

**Montpelier Development Review Board**  
**November 19, 2007**  
**City Council Chambers, City Hall**

*Approved*

**Present:** Kevin O'Connell, Acting Chair; Daniel Richardson, Jeremy Hoff and Roger Cranse.  
Staff: Clancy DeSmet, Planning and Zoning Administrator

**Call to Order:**

The meeting was called to order by Kevin O'Connell, Acting Chair and Vice President, at 7:00 P.M.

**Review of November 5, 2007 Minutes:**

Dan Richardson moved adoption of the November 5, 2007 minutes, with Jeremy Hoff seconding the motion. The minutes were approved 4-0-3.

**Comments from the Chair:**

Mr. O'Connell said there were three items on the Consent Agenda before the Board this evening. There was a previous discussion before the meeting as to whether there needed to be a lot of time spent on any of them and the consensus was they did not. The Design Review Committee has done its job in reviewing the applications. In all three instances, the DRC had voted unanimously to approve them as proposed.

**Consent Agenda:**

- I. **Design Review for CB-I/DCD**  
89 Barre Street  
Applicant: Patty and Steven Ribolini  
Exterior Painting
  
- II. **Design Review – CB-I/DCD**  
79-83 Main Street  
Applicant: Heney Family Ltd. Partnership  
Replacing 7 windows and sign.
  
- III. **Design Review – CB-I/DCD**  
3 Pitkin Court  
Applicant: John M. Kerin  
Sign  
Interested Party: Mark Perry

Mr. Perry appeared before the DRB and explained the sign is a request for his business, Edward Jones. Mr. O'Connell said the DRB accepts the recommendations from the DRC.

Mr. O'Connell said he would entertain a motion for all three. The Design Review Committee did its usual very thorough job and the Board is happy with their recommendations. The Board commends the applicants on the thoroughness of their application.

Mr. Richardson moved approval of design review for 79-83 Main Street, 3 Pitkin Court and the 89 Barre Street applications. They should be approved as recommended by the Design Review Committee. Roger Cranse seconded the motion. The three applications for design review on the Consent Agenda were approved 4-0-3.

IV. **Variance Request – MDR**

23 Prospect Street

Applicant: Andrea Cabral

Variance from setback requirements for the construction of a stairway

Mr. O’Connell administered the oath to the applicant, Andrea Cabral. He told the applicant he owns a property at 81 Prospect Street, and if there is any objection to him hearing her application the Board will have to postpone because there won’t be a quorum. He told the applicant that because this is a variance request the Board takes testimony under oath.

Ms. Cabral said presently there is an existing staircase off of Prospect Street that goes to her front door. She has an easement for a driveway down below that. She would like to build a staircase from that easement up to the side of yard, and that is what she is hoping to get a variance for.

Mr. Richardson said the variance is strictly for setback. How was the parking handled before the easement?

Ms. Cabral said the easement was in place with the previous owner, so the parking spaces have been there for at least ten years.

Mr. Richardson said he is having a little trouble distinguishing where the stairs would end, whether or not they end at the applicant’s property line or does the construction continues on to the easement. Ms. Cabral said they end right at the property line.

Mr. O’Connell asked if the project in its entirety was a staircase. Ms. Cabral replied yes. The variance is because of the fact that this is considered a structure.

The Board reviewed the variance criteria, which is contained in the city’s ordinance.

**Variance Criteria: § 1006.B (1) (a)-(f)**

- a) *That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot 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.*

Mr. O’Connell said the topography is exceptionally challenging on that entire hillside. The physical conditions are such that you need to be extremely creative. Most of the lots along that entire corridor, including as you go up to Cherry Street and Pleasant Street, predate the zoning ordinance by many decades.

Mr. Richardson said, if the pictures are accurate, it looks like the only way to access Ms. Cabral’s house is the existing staircase. He asked if that was accurate. Ms. Cabral replied yes and said she also has a 10-foot easement from 1 Cherry Street.

- b) *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 property.*

Mr. O’Connell said it is nice sometimes to see a project and property with such physical challenges that these criteria actually make sense. There is absolutely no way the applicant could make this access safe without the need of a variance.

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

The house was built on or about 1910, well in advance of any zoning regulations, and that the applicant has owned the house for about five years.

- d) *That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use of development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare.*

The variance will actually be a benefit to the public welfare as it will make the general access to the property much safer.

- e) *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. Richardson said if he understands the application correctly the applicant is proposing a staircase in the woods. Ms. Cabral said it will be very much less noticeable than what is there presently. Right now there is a staircase going up the front.

Mr. O'Connell said there is a semi-retaining wall, and the current staircase is off the street going up the retaining wall.

Mr. Richardson said there is a section within the zoning statutes that talks about these kind of access points, to make them blend in is the preferable nature. The fact that this is a staircase that is proposing to essentially go into the woods to provide the access to the easement without any major impact fits perfectly within the plan.

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

There is no plan for a change in the use. It will remain residential.

Mr. Hoff asked how wide the staircase was going to be. Ms. Cabral said she believed they had designed it to be three feet wide.

Mr. Hoff asked if the applicant would accept a condition that the stairs would not be any wider than the existing stairs in front. Mr. O'Connell said those are pretty narrow and he doesn't believe they are three feet. Ms. Cabral said she didn't believe they could be less than three feet safely. Mr. Cranse said he wouldn't want to make that condition.

Mr. Richardson said if you look at the picture the staircase looks fairly wide. Ms. Cabral said it isn't much over three feet now.

Mr. Hoff said he would suggest they cap it at five feet or less. Ms. Cabral said would work for her.

Mr. Cranse said he didn't really see any reason for a condition. He doesn't think the applicant is trying to do something that is unreasonable. Mr. O'Connell said he felt five feet is reasonable on the outside. He doesn't feel strongly about a condition himself and will leave it to Dan and Jeremy to decide if it is important to proceed with that. Mr. Hoff said he isn't necessarily in favor of adding conditions, but it is a helpful guideline. In the meantime, property can change hands and plans alter. Mr. O'Connell said it is in the woods. It might be visible this time of year, but during the foliage season it won't be visible at all.

Mr. Cranse said for whoever builds it there may be constraints on the kind of lumber or supports needed, so he feels it is unreasonable to put this condition on it. Mr. O'Connell said he believed five feet is a reasonable limit.

Mr. Richardson moved approval of the variance for 23 Prospect Street with the single condition that the steps be no wider than six feet. Mr. Hoff seconded the motion. The application was adopted 4-0-3.

Mr. O'Connell said the next two items on the agenda for the Board are sketch plan review. Sketch plan review is an informal process of an applicant with a project being able to have a discussion with the Board and the public as to what they are proposing to do. Generally, plans are in the sketch plan phase. The Board doesn't take an official vote at the end of this, but give advice and comments. The intent with sketch plan review is the applicant can hear from the Board and from the public to get a sense of what is important to be addressed in the presentation of the next phase of the project, which does become the formal process where votes are taken.

**V. Sketch Plan Review – LDR/IND**

203 Country Club Road

Applicant: Montpelier Elks Lodge 924

Two lot subdivision

Interested Party: George Gillander, Elks Board of Trustees

Mr. DeSmet said the Elks are subdividing approximately 144 acres into two lots. One lot will be 140 acres, and the other lot 4 acres. Lot 1 is in low density; Lot 2 is entirely within the industrial district. There are no proposed structures or building envelopes, just a simple subdivision at this point.

Mr. Gillander, Vice Chairman of the Montpelier Lodge of Elks 924, appeared before the Development Review Board to file their planned subdivision request with the city. They are looking to make a two-lot subdivision. One would be the original acreage, which starts out at 144 acres, so they would retain 140 acres as one subdivision and split off one industrial or commercial lot of 4 acres. As you face Country Club Drive, on the left there is the WSKI radio tower, the 4 acre parcel starts from Route 2 on the other side of the railroad tracks and goes up towards the lodge on the right hand side of the road.

Mr. Gillander showed a map depicting the proposed subdivision.

Mr. O'Connell inquired if the 4 acre lot would be put up for sale. Mr. Gillander replied that was correct.

Mr. O'Connell said there is no proposal for development at this time. This is just a subdivision at this moment.

Mr. Richardson asked for clarification about this being a two-lot subdivision. Mr. Gillander said they were taking their original one piece of land and split off 4 acres so it is considered as a two-lot subdivision.

Mr. Richardson asked if there were any other right-of-ways other than Country Club Drive that go over the railroad tracks that touch either lot. Mr. Gillander said none that he was aware of.

Mr. Richardson said he presumed they were selling Lot 2 to someone who would develop the 4-acre parcel. We are talking about Country Club Drive being the main frontage as far as points of access to it.

Mr. Gillander said it would basically have two points of access. Once you cross the railroad track on Country Club Drive you can access it from either side. Mr. O'Connell said they are both on Country Club Drive.

Mr. O'Connell said from the standpoint of traffic we are dealing with minimum traffic on Country Club Drive.

Mr. Hoff said the subdivided parcel would be an industrial parcel whereas the existing parcel was probably in agricultural use before it became a golf course. He is curious as to what kind of easement over the railroad tracks they have. Mr. Gillander said he didn't know the answer to that. Mr. O'Connell said that should be researched and brought back to the Board.

Mr. Richardson asked if Country Club Drive was a public road. Mr. Gillander said it is a city street.

Mr. Hoff asked if the northern boundary of Lot 2 lined up with the line where the zoning district changes. Mr. DeSmet said he would find out. Mr. O'Connell said as far as changing the boundary that has to go through a formal process with the Planning Commission and the City Council.

Mr. Richardson told Mr. Gillander that he should keep in mind that any use which is proposed, even though Country Club Drive is a public road, the public has the right to access. Any business that goes in there is going to have some kind of traffic impact on a street that is already fairly crowded in a difficult intersection. Of course, any development that may come might occur after the rotary change and that could affect the traffic. But this is certainly an issue that is going to come up when someone comes to develop the lot. Mr. O'Connell said with any project that is being proposed would be dealing with access, storm water and traffic. At this time it is not an issue. What is an issue are the easements and boundaries need to be very precise.

Mr. Richardson asked if the Elks were retaining any easements on Lot 2. Mr. Gillander replied no. It would be carved off and sold as its own entity.

Mr. Richardson asked where Country Club Drive actually end as a public road. Mr. Gillander said the public road ends about 80 percent of the way up the hill to the lodge before you get into the parking lot. The city plows up to there. There is a fire hydrant near the top of the hill and the city street ends a number of feet after the hydrant. That is beyond Lot 2.

Mr. DeSmet said the applicant would like to combine the preliminary and final review.

Mr. O'Connell told Mr. Gillander if they could provide the DRB with all of the details they need to make that decision that is a good possibility. They need to know about the easement, precise boundaries, etc.

Mr. Richardson said they should make clear on the next filing where the public road ends. There is a difference sometimes where the city stops its plowing and where the public right-of-way ends. Mr. O'Connell said they may want to talk to the Public Works Department and discuss what potential issues might arise depending on various intensities of projects.

**VI. Sketch Plan Review – MDR**

Hebert Road (Stonewall Meadows)

Applicant: Fecteau Homes, Inc.

Planned United Development (PUD) of 16 multi-family units in four buildings.

Mr. DeSmet said Fecteau Homes are putting 16 units in 4 buildings. They built several units in the 1980's. There is an extensive chronology in members' packets. It is contained within the Medium Density Residential and meets the criteria. The Department of Public Works and the Planning Office met with the applicants at the Technical Review Committee, and all of the recommendations are contained within.

Mr. O'Connell reminded the applicant and interested persons that a sketch plan review is an informal process of exchanging information.

Rick DeWolfe of DeWolfe Engineering appeared representing Fecteau Homes, along with Vic Fecteau and Josh Nicosia. He said this project has been through previous permitting as far back as 1976. Currently, there are 12 units up there. In the transfer of ownership of this land Mr. Fecteau acquired the right to build out the remaining 44 units. Due to an overlay issue where they actually transferred out a portion of the land to the Recreation Department, there isn't enough room for the 24 units that were originally contemplated in the 1980's. The applicant is here tonight to show a 16-unit plan to complete the development of Stonewall Meadows.

As Roger Cranse and Kevin O'Connell probably remember, they were before the Board last year and received approval for the land downhill towards the Barre-Montpelier Road for a project called Capital Heights. This is

not part of that project. For information purposes they will notice in their drawings that they have lightly shown the proposed Capital Heights development below this existing development. There are portions of the utilities for this project which will connect through to Capital Heights. That is still subject to final approval and only received conditional approval last year. The applicant will be back in February before the DRB to discuss that project further.

Mr. O'Connell asked Mr. DeWolfe if this project of 16 units a new project, or is it the old project with a bit sliced off. Mr. DeWolfe said it is the completion of the old project. Mr. DeWolfe said the original Act 250 approval was for 36 units.

Mr. O'Connell suggested they take some testimony from the public and get Tom McArdle's testimony on the application. He reminded everyone that this is a sketch plan review and an informal process. No vote on the project is going to be taken tonight; it is an information exchange.

Leane Garland, Secretary of the Stonewall Meadows I Owners Association, Inc, appeared before the DRB. She explained they are the two existing buildings on the plan. She asked if the hearing could be delayed or extended since they just received this information last week and haven't had a chance to consult with their attorney. They would like to consult with some people on the effect of the values of their homes.

Mr. O'Connell reminded her that this was an informal proceeding with no votes or official actions taken tonight. There are only four members out of the seven members of the DRB present tonight. He assumes the full board would like to hear much more on this project. They will take information this evening and be back again with additional information and questions.

Ms. Hoff said this might be a good instance not to consolidate preliminary and final review so the whole board can be present. Mr. O'Connell agreed. Mr. Richardson said he concurred. Given the complexity of this project it merits the full three hearings.

Ms. Garland said they came up with a list of questions they feel the Development Review Board should be asking Mr. Fecteau. The first one goes to the point that Mr. DeWolfe made about continuing with the previous development. All of those permits have expired. When this project came for a previous hearing back in 2003, the DRB ruled that they needed to start all over again. There really isn't a continuation of the previous plan.

Previously, their attorney looked into this idea of completing Phase 1 and what that would mean. The attorney consulted with Mark Scottino, who is the State Counsel for the Lawyers Title Insurance Corporation, and found that Phase 1 of Stonewall Meadows was incorporated and the condominiums were declared under what was called the old act. There is a letter from their attorney, Elaine Nichols, attached to the Board's packets. The letter is to Mr. Fecteau's attorney, and she said that neither the land nor the development rights were conveyed to the Northfield Savings Bank by Babcock in the mid 1990's and therefore couldn't be conveyed to Mr. Fecteau when he made his purchase of the land. Under the old act development rights didn't exist as such, and this has been a problem for a number of developments around the state, therefore those rights couldn't be conveyed in any way. Mr. Scottino indicated he would not insure any new condominium units constructed on Phase 1.

She realizes that the question of ownership and development rights may not be an issue for the DRB, but she does think the issue is how Mr. Fecteau insures the sale of these units when the providence of the land is in question and the owners cannot get title insurance.

Mr. O'Connell said this sketch plan review is a review of the proposed project and not the legal conveyance governing the land itself. The DRB has no jurisdiction. That is a court issue. He wants to focus their discussion on the aspects of the actual proposed project.

Ms. Garland said she wanted to go on record with this information because she thinks it could create difficulty for Mr. Fecteau. Mr. O'Connell said she had entered it into the record. This is a preliminary discussion and the Board will be back again on this issue.

Ms. Garland said the second point is regarding the management of the property, and that is more legal. It's on the record. Mr. O'Connell affirmed it was entered into the public record.

The third point is that it appears from the plan they were provided that the existing pumping station would be used for sewage. That is presently maintained by the Homeowners Association. The capacity should be adequate; that is not an issue. They have spent thousands of dollars on repairs on that pumping station. It is very fragile. It was built as a temporary fix. Her concern is that this is a very fragile 20 year old pumping station and was meant as a temporary fix. The question to Mr. Fecteau is, what is his plan to make sure that the sewage is adequately and sanitarily managed, and how will the existing homes be included in that plan?

It shows insulation of water lines. She doesn't know how this will be done without disrupting the service to the existing homes.

The Homeowners Association is interested in the planned price of the units and how that will impact on the need for low and moderate income housing in Montpelier. How will that impact on the value of the existing homes in the neighborhood?

They are concerned about the traffic. This came up with the Capital Heights Development as well.

Mr. O'Connell said Mr. McArdle is here to give the Board some perspective on where the Public Works Department is with this project right now.

In terms of design issues, the driveway for the new units will be off their existing driveway. It is their only means of entrance and exit, and it is also where they have their additional parking. They are wondering how that will be incorporated. How will the appearance of the new buildings be integrated in the neighborhood? On the plan the new buildings look huge. They are much bigger than the existing buildings, and bigger than some of the single family homes in the area.

What are the plans for sidewalks? Again, this was an issue for the Capital Heights development, and they are asking the same question again. What are the plans for sidewalks and pedestrian safety? What are the lighting plans? What will be the impact on existing homes and how will light pollution be prevented? Or, are they just going to end up with a blazing set of lights in their backyards?

What are the plans for integrating recreational and open space with the Capital Heights Development, with the existing recreation area, and with their open land? How is all of that going to be integrated? Has Mr. Fecteau met with the Stonewall Meadows Recreation Association to discuss these plans? The Board did hear that there was an effort made not to impinge on those lands, but they wonder how it will all be integrated.

Charon Goldwyn, an individual owner of a condominium at Stonewall Meadows, appeared before the Board and said when she heard about the meeting this evening, which was a very short notice, said that it was strongly urged throughout all of the hearings that their attorney be notified. That has not happened. They received a notice two days prior to the agenda coming out, so they have had no time to review this. There are 12 condominiums now in 2 buildings that are 20 years old. Based on the design coming up, one of two things could happen. They could look like a sore thumb standing out in the middle of a small community, or is Mr. Fecteau thinking of working towards a similar design and similar space? There could be a situation where their property could potentially lose a little value. That was one of the reasons they asked for a postponement tonight. They have not had any opportunity to bring in any real estate experts to give their opinion. She wanted to make a comment for the record that there is a concern over the existing buildings and the new design and how their buildings will look situated among the other buildings.

Mr. O'Connell asked Mr. DeSmet what the notification required for sketch plan. Mr. DeSmet said it is published in the newspaper several weeks beforehand, and out of courtesy on a sketch plan Fecteau Homes notifies the homeowners. He doesn't know of anything in the ordinance that says he has to do any more for sketch plan.

Ms. Goldwyn said she understood that, but this has been going on for many, many years. There was a very strong recommendation that Mr. Fecteau notify their attorney with all materials. They received these materials on November 14<sup>th</sup>, which was less than a week ago, so they did not have an opportunity to review it.

Mr. O'Connell asked what the notification requirement for conditional and final review was. Mr. DeSmet said they would notify abutting landowners by mail. Sketch plan is an informal process. From the time Mr. Fecteau came in to the Planning Office until tonight the plans are probably different after meeting with the Technical Review Committee, so they are not skirting anybody's notice.

Mr. Fecteau said they had been in touch with the Stonewall Meadows Homeowners Association quite a few times. In June they sent a letter to everybody and in July again. Nobody ever replied to the letter.

Ms. Garland said the letter they received this summer was a letter telling the homeowners what Mr. Fecteau was going to do. The information in that letter was incorrect, and even their attorney, Sarah Field, wasn't even aware the letter was sent to the homeowners. From the last meeting there were agreements made that the homeowners would meet with him and their attorneys. Mr. Fecteau's attorney contacted the Homeowners Association's attorney and asked for a meeting on a very short notice. We gave him some dates and never heard back from him. In all good faith, Mr. Fecteau, this is what the challenge is going to be. It is going to be, "They said; we said." This is a very heated issue for the homeowners, and it has been going on for many years.

Mr. O'Connell said the Development Review Board hears what she is saying. They hear that there is a big issue around the information that is going in both directions. That's part of the sketch plan review. That is why they have these hearings, and why they are informal. That is why there is no action taken this evening. The Board is hearing the message loud and clear that there is a need for some additional dialogue. What he would like to do for the rest of the time spent on the review is to focus on what they have for a preliminary application.

Tom McArdle, Assistant Director of Public Works, appeared and said the Public Works Department serves as technical advisors to the Development Review Board by reviewing projects and plans to determine compatibility with infrastructure and conformance with both local and state standards, and to respond to any questions from both the applicant as they prepare plans and the DRB as it reviews them. Public Works has participated in preliminary meetings with the applicant and the engineer on the technical side of the project. That is done first with the engineers and then subsequently with an in-house review by the Technical Review Committee. This is a means for city staff to become familiar with projects, and it involves the Fire Department, Police Department and other departments representing the city. The meeting of the Technical Review Committee was held and some changes were made in response to that. There were Fire Department issues with fire hydrant locations and access. The Police Department are generally concerned with lighting and access. For the Department of Public Works' role in that review they looked at the water system, sewage and pump station question raised, storm water, traffic access, and pedestrian access. They have questions they relay to the developer and the engineer, things they need to look at further. They don't have all of the answers tonight, and don't expect to for some time. Some items actually carry on through final design. Some of those details are left until the very end of the project.

Regarding the water system, the city's responsibility is first to their existing customers and secondly fire flows. This includes the review of the city's existing service and how we can add new demand on the water system. They generated some flow information for the city, and that has been and will continue to be reviewed. Actually, this goes back a long ways when Stonewall Meadows was originally developed. Some of that planning for future design and future extension was implemented. That planning actually started in the 1970's.

With improvements made by the city by increasing the size of the water main on Berlin Street, the water treatment plant the city has the water system to provide for this development. This includes fire flows and sprinklers which will be installed. The city is in good shape and can meet the new demands without compromising existing customers.

The pump stations and waste water disposal in general, although there is some dispute as to how and what is available for development, the city reviewed the records from the 1970's, which is when the development was

planned. The sewer pump station referred to was connected to the pump station on Judson Drive, so it was pumped twice. It was pumped up to Judson Drive and then pumped up again on Berlin Street where a hilltop development doesn't make a lot of sense. Gravity is the way to go. It is a waste of energy and a great deal of expense.

When Isabel Circle was extended, Judson Babcock was required to switch that line to a new manhole and now gravity feeds down to River Street. If you read the chronology, you'll see there were some problems with the construction of that sewer line. They never go from blank ground to a completed project. There is an interim phase.

They have proposed to connect to the sewer pump station. To do that, like any other system, they are required to show us there is capacity. There are new updated codes that require storage of flows during power outages, and they will have to indicate there is adequate capacity for storage during the storms, that the pumps are adequate size and sufficient. They have represented to the city that this pump station will ultimately be discontinued, but that is subject to review and approval and construction of Capital Heights. We have to consider this may be there for the long term. Mr. McArdle said he was a little surprised to hear the word temporary because the pump station has been shown on the plans before as a permanent structure for many years. It is not temporary but their means of waste water disposal.

Ms. Garland said it is fragile at best. Mr. McArdle said that is true with anything of age. Anything mechanical will require increased maintenance and repair over time. The DRB will need to look at that and need to be satisfied there is adequate means of sharing of this because it is a joining with the association. However that happens the city needs to be assured that one party isn't in dispute and there is a pump station that isn't working and it becomes a public health issue. The role of the city government is to make sure those pieces are in place.

Traffic is next on the city's list. With any project there is a number of criteria factors. Although that is often mentioned in projects as a concern, the reality is that while they will suggest and obtain from the developer a trip generation report they will not be requiring a traffic impact study for this project. The number of units is small in terms of traffic generation. Typically, what you will receive in a traffic impact report is a grading of the streets and level of service and the capacity of the roads, such as Hebert Road and its intersection with Berlin Street. They know from the Capital Heights review that intersection serves about a Grade Level A, sometimes B, depending on the peak. There are no firm criteria in Montpelier, and in most jurisdictions, allow an intersection to deteriorate to a level of service B. That would more than quadruple, and probably more than 10 times, the amount of traffic on Hebert Road before you would see the level of service peak. You are going to receive a report that is going to say the traffic impact is negligible and it won't affect the level of service. It will remain a Service A most of the time off peak. Yes, there are more cars on the road, but considering that as a negative not a factor. It's going to be a fairly small number. It will be probably 2 or 2½ trips per unit. Condominiums generally generate a fewer number of trips than single family homes. That is something the DRB can debate, and at the neighbors' urging they may still require a traffic impact report for the project.

Regarding driveway impacts, it is noted there is a single driveway. Primarily, the impact will come through construction and it will be imperative on the engineer to develop a construction plan that takes into account the least amount of disruption to the neighborhood's daily lives. Isabel Circle was actually was constructed, and maybe there is a way to provide a temporary means of access through that. Because it is the only access we would not allow anything that would impact their safety. There needs to be access for ambulance and police to access the site. There needs to be 24-hour access.

Regarding sidewalks, that was a decision made many years ago. There are a lot of developments in Montpelier and other jurisdictions that did not include sidewalks on public streets. That is unfortunate. There is an internal sidewalk network from the driveways to the unit, but nothing is proposed to be on the street. There is a mechanism for Montpelier to address that through a collection of traffic impact fees and in the capitol plan a sidewalk is identified as a capital improvement on Hebert Road. The first section of that is from Judson Drive to Berlin Street because kids are walking on the side of the road and there is a bus stop there. That would actually be partly funded by this development and other traffic impact fees collected in general over the year.

Mr. O'Connell asked if there were sidewalks on Hebert Road at this point. Mr. McArdle said there were none. It's a wide street. The curving part with the hill between Judson and Hebert is seen as the more critical need and where more pedestrians would gather and consolidate to make the final trip up to Berlin Street.

Mr. O'Connell asked how would this project with 16 units and the proposed project of Mr. Fecteau's with many more impact how sidewalks would develop on Hebert Road, Isabel Circle and other related streets. Mr. McArdle said the Stonewall Meadows condominiums would likely generate a traffic impact fee to help offset those costs, and then the remaining funds would have to come through the capital budget. Any addition of units adds to the potential for more walkers. Certainly, you would like to see more walkers everywhere. They also look at what generates pedestrian trips. What are you likely to walk to? Is there a store? Is there a recreational facility? Is there something that is going to attract pedestrian trips? It's really a little bit far for kids to walk to school. They do walk to a bus stop. Other factors would be more for physical fitness and exercise trip, so you might find some of that in and around the confines of the development. Condominiums generally don't generate a lot of school-age children. He said he didn't expect from past experience there would be a lot of school aged children living in the condominiums. That is how they would envision addressing pedestrian need in the neighborhood.

Capital Heights is a development through conditional approval that does not have a physical connection of the roadways. People now walk on the road and feel some level of comfort. Adding more vehicles to the roadway can detract from that. Capital Heights was intentionally disconnected from this development, primarily because of the potential for cut through traffic.

Mr. O'Connell said he didn't want to mix up projects because they are totally separate. With Capital Heights he remembers there were sidewalks on one side. Mr. McArdle said they don't mix the projects, but in terms of planning infrastructure we need to plan ahead for that.

Generally, they don't get too involved in the Public Works Department with design. It is safety and convenience.

Mr. O'Connell asked if the size of the units had any impact on Public Works review. Mr. McArdle said there was a note from Clancy DeSmet's review that some further work needs to be done with driveway design.

Mr. Cranse said the applicant will remember the point he made under the general development standard § 703 *Pedestrian Access and Circulation*: Lot layouts, site design, and site elements shall provide for pedestrian circulation.

Mr. O'Connell said he would concur with Roger's point about pedestrian access. That is a concern he is very keen on. He feels in this day and age we don't need to be adding to the mistakes we made in the 1960's and 70's with forgetting that pedestrians have legs.

Heather Cipolla from Isabel Circle said she had a couple of questions related to what Tom McArdle said. She understood he said there wouldn't be a traffic study made for this project but they would be relying on the traffic study previously done for Capital Heights. Mr. McArdle said that final decision is up to the Development Review Board. Their impressions that the trip generations of 16 units wouldn't warrant a full blown traffic study. They would suggest that the applicant provide a trip generation review for the Board to consider. With Capital Heights because there was a previous traffic study, that is on the record for review. The traffic study done for Capital Heights was reviewed by a consultant employed by the City as an expert and they verified and validated that information. It is a resource for the Board.

Ms. Cipolla said he mentioned construction traffic coming down Isabel Circle and up around. Mr. McArdle said it actually Hebert Road.

Susan McCreary, a resident at 33 Hebert Road, appeared before the DRB. There was a comment made about children. At this point in time there are not a lot of children in their condominiums, but at one time there was at least five families with children living there. There are children throughout that whole community up there; especially, there is a lot of children in the lower housing and that road is not wide. The other day she had to go

way over onto the right hand side of the road to avoid another car coming up. As she was going around a corner she had to slam on her brakes because there were three children there. There are absolutely no sidewalks on that street, and it is extremely dangerous. That road is windy and curvy, and from Judson up to Berlin Street it is extremely steep.

Mr. O'Connell said he believes several of the members of the Board agree. He thinks they made some bad decisions back at the time the original development was constructed. The mechanism for addressing that now is what the capital plan that Tom is referring to. The Board has also made the point they would like to see that the pedestrian access and circulation is accommodated within the new proposal.

Mr. McArdle said there are a lot of projects in Montpelier that are identified on that plan, and just not enough funding to go around. Although it is there, it is awaiting and competing for funding like the other projects. One thing that would help advance some of that work is the generation of impact fees. That would help the city get started on at least the one section between Judson and Hebert Road.

Mr. McCreary said she didn't want to see something happen to somebody before we take care of the sidewalks. It's not just from Judson to Berlin Street. It is going around the corners as well. There are two corners that are extremely dangerous. You cannot see a child or an adult, or people walking their dogs. Mr. O'Connell said the Board didn't disagree with that assumption.

Mr. O'Connell asked where the DRB wanted to go with the project. They can continue the sketch plan or go to conditional review. The Board has already made a point they don't want to do a combined conditional and final review. The applicant has heard a lot of concerns both on the technical side and dealing with the neighbors' concerns.

Mr. Richardson said he is in favor of continuing the sketch plan review because there are too many concerns voiced and they don't have a full view of what the plan is going to be, especially with the evolution that is occurring. He would hate to shortchange the opportunity for the Board to review the full sketch before they move on to a higher level with a preliminary review.

Mr. Cranse said most of the concerns the Board and neighbors have raised will be addressed in detail when the applicant comes back for the next phase of the project. He feels comfortable with the applicant going on to the next phase.

Mr. O'Connell said he wasn't even sure the Board has the option of not going on to the next level because this is an informal process. Conditional use is a formal process.

Mr. DeWolfe said they were present tonight to hear the Board's concerns and to see if there any special interest in this project. They have heard the concerns about the traffic, pedestrian and utility issues. He believes they have addressed them all. They have an understanding with the Public Works Department as to how the project coordinates with the other proposed project. Unless the Board feels there are some additional concerns that the other Board members would bring to the project they would prefer to move on to preliminary approval at this stage.

Mr. O'Connell suggested they have some people need to talk with. Projects advance much more efficiently if we have consensus of where they are going.

Mr. O'Connell thanked the applicant and neighbors for attending the meeting and voicing their concerns about the project.

**Other Business:**

None.

**Adjournment:**

Mr. Hoff moved adjournment, with Mr. Richardson seconding the motion. The Development Review Board voted to adjourn on a vote of 4-0-3.

Respectfully submitted,

Clancy DeSmet,  
Planning and Zoning Administrator