taken the outcomes of the studies done and given the mandate to the developer.

Mr. O'Connell asked if the fans themselves be just broadcasting into the valley, or will there be some type of buffer.

Mr. Leet said he believed the fans point upward as do the existing units. The study has been done and what they are doing is the best they know how to improve the new compressors so they don't add to the noise concerns that are there. The existing compressors have about 8 to 10 years of life left, and the Coop will certainly take steps when they go out to take care of that situation as well.

Amy Joslin said the Coop had notified all of the abutting property owners and invited them to meet with them, and that wasn't an issue voiced for any who attended.

Mr. O'Connell said he would like to see what the technical data shows in terms of what the proposal is.

Mr. Zalinger said when they are conducting the inquiry they should be reminded that the zoning ordinance does provide for maximum decibels at the property line.

Mr. Zalinger said he wanted to ask a question about the proposed change of the site of the deck. The Design Review Committee had one request, which was to add two trees. Mr. Leet said they were representing that on their site plan.

Mr. Leet said they understood the concern before the Design Review Committee was that currently this is a grass lawn and it does contain two trees. The DRC wanted to see replacement of the two trees.

Mr. Zalinger said one thing the Board should consider is whether it is necessary for the applicant to return to the Design Review Committee to move the deck from the city side of the café to the Allen Lumber side. That is why he asked where the trees were going to be located, because it doesn't really seem to be a design element. The Design Review Committee had no comments about the deck. He doesn't see it necessary for the applicant to return to the DRC. Mr. O'Connell said he saw it as a very minor change and not significant to the overall design. Mr. Leet said they would like the flexibility to pursue either option. The Coop has budget concerns. If they can afford to build all of the deck, they would love to, but if they can't they will have to make a choice. What they would request is consideration of this plan in totality.

Mr. Zalinger said there would be two decks. He would defer to the Design Review Committee on that issue.

Mr. Cranse said conditional use is defined here as those uses or development activities that may not be appropriate generally throughout a zoning district. Retail and food and drink are both conditional uses in the riverfront district. To him it seems premature to approve the design of a big project before the Board looks at the whole proposal. This should be part of the proposal and perhaps considered laterally. The Design Review Committee considers design and he believes they should review the application again. The Development Review Board should look at this as part of the site plan conditional use review project and not before.

Mr. O'Connell said just from the standpoint of having adequate warning and the ability for the public to have their say he would tend to agree with Roger on that.

Mr. Zalinger asked the Board how they wanted to proceed. He said they could adjourn the hearing and return on July 16<sup>th</sup>.

Mr. Leet said on the matter of the decks specifically the Coop would be glad to proceed on the basis of what they have previously submitted and had reviewed by the Design Review Committee. He said he didn't believe they would have an opportunity to speak before them again prior to the Development Review Board's next meeting, so if that becomes a concern of this group they would be glad to proceed with what was previously shown the DRC and discuss amendments. He realizes that doesn't directly address the issue.

Mr. Zalinger said he didn't disagree with him that the design of the project, but the ordinance presents it to the Board in that fashion with conditional use jurisdiction, site plan jurisdiction and design review jurisdiction. One problem they have if they don't act tonight on the design review element is the evidence they received tonight on the issue of design review will not have been heard by other members who might not be here on the 16<sup>th</sup>, unless they simply review the minutes.

Secondly, the design review has been adequately warned. He understands conceptually what he means by it being integral elements of the whole project. The Design Review Committee has limited jurisdiction. The Board's jurisdiction is really on the design component of it, the colors being used, where the decks are located, what the compressor issues are and how it is going to be landscaped, but all of that will come back to the Board again as evidence when they review the site plan. This is just the components of the design and colors.

Mr. Zalinger said he wouldn't be inclined to postpone acting on the design review element until July 16<sup>th</sup> only because they could have a different common position of the Board that night and the record would be different. Secondly, it was warned as design review.

Mr. Cranse said his points were well taken, but they are tripping and stumbling over approving one portion of it before the major portion is even considered.

Ms. Ratley-Beach asked how the big projects in the Design Review District are handled otherwise.

Mr. Zalinger said the same way.

Ms. Ratley-Beach said from the staff's procedural point of view, both the Technical Review Committee and Design Review Committee tend to meet on these projects first and then give all of the information to the Development Review Board as it comes forward.

Mr. Cranse said he didn't remember a major project in the Design Control District where we first considered and approved the design and then went on to subsequently approve the rest of the project. He believed they were combined more frequently.

Mr. Zalinger said they were warned differently for all of the review to occur at one meeting. Mr. Cranse said he thinks that is what should take place in this case.

Mr. O'Connell said he had to agree with Roger on this in that he finds it to be somewhat unorthodox in terms of trying to break it up into two major components. It is one project.

Mr. Leet said he can understand if this is a totally new project. It is a pre-existing use, so there is definitely not a new use on the site. It is an expansion of that use. With the design of the building they have been conscientious to maintain the same design character, colors, siding, windows, and basically everything that is on the existing building. Those are things which have been reviewed and approved by the Development Review Board previously. He would hope that would be considered in terms of this particular part of the project. From an applicant's perspective it is important in that they are trying to start construction and move forward with the project.

Mr. Zalinger said he would point out that it is not unusual for the Board to sit as the board reviewing the Design Review Committee's actions. What they normally do is take new evidence. You are saying you agreeing to have two more trees put in upon the recommendations of the Design Review Committee, and then the board would entertain a motion. If the Board were to consider the design, the colors and other design review elements of the project tonight, if there weren't conditional use and site plan review, perhaps the Board wouldn't still be here.

Mr. Leet said it is a big project. Mr. Zalinger said it isn't characterized as such under the ordinance. It is a renovation of an existing use.

Mr. Cranse said if they had withdrawn their request for changing the design, then he doesn't believe that postponing the consideration of the design review and combining it with site plan and conditional use elements would set back their construction schedule. He does think it is important for the full Board to look at the full project, including the design. It is his opinion the Board should wait until the next meeting.

Mr. Maclay said another possibility might not be voting or taking action on the design review but they had mentioned it was possible to talk about the conditional use and site plan even though obviously the Board cannot approve that tonight. It would be helpful to the applicant to actually have those discussions around conditional use or site plan criteria. They are prepared and have their engineer present to have that discussion with the Board. It certainly would be helpful to the applicant, and probably more important than if they receive a decision on the design review.

Mr. Zalinger told Mr. Maclay that Mr. Cranse thinks it is important that the whole Board should be able to act on design review. There are a whole bunch of reasons why some members don't want to proceed with design review tonight. If the board doesn't want to take any more evidence on design review tonight and they want to table it until July 16<sup>th</sup>, then let's entertain a motion and discuss it.

Mr. O'Connell said the downside to taking testimony tonight would be that it would need to be repeated at the next meeting. The Board can talk about specific issues, but much of it may need to be repeated.

Mr. Leet responded by saying they were quite happy to repeat themselves. Their desire is to get any concerns or questions on the table so they can prepare stronger answers for the Board in two weeks.

Mr. Blakeman asked if there were enough parking spaces for the addition.

Mr. Leet said by ordinance there are enough for the area with the addition. They also anticipated use of the building. The number of customers coming to the building is only anticipated to increase by about 10 percent.

Mr. O'Connell inquired if there was a loss of parking.

Mr. Leet said there wouldn't be any loss of parking with the project.

Mr. Cranse moved that the design review for Hunger Mountain Coop at 623 Stone Cutters Way be tabled and taken up at a meeting where site plan and conditional use review occur. Mr. Blakeman seconded the motion.

Mr. O'Connell said he had no concerns about talking about technical details of the project. He just wanted to make it known to the applicant that the Board would probably have to repeat much of it.

Mr. Cranse said the technical details such as parking should be considered when the Board sees the site plan and the documents for conditional use and not considered now.

Mr. O'Connell told Roger Cranse he agreed completely about considering the application and the site plan and conditional use at one time. The idea of breaking it up just doesn't make sense to him in terms of the whole review process.

Mr. Teschmacher said he agreed with the principal of the idea. He is much more comfortable seeing the whole project as a whole and acting on the application as a whole. But, at the same time, it seems that the applicant is looking at the Board's attitude towards the project more than anything else. Is the Board looking at it favorably? That usually happens in the sketch plan review rather than at this point. Mr. Teschmacher said he is looking at the project favorably. He thinks it is a sensitive and interesting design and personally he sees no problems except possibly with the noise from the compressors.

Mr. O'Connell echoed with what Guy Teschmacher said about the project. In terms of the noise issues and abatement measures he is going to be looking for the details on how that will be handled. From the standpoint of the total project he thinks it is worthy.

Mr. Blakeman agreed with Roger Cranse

The motion to table the design review of Stone Cutters Way Expansion at 623 Stone Cutters Way and to consider the design review elements contemporaneously with the site plan review and conditional use review on July 16<sup>th</sup> was voted unanimously. The application is tabled until July 16, 2007.

**Other Business:**

None.

The Dunkin Donuts decision was issued.

The agenda for July 16<sup>th</sup> is extensive; it has 6 items.

**Adjournment:**

The Development Review Board adjourned.

Respectfully submitted,

Leslie Ratley-Beach  
Planning and Zoning Administrator