

**Montpelier Development Review Board**  
**July 16, 2007**  
**City Council Chambers, City Hall**

*Approved*

**Present:** Philip Zalinger, Chair; Alan Blakeman, Ylian Snyder, Jack Lindley, Guy Teschmacher, Kenneth Matzner, and Jeremy Hoff.  
Staff: Gwen Hallsmith, Director, Planning and Community Development; and Audra Brown

**Call to Order:**

Mr. Zalinger called the meeting to order at 7:00 p.m.

**Minutes:**

The Development Review Board couldn't adopt the minutes of the July 2, 2007 meeting since there wasn't a quorum of members present. Review and adoption of the July 2<sup>nd</sup> minutes was postponed until the August 6, 2007 meeting.

**I. Design Review – CB-1/DCD**

27 State Street

Applicant: Bob Watson for Capitol Grounds

Addition of a kitchen hood ventilation system on the roof at the rear of the building.

**Mr. Zalinger recused himself from participating in the application.**

Mr. Zalinger chaired the discussion of the application. He told Bob Watson that the Design Review Committee had heard his application and approved the project. There was one condition submitted, which was that the stainless steel equipment be painted flat black. Mr. Watson said he was in agreement with that condition. Mr. Zalinger said if he was in agreement with the Design Review Committee's suggestion, then the DRB seeks a motion to approve the application.

Mr. Blakeman moved approval of the Design Review for 27 State Street with suggested changes from the Design Review Committee. Ms. Snyder seconded the motion. The motion was approved 6-0, with Mr. Zalinger abstaining from the vote.

**II. Variance Request – MDR**

379 Elm Street

Applicant: Carolyn Munno and Nicholas Borland

Variance request for construction of garage and addition on existing home.

Mr. Zalinger told the applicants that a variance request is a little more formal and the Development Review Board has to proceed through the statutory criteria of the ordinance. He administered the oath to the applicants.

Ms. Hallsmith said the applicants are proposing to build an attached garage to replace an unstable garage and barn and add finished living space with an existing porch and deck on the rear of the house. The existing garage falls within the setbacks.

Mr. Zalinger said as he read the application the newly sited garage would be closer to Elm Street but not within the front yard setback.

Ms. Hallsmith said staff recommends approval.

Mr. Zalinger inquired if there were any adjoining property owners from the neighborhood to be heard on the application. He noted there was a letter of support attached to the application from Louise Morris.

The Development Review Board reviewed the Variance Criteria.

**Variance Criteria:**

A variance from the provisions of a zoning regulation may be granted by the Development Review Board only when each of the following criteria is met:

- 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 DRB and applicants discussed the criteria and agreed that the application met the requirements.

- 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.*

Mr. Zalinger said these criteria deals with whether you can develop in strict conformity with the zoning ordinance or not given the existing conditions. The existing conditions are such that even were it a one-car garage with the porch you couldn't build it without a variance.

- 3) *That an unnecessary hardship has not been created by the appellant, and the hardship relates to the applicant's land, rather than personal circumstances;*

Mr. Zalinger asked the applicants how long they have lived at this property. They said they had lived at that address for a little over three years. Mr. Zalinger asked Mr. Borland to confirm for the record that the condition of the existing garage is seriously deteriorating and can't be used any further. Mr. Borland agreed that was exactly right. The floor is falling out and the foundation is rotting.

- 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;*

Mr. Zalinger asked the applicant if the property was going to continue to be utilized as a single family residence. Mr. Borland said absolutely. There are no other plans for the property.

- 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;*

Mr. Zalinger said there is no increase in the incursion into the setback over what is existing, and that is fairly persuasive in his mind.

- 6) *That the variance will not result in the initiation of a nonconforming use of land.*

The applicant has testified that the property is going to continue to be a single family residence in the MDR.

Mr. Matzner moved approval of the application for a variance at 379 Elm Street, with Mr. Lindley seconding the motion. The motion was approved 7-0, and a variance was granted.

**III. Appeal – GB**

65 Granite Shed Lane  
Appellant: Guy M. Edson  
Appeal construction of a fence.

The appellant did not appear before the Development Review Board.

Mr. Zalinger said he read the appeal, and there is nothing like the appeal of a “spite fence.” He suggested the DRB table the appeal until August 6, 2007. Since the appellant is not present the Board cannot adjudicate the appeal.

Ms. Hallsmith said the appellant had received notice of the meeting. The appellant was concerned about the property line being accurate on the plan that was submitted for the zoning application. The question at hand was, did the site plan that was submitted for the zoning application accurately reflect the property line that the fence was being put along. Ms. Hallsmith said she recommended he talk to the neighbor about it.

Mr. Zalinger said the question is whether to table the appeal until August 6<sup>th</sup> or just dismiss it.

Ms. Hallsmith believes the revised site plan shows that the property line is accurate, so dismissing it would certainly be an option.

Mr. Zalinger said then the Board would be basing it upon some factual evidence that it isn't reviewing now. The Board would have to open the hearing in order to take evidence, and he is hesitant to do that. His view is that it looks like a petulant, angry appeal of the granting of a zoning permit to an adjoining property owner. It doesn't look like there is any thought or effort extended in the appeal process. There is no follow-up inquiry. He isn't inclined to continue the application. The permittee has rights under the permit.

Mr. Lindley moved the Board dismiss the appeal for 65 Granite Shed Lane. Mr. Blakeman seconded the motion. The motion to dismiss the appeal at 65 Granite Shed Lane was voted unanimously 7-0, and the appeal was dismissed.

**IV. Design Review, Site Plan and Conditional Use Review – RIV/DCD**

623 Stone Cutters Way  
Applicant: Hunger Mountain Coop  
Conditional Use Review for expansion of current retail establishment  
Interested Parties: Brian Leet, Project Manager, Maclay Architects  
Keri Bradley, General Manager, Hunger Mountain Coop

**Ylian Snyder and Kenneth Matzner recused themselves from participating in the discussion.**

Mr. Zalinger said all three of the areas of the Board's jurisdiction are before them tonight, design review, site plan and conditional use review. He recommended the applicant start with design review. Mr. Zalinger administered the oath to the applicants.

Mr. Leet said they presented the project to the Design Review Committee.

Mr. Zalinger said the Design Review Committee granted approval with very little in the way of recommendation. We still have the stumbling block of the exterior deck that the Design Review Committee hasn't seen.

Mr. Leet said at the Design Review Committee level there was a request made to add two trees along Stone Cutters Way, which the applicant has agreed to add, which is reflected on the drawing. The Design Review Committee also requested that the applicant update the perspective drawings they were presenting to accurately show the foliage and vegetation in that area, and they made that change. Subsequent to the Design Review

Committee's meeting, the applicant introduced an additional request for the DRB to review and grant a permit for an expansion of the deck on the opposite side of the existing café structure. We have indicated if that is not acceptable to this committee, the applicant would like to go forward with the project as it was originally presented to the Design Review Committee.

Mr. Zalinger said he didn't know of any precedent for the Board having the first review of a design review component. He isn't sure whether they want to be the first applicants to have the DRB consider one of those or not. Mr. Zalinger said the Development Review Board has the final authority, but he isn't certain they have the authority to exclude the Design Review Committee from consideration of the design elements of the project.

Mr. Leet said that due to what he is hearing it sounds like the Board is not enthusiastic about getting involved in this discussion, so they will proceed with the application as it was presented to the Design Review Committee with their recommendation for the two trees. They will amend the drawing and not show the additional deck.

Mr. Zalinger said they would not want to be caught on the jurisdictional issue if the time of the project is of essence. The Board isn't limited to the scope and extent of their review, but he would point out that in most instances this element would qualify for the Board's consent agenda. He asked the applicants to give a brief outline of the design components.

Mr. Leet said the basic project involves an expansion of the building, the cooler suite and an enlarged sales floor, and new covered entry. There will be a slight enlargement to the café and deck. They are using the same colors as the current building so it is not a significant deviation in style or character. The windows, siding and roofing are the same materials as were originally used with the same color selections so the character of the building remains very similar to what is there. The one thing they have tried to do is add more glazing and more windows to the building, both to make it more inviting and bring more light into the building and allow for the views of activity on Stone Cutters Way.

The Board will take site plan review under consideration.

Mr. Leet said they were largely leaving the site intact as it is. The new building is not going down over the bank. The truck turning has been studied and trucks can access from either direction to the site and back into the new loading dock location, which has moved forward. They are still working with the surveyor to be confident of the top of the bank location along the café expansion. They would request if they could get approval of this pending staff review of the final survey for setback on that line.

Mr. Zalinger said the project they are projecting does not include any development within the established setback from the top of the bank, so if the final survey determines the precise location your project plans would be deemed to be amended to avoid that. Mr. Leet agreed.

Mr. Lindley inquired about the setbacks on the other lot lines. This is riverfront so they are dealing with different setbacks. Ms. Hallsmith said the one concern raised by the Building Inspector had to do with a five foot setback.

Mr. Leet said there are two setback issues on the side yard. Along the side yard setback it is written in the ordinance as zero feet but at least 20 feet from any adjacent structures. Hunger Mountain Coop has invited all of the neighbors, including Allen Lumber, and people who were warned for this hearing as well as the neighbors who live in the condominiums across the street to come and talk about the project. They haven't heard concerns about where they are putting this building.

The concern from the Fire Marshall is that they will have to comply with fire code issues, which treat the lot line as another structure. In terms of the construction they build where in this case it will impact them when they are at 10 feet or less they would have to do additional construction measures to insure that the building was properly fire resistant.

Mr. Zalinger asked if the proximity changes the building code. Mr. Leet said yes, and that is related to the building inspection permitting process.

Ms. Hallsmith replied that the only other issue that came up in the staff review came from the Department of Public Works. There was a question about where the exact easement was for the storm water outflow. Mr. Leet said they would have to relocate an easement to relocate the storm water line, and they will include that in their project. There is currently a storm water line running from a catch basin to an outflow in the river, so they will route the storm water line with two structures around their addition. That is represented on the site plan.

Mr. Lindley inquired if there were more parking spaces in the parking configuration. Mr. Leet said they weren't changing the parking at all.

Ms. Hallsmith said there is no need to add parking because of the nature of the expansion. The nature of the expansion doesn't necessarily expand the use beyond what it is right now. In terms of some of the other conditional use criteria in terms of the capacity of the existing community facilities, character of the area, traffic on the roads and highways, those issues have already occurred. The amount of traffic in and out of the Coop isn't necessarily going to increase because of the expansion since the majority of the expansion has to do with the storage space they have and the space staff have to work behind the counter.

Mr. Lindley said parking is different in the riverfront district. When they designed the riverfront district, the parking requirements are different from the rest of the city in terms of square footage of the building versus the need for the number of spaces. The Coop is taking spaces from the Salt Shed at some point in time.

Mr. Leet said there is currently an agreement to use some of those spaces, but by building tight in the ordinance the number of spaces that is needed is less than the number of actually located spaces on the property. There is definitely a perception that at some times during the day there is tight parking in this property, but the indicators are that they should be good. The experience the Coop has is there are certain key times when there is a problem, when most of the time it is not. The Coop does anticipate some increased patronage as a result of the expansion. Although it is a substantial square footage increase in the expansion, the increased patronage is about 10 or 15 percent.

Mr. Teschmacher asked about the issue of the sound and noise from the compressors.

Mr. Leet said the applicant has looked at what they currently have. Unfortunately, they are still trying to get the final design of the compressors. There will be some new compressors added. They talked about adding VFD fans, which are variable speed fans, to the existing units. Their understanding is that the concerns which have arisen around the compressor units have been largely around the rotor start up. There is a big bang that occurs when the motors start up. They also run at a very high noise level. With a variable speed drive that would eliminate the initial start up noise, and during a majority of the year when the load was not peak it would reduce the noise level around 20 decibels the noise level during the typical operating range. What it would not do is reduce the peak operating noise level of the units so the amount of noise when the fans are running 100 percent remains the same as what it currently is when all four are running. The expectation is that should only happen on the hottest days, most likely during the daytime as opposed to night, but depending on the weather it will run as it needs to in order to keep the produce cool.

The additional compressor unit the Coop will be able to add will have a significantly lower decibel level. They are still designing that unit. They do know they can get a unit that is 5 to 10 decibels quieter than the existing unit, which means if they can get a unit that is 10 decibels quieter than the existing unit the increase in total sound output of the combined units will only be about 1 or 2 percent higher. This is really a significant improvement.

Going back to the ordinance values, which are 55 decibels at the property lines in the daytime and 50 decibels at the property lines at night, they know they can meet those values with the new unit on the River and Stone Cutters Way property lines. They will have challenges meeting that value at the Allen Lumber property line. Relative to the existing units with the VFD drives, most of the time they would be meeting that value. The way the ordinance

is written, it considers the boundaries of this property for decibel levels as opposed to the nearest residential property. In about ten years the existing unit will have lived its normal life and the Coop can replace it with something less noisy, but at this time they would like to make a minor upgrade to the existing unit. It is really a deal breaker for them to have to do major renovations to their existing work and equipment to make this happen.

Mr. Zalinger inquired if there were any construction efforts that could be made at the site to mitigate the sound.

Mr. Leet said there are. One option is to try putting acoustic absorption panels directly on the compressor. That seems like the more affordable option. Given the nature of that unit, the Coop believes it would get them somewhere in the neighborhood of 6 to 7 decibels of reduction. If the issues were included to be in one particular direction, they could entertain building a wall that sits up on the roof to block the sound in that particular direction. It becomes prohibitively expensive, and they would end up with about 40 feet of wall 10 feet high and 12 feet wide to wrap around the units. At that point they would actually be better off going back to investigating the equipment.

Mr. Hoff said the Board recently had an issue with a compressor at another site, and the baffling did seem to help in that situation. This might be worth looking into. There were panels built on all sides.

Mr. Teschmacher asked if they had done measurements of what the sound levels are at the various points of site boundaries. Mr. Leet said they had done measurements at the compressor and extrapolated from them they are at about 56 decibels at the site boundary, and 62 decibels at another. He doesn't have the extrapolation of the number of decibels for the Allen Lumber side.

Mr. Lindley said if you have problems with the lot line now, and you are in the valley, that goes throughout the whole valley, then they haven't solved anything until they move the baffle. An unnamed competitor also has compressors in the valley and a grocery store, and he hasn't heard their compressors. Does Shaw's Supermarket have a different system?

Mr. Leet said he didn't know the answer to that.

Mr. Lindley said the testimony he gave the Board shows the Coop has two lot lines that have exceeded the decibel number, the river site and Allen Lumber site. The only one that hasn't is on the Stone Cutters Way site.

Mr. Leet said the Coop has invited the neighbors at the condominiums and River Station Apartments come talk. There were four neighbors from the apartments come and talk with them, and the only comment they had was about the trucks backing up and the beepers on the trucks when they back up.

Mr. Zalinger said he is concerned the Board is being asked to review and consider approving an application that on its face requires a variance. What is the Coop testimony regarding the decibel level of the new compressor units at the property line?

Mr. Leet said the new compressor units are still in the design stage. They know they can meet the ordinance levels at these property lines, and they believe they can meet it at the Allen Lumber property line.

Mr. Zalinger said he didn't understand the demarcation line between existing and new. Mr. Leet said there is an existing compressor on the roof and that potentially could be left unchanged as is. They will be adding a new compressor to accommodate the load from the expansion, and that compressor is under design.

Mr. Lindley asked if they received a variance to deal with the noise. Both Mr. Leet and Ms. Hallsmith said they didn't believe so.

Mr. Zalinger said they couldn't decouple them. They have to consider the noise in the aggregate. If the noise of the existing compressor already exceeds the ordinance requirements, then if we add more sound, then they are

going to increase the level of noncompliance. Mr. Leet said it is inevitable that adding more noise would increase the noncompliance.

Mr. Teschmacher stated it was his opinion that the applicant needs to come to the Board with a project that somehow meets the requirements, which, unfortunately, means spending more money. Mr. Zalinger said or come to the Board seeking a noise variance. A variance from the noise elements of the ordinance is no different than another variance. It seems imprudent for the Board to review an application that has at its core an issue of noncompliance. He feels like the DRB's hands are tied. The Board can certainly consider a variance, but they can't consider approval of a project that just doesn't comply.

Mr. Leet said they understand that situation. Following up on the feedback from the last hearing, the applicant did re-engage their acoustic engineer and in a two weeks' timeframe this is where they are at. Given that, they will have to continue to see what is within the means and feasibility of the Coop's project to make it work.

Mr. Zalinger said the Board is prisoners of the ordinance as well. His preference would be to continue to take testimony, and if there are outstanding issues and they deal with acoustics then they will narrow down what is outstanding.

Ms. Hallsmith said there seems to be three things that are outstanding: 1) the noise issue; 2) going back to the DRC with the additional deck. Mr. Leet said his understanding is that the additional deck would be a separate process at this time. They have taken that off the table. Ms. Hallsmith said there is also the "top of bank" issue, which hasn't been resolved yet, either.

Mr. Leet said on the top of bank issue if it is acceptable to the Board they have testified they will not be building within the top of bank setback, and they are requesting approval on that basis for staff to review plans. On this project, due to the dimensional issues, the applicant will be getting a construction survey at the foundations. There are also building code issues, and the Fire Marshall is going to be very concerned about dimensions between property lines and buildings as well.

Mr. Teschmacher said they mentioned the maneuvering of trucks. Besides the beeping is there any other maneuvering issue? Mr. Leet replied the trucks are able to maneuver in the head-in direction coming from Main St around to the end of the turn around, and back in, and then pull directly out.

Mr. Zalinger asked if it was his testimony that there is really no substantive change in the traffic circulation. Mr. Leet said that was correct. Mr. Leet said the only change is the loading dock is moved. That is their existing circulatory pattern.

Mr. Zalinger asked if there was no change in the parking lot configuration for shoppers. Mr. Leet replied there was none.

Mr. Lindley said he guessed the river was well shielded because he hasn't seen a lot of cars from the river view from Route 2. There is a thick growth along the river right now.

Mr. Zalinger inquired if there was any change in the lighting plan at the site. Mr. Leet said there is no change in the site lighting. There is some building mounted lighting under the existing canopy and at the existing loading docks which they would be recreating.

Mr. Zalinger said the Board would move on to review conditional use. Under the conditional use criteria the Development Review Board has to find that the proposed use does not adversely affect the capacity of the existing or planned community facilities, character of the area affected as defined by the purpose or purposes of the zoning district within which the project is located, traffic on roads and highways in the vicinity, zoning subdivision regulations and the ubiquitous utilization of renewable energy resources. Mr. Zalinger asked Mr. Leet to tell the Board about the impact, if any; the project will have on the capacity of existing or planned community facilities.

Mr. Leet said they don't see the project having major impact. As they stated, they expect about 10 to 15 percent increase in patronage, which would increase revenues to the store. They actually see the store as one of the important community amenities for the city in that regard. There will be a modest increase in traffic along Stone Cutters Way.

Mr. Zalinger inquired whether the hours of operation would change.

Mr. Leet replied no.

Mr. Zalinger asked if the number of employees would change. Mr. Leet replied yes. There will be approximately 10 more employees. There are 120 employees currently; there are 75 full-time. There would be approximately a 10 percent increase. It would be 7 to 8 full-time equivalents.

Mr. Lindley stated they had said the growth would be 10 to 15 percent. Is that in shopper days? Mr. Leet said that would be an increase in revenue. This would be the number of shoppers per day, and they also expect the basket size of each shopping visit to go up. The first year they are projecting a 14 percent increase in gross revenue.

Mr. Lindley asked what that would translate into parking requirements. He doesn't understand the grocery business, and he is trying to figure out whether that means more congestion in the parking lot or whether it doesn't add any pressure on the parking. Does it mean people will shop at different times? Mr. Leet said it is a combination of all those things. They have found that over the years there has been a perception of congestion at the noon hour and right before holidays, and sometimes Friday afternoons. People learn that and adjust. The most congested times are Thanksgiving and Christmas and the days leading up to that. They have seen steady growth over the last few years as people learn to plan their shopping and come in earlier and later. People are creative that way.

Mr. Lindley said they aren't changing the hours of the store to accommodate more volume. Mr. Leet said those off peak hours are the fastest growing times of the day.

Mr. Zalinger asked if there was a formula that tells us how many square feet of retail area begets a certain number of parking spaces. Ms. Hallsmith said they calculated it when the Coop applied for their permit. Even with the new square footage they don't need more parking spaces with the expansion. The calculation was 64, and they have 71.

Ms. Hallsmith stated a lot of the impact on the community facilities and traffic Tom McArdle said a lot of this has been done already with the Coop. Mr. Leet said their understanding was that there are no new pieces of infrastructure required for this project.

Mr. Lindley said there is an antiquated bridge that sits there to get out onto Route 2. There will obviously be a longer wait at the light if you take a right out of the parking lot and go right again, and if there is a volume of 10 percent more it means the bridge will be used a little bit more. He doesn't know if we degrade the intersections in that part of town or not.

Ms. Hallsmith said Tom McArdle is concerned about it at least along Stone Cutters Way, especially the cumulative impact of the development there because we will be hearing Pyralisk's proposals next.

Ms. Hallsmith said the other question, which is a larger question and beyond the DRB's purview and in the permitting process but a question raised at City Council, is if we are trying to encourage this kind of development along Stone Cutters Way, which we are in the Master Plan – there is a lot of debate in other cities about how hard and fast you hold to these traffic rules. We are building these facilities along a bike path and easy pedestrian access to the downtown, and the presumption could be that more people are going to be able to get there using alternative forms of transportation and not just in their cars. If we are trying to build a downtown and build a city that relies on pedestrians and bicycle traffic, if we continue to insist on high levels of car and vehicular facilities

there is a trade-off we aren't focused on. She realizes that some of these intersections are degraded. The other intersection Tom is concerned about is the intersection at Main Street and Stone Cutters Way.

Mr. Blakeman said with the increase of 10 to 15 employees, some can walk but some are going to come from Calais. Where are they going to park? Mr. Leet said they currently lease spaces from their neighbors, the city, and have explored leasing spaces from other neighbors down the street for employees. The ordinance talks about total parking required. Ms. Hallsmith replied there was enough parking for the expansion now.

Mr. Zalinger returned to the criteria. It was the capacity of existing or planned community facilities, 10 to 15 percent increase in gross revenues changed the demand or needs that the project may have on the City of Montpelier's public school systems, police and fire departments. Mr. Leet said that would be minor, and perhaps only a couple more calls because of shoplifters.

Mr. Lindley inquired if the building had sprinklers. Mr. Leet said it was fully sprinkled building.

The next criteria: is the character of the area affected? Mr. Leet said they are expanding and enhancing the building. As mentioned before, having a supermarket right in a river front district is a positive amenity for the city, so their feeling is it positive to the character of the area.

Mr. Zalinger said the zoning district is the river front. The character of the area affected is as defined by the purposes of the zoning district within which the project is located. The river front zoning district has fairly newly articulated ordinances, 6-4.

*The riverfront district defines the area along the Winooski River between Main, Granite and the rear of Barre Streets. Historically a manufacturing and rail transportation corridor, it is important to honor the area's industrial past while continuing to support the existing active rail use and manufacturing businesses. New buildings and uses that locate there should be of pedestrian scale and orientation, insure the public's visual access and enjoyment of the river, evoke a feeling of the industrial and transportation history of the area, include design orientation both to the river and to the public way, and integrate public outdoor activity. The historic turntable is intended to be a centerpiece of an area reserved for public use and enjoyment. Adverse impact to the surrounding neighborhood, such as excessive lighting or noise must be avoided or mitigated. The area's configuration is linear and narrow and provides limited potential for on-site vehicular circulation or storage. It is an area primarily served and occupied by people, not vehicles, although some provision has been made for public and private parking. Uses in the river front district are not to be automobile oriented or dependent. However, parking requirements will need to be addressed by the developer. The purpose of this district is to help increase the economic vitality of the downtown, enhance the eastern river front approach, provide opportunity for new mixed use development, provide the public's use and enjoyment, and to provide for the protection of the river bank.*

Mr. Zalinger said if we focus on the purpose in the last sentence, he personally can't identify any adverse affect that this expansion would have on the character of the area, especially as it is articulated for the purpose of this district. We created a river front district and built Stone Cutters Way, and we built a grocery store that now many people in surrounding residential houses can walk to. What doesn't work?

Mr. Zalinger said the next conditional use criteria deal with traffic on roads and highways in the vicinity.

Mr. Lindley said if this was anybody but the Coop wouldn't the Board be requesting some type of traffic information with regard to the nearby intersections? Mr. Zalinger told Mr. Lindley to bear in mind that this is an expansion of an existing use rather than the initiation. Mr. Lindley said maybe when they first put in the store there was no issue on traffic and came to the Planning Commission. Why wouldn't there be some evidence with regard to traffic and the intersections now that we have put up beautiful apartment buildings and condominiums.

It is obviously an area we need to be concerned about with traffic. Why wouldn't we see something to quantify the 10 to 15 percent increase in traffic at this site?

Mr. Zalinger stated that Mr. Bradley testified there would be a 10 to 15 percent increase in gross revenues, not necessarily in new shoppers and trip ends. Mr. Hoff said he felt it was a good point. It's not 10 percent over the initial application, but 10 percent more of what is there now. There is a lot of building going on down there.

Mr. Lindley believed the Board had testimony with regards to traffic on the condominiums and apartment buildings. Perhaps staff can figure out what they saw at those intersections with the addition they granted with the new housing.

Mr. Zalinger said there was evidence that identified the number of trip ends. There wasn't a traffic study that studied the implication of those trip ends at intersections.

Mr. Marsh said a project that is varying by 10 percent isn't likely to be noticeable or measurable. You could come up with a statistical analysis, but it won't be meaningful at that level. Mr. Lindley said it's like the noise. Once it got built they heard about the noise. If we move forward and don't pay attention to traffic, we'll hear about the traffic on the intersections. He wonders if the Technical Review Committee and the Department of Public Works has thought about traffic. They have mentioned to the applicant their concerns, but they haven't quantified.

Ms. Hallsmith added they have asked for more traffic studies on the next application the Board will be considering, and there might be a way for the two applicants to cooperate and get it done at once. The Department of Public Works did not request a traffic study for the Coop as part of the technical review.

Mr. Zalinger pointed out that if there were 100,000 square feet of retail space, and there was a request to add 15,000 with a projection that the number of visits would change, he believes the net increase would not significantly impact things. 15,000 square feet more of retail space certainly would generate more visits and more trip ends, but would it seriously hamper any intersections accommodating the 100,000 square feet. He doubts it would have a measurable impact.

Mr. Leet said they discussed traffic during the Technical Review Committee and determine that the amount of increase was minor enough in the context of the district that it would not necessitate a traffic study. One of their goals is to make an urban supermarket that not everybody has to drive to, so when they talk about the increase in the number of patrons the intent is for residential neighborhoods nearby and will be pedestrian traffic.

Mr. Zalinger inquired if there would be a significant increase in deliveries. Mr. Leet said no. The expectation is that deliveries will unload more supplies but the number of deliveries will not increase.

Mr. Zalinger inquired if there would be an increase in trash generation. Mr. Leet said it would mainly be cardboard recycling. The plan is to install a compactor. Right now the store is using dumpsters, so there will be more tonnage but the visits will decrease on the garbage. Currently, they collect garbage 6 to 8 times a week, and it will go down to twice or three times a week.

The next criteria is whether the proposed use adversely affects the zoning and subdivision regulations in effect. He would return to the question of compliance with the auditory provisions of the variance.

Utilization of renewable energy resources is the next criteria. Mr. Leet said with this building they have a challenge in that the building tends to stay cool as opposed to heat, but they are adding skylights. Currently, they are proposing around 20 to 30 skylights. The building will be lit with skylights and they will be introducing daylight sensors to reduce electrical use. The upgrade of the coolers will add to energy efficiency.

The Board has taken evidence on all of the criteria appropriate for design review, site plan and conditional use, but it appears the record is lacking four elements of the project as it relates to what the sound generation will be and the decision the applicant wishes to make on those other thorny issues. Although we started to discuss it under the site plan review and talk about it during design review, it seems the area where the sound generation falls most appropriately is under the conditional use criteria as it relates to the zoning and subdivision regulations in effect. Mr. Zalinger asked if the Board was in agreement to where that belonged. The site plan criteria doesn't deal with the consequences of the use.

Ms. Hallsmith said it should be referenced to the performance standard 7-14 where you deal into noise, odor and dust and smoke. It is under conditional use.

Mr. Leet said one of their challenges is that some of the remediation strategies for sound involve essentially erecting large walls up on the roof around the sound. While he would like to go forward with the approvals from the Board he can, he isn't clear on how the DRB is going to view that and what sort of process they would have to go through.

Mr. Zalinger said in response to their question he believed that would be a substantive question the Design Review Committee would have to review. Mr. Leet said it wasn't their critical concern going through the review process.

Mr. Leet said the alternative scenario is that they find ways on the compressor structures themselves to mitigate them to the sound levels that are required by the noise ordinance. If they do find those proposals and the Coop determines that it can afford them, would there be any reason come to back to the DRB? Is it possible to get it accepted pending staff review? Mr. Zalinger replied no, that is the kind of testimony and evidence the Board needs to have in the record. Mr. Leet said they would be adding to the record and not recreating it. Mr. Zalinger said that was correct.

Mr. Leet said in that case they would request a continuance. He believes in two weeks they will have more information on the sound issue and be able to present better testimony on that item.

Mr. Zalinger inquired if there was a long agenda for August 6<sup>th</sup>. Ms. Hallsmith said she didn't believe so. Mr. Zalinger said if they continue the application they have to continue it to a date certain rather than tabling it until you are certain you have the evidence you need to go forward. Mr. Zalinger said if it is the applicant's request the Board can continue it until August 6<sup>th</sup> and then it won't have to be noticed since it will be continued to a date certain. The Board can do that, and the applicant can request to continue it again if they don't have sufficient evidence before that time.

Ms. Hallsmith said if the design review issue comes up they can always ask the Design Review Committee if they could schedule a special meeting. There is nothing impossible about that.

Mr. Leet said they need to first determine what strategies are suitable here. His other request is whether there is going to be a request for public testimony.

Mr. Zalinger said the request is for a continuance to address outstanding project elements on August 6<sup>th</sup>.

Mr. Teschmacher moved to continue the hearing for Stone Cutters Way and the Hunger Mountain Coop on August 6, 2007, with Mr. Hoff seconding the motion. The motion was approved unanimously 5-0 to continue the hearing on August 6<sup>th</sup>.

**V. Sketch Plan Review – RIV/DCD**

575 Stone Cutters Way

Applicant: Central Vermont Community Land Trust

Sketch Plan Review for Arts Center with mixed use

Commercial and Residential

Interested Parties: Preston Jump, Executive Director, Central Vermont Community Land Trust

Tom Bachman, Gossens & Bachman Architects

Garth Genge, Central Vermont Community Land Trust

**Ken Matzner and Ylian Snyder recused themselves from participating in the discussion.**

Mr. Zalinger read from the ordinance relating to sketch plan review to familiarize the Board members and applicants.

*The intent of sketch plan review is to provide the applicant an opportunity to consult with and to obtain feedback from the Development Review Board to save time and expense in the preparation of plans for preliminary and final review. Applicant is urged to meet informally with municipal representatives to discuss the project to submitting a request for sketch plan review. Following review of the materials submitted at the sketch plan review, the DRB shall make recommendations to guide the applicant in preparation of plans for preliminary plan review. The Board's recommendation shall be recorded in the minutes of the meeting and shall be provided to the applicant. Action by the Board on the sketch plan does not constitute approval of a subdivision plat, but is merely authorization to proceed to the next step of review.*

The way the Board has addressed this in the past is to refrain from taking sworn testimony or evidence and have it constitute an informational meeting and the Board provide feedback to the applicant. It is really just an informational meeting. If the Board thinks the project calls for it the Board will reduce their recommendations to a written instrument and issue it at a later date.

Mr. Jump said they are at a stage now with their conceptual design of the particular development that they would appreciate the Board's feedback. They have received feedback from the Planning staff in terms of an initial review. He said he would ask Tom Bachman to go through some of the technical details to familiarize the Board with where they are in the planning process of the project.

Their involvement with the site goes back a few months when they were requested to assist in the development of the property with the current owner, the Pyralisk Arts Center. The Pyralisk has owned the property for a number of years. This is the Salt Shed property on Stone Cutters Way. The Pyralisk has had some great plans and ideas for creating a performing arts center right in the heart of Montpelier. It would actually offer an expanded opportunity for the performing arts here in town. Although it wouldn't be the only thing, it would certainly be unique to offer a bit more in the way of seating and capabilities for staging, etc. They have had a tough time organizing this because property is a single use. Under the structure which they have now, which is a very long term ground lease with the Agency of Transportation, it has provided a lot of challenges for them. They had accomplished a great deal of success in taking steps toward development, such as obtaining funds for some remediation of some brown field issues on both this site and the adjacent Turntable Park that the City of Montpelier has leased from AOT (Agency of Transportation.) They also entered into a partnership with the Connor Contracting Group that resulted in a lot of site analysis and investigation having been done in the past three years. Despite all of that energy and good direction, they aren't developers and weren't really able to bring this up to the level of something that needed to meet the major regulations and requirements of a good development in the city of Montpelier.

Although their organizations are very similar, they are both nonprofits and out for community development, they were put in touch together with regard to this particular property with an eye to CVCLT (Central Vermont Community Land Trust) coming in and acting as the developer and perhaps adding a new dimension to the idea of

what the Pyralisk wanted all along, which was starting with the performing arts, building out from that and creating some other acceptable permitted use in the area in order to help pay for the large costs of developing a good property. When the Land Trust did that, they undertook a pretty extensive analysis looking at the regulations to see what is permitted that would be good solid community development. They had some initial meetings informally with city staff. They engaged Gossens Bachman Architects, who have done a variety of good solid development in this area, to help them through the conceptual analysis. The plan is for a mixed use development, which adds to the arts center components of not only commercial office space, which already exists in this particular zone. The amount they are now introducing is approximately a quarter to a third of what already exists. They are also introducing a housing component, which CVCLT has a number of units of housing just a block away, because they felt with the proximity to the river, shopping next door, and really good pedestrian access already created by the city on Stone Cutters Way, the desirability of a certain number of housing units here at this particular site would be good. It would be a real strengthening measure for this particular project in terms of its viability, and it is something we could hold long term and know to a very large degree of probability that it would be successful.

The program came together that way. Gossens Bachman was very instrumental in helping to work out the details in terms of meeting the requirements of the zone for square footage. They have been able to do that without creating something that needs a great deal of structural modifications or variances within the regulations. They are trying to keep this as close to permitted uses as possible. The one area staff notes in the report is the issue of parking. In this particular plan on this site or adjacent land they are short of the required parking but fully intend to come in at the appropriate time with shared parking agreements off site, including some of their own property to give them the required number, and maybe even excess parking. Not all parking will be here on site, but within a reasonable proximity of this site. They were alerted to the parking issue right up front by staff.

What they know the project will do for the City of Montpelier is really help complete the whole vision of Stone Cutters Way, which has been a magnet for vibrant activity. The application before the Board earlier from Hunger Mountain Coop helps do that to a certain extent. They heard the concerns expressed about vehicular traffic. Just from initial conversations they have had from potential tenants, residents and office users, they have heard people say they could walk to work. The experience they have had with River Station Apartments and Condominiums is that people are walking to work and shop. They haven't even begun to use all of the parking that was required at River Station Apartments. There is a surplus of parking, even within the requirements of that zone.

They know from experience if they design this property and have it as a nice place to live and work with a built-in amenity mix it certainly will serve those purposes.

The arts center itself is designed to take full advantage of the proximity of the Turntable Park. They hope the city will work with them hand in hand so they can come up with ways to do the projects jointly so that will be completed with this particular construction, so that not only the remediation of the soils and the actual construction of the facility next door can be done in time together. Then, the performances could take advantage of having some open space park and congregate in an area next to, and the park in turn would benefit from having a nice facility that could be oriented toward the park being available to citizens to come for a variety of small scale performances. They think that is a terrific spot.

It would be great if they could get a small café on the river front. That is a marketing issue right now they are not quite sure can be accommodated. The practicality of finding the right person to come in and turn that use in as a successful viable business is yet to be seen. Although it is called a café in the plan it may actually translate into an additional small office space.

He said he thought they had done a pretty good job of meeting the specifications of the zone, and they hope to have such a mix of the uses so they not only have rental but ownership components that will provide long term stability for this particular property. They intend to set it up as a condominium form of ownership even though it is a leasehold condominium. Hopefully, they will find other very long term owners and/or tenants who will join them. The Pyralisk, of course, is a nonprofit as well and a community sponsored organization. The Land Trust is structuring this so that the Pyralisk does not have any financial risk of its space. They intend to give the Pyralisk

a fully developed and completed building which they will finish with certain monies available to do that. Part of the Land Trust's program is to make sure that the Pyralisk has viability going down the road not only for their own sake but for the sake of all the other owners of the building.

The Central Vermont Community Land Trust has been under contract with the Pyralisk for several months. They do have an agreement in writing from the Agency of Transportation to be given a new lease, or series of leases, for leasehold interest under the same terms and conditions that the Pyralisk has had, which are very favorable for a nonprofit. They have developed a body of information about this site thanks to the Connor Company and the work they have done over the years, and they will presumably stay with the Land Trust as construction managers to keep continuity in terms of what is the real important structural and site elements going forward.

The Central Vermont Community Land Trust thinks this is an appropriate time to come before the Development Review Board to present a picture of where they are at this point and to solicit the feedback from the Board.

Tom Bachman, representing Gossens Bachman Architects, reviewed the detailed plans with the DRB depicting the existing turntable, Salt Shed. The existing salt shed is about 265 feet long x 85 feet wide. The building that CVCLT is proposing is approximately 250 feet long x 80 feet wide. They are proposing to locate the Pyralisk at the west end of the site so it has a good connection downtown. The main entrance for the rest of the building, the elevator and stair tower, would be at the other end. There is surface parking for 38 spaces under the building. They wanted to take advantage of the river, so whether that is a café, offices or retail, nobody knows yet. It may even be a project developed with Hunger Mountain Coop. The idea is to develop some sort of an outdoor area. They are looking at relocating the crosswalk to give a much stronger orientation and access to the river. There would be a direct access to the river with a plaza developed there. If there were a café or retail space, they would be developing outdoor areas.

Right now they don't believe there are any variances required for their setback. The overhang would be about five feet from the property line on Stone Cutters Way and the roof overhang is 10 feet at the top of the bank. That is the zoning requirement right now, and as they develop this they are trying to keep in mind all of the variances and setbacks they need dealing with the project.

With regards to the Pyralisk, there is a performing arts center with a lobby gallery. The concept here is that when the Turntable Park is developed the building would open up at the end and allow the Pyralisk people to spill out onto the park. That would be a very nice amenity, not only for the city but for the Pyralisk.

There is a lot of negotiation to work out, but they are looking at the possibility of approaching the City of Montpelier with some sort of land swap. They would like to look at developing additional parking on Stone Cutters Way. If they relocate the crosswalk, they can gain an additional three spaces. One approach is looking at getting 21 additional spaces on the front of the site. Right now the Coop is using 15 or 16 spaces that actually belong to this property, and the idea is that the parking spaces would continue to be used by both properties.

The second floor is office space. They don't know who the tenant is and how the space will be laid out. There is almost 13,000 square feet of office space that would be leased. The Pyralisk will have some upper support space for offices in their area. The larger area is the upper auditorium for the performing arts center. They are looking at possibly developing some terraces associated with the office space, and if they can afford it they would love to incorporate some green roofs on the project.

Third floor will be 12 one-bedroom apartments aimed at elderly tenants. The building will have an elevator. There will basically be a living room, dining room, kitchen, bedroom and bathroom in each of the units. This will be a wonderful location for elderly people because of the proximity to downtown and the Coop and theatre. There would be some sort of a common space associated with the housing on this floor with community room, bathrooms, laundry rooms, and offices. They would also like to take advantage of the south orientation along the river and put some sort of a deck associated with the apartments. The community space would be above the Pyralisk.

On the upper level they are studying whether it is affordable housing or elderly housing. There will be nine units of condominiums. These would be 1,200 square feet each with two bedrooms.

The building would be about the same height as River Station Apartments, which is about 45 feet high. They would be using fiber cement cladding on the building, probably a dark building. The entrance with the elevator would be the main entrance for the office and living units above. The west elevation would be what you would be looking at from walking from downtown. The idea is to have some sort of vertical element just to draw attention to the Pyralisk and show the massing of that is very different from the rest of the building. They want to make the Pyralisk an exciting space and something that is appropriate for theater use. There is a space allocated for an outdoor deck for the third floor units.

The south elevation facing the river they would like to use as much glass as they can. These are the areas they want to incorporate some green roofs. It is a pretty exciting site as far as solar and environmental orientations.

The north elevation facing the bike path there would be less glazing because it faces the north. These are the condominium units on the top floor. They are looking at some sort of outdoor space associated with the condominiums and also some sort of decking or outdoor space associated with all of the housing on the third floor, also. On the north side of the building facing the bike path they are hoping to do some type of berming that would be a planted area to help screen the parking even though it is under the building. The covered parking would be similar to what you see what CVCLT has built on the apartment building on Barre Street, and it is not very noticeable.

Mr. Zalinger said he noticed they had identified most of the building materials.

Mr. Bachman said they are looking at a corrugated galvanized roof on the existing building; fiberglass windows. The siding will be fiber cement clapboards just like what was used on the Woodbury College addition. The River Station Apartments on Barre Street are fiber cement clapboards. They would like to do some sort of translucent roofing on the Pyralisk. They are looking at fiber cement panels, maybe a different proportion associated with the theatre.

Mr. Zalinger said they should be aware that some of his fellow board members are not completely happy with some of the materials that have been used elsewhere on Stone Cutters Way.

Mr. Blakeman asked if he could assume that the aluminum Salt Shed will come down. Mr. Bachman replied yes.

Mr. Blakeman asked if the offices were going to be tied in with the arts.

Mr. Bachman said presently they are designed completely separate. The Pyralisk would be its own entity. The second floor offices would be their own entity. There would be housing on third floor and housing on the fourth floor. There would be some offices associated with the Pyralisk, but it is in their space.

Mr. Blakeman inquired if this would be a private venture.

Mr. Jump said it is nonprofit. They would be using some public money, especially for the housing portion. The Pyralisk has some grant money, which is public money, they will be using for their space. The Central Vermont Community Land Trust shares a grant with the City of Montpelier for remediation of brownfield soils. This project will also enable both the city and the CVCLT to take care of this problem because it extends on both sites.

Mr. Blakeman asked if they anticipated designated parking spaces for the building itself.

Mr. Jump said they have the garage with 36 parking spaces, street parking for 21, and the existing area by the Coop with 15 spaces. This project looks like it can provide 70 to 75 parking spaces, and he isn't sure how the parking would be divided at this point. They haven't allocated the parking yet. There is, practically speaking, a need to have some attendant parking for people who will use them the most within the building. The idea of the

park and the Pyralisk being sort of the streetscape that when performances take place, certainly people in this area will want to walk there in good weather. That will be a real attractive magnet for pedestrian traffic. Off peak hours when there would be performances and other events there would be a lot of parking freed up in that area. Part of their discussion has been with the Coop for after hours parking on their lot, which is significant. It should be a very compatible use with a lot of existing uses that are going on right now.

Mr. Lindley said they had captured the vision that a lot of people had when the river front district was put together. He thinks it is a wonderful project. He applauded them for getting away from the tin alley concept down there. He doesn't know how come we have so much tin on that site down there. They captured everything that was ever envisioned when they created the river front district. Mr. Lindley inquired how the parking.

Mr. Jump said the parking would be surface parking with the building above it. Right now the site is approximately one inch below the flood plain level. It is expensive to build parking. It is a project cost they had to think hard about, but in terms of producing the right kind of product this was the way to build the parking. As you see on the River Station Apartments, there will be a certain open area. Basically, it will be in the front of the building, on the side where the entry is, and a piece in the back they can keep open. That keeps air circulation, and it makes a less cave-like appearance. Even though it tends to be a little more costly, it really is an important component

Mr. Jump said that CVCLT has spend six or seven months listening to people and trying to do good planning and meeting with staff. They would love to say the product tonight is their design, but it really is the product of a lot of input from others who have been thinking about this site for a long time and tried to incorporate that thinking the best they can. They would like it to have comfortable connection to Stone Cutters Way, but they don't want it to look like granite shed. It should fit within the flavor of the area without trying to be something that it isn't.

Mr. Lindley said they should be congratulated for the fine work they did.

Mr. Jump said there is a long way between here and putting a shovel in the ground, but they like to think they have made a good start.

Mr. Blakeman said it is a thrilling idea.

Mr. Hoff said he liked the design.

Mr. Jump said they are requesting a traffic study and will be pursuing the parking issues.

Mr. Zalinger thanked them for presenting their plan for the Pyralisk.

**Other Business:**

None.

**Adjournment:**

Mr. Lindley moved adjournment with Mr. Blakeman seconding the motion. The Development Review Board adjourned.

Respectfully submitted,

Gwen Hallsmith, Director  
Planning and Community Development

*Transcribed and Prepared by:  
Joan Clack, City Clerk & Treasurer's Office*