

Montpelier Development Review Board
August 5, 2008
City Council Chambers, City Hall

Subject to Review and Approval

Present: Roger Cranse, Acting Chair; Alan Blakeman, Jeremy Hoff, and Bethany Pombar.
Staff: Clancy DeSmet, Planning and Zoning Administrator

Call to Order:
Roger Cranse, Acting Chair, called the meeting of the Development Review Board to order at 7:00 P.M.

Review of July 21, 2008 Minutes:
Approval of the July 21, 2008 Minutes of the DRB were postponed because there wasn't a quorum of those attending.

Comments from Chair:
Out of 7 members of the DRB only 4 are present so any application will need a unanimous vote for approval. The Consent Agenda applications have been acted on by the Design Review Committee. The Development Review Board has the final vote. The DRB will vote on each one separately. However, unless members of the Development Review Board have questions of the applicant or wish to discuss the application itself, or if the applicant wishes to offer testimony, the Board will go right to a vote on them.

- I. **39 Main Street – CB-I/DCD**
Applicant: Montpelier Downtown Community Association
Owner: City of Montpelier
RE: Landscaping City Hall Plaza
Interested Party: Mayor Mary Hooper

Mr. Cranse administered the oath to Mayor Hooper.

Mr. Blakeman said he had two information questions. He asked why they were changing the existing crabapple tree.

Mayor Hooper said it is her understanding that the tree is in very rough shape. It looks quite healthy, but the Tree Warden has inspected it and said it is likely to come down. Both of the trees are planted in a mound and the mounds are going to be removed. It makes sense to do all of the work at once.

Mr. Blakeman asked if the Little Leaf Linden trees have a better chance of survival in this urban environment.

Mayor Hooper said the Montpelier Downtown Community Association Design Committee consulted with experts on tree health and their likelihood of success. Her understanding this is a good species and good selection of a tree for that spot. The person who worked with them very closely is Jean Vissering, who is a landscape architect and has a good deal of expertise with trees. They also spoke with the Tree Warden about this.

Ms. Pombar asked if there were a reason that red brick was chosen instead of something to match the existing pavers.

Mayor Hooper said there was a good deal of discussion about what would be appropriate there, and there was an interest in having just a splash of color to lighten up what is a pretty uniform feel of the site.

Mr. Cranse said the Design Review Committee did make an adjustment to the application. They are supposed to use real red brick pavers or plant material as a substitute for faux brick pavers. Mayor Hooper said the Design Review Committee met just last week and the MDCA Design Committee hasn't met since then. It is her understanding that if this is what is necessary to move it forward, then they do accept it. One of the problems

here is that the optimum times to be planting a tree is in September. They would just like to see the plaza renovation move along.

Mr. Hoff asked if the plant material (green grass) was what was suggested.

Mayor Hooper said there was a discussion about that. The recommendation was that it was not brick but some type of plant material. The dilemma is what will work? They don't believe grass will work because it is an urban environment. She said there are shrubs that will be planted around the trees, but there was a desire to have additional plant material to soften the appeal of it.

Mr. Blakeman moved approval of the landscaping change for City Hall Plaza with the adjustment suggested by the DRC. Mr. Hoff seconded the motion. Approval for the landscaping of City Hall Plaza at 39 Main Street was approved unanimously on a 4-0 vote.

II. 1 National Life Drive – OP/DCD

Applicant: Solar Works, Inc.

Owner: National Life Group

Install solar panels on main roof of building.

Interested Party: Leigh Seddon

Mr. Cranse administered the oath to Leigh Seddon.

Mr. Blakeman asked was the system already put in place, or were they just placed there without being attached.

Mr. Seddon said that photo shows what the mounting system looks like, and the mounting system doesn't actually penetrate the roof. The modules are racked up and have locks that weight them down, and are faced north to south so they don't shade one another. National Life is going to get approximately 420 of those panels.

Mr. Hoff moved approval for design review at 1 National Life Drive as submitted by the applicant, with Ms. Pombar seconding the motion. The motion was approved on a 4-0 unanimous vote.

III. 7 Langdon Street – CB-I/DCD

Applicant: Grace Gilbert, Global Gifts

Owner: Leeds Brewer

Relocate current sign.

Mr. Cranse administered the oath to Grace Gilbert.

Mr. Blakeman inquired about the term dentil molding. Ms. Gilbert said she learned from the DRC meeting was the dentil architecture wooden part are the little wooden squares.

Mr. Blakeman moved approval of the application for Global Gifts on 7 Langdon Street, with Mr. Hoff seconding the motion. Mr. Cranse noted there is an option offered by the Design Review Committee she may consider with regard to lighting when she does the work. The application was approved unanimously on a 4-0 vote.

IV. 27 State Street – CB-I/DCD

Applicant: Janice DeGoosh, Pink Shutter

Owner: Stephen Everett

Placement of a whiteboard sign in front of the building.

Mr. Cranse administered the oath to Janice DeGoosh, owner of the Pink Shutter.

Ms. Pombar said she noticed that one recommendation was that the shutters not extend past the posts. Ms. DeGoosh said the shutters are going to have to be made smaller so they don't overhang.

Ms. Pombar said there are two horizontal beams going through there. did they consider that in the height they chose to hang their sign? Ms. DeGoosh said she would definitely make sure they line up so if Capitol Grounds ever puts a sign up the two signs will balance.

Mr. Blakeman asked if the Pink Shutter sign will still remain. Ms. DeGoosh replied yes. This is just a dry erase board that will fit between the posts.

Mr. Cranse said he understands from her testimony that she is okay with the adjustment made by the Design Review Committee. Ms. DeGoosh replied yes.

Mr. Hoff said this is the one item on the Consent Agenda he has pondered a little bit since reading the application. In reading the Design Committee's review it seems like the dissenting vote had similar concerns. His concern is about the shutters because downtown shutters are really an architectural feature. By adding those to the building in a strange place he is having a hard time reconciling that and its affect on the building.

Ms. DeGoosh said she was just trying to come up with a more unique idea other than just a sandwich board. Originally, they planned on closing the shutters at night, but with changing the size of the shutters she doesn't think that will work. She is hiring a professional to pull it together so aesthetically it will look good.

Ms. Pombar asked if there was a reason she chose not to do it on the building.

Ms. DeGoosh said she didn't think it would be noticed back there on the building and hidden by the posts. Anybody walking by wouldn't see what was on the sign back there.

Mr. Hoff asked if they would be able to close it at night.

Ms. DeGoosh said probably not and she is hiring a professional to complete the project. Something they talked about at the Design Review Committee was that instead of having them open and closed the actual shutters would be fixed to the front of the posts. The dry erase board would be framed and come out at night. The sign is going to be inside between the posts.

Mr. Cranse said he is with the majority of the Design Review Committee. He doesn't think the shutters, which are normally on either side of a window, are necessarily misplaced here. He thinks it is rather pleasing aesthetically, and even preferable to the many sandwich boards seen around town. Mr. Cranse said the adjustment the Design Review Committee is requiring seems from our discussion to perhaps entail a redesign of the whole sign. He is wondering if the application should go back to the Design Review Committee.

Ms. DeGoosh said it isn't a redesign of it. In the picture it shows that the board is a little bit longer than the shutters, and that will be trimmed so it is completely hidden behind the shutters. The actual dry erase board will have a frame put around it before it is hung, so those are the adjustments that would be made when it is actually completed. Where it is going is in between the posts with the shutters facing the outside of the posts but flushed to the posts was another request from the DRC.

Mr. Hoff said it seems there is a logical place to hang a sign and have it project out and still be different than the sandwich boards placed on the sidewalk. What is bothering him is having two stranded shutters attached to the posts with nothing in between or something blank between without the board. It would be difficult to tell why there are two shutters nailed to the posts.

Mr. Cranse said if they are to proceed ahead the motion has to include the adjustment Jeremy is proposing they vote on.

Mr. Hoff said he would move approval for design review at 27 State Street for a white board with a wooden frame and pink shutters installed on other side in the dimensions proposed but with the condition that it be removable and permitted to be displayed during business hours and then removed and taken inside when the Pink Shutter Shop is closed. Ms. Pombar seconded the motion. The motion was approved unanimously on a 4-0 vote.

V. Variance Request – MDR – 502 Elm Street

Applicant: Tim O'Meara and Lestyn Mattison

Demolition of old garage and construction of new garage within side and rear setbacks.

Mr. Cranse administered the oath to Tim O'Meara and Lestyn Mattison.

Mr. DeSmet said Mr. O'Meara and Ms. Mattison came into the Planning Office to request a variance because the accessory structure they have on their property is dilapidated and they would like to tear it down and build something new. But for the provision in the ordinance that requires variances built in the existing footprint to be not within 5 feet they would not be here tonight because it would be administratively approved. The accessory structure is approximately 12 feet from the rear property line and 3 feet from the side property line. They are requesting a variance of 7 feet and 18 feet.

Mr. Blakeman said he has been by their place. Is the barn already down?

Mr. O'Meara said yes, he had to take it down because it was going to fall down.

Mr. DeSmet said typically they advise applicants to get all necessary approvals prior to commencing a project.

Ms. Mattison said the sill was completely rotted, the walls were falling and the roof had failed. They couldn't get in or out of it without the garage door falling off the track. Regardless, they knew the barn had to come down.

Mr. Blakeman said they have run into this problem several times before. Will the eaves of the barn fall over the property line?

Mr. O'Meara replied no.

Mr. Blakeman asked if they had contacted neighbors.

Mr. O'Meara and Ms. Mattison said they had spoken to the neighbors on both sides. They all have the same problem. Their barns are closer to their property than theirs is to their property. They have no objection. It is going to be the exact same footprint because there is no other space for that building to be replaced.

Variance Criteria: §1006.B(1)(1)-(f)

- a.** *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 property is narrow and shallow. It is also an existing nonconforming lot. The lot was created before the zoning regulations came into effect in the 1970's.

- 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. Hoff said the reasonable use is that it is for the same continuous use that has been ongoing and the need for the variance is necessitated by having to replace the garage. There is no alternative location where it could be placed. Mr. Cranse said having a garage is certainly a reasonable use of the property.

- 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.*

This is true because of the reasons stated in b above.

- 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.*

Mr. Hoff said it is fair to say that the applicant has sufficiently testified to the character of the area and is also evidenced by the photograph which shows the neighboring garage equally close if not closer to the property owner.

- e. *That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the last deviation possible from the zoning regulation and from the Montpelier Municipal Plan.*

Mr. Cranse said he believes that is the case. It is the exact same footprint. They are not encroaching any further on the setbacks.

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

Mr. Cranse said he does not think it will result in a nonconforming use of land in the initiation of such.

Mr. Hoff moved approval of the variance requested at 502 Elm Street as proposed. Mr. Blakeman seconded the motion.

Mr. Blakeman said the fact that the city never gave permission for demolition of the structure, should something be noted here.

Mr. DeSmet said the requirements for demolition are that you have a plan for what you are going to do after you demolish something. Their plan is clearly to replace what is there in the same footprint. If it were on the National Historic Register you would have to make findings based on that. They have satisfied section 310 of the ordinance because their restoration plan is to build a new garage within the same footprint.

The variance was granted to 502 Elm Street on a unanimous vote of 4-0.

Other Business:

None.

Adjournment:

Upon motion to adjourn by Ms. Pombar, seconded by Mr. Hoff, the meeting of the Development Review Board was adjourned.

Respectfully submitted,

Clancy DeSmet
Planning and Zoning Administrator