

Montpelier Development Review Board
December 15, 2008
City Council Chambers, City Hall

Subject to Review and Approval

Present: Philip Zalinger, Chair; Kevin O'Connell, Vice Chair; Alan Blakeman, Daniel Richardson, Jack Lindley, Jeremy Hoff, and Roger Cranse; as well as Ken Matzner, Alternate. Staff: Clancy DeSmet, Planning & Zoning Administrator.

Call to Order:

The meeting of the Montpelier Development Review Board for December 15, 2008 was called to order by Chair Philip Zalinger.

Review of the December 1, 2008 Minutes:

Mr. Lindley moved the December 1, 2008 Minutes be accepted as printed, with Mr. Blakeman seconding the motion. The December 1st Minutes were adopted unanimously on a vote of 7 to 0.

Comments from the Chair:

Mr. Zalinger advised that it would be necessary for him to recuse himself from the site plan, design review and variance consideration for 144 Main Street. Mr. Richardson said he would also have to recuse himself from participating as well. Ken Matzner will be joining the Board to hear those matters.

I. 104 East State Street – HDR/DCD

Applicant: Andy and Beth Boutin

Owner: Same

Design Review for replacement of existing garage door.

Mr. Zalinger said the Design Review Committee has reviewed the proposal and recommended approval with an optional change, which was to use a downward facing light fixture in the same location as the existing fixture between the garage doors. Mr. Boutin said that was agreeable to him. Mr. Zalinger said since the Design Review Committee is advisory to the Development Review Board they usually lend great weight to their conclusion and don't make further review of his application.

Mr. Hoff moved approval of Design Review for 104 East State Street for the replacement of a garage door, with Mr. Cranse seconding the motion. The motion passed unanimously on a vote of 7 to 0.

II. Site Plan, Design Review and Variance Approval

Applicant: Flor Diaz-Smith

Owner: Gerald Tarrant

Site Plan, Design Review and Variance request to convert a carriage house to office and residential use.

Mr. Zalinger and Mr. Richardson recused themselves from participating in this application. Mr. O'Connell chaired this portion of the meeting.

Mr. DeSmet said the applicant proposes to convert a carriage house at 144 Main Street to an office on the first floor and an apartment on the second floor. They are also proposing to make certain improvements to the parking area and would like to build a deck on the rear of the building. The building is already within the rear yard setback so it is a nonconforming structure which requires a variance. It is also located within the floodplain. Because it is a contributing structure to the Historic Register it is exempt from the substantial improvement requirements, but it needs to meet the minimum National Flood Insurance Program standards. That is usually recommended as a condition of the Certificate of Compliance. Rebecca Pfeiffer of the Vermont Agency of Natural Resources made a number of recommendations which he has incorporated into his report regarding the structure.

Mr. O'Connell administered the oath to Mr. Tarrant and Ms. Diaz-Smith.

Mr. O'Connell said he assumed they had appeared before the Design Review Committee. Ms. Diaz-Smith replied they had and the Design Review Committee is excited to renovate the structure and make it useful.

Mr. O'Connell inquired what its current use is now.

Ms. Diaz-Smith said it is historic and has a half back room.

Mr. Tarrant said it is not used for even a garage right now. There is some minimum storage in there. The prior owner used it for a workshop and heated it a little in the fall and spring but didn't use it through the winter. It has never been fixed up. There is an old bathroom downstairs with a toilet and a sink.

Ms. Diaz-Smith said the property is divided in two, so there is one carriage house and two different owners, and they are proposing to renovate Gerry's side of the carriage house. She said in the site plan they are proposing to leave the curb cut where it is right now. Their main concern at the beginning was to just use the four parking spaces that were required for their renovation. They are now upgrading the parking spaces. They are widening the entry by just one foot. They are leaving the green as it is now and putting three apple trees in the curbs. They are using the three shared parking spaces and putting in two handicapped spaces. As they get into the project they want the first floor an open space for an office, a hallway for the apartment, and the second floor you come into an open area that is a living room, a small kitchenette and small dining room with one bath and bedroom. Upstairs there is a little loft where the main bedroom will be located.

Mr. O'Connell asked how much is office and how much is residential.

Ms. Diaz-Smith said the residential is the second floor. The downstairs is 654 square feet of area. The upstairs is just one apartment with two bedrooms.

Mr. O'Connell asked if they were separate units or accessible from the outside.

Ms. Diaz-Smith replied they are accessible from the same spot.

Mr. O'Connell said in other words the residential tenant and the office tenant are not the same. Ms. Diaz-Smith said that was correct. The residential tenant will be Gerry's son who is moving back from Japan. You will come in through a main foyer and either goes into the office or upstairs. Then, there is the deck that will give the tenant the possibility of more privacy and use the back entry as their main entry into the apartment.

Mr. O'Connell inquired what the nature of the business was being planned.

Ms. Diaz-Smith said it is just giving more space to the already rented space.

Mr. Tarrant said when he bought the building there is 144 Main Street, which is the green building next up from Mr. Zalinger's law firm and was built around 1850 which has a business on the first floor and three residences on the second floor. There is a small apartment complex behind that. Then, there is the carriage house, and the carriage house is unusual in the sense that it is in the business district, the flood zone and also a contributing structure for the Historic Register and empty. He felt that at some point down the road it wasn't going to make it unless they fixed it up. He had a use for it and he talked to one of the tenants who wanted more room, so it made sense for him to do that. One of the things he wanted to do was to be sympathetic to the historic nature of the building. He wanted to be careful because he doesn't own the whole building and he wanted to make sure the foundation was stable and he could renovate it without affecting the law firm's interest in the other half. The other aspect that is very interesting is that it is only a few feet from the river. Like a lot of old buildings, this building has very few windows. The windows are very small round windows, so there is virtually no light in the building. One of the things he would like to do in order to make it livable is to have the deck on the outside, which are 21.5 feet long and 5 feet deep. It allows the tenants to get outside and have some use of the river and allows that light for part of the year. Other than that, they are trying to keep the outside historically in sync with

the way it has been over the last 135 years. They want to have a business downstairs and a residence upstairs. The other thing they wanted to do was to improve the parking because they noticed with the parking that many of the daytime business parking users would park back to back and it was very difficult and awkward for people as well as unsafe. Certainly, in the winter it was very difficult for snow removal during the day. They have changed it around. There are 10 spaces now, and there will be 20. The 3 spaces Flor mentioned are on the other side on property he owns which run parallel with the driveway to the other property. There are 4 spaces now but they will only use 3. The issue is the landscaping and parking, and the other issue is the small deck on the back, and everything else is in conformance with historic preservation requirements.

Mr. O'Connell asked if the deck would overhang the river.

Ms. Diaz-Smith replied yes.

Mr. Tarrant said it goes 5 feet out from the brick wall, so it would overhang by a couple feet.

Mr. Hoff asked how close to the rear property line the structure is currently.

Ms. Diaz-Smith said it is to the edge of the property line. It depends where you call the property line. Sometimes you can call the property line where the water edge ends, but they went straight down from the wall that is existing there. There is a little bit of room there to play if that was not safe.

Mr. Tarrant said during the summer when the water is low and you look down you can see three or four feet of ground. When the water comes back up that three or four feet disappears.

Mr. O'Connell said they said there are 10 existing parking spaces and they are going to 20. How many additional employees are expected to use the 654 square feet.

Ms. Diaz-Smith said the code or the parameters are there is one extra parking space for every 250 square feet. They are providing another 641 square feet, which is 2.5.

Mr. Tarrant said as how many people will be in the building he doesn't have a good sense about that. His sense is that there will be 4 or 5 people in the building.

Mr. O'Connell asked if the other half of the carriage was occupied currently.

Mr. Tarrant said the other side of the carriage house is a garage with Mr. Zalinger's law firm and they park and store things on their side of the building.

Mr. Cranse asked what aspect of this project the Design Review Committee acted on.

Ms. Diaz-Smith said they approved everything and added a couple of skylights they were not showing at the time and some glass in the window above. They approved the wall lights and pretty much all of the exterior with the possibility of having a wood stove on the second floor. The only thing they didn't have was the letter from Rebecca at the ANR or the meeting with the Technical Committee. After that there was just the site plan to review and the variance, which wasn't part of the DRC's review. The variance is their main concern.

Mr. Tarrant said the Design Review Committee looked at the exterior of the building, the landscaping for the parking and were concerned about people looking into the parking so they wanted either trees or shrubs in the front, but at the same time they didn't want too much vegetation to block the carriage house because they wanted to see the carriage house from the road. They looked at the lighting on the outside of the building.

Mr. Tarrant said the apartments along Elm Street all have decks on the back that run the length of the buildings.

Ms. Diaz-Smith said their deck would be metal so it would be less intrusive. The floor of the deck will be wood.

Mr. O'Connell said he had not read the Design Review Committee report. He asked Clancy DeSmet to summarize for the Board what they have asked.

Mr. DeSmet said they recommended approval as presented with the following optional changes:

- ✓ Up to three skylights may be inserted in the roof on the north side, or river side;
- ✓ A stonewall or picket fence may be used for screening or landscaping element;
- ✓ Sun tubes may be inserted in the membrane roof.

Those were optional to pursue at the discretion of the applicant.

Mr. O'Connell asked if they had considered those.

Ms. Diaz-Smith said they had and they desire not to put a sun tube but two skylights and a wood stove.

Mr. Tarrant said he suggested they consider either the vegetation in the front, or the stonewall or picket fence, and the DRC said he could use his discretion. He isn't sure what he will put in. He has a letter from their historic preservation consultant who has consulted with both the State Historic Preservation people and the National Park Service. A representative from the National Park Service came up in the fall and selected their site as one of the five sites he visited in the state and gave tentative approval to the application, and liked it. He understood that the deck would be placed in the back of the building and gave tentative approval for that also.

Mr. O'Connell asked where they were in the floodplain review process.

Mr. Tarrant said they have gone to the Agency of Natural Resources. The ANR has had a site visit, reviewed it and have asked for the datum and they have supplied that to them. Rebecca Pfeiffer has supplied her letter and asked for some conditions. They are another exit, some warning in the event of a flood, make sure the furnace is above ground and three feet above the first floor and anything else is bolted down.

Mr. Cranse asked if they were in accord with those conditions.

Mr. Tarrant replied yes. The other condition is the support under the deck has to be 2 feet above a certain level that Rebecca had identified in her letter, and that is fine also.

Mr. Lindley asked if he had seen the staff report the Board has.

Mr. Tarrant said he had.

Mr. Lindley asked if they could respond to the issue of access and egress.

Ms. Diaz-Smith said it is going to continue to be one-way because they aren't widening the driveway. They don't want to cut the curb because there is an electric pole there.

Mr. Lindley asked if the driveway going to be an exit or an entrance.

Ms. Diaz-Smith said it was both.

Mr. Tarrant said the curb is cut at 16 feet. The road is about 12 feet in and it would go an additional foot. They are not changing the curb cut, but the roadway on his side is being expanded by 1 foot. It is going to be expanded a little bit, but it still is going to be basically the same. They aren't attempting to revise it in any way or affect the other side which would be on Mr. Zalinger's side.

Mr. Tarrant said they aren't going to introduce too many more cars to the parking but spreading them inside as best they can. He said he doesn't find any problem getting out because there is good view, both right and left.

Ms. Diaz-Smith said if they go down Main Street you will see that all of the driveways are pretty much the same width. None are different.

Mr. Tarrant said this is not like a grocery store where cars are coming in and out. People come or leave in the morning and then it is pretty stable until the people leave at night so there isn't constant traffic going in and out.

Mr. Matzner asked if the Technical Committee had reviewed it and okays this proposal.

Mr. DeSmet said the Technical Review Committee said this was an existing use and there are no conflicts, and this will just organize the situation. If they were proposing two brand new buildings it would be a different story. There is already an existing structure and existing use. Currently, part of the parking is from 142 Main Street and a residence right next to the carriage house.

Mr. Matzner said the building itself is not an existing use.

Mr. DeSmet said half of the carriage barn is not being used at this point.

Ms. Diaz-Smith said the carriage house would just require four extra parking spaces.

Mr. DeSmet said they are organizing it beyond the requirement.

Mr. Zalinger said his testimony on this application is his law firm has no comments about the variance criteria and no comments about the design review criteria. The only comments are with respect to the site plan. Then, he just has some questions about the detail of the landscape plan. The granite curbing which is specified here he wanted to know if it was going to beveled.

Ms. Diaz-Smith replied it would be beveled.

Mr. Zalinger said the round-a-bout has beveled granite curb.

Ms. Diaz-Smith said they will see more grass than curb.

Mr. Zalinger said it is beveled on a 45 degree angle so if you hit it you can stop, but it isn't a 90 degree standard curb. They would just like to see some more specificity with respect to the landscape plan.

Ms. Diaz-Smith said they haven't got the details of the landscape.

Mr. Zalinger said they are interested in the front and throughout because the Design Review Committee said that there would be a 4 to 5 foot hedge in its findings, but when they saw the plan it was early September and it seems like the landscape plan has responded to changes since then.

Mr. Tarrant said his recollection was that they had proposed a 4 to 5 foot high hedge. He mentioned that 5 feet might be too high. He suggested he might even be considering a low stone wall, and they said a picket fence or stone wall or some kind of shrubbery would be okay. He believes their decision was that he would have that discretion. If the Board doesn't want him to have discretion, that's fine. He wanted to see what it would look like. He didn't want to clutter it. He wanted to have a feel for it in the spring once the parking was installed, and he isn't married to any particular approach.

Mr. Zalinger said when he looks at the site plan he sees trees and they are confident that the final decision will be well executed.

Mr. Lindley said this is a historic building and we all want to see it. Why are we putting something in front at all? What was the Design Review Committee's concern about putting something up 4 feet high?

Mr. DeSmet said it is actually standard development to screen parking.

Mr. Lindley asked if the city's ordinance requires this.

Mr. DeSmet said it is at the Board's discretion.

Mr. Zalinger said the area where they are discussing the screening won't interfere with the sight of anything on the location but the parked cars. It's along Main Street. It's along the sidewalk.

Mr. Lindley asked if they could condition it and leave it up to somebody's good judgment rather than requiring something like that.

Mr. Tarrant said originally they were thinking of something even higher and he suggested they wanted to have the view of the carriage house from the street and keep it lower. That is when he suggested they might even put in a low stone wall or a picket fence. They said that would be fine and to look at it and use your discretion. He is going to get a landscaper in to give some idea of plantings in the spring.

Mr. Lindley said there are snow removal issues and a whole lot of stuff going on, which makes it more difficult, besides ruining the view of a historic building.

Mr. Hoff said he has some concern about snow removal.

Mr. Tarrant said they originally had a little island and took that out. They wanted some demarcation once it snowed so maybe they could put in granite posts. They needed it wide enough and the plow person said if it was 12 feet he could get through easily.

Mr. Hoff asked if the parking spaces would be assigned at all between the residential and commercial tenants of the structure.

Mr. Tarrant said there will be a few closest to the VITL business they have now. They have four or five spaces, but they are going to share the parking lot. They will keep the tenants away from the business during the day. At night and on weekends people park there.

Mr. Blakeman asked if the deck had any kind of steadying support in the building.

Ms. Diaz-Smith said there are steel brackets bolted to the building.

Mr. Blakeman asked how many people could the balcony safely fit. On a warm summer night the tenant has 10 people over, how safe is it?

Mr. Tarrant said he doesn't have a weight requirement.

Ms. Diaz-Smith said the deck is for the use of the apartment only. Structurally it will be strong. It will be put on the building so it won't be a hazard.

Mr. Tarrant said one of their consultants is a structural engineer. The structural engineer has looked at the foundation and they will have her come back and look at the deck.

Mr. Matzner said on page 3 of the report says that the City of Montpelier has exempted structures that qualify as historic from the substantial improvement calculations. Does that not also include variances? Aren't improvement calculations involved with variances?

Mr. DeSmet said it would be a variance from the floodplain requirements and not a variance from the dimensional requirements or setback requirements. It is an existing nonconformity.

Mr. O'Connell said the Board has two items they have to deal with. One is the site plan review, and the other is the variance, as well as design review.

Site Plan Review:

There is no adverse impact expected on the streets in the area. No adverse impacts are expected for pedestrian access and circulation. The staff report says the existing sidewalk along 142 Main Street will be relocated to accommodate the site plan changes.

Mr. DeSmet said there is an existing sidewalk that runs along the side of VITL that faces out. There is a pedestrian access.

The vehicular access and circulation in Section 704, the access to both 140 and 144 Main Street portions of the carriage house are from the same shared drive. The applicant is improving the circulation and parking of vehicles in the proposed improvements.

There are 10 parking spaces currently, not including the ones on the other side. Mr. Tarrant said there will be a total of 20 counting a handicapped parking space.

With the landscaping and screening there is no adverse impact expected. There are recommendations that the Design Review Committee have recommended as options, and the applicant has accepted those.

Mr. Lindley said he has problems with the landscaping scheme. There has to be a third one in there from the DRC. They are going to design the project for them, and that is to do nothing if the applicant so desires.

Mr. O'Connell said the DRC has considered this, and it is optional. Mr. Lindley said they should give them the option to do nothing. This is a historic building. Mr. O'Connell said they are proposing to use a professional type landscape architect.

Mr. Cranse asked if he was referring to the new low plantings alongside the sidewalk. Mr. Lindley replied yes.

Mr. Tarrant said he isn't in favor of 5 foot high hedges, either. He would like something much smaller.

Mr. O'Connell said it is Mr. Tarrant's discretion. He would be willing to go along with their landscape professional.

Mr. Cranse said the landscaping in front shall not substantially impede the clear view of the historic structure. Mr. O'Connell said they do want to have some screening of the parking, but they don't want something that is totally out of scale. No additional lighting is proposed.

Mr. Tarrant said the only lighting they are going to have is on the building. There are going to be two historic lights, one on the front and one on the side. They will use something that is a reproduction from the period. They will use low energy efficient bulbs.

Mr. O'Connell said from the performance standards there is no adverse impact expected. Mr. O'Connell asked if there was a grading plan and had it been submitted to Public Works and approved. Mr. Tarrant replied yes.

Mr. O'Connell said he understands they are putting in a new water line to handle the new sprinkler system. Mr. Tarrant said they are going to put in a sprinkler system and a water line to accommodate that. Sprinklers will be on both floors.

Mr. Hoff moved approval of site plan review at 144 Main Street with the conditions and options approved by the Design Review Committee, and the adjustment by the DRB that the hedges stated in the Design Review Committee's criteria response # 4 that they shall not substantially impede views of the historic structure. Also included are the floodplain development standards as indicated in the record. Mr. Cranse seconded the motion. The motion to approve site plan review at 144 Main Street was approved on a vote of 6 to 0.

Design Review:

Mr. Hoff moved approval of design review at 144 Main Street as proposed, with Mr. Cranse seconding the motion. The motion was approved on a vote of 6 to 0.

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

This is for the deck.

- a) *That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape.* That is evidence being that the building is right on the river and it certainly supersedes any ordinance had at that time. Mr. Tarrant said they talked at length to the state, looked at it and looked at the other decks that come out farther on the other side. They said there was no requirement in terms of the river. There is no document needed from them. The only thing the applicant needed was the letter that Rebecca constructed. They had no problem with the depth of 5 feet as being appropriate. Mr. Matzner asked how far is the back of the building into the stonewall. Ms. Diaz-Smith replied the building is on the stonewall.
- 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.* Mr. O’Connell said that is pretty evident. The structure abuts the river directly.
- 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;*
- d) *That the variance, if authorized, will not alter the essential character of the neighborhood or district.* This project has been extensively reviewed from virtually every angle and it passes that test quite well.
- e) *That the variance, if authorized, will represent the minimum variance that will afford relief.* The Board has to evaluate this based upon the scale of the variance in comparison to the use, and it is a very modest imposition on the zoning standard.
- f) *The variance will not result in the initiation of a nonconforming use of land*

Mr. Cranse moved approval of the variance for 144 Main Street for a deck of the dimensions specified in the application. Mr. Blakeman seconded the motion. The motion was voted favorably on a 6 to 0 vote.

The application was approved unanimously.

Mr. Zalinger resumed chairing the rest of the meeting.

III. Continuation of Site Plan and Design Review – CIV/DCD
 7 Baldwin Street
 Applicant: Randall Contracting
 Owner: Ralph and Sharon Gerlach
 Construction of seven parking spaces on Terrace Street

Mr. Zalinger administered the oath to Ralph and Sharon Gerlach, along with other witnesses.

The Planning Department received two alternate plans today. He asked if anyone else had been provided with copies of these. Mr. Randall said no.

Mr. Randall apologized on behalf of his architect, but some of the things the Board wanted were not on that plan as far as the number of parking spaces and the square footage of the building. He submitted it to Clancy for the Board’s review.

Mr. Zalinger said a number of issues arose at the last hearing. He asked how the new site plan differs from the previous site plan.

Mr. Gerlach said they started with 9 spaces a long time ago, which the Board never saw, and after reviewing it he and his wife went to 7 spaces and keeping lots of trees. Now they have gone to 5 spaces for perpendicular parking. They also looked at the 5 parallel parking spaces. They prefer the perpendicular spots for many reasons. One is that it would be harder to police the parking because it is right on the side of the road if it is parallel parking, and also it will cut down an awful lot more trees and screening that is already there. Actually, where they have the 5 perpendicular spaces requires very little cutting, great screening of parking, flat and level in those areas and they would be adding 6 inches to a foot of gravel in there to make parking spaces. It is all trees around the eastern edge onto the northern edge. It is all trees that will remain on the western edge of the property. Trees that remain on the northern edge within the parking distance and many trees right along the border will be preserved.

Mr. Gerlach said he and his wife love the neighborhood and love the house. They have put a ton of money into it. They really value the green space so they have tried to preserve as much green space as possible. They have spent a lot of time cleaning up the backyard so it is a nice garden area. They want to protect all of the screening they can to keep the green space and privacy. They believe it is a win/win situation with the 5 perpendicular spaces they are proposing.

The border on Terrace Street is the most level part of Terrace Street. It is the safest part of Terrace Street to enter and exit because everything else is a slope. This is a large flat section and people park there. Kids play basketball in the street right there, and they store their basketball hoop on the Gerlach's property and push it out near the street in the summer. The residents who park there now on occasion will be able to continue to do that. They don't care if they park there after hours, at night, or on weekends. The basketball hoop can remain and kids can play basketball in the street because it won't affect workers.

The parking starts 40 feet or so from Richardson so anybody coming or going there doesn't impact at all. It is also completely shielded from Chapman Street from the angle, and would continue to be screened.

The canopy of putting the 5 spaces in the trees with very minimal cutting there will be screened nice parking in the trees keeping the aesthetics and keeping the other green space in the back yard and side yard of the property. They believe they will actually be making the street safer because right now in the winter the street is narrow and the snow banks get high. However, when you make egress into the property you are going to be plowing a much wider width and plowing all the way back in so it will get rid of the lack of policing. People will be coming and parking off the street making the street wider in the street. It will be safer, look nicer, be cleaner and they will be able to police the parking. Across the street there is a multi-housing unit with tons of parking.

There were some statements about snow storage. Right now they store all of the state's snow and the city's snow that is plowed there, and they will continue to store it because it all drains onto their property anyway. Snow removal shouldn't be an issue. He doesn't believe visibility is an issue.

He believes it will be safer because they will be widening the street. They care about green space, so they are trying to protect all of the screening and green space they can.

Sharon Gerlach said they wanted to reiterate that they want to be good neighbors. They love the neighborhood. They don't live there residentially, but that house prior to when they bought it she doesn't think the real estate agent wanted to show it because they thought nobody would want to go there. They had a vision for it and wanted to see the house restored. They have poured their heart and soul into it, and they feel a part of the neighborhood. There is nothing in them that says this is just a commercial space. They want to speak a little bit more to the neighbors and say they are looking for a win/win situation. They went through the minutes point by point and understood raising children in a neighborhood that is partially residential and commercial is difficult. They want to be sensitive to that. That is why said they could make it so that they have to back in the space so you pull out. They want to make it available at night and on weekends because they have heard the concerns that

there is not enough parking. People said they had concerns about emergency vehicles on narrow streets. Use the space. That is why they cut the application down to five spots.

Mr. Zalinger asked what the distances of the parking area are at this time.

Mr. Gerlach said there are five spaces. It is 63 feet.

Mr. Zalinger asked if it was fair to assume that the preferred application is that which shows the parking spaces perpendicular to Terrace.

Mr. Gerlach said it reduces the amount of coving that would have to be done so the amount of screening would be maximized.

Mr. Zalinger said another issue that was outstanding at their last hearing was information regarding the usage on the Baldwin Street side of the property. There has been a submittal tonight from the applicant to suggest that there are 5,400 square feet. There are 7 existing parking spaces, including one handicapped. There was some question at the last hearing as to whether there is commercial use made of the garage.

Mr. Gerlach said that is his wife's office. There is no commercial. It is all zoned for office space.

Mr. O'Connell just to be clear that the project that is proposed is not the one labeled Alternate 1. The proposal is the one with the 5 perpendicular parking spaces. Mr. Zalinger said the width of it on Terrace Street is 63 feet.

Phil Fernandez said he would disagree with the applicant about that portion of Terrace Street being the safest part of Terrace Street. The road crests right there where he wants his parking. The other thing he noticed on the survey map is that he has 46 feet between the property line and 7 Baldwin and he could go off Baldwin Street to get his parking and not infringe on a residential area off of Terrace Street.

Mr. Gerlach said that would certainly require working with the state and getting an easement from the State of Vermont. It is very steep there, and it is their desire to preserve it as a green space because there is very little green space from 9 Baldwin Street all the way to the State Capitol. It would certainly be more expensive and more difficult. It would clutter up the entire yard. All of 7 Baldwin Street is ledge and the ledge goes up to the second floor in the back of the house.

Mr. Zalinger inquired who the adjoining property owner at 9 Baldwin Street was.

Mr. Gerlach said that belongs to the State of Vermont. Everything across the street belongs to the state.

Tim Flynn, a neighbor, said all of the stuff they talked about at the last meeting won't be repeated.

Mr. Zalinger said it is in the record.

Mr. Flynn said he would like to address the safety issue. There are a lot of children in the neighborhood. When the snow banks are there it is extremely hazardous so the addition of more cars up there and more cars backing in and out is going to be an issue. The whole safety issue is the major issue. The other issue that was brought out at the last meeting was the fact that that neighborhood is really a residential neighborhood, and now we are going to introduce a parking lot into this strictly residential neighborhood. If we are going to introduce anything into that neighborhood the last thing they would want to see in that neighborhood is a parking lot. It feels wrong. It is unsafe and the parking would be so much better off Baldwin Street rather than bringing the parking up into the residential part of the neighborhood on Terrace Street.

Mr. Gerlach said he would like to note that across the street the multi-unit apartment building has a very large parking spot where you can fit 15 cars. Adding 5 nicely screened in trees is quite adequate, and he believes the street will be wider and there will be less cars coming and going in that area, especially in the winter because they will be policing the parking versus people parking on the street and running to the State House.

Mr. Zalinger asked if it wasn't it a fair observation that at least in the 63 feet that there will be no snow banks in the winter.

Mr. Gerlach said there shouldn't be because they have to be plowed.

Mr. Zalinger said now there are extensive snow banks there because that is where the city plow leaves its snow, but there will be no snow banks.

Mrs. Gerlach replied that is why they felt it might be safer because that roadway would be cleared and the visibility would be greater. Whoever parks there now backs in, which she thinks is a great idea because then you pull out onto the street.

Mr. Zalinger asked if any of the neighbors wanted to address issues surrounding the application.

Mr. Richardson said he had a question about the neighbor down on Terrace Street. One of the photographs submitted was a grey house that is on the other side of 9 Baldwin Street down the hill. He asked if the Gerlachs were familiar with the neighbor there.

Mr. Gerlach said he was not.

Mr. Richardson said what he submitted looks like an uphill shot.

Mr. Gerlach said that is the beginning of Terrace Street.

Mr. Richardson said on the picture there appears to be a blue sign. It is his understanding that house has a business in it.

Mr. Gerlach said he didn't know.

Mr. Richardson said the other question he has is about pedestrian circulation. What is their proposal for how pedestrians are going to get from cars parked on the hill down to the office space?

Mr. Gerlach said they have two choices. They can cut through the back yard or walk around houses.

Mr. Richardson asked if they would be making any improvements in the back yard.

Mr. Gerlach said they would not for financial reasons because if they put anything there as owners they will be spending \$30,000 and have to make it handicapped all the way down a steep slope. If they put a trail there, then they are responsible to make it safe. For instance, in the back they put stairs going up to their back deck around the garage for extra access and they had a railing on one side and the Building Inspector said we needed a railing on both sides.

A member of the audience said a few things got said about the feasibility of parking down on the west side of the building on the Baldwin Street end of the property. He saw ledge further back, but he doesn't see ledge right where that lot might be.

Mr. Zalinger reminded people the Board doesn't redesign the project on the fly. Someone suggested it and the applicant responded. It really belabors the point because it isn't part of that application. He asked if there was anyone present who lives at 5 or 6 Terrace Street. Mr. Fernandez replied it is a rental property with 10 units. At 5 Terrace Street there are 5 and a carriage house; at 6 Terrace Street there are 4. It was all done in the 1960's before zoning.

Mr. Zalinger asked if they could give him an idea of the parking area.

Mr. Fernandez said there are about 13 or 14 parking spaces.

A member of the audience said in the summer time when there is not a lot of traffic there are kids who like to ride bikes. They bike up Terrace and then it goes zooming down to Hopkins and the momentum carries them up to Terrace Street right where this parking lot is. There are 4-year-olds, 6-year-olds and 12-year-olds doing that.

Mr. Gerlach said he hoped they wouldn't do that because they are going right past the intersection of Richardson and Terrace Streets.

Andy Potok, a resident of Richardson Street, said he walks down that path every day with his dog. He doesn't have any visual access to the maps. His concern besides dealing with safety for the kids is whether cars are going to be backing out of some parking place where his dog and he are walking and won't be able to see them. He heard them say that most of the cars will be driving out and there won't be any problem. He wonders how much more difficult this will make his life.

Mrs. Gerlach said they wanted to make that a priority by making that a requirement in using this parking lot, which would be that they would have to back in and pull out. It would be an education process. People are doing that now; they are backing in and pulling out.

Mr. Fernandez said he isn't sure how they are going to police people from not backing out into the street.

Mr. Zalinger said the Board understands that.

Mr. Zalinger asked the Board members how they wished to proceed. They can close the record and take this under advisement and hold a deliberative session and issue a decision at a later date.

Mr. Cranse said they should do that.

Mr. Hoff said he would be benefited by that.

Mr. Richardson said it would also benefit to make a quick review of the prior record of remembering prior testimony

Mr. Richardson moved the Board close the record and move into a deliberative session on the application for 7 Baldwin Street. Mr. Lindley seconded the motion.

Mr. Zalinger said the Board isn't going to take any more evidence tonight, close the record and make a decision and everyone who signed in will be advised when the decision is reached. The motion passed on a vote of 7 to 0.

Adjournment:

The Development Review Board adjourned on a vote of 7 to 0.

Respectfully submitted,

Clancy DeSmet
Planning and Zoning Administrator

Transcribed by: Joan Clack