

**Montpelier Development Review Board**  
**April 20, 2009**  
**City Council Chambers, City Hall**

*Subject to Review and Approval*

**Present:** Kevin O'Connell, Vice Chair; Alan Blakeman, Daniel Richardson, Jack Lindley, Roger Cranse and Win Turner.  
Staff: Clancy DeSmet, Planning and Zoning Administrator

**Call to Order:**

The meeting of the Development Review Board of April 20, 2009 was called to order at 7:00 P.M. by Kevin O'Connell, Vice Chair.

**Approval of April 6, 2009 Minutes:**

Mr. Lindley moved the April 6, 2009 Minutes of the Development Review Board be accepted as printed, and Mr. Blakeman seconded the motion. The April 6, 2009 DRB Minutes were approved on a vote of 5 to 0.

- I. **89 Main Street – CB-I/DCD**  
Applicant: The Skinny Pancake  
Owner: City Center Associates  
Sign and Outdoor Seating.  
Interested Party: Benjamin Adler

Mr. O'Connell administered the oath to Benjamin Adler.

Mr. Adler said he was one of the three owners of The Skinny Pancake.

Mr. O'Connell said since he was on the Consent Agenda the DRB could take abbreviated testimony and vote. He asked Mr. Adler to give them a brief overview about the sign and outdoor seating.

Mr. Adler said on the plan you can see one of two locations that Ben & Jerry's had a sign over their double doors. The sign design they have proposed and the two locations where the sign would go, after some discussion in the Design Review Committee it seemed that it would be acceptable and approvable for the top of the circular part of the sign to tie in to the border of the green banner which is a brick red. It does not go outside of the sign band. They are planning on putting lighting back up which was previously there for Ben & Jerry's.

Mr. O'Connell said his recollection is that the lights shine on the sign. They are a gooseneck type of light.

Mr. Richardson asked if the application Mr. Adler is proposing for the sign, does it actually go outside of the sign band.

Mr. Adler replied no. The red band on the border there was considerable discussion in the DRC where one person thought it should be smaller by an inch on either side of the band. One person actually suggested it go out beyond the sign band and it would be more interesting. Ultimately, they resolved back to the very design which is on the third page of the application. Basically, the round part ties in and just nicks the band.

Mr. Richardson asked if Mr. Adler knew how tall the red portion of the sign band was.

Mr. Adler said he didn't know the specifics.

Mr. Cranse said it didn't look like a sign band in the sense that of a place that is deliberately banded to hold a sign. It looks like a paint job after the original sign was put in place.

Mr. O'Connell said there are the brick and then the white band and then what looks like tile.

Mr. DeSmet said Cityscape generally recommends that signs for first floor businesses go within the band. It doesn't necessarily say they can't make some kind of incursion into the lip of the trim. Particularly, one member of the Design Review Committee thought it could go outside of the band. The way they voted on it said it could be either within the band physically or it could incur along the trim.

Mr. O'Connell said Ben & Jerry's sign was within the band and it fit very well. This sign looks like it fits well, also. He asked Mr. Adler if he was familiar with the two recommendations from the Design Review Committee.

Mr. Adler said there was one to repaint the ghosting so it blends in. Mr. DeSmet said he talked to the property manager and they are going to do that.

Mr. O'Connell said the sign can be redesigned to fit within trimmed sign band or within the green field and the sign band will be painted to match. Mr. Adler said the second recommendation was in reference to the ghosting. Essentially, in the end what he understood was they approved what he submitted.

Mr. O'Connell said these recommendations are not mandated.

Mr. Adler said he was comfortable with the recommendations. What he heard was that it looks good to them. They just want the background painted.

Mr. DeSmet said the DRC gave him the option to either do it as proposed, which goes within the trim, or to shrink it to fit exactly within the green part and not the trim.

Mr. Richardson said it is Clancy's information that the DRC did consider the Montpelier Cityscape, particularly page 56 concerning signs on a first floor business that says street level signs identifying commercial establishments should be placed within an information band. The drawing he is looking at puts the sign clearly within the confines of any exterior band.

Mr. DeSmet said he brought up the Cityscape. He is sure the band on City Center was designed to be an information band to replicate the other information bands within the city. He brought up Cityscape during the DRC meeting.

Mr. Turner asked if they did shrink it by 5 percent, would it affect anything at all except for it fitting properly in the space.

Mr. Adler said there is an argument to be made that it being a little bigger would make it a bit more visible. He is okay with shrinking the sign. He would just prefer to leave it the way it is because he has already made the design it is all set and ready to go. If he hears an opinion telling him they want it shrunk down, that's fine. It looks like it will fit just fine there as it is. It actually brings it together from edge to edge.

Mr. Turner said even when they go to mount it, if it is on the trim, wouldn't it be off the board.

Mr. Richardson said the plan is to have the sign actually affixed not flat to the sign band.

Mr. Adler said with regards to the feasibility of mounting it and the issue of tagging those two pieces of trim he has left in the hands of the sign designer.

Mr. Richardson said his inclination is to go with the Montpelier Cityscape and to limit the sign within the red bands rather than overlapping the bands.

Mr. O'Connell said the overlap is rather modest.

Mr. Cranse said he would go with the recommendation made by the Design Review Committee.

Mr. O'Connell said he would mention that in order to get an affirmative vote tonight there are 6 of the 7 members sitting tonight so there would need to be 5 voting in the affirmative.

Mr. Adler said for them to tell him what they want to do, and if they want him to shrink it that is not a concern of his.

Mr. O'Connell said they would discuss the seating and come back to the sign. He is trying to figure out what it means by blocked stairs. What are the egress and the ingress into and from the building? What is going to change?

Mr. Adler said they are looking to put some outdoor seating and considered the feasible options out there. They wondered if they could put any seating on the sidewalk, the patio. The Landlord had indicated that initially the patio was put there for some seating so they started exploring what their feasible options were there. Obviously, code is the first thing that comes to mind. He worked with Glenn Moore and any stairs have to be 1.5 times the size of main egress. It was calculated with Glenn on site that they could block off this one stairwell. As far as code is concerned it is not a hazard or a danger, and Glenn approves of it. Then in the DRC meeting they talked about aesthetics. They are using standard black wrought iron tables which are rather inconspicuous. They just put these up in Burlington and fixed their perimeter with these stanchions. They are already purchased and use a chain to divide it from the rest of the space. That is a liquor law and you have to separate the two spaces. They plan on using one or two umbrellas to create some sense of shade. There was a request for no logos on the umbrellas. There was a concern that there was a sign.

Mr. O'Connell inquired if that had been an issue anywhere else before.

Mr. DeSmet said not that he had noticed, but technically they would be another sign.

Mr. Richardson said when Phoebe's was Conoscenti's had their name on the awning.

Mr. DeSmet said the umbrellas would have beer names on them.

Mr. Adler said the other issue was the blocked stairwell and the awkwardness of it. He really appreciated their ideas. That is not just having a vacant blocked stairwell but to do some plantings. The stairs would be blocked off.

Mr. O'Connell inquired about the off season.

Mr. Adler replied that during the off season they will be removing the tables.

Mr. O'Connell asked if the access to the stairs would be returned for that period of time.

Mr. Adler replied yes.

Mr. Richardson said it would be very much like Church Street in Burlington in that when the season is over the tables go away and it just becomes walkway space again. At night where are the tables going to be stacked up?

Mr. Adler said in Burlington they leave them out. They basically found that nobody took them.

Mr. Richardson inquired if they would still be in front of the stairway.

Mr. Adler responded yes. He would probably leave everything there. If they asked him to move it all inside every night he would begrudgingly oblige. It's a lot of extra effort to do that.

Mr. Blakeman said perhaps there should be a chain with a lock for security. There are a lot of down country people in this city. On page 3 it says space will be separated with a physical barrier in keeping outside consumption of alcohol. Are they going to serve breakfast because there is going to be pancakes?

Mr. Adler said they are a creperery. A creperery is not a pancake house. They are basically taking this French food and Americanizing it by calling it the skinny pancake. Crepes are served for breakfast, lunch, dinner and dessert. Yes, you have breakfast, and at that time you do not have alcohol. They don't have permission to serve alcohol before 11:00 A.M. There are savory crepes with chicken, cheese, and they are delicious. That is lunch and dinner. Then, there are sweet ones like chocolate and cinnamon sugar that you do for dessert, and that is where you offer beer and wine.

Mr. Turner said it looks like a very small space to get 8 tables there. It looks like there are two doors and the space from the steps to the left door can't be 4 feet and you have 2 or 3 tables there. How does this all work out in terms of size and description?

Mr. Adler said this space, like the space is inside, is a bistro. The total dimensional area is 10 foot by 11 feet. He was working on a standard design allowances for restaurant spaces.

Mr. DeSmet said they aren't going to use this doorway at all. The entrance they are referring to is the small one. It is the single door.

Mr. Blakeman asked if this had been approved by Glenn Moore.

Ms. Adler replied yes.

Mr. Blakeman said two doors will not be used. Mr. Adler replied they are taking off the hardware so there won't be handles there.

Mr. Richardson said it is quite important that it stays within the two bands simply because every other sign on that façade stays within that band. The Cityscape guide that the DRC did not consider until after they had started their deliberation process makes it fairly clear that this kind of sign has to stay within the sign band. It seems to be a uniform application around the city, and he is loathe to make an exception.

Mr. O'Connell inquired what would be involved in shrinking the sign down to fit within the sign band.

Mr. Adler said it isn't a very big deal. He can call the sign guy and communicate that everything needs to be shrunk down. The idea was those were determined to be the sign band. It wasn't really going over the sign band but to the limits of the sign band.

Mr. O'Connell told Dan that his view is that 2 inches leads to 2 feet.

Mr. Richardson said yes. There is that wide green area and he sees the red as boundaries. It is consistently applied for the rest of the building as well as a lot of the signage downtown.

Mr. O'Connell asked Clancy if he could think of any instances where there is deviation from that standard.

Mr. DeSmet said there isn't usually deviation. He doesn't think what they are doing is outside of the sign band.

Mr. O'Connell said he is looking at the materials supplied to the DRB the signs look like they are within the band.

Mr. Cranse said he is in accord with the recommendations of the Design Review Committee. If that little circle part is going on to the band, to him that is a pleasing feature. It is aesthetically pleasing.

Mr. Lindley said especially since it would be out raised from the band itself.

Mr. O'Connell said with regards to Dan Richardson's concern he would see a great distinction between this proposal and something that is dramatically outside of the band width. He is also inclined to support the DRC as Roger wisely stated. The concern is extremely valid because he would be loathe to all of a sudden start seeing things that start proliferating dimensionally out of bounds. He doesn't see that here.

Mr. O'Connell asked Win Turner which way he was leaning because they only have six members here this evening. Mr. Turner said he didn't feel he didn't have enough history to vote. Mr. O'Connell said the Board needs his vote simply because of the number of members present this evening.

Mr. Cranse said he wasn't sure what purview the Board has over the seating in terms of the zoning.

Mr. DeSmet said it was only design review. The only regulations under this Board the application is subject to is the Section 305 regulations, which is design review.

Mr. Cranse moved approval of the design review application at 89 Main Street as recommended by the Design Review Committee. Mr. Lindley seconded the motion.

Mr. Richardson said the whole point is the round part of the sign bleeds over into the red boundaries. He would have no problem if this was underneath. He is simply proposing that DRB add an amendment that requires the sign to be shrunk so it does not go into the red building.

Mr. O'Connell said if the motion fails they can take another motion. He asked if there was any further discussion on the current motion which is as recommended by the Design Review Committee. The motion failed.

Mr. Richardson moved for approval of the design review application at 89 Main Street as recommended by the DRC with an adjustment that the sign be limited to within the green sign band and not to go over the red boundary points on the sign band. Mr. O'Connell said the sign would be within the green sign band area exclusively and not outside. Mr. Blakeman seconded the motion.

Mr. Cranse said it is a "niggling" concern. It interprets that design Cityscape too literally and goes against a committee that has considered this very thoroughly, the Design Review Committee. He doesn't know what affect that will have of shrinking it down two inches. He doesn't know what affect it will have on the overall visibility of it, but it will certainly decrease the visibility. In a general way he thinks we want to encourage businesses in the city, and this is a tasteful design. It has been approved by the Design Review Committee and he isn't of a mind to second guess them on this.

Mr. Richardson said he would simply add a section of the Cityscape that does suggest that the sign band be confined within the existing band as defined by the architecture of the building, or should be no more than 2 feet 6 inches in height.

Mr. DeSmet said it doesn't matter because it passed on a vote of 4 to 2. There are 7 members and a vote of 4 passes. The second motion wasn't necessary.

**II. 9 School Street and 90 Main Street – CB-I/DCD/FP**

Applicant: Bohler Engineering, LLC, Daniel S. Clarey

Owner: TD Bank

New Signage

This application is the location of the current TD Banknorth.

Appearing for the applicant was Daniel S. Clarey, Bohler Engineering, LLC, out of Albany, New York. He is representing TD Bank.

Mr. O'Connell said the Development Review Board had questions about the signage at both locations at the April 6<sup>th</sup> meeting. This is a continuation so they don't need to go through the preliminary materials. They can get right to the questions about the type of sign, dimension of the sign and the total sign coverage. There were a number of questions that revolved primarily around what would be the actual change from the current signage appearance and what has been proposed.

Mr. Clarey said he would start with the main branch at 90 Main Street. Essentially, what they are doing there is replacing the existing 17.42 square foot TD Banknorth sign that says 24 Hour ATM with a 14.45 square foot smaller sign which says TD Bank, which is a new brand, and Open 7 Days. There is exactly the same situation on the second sign. There is one facing State Street and one facing Main Street. He did notice in the minutes from the last meeting there was a lot of discussion about the Open 7 Days. The bank branch may very well be open 7 days. It will be open for business 7 days a week. There is not a final determination on which branches will be open. There is a lot of debate within the bank, which he is not party to, but the idea is that all of the TD Bank branches for the most part will be open 7 days.

Mr. O'Connell inquired how that would affect the signage if it is undecided whether or not the Montpelier branch will be open as part of that new policy.

Mr. Clarey said at this point the Montpelier branch is proposed to be open 7 days which is why they proposed the signage. If, in fact, they were to come back at some later date and say they weren't going to do it they would obviously not have Open 7 Days.

Mr. O'Connell said as he looks through the two applications for 9 School Street and 90 Main Street they do look pretty much identical. Is there any deviation from that?

Mr. Clarey said on the Main Street side the signs are actually a little smaller. The Design Review Committee's only concern was on this particular location because of the granite façade they didn't want any more holes so they were required to use existing anchoring which they have agreed to. On the 9 School Street side there are two frontages. They are replacing the existing wall signage from TD Banknorth to TD Bank – Open 7 Days. These signs are actually bigger, and the difference is there is about a 2 inch gap between the flashing on the front and the sign is going to be right up to the bottom of that flashing and taking up the entire area. That makes up the difference in 3.69 square feet over and above what is out there today. They will also be replacing directional signage to bring it up to their standard. Directional signage pointing to the drive through ATM, and they are replacing the existing stenciling on the doors with signage notifying the hours of operation.

Mr. O'Connell said the Board has both of the applications. The DRC recommendation is approval as proposed. There was some concern about Open 7 Days. He is satisfied.

Mr. Richardson said over the bays of the School Street site it says Night Deposit and 24 Hour ATM. Those signs are there now. Is there any proposal to change either of those signs?

Mr. Clarey replied no.

Mr. Richardson said the only change on the drive through area is stenciling off the window and putting up on the column the gallery sign.

Mr. DeSmet said directional and informational signs aren't subject to area.

Mr. Richardson moved approval for 90 Main Street and 9 School Street Design Review Applications as approved by the DRC. Mr. Lindley seconded the motion. The vote was approved in favor 6 to 0.

### **III. Site Plan & Conditional Use Review – HDR/DCD**

106 East State Street  
Applicant: Gary Schy  
Owner: Gary Schy

Gary Schy, a property owner of 106 East State Street, said he is there because of a barn located at 106 East State Street. He wants to see if the city would allow him to convert that from residential to commercial space. His desire would not to do any retail but office, administrative and service oriented.

Mr. O'Connell asked what kind of business he envisions here.

Mr. Schy said he is envisioning who wants it. He talked to Heney and there is a need for commercial space. He is looking for an administrative office or service oriented business such as a law firm. With all of the classes up there people want a place for a therapist.

Mr. O'Connell said the problem they might have is he understands his desire to make it into a space that can then be rented, but the type of use makes a significant difference. If it is a therapist with a person coming every hour or hour and half whereas with another kind of use there could be a much higher volume and attendant traffic to support it.

NECI is quite large. Next door was an office for two years and they have zero parking lot. NECI used that as an office, and that was a parking lot that people from Vermont College. Vermont College uses that as an administrative building. It would be services that don't involve retail. He doesn't picture a restaurant.

Mr. DeSmet said retail doesn't fit within the definition of "office." If he proposed a commercial retail it would have a different category. Office is basically a place where you can take on a stated transaction or occupation. It doesn't include manufacturing, etc.

Mr. Blakeman said he visited the area. Conceivably, he could have three floors. Is that correct?

Mr. Schy replied yes. It's a big building.

Mr. Blakeman said this may make a difference for your parking.

Mr. O'Connell said that was why he brought that concern up. If we know it is going to be a doctor or a therapist that is one type of use. If there something that is much more intense, that is a very different type of situation.

Mr. Schy said the application is just talking about 2,500 square feet. That would only be two floors. It is over 1,200 square feet per floor. The building could house a third floor, but two floors would be 2,500 square feet.

Mr. DeSmet said it is also important to point out that the site plan the applicant gave us has four parking spaces along East State Street, and that doesn't exist. The last piece of evidence he gave the Board is a lot line adjustment that has the city's right-of-way going right along the barn, so the parking spaces aren't there. The 2,500 square feet of net floor area would require 10 spaces. The applicant is representing that there is a lot of parking in the area for during the day. There is College Street, East State Street and West Street, with all parking on the opposite side of the street. It doesn't meet the parking requirement, but the DRB has the discretion whether to allow a use to occur.

Mr. Schy said he is also open to less than 2,500 square feet if they feel that it warrants 2,000 square feet.

Mr. Richardson asked what the current state of the building was right now.

Mr. Schy said it is a viable building.

Mr. Richardson asked if any renovations had taken place.

Mr. Schy said the foundation has been stabilized. Water and sewer have been put in. The structure of the building has been shorn up so it is a strong, solid building. A new roof was put in.

Mr. Richardson said for him one of the difficulties is that he understands his willingness to modify the design, but at a certain point the DRB's job is to make calls on proposals as opposed to bargaining. He is looking at what is proposed. He is talking about 2,500 square feet of office space. That is something, assuming he received approval, he would invest the money in and make that 2,500 square feet of office space a reality as opposed to today where it doesn't exist. In some respects when he says he could do less that is simply because he hasn't done it yet, right?

Mr. Schy replied no. He has some parking. If they counted those four spaces, which for decades people have always parked there – and there is a right-of-way – but those are technically parking spaces. He could come up with five spaces, so that is 1,250 square feet. Since he doesn't have the ten spaces he is looking to the Development Review Board to give him credit for additional parking because he is in an area that has a tremendous amount of parking. All the way down East State Street is parking on both sides. There is parking on First Avenue, West Street, College Street and the College Green, so there is a tremendous amount of parking available. He knows that the people next door ran an office there, and they have zero parking. They ran at least 1,500 square feet.

Mr. Richardson said when he says the people next door, which one?

Mr. Schy said he is referring to the house at 110 East State Street. It is referred to as the Miller House.

Mr. Cranse asked what office was that.

Mr. Schy said there were offices. There were at least three people working there.

Mr. Richardson asked Mr. Schy if he just owned the garage and not the Miller House.

Mr. Schy said the garage goes with the other building. They are right next to each other, but they don't go together. There has been a precedent to not have the number of parking spaces on site.

Mr. O'Connell asked Mr. Schy why he had drawn ten parking spaces randomly dispersed.

Mr. Schy said this schematic is from the design he submitted when he took the house and put it into four units. It was always three or four units, but on the books it was one. This is the parking he drew at that time, so this is the same site plan. Clancy pointed out that right in front of the garage is a right-of-way so technically he can't use those front four spaces.

Mr. DeSmet said because tomorrow the city could put a sidewalk through there if they wanted to. The city's property goes 45 feet.

Mr. Lindley asked how many units were in the existing house.

Mr. Schy replied there were four.

Mr. Lindley said the parking he drew on the site plan was for the existing house.

Mr. Schy said he was approved for seven housing units on the property, so the barn could be three residential units and house four. What he is looking for is the possibility is for some office space in the barn. It is residential, so it could be apartments or a house.

Mr. DeSmet said then he would need seven spaces free and clear of the office use.

Mr. O'Connell said he understands it is a speculative.

Mr. DeSmet said they counted the garage. Cars could pull inside past the right-of-way. That is where he got the seven units; he had to go into the garage.

Mr. O'Connell said he thinks conditional use is premature at this point.

Mr. Lindley said as much as he would like to see that building come to a higher use and bring more revenue to the city because it would have more value he is very perplexed about the parking and how it works, whether they are taking parking from an existing permit the Board gave for changing the house to a seven unit house and using that again on the garage.

Mr. Schy said there are four spaces used for the house.

Mr. Lindley said then there would be two spaces left for the commercial area and he would be asking permission from the DRB that any other requirement for that square footage would come off of public streets in the neighborhood and down the street. It is a noble idea to bring a building up to a higher use.

Mr. DeSmet said under Section 705 it is the Development Review Board's purview to increase or decrease the standards as deemed appropriate. The Board can do this if there is enough information.

Mr. Richardson said a lot of the discussion about the parking spaces in front of the garage Mr. Schy says has always been used, but Clancy shows are in the right-of-way. Part of the problem they have to grapple with is that tomorrow he could go out and park in those spaces, and probably for the next couple of years, but this permit is going to last long beyond and will last as long as the use continues. You don't know that East State Street may not see a greater widening. Then, they would be setting up everyone for failure. He is inclined to see in a practical reality that could constitute a certain amount of leeway in the number of spaces they grant. Every street in Montpelier, unless it is specifically deeded, has a right-of-way 50 feet wide.

Mr. DeSmet said this one is actually 66 feet.

Mr. Richardson said if the city ever acted upon its right-of-way in every single case we would have a lot fewer front yards and parking spaces in the city of Montpelier. At the same time this seems like the beginning of a good idea.

Mr. Schy said he would be willing to eliminate those four spaces for this discussion. Let's say he only has two. How much square footage would the Board be willing to give him based on the parking that's there?

Mr. O'Connell told Mr. Schy he is engaging in a speculative development in order to see if he can find a tenant that would bring a use there. Being that the Board has no idea what that would be having a discussion about what the actual parking requirements is premature.

Mr. Schy said he wasn't going to look for tenants if it is a waste of his time. He has contractors ready to go and they are going to build that into something. He needs direction. Should he build to suit, which is what he would like to do?

Mr. O'Connell said then he has a plan and a proposed use.

Mr. Schy said an office is someone sitting at a desk.

Mr. O'Connell said the other option is that Mr. Schy can proposed a use that is x amount of square feet of office space in which the requirements are defined. Right now he hasn't done that.

Mr. Turner said there are three parking spaces in the building. You have parking underneath. If he was to use 1,250 square feet, or use the third floor, couldn't he actually provide the parking in the garages?

He would lose some usable office space, but he would still gain three parking spaces he originally said he had.

Ms. Schy said if he took two from the house and two extra additional spaces that don't need to be with the four units of the house. If he added two in the garage that would give him four of his own parking spaces and put him at 1,000 square feet. He is just looking for additional parking. He doesn't have enough parking to support 2,500 square feet.

Mr. Richardson asked what zoning district this was in. Is it CB-I?

Mr. DeSmet said it is HDR. It is design control because all of the houses used to be a part of the AI-PUD. These houses were spun off of the AI-PUD zoning.

Mr. Schy said he would be happy to get some feedback and come back.

Mr. Lindley said obviously he can sense the Board wants him to bring it to a higher level because they want more income on the tax roles, but there needs to be something to play with here. A garage is going to get a substantially less of a value than an office or an apartment. There are criteria and parameters they need to deal with.

Mr. Schy said for the project he would have to go through Design the Review Committee. He is just asking for a commercial space.

Mr. O'Connell said he is hearing a consensus emerge from the Board. They are very willing to entertain commercial space in that location. He thinks it is appropriate given the other uses that are there, but he is hearing a number of opinions which all lead to the same place which is he needs to have a much more specific proposal in front of the Board so they can evaluate what the actual needs are going to be for parking and all of the other factors related to access and egress and circulation.

Mr. Lindley told him not to ask the Board to design his projects.

Mr. Schy said he finds out what the market is and what are they looking for.

Mr. Richardson said he wouldn't feel comfortable giving a blank slate. A lot of developers who deal with this kind of property do fine. To echo Kevin's sentiments, the Board welcomes this kind of development and the rules give us the ability to work with him. If he did either find a tenant or come up with a plan and design that has more specifics, the Board would be glad to look at it.

Mr. Schy said he has a plan, has a building, and has a second floor that is 1,250 square feet. A law firm could have 4 people or 10 people.

Mr. Richardson said if he talks to Clancy there are certain uses that are defined in table 606 of the zoning ordinance that are either not allowed, permitted, or conditional within the High Density Residential District. Office is defined. It just doesn't mean desk and chair. You get the permit for conditional use for an office for so many square feet. Based on the square feet the zoning ordinances require a certain amount of parking. If we know specifically the number of square feet and the use, then we can have an additional conversation about how are we going to play with the number of parking spaces that are required in conjunction with the use and the specific design in mind. If he comes to the DRB and says he can put 2,500 square feet into this building and just want office space, which is the way the proposal reads right now, he has a problem with that because it is a little vague and also the

maximum of that space. Given the problems with the site and the right-of-way, and with the existing parking it doesn't make sense because you have these four parking spaces but the permit would essentially require that all of the parking be pushed out into the street.

Mr. Schy said the city is allowing people to operate up there without meeting these conditions so he would like the same consideration as NECI and the person next door. They have tremendous square footage and they don't have a parking space for 250 square feet. Businesses throughout our commercial district do not have any parking.

Mr. DeSmet asked Mr. Schy how specific he wants it to be.

Mr. Cranse said Gary has come before the Board for permission for an office. An office is a specific category. In that chart of uses it is a conditional use. There are others, such as medical, retail, veterinary clinic, and Mr. Schy has come for the office category. In terms of parking under Section 705(a) there are different ways to do it. One way is one parking place for every 250 square feet, but there are other ways. He wants to specifically explore use of public parking spaces in specified districts. Is this a specified district?

Mr. DeSmet said there is public parking on College Street and all around the Green.

Mr. Cranse said he used to work up there and he knows what the parking situation is up there. There is parking on East State Street along the Green; there is parking on West Street on one side; there is parking on both sides of College Street. There is a lot of public parking up there. If this were a law office he wouldn't guess that people would have a problem finding parking.

Mr. DeSmet said a law office would fit into the definition of "office."

Mr. Cranse said there is a lot of public parking up there. The other thing is shared parking. Shared parking is a parking area that is within 1,000 feet. If you just go up to the end of East State Street, there is a very big parking lot that is owned by Vermont College of the Fine Arts. It is possible that they would reach an agreement with him to share part of that. He sees two possibilities here for satisfying the parking requirement according to these regulations for the office, which is what Gary is applying for. He isn't applying for a veterinary clinic, but just the office category.

Mr. Schy said he could pick the second floor which is 1,200 square feet and design a potential office.

Mr. O'Connell said the Development Review Board can't design his project for him. He has to bring a specific project with x number of square feet, plus a parking proposal, and if part of that is public parking that's fine. The plan for your renovation is a roughly drawn sketch.

Mr. Schy said it is a building. The building went through the Design Review Committee. It is an existing building. It has egress, stairways.

Mr. O'Connell said none of which is on their plan.

Mr. Schy said the exterior defines the building quite well. If he has to create any type of change of windows or egress that would go through Design Review. He would have to sit down with them and talk about secondary exits. He is already planning on sprinklering the building so that will eliminate a tremendous amount. Let him come back and add more specifics. He will meet with Clancy and talk with Tim Heney to get a few potential people who might be interested in being a tenant.

Mr. O'Connell said the Board doesn't need to talk to his tenants, or potential tenants. We need a plan that is laid out in enough detail that they have something to act on.

Mr. Schy asked what about the number of employees.

Mr. Cranse said it is helpful, but he doesn't think it is necessary for our regulations.

Mr. Richardson said right now they don't have employee numbers in any sense. They don't even have a number of specific offices. If the Board is going to be approving parking within the Board's discretion, the more details they can have the more helpful it would be. He would second what Roger was saying, which this is an area where it is much better than further down East State to downtown. The more specific and the more they can get into the parameters the better and the more comfortable the Board will be approving it and working with him.

Mr. Lindley said he thinks the building is within the Design Review District.

Mr. DeSmet said he isn't making any exterior changes.

Mr. Lindley said a garage is a garage. He doesn't remember any windows in the garage. Are you going to build an office with no windows?

Mr. Schy said there will be windows. He will be going through Design Review with windows.

Mr. Lindley said he needs to stop at Design Review before he comes to the DRB.

Mr. Schy said the placement of windows will depend upon what he is using it for. He doesn't want to design all of the windows and say he can't use the building for commercial use.

Mr. Lindley said he will have to go through Design Review before the DRB because it is a building that has a lot of history and we have to recognize it.

Mr. Schy said he understands that is a permitted use. Once you have a garage you can live in it or make an apartment; it can't be denied. It is a permitted use from one permitted use to another.

Mr. DeSmet said the current proposal is exempt from design review because there is nothing that is subject to design review. If you look at the exemptions, they are not proposing any exterior changes. He isn't changing windows or colors.

Mr. Lindley said if you put somebody in an office you have to have a window.

Mr. DeSmet said it is clearly written that if he isn't changing anything on the outside he can't make him go to the Design Review Committee and there are no exterior changes.

Mr. Richardson said if he designs something and makes no exterior changes the Design Review Committee is not charged with change of use. He thinks what Jack might be suggesting is that the more inclusive this proposal is he is likely to have a commercial use. He does think he fits within the conditional use for a commercial use, that if we have a specific proposal it makes it very easy for us to then apply the section 705 criteria and work with him on the parking. How does the office and the parking relate and the number of trips or visits? The more specific could be about that. This would make it easier for Mr. Schy to get his application approved.

Mr. DeSmet said when someone comes into his office and says they want to change a building to a use and they don't propose any changes, their point is valid.

Mr. Lindley said it would seem to him if they are going to set him on the right course he needs to know.

Mr. Schy said he has a plan already drawn up and he will begin with the Design Review Committee. He is going the next step with windows. Would the Board like him to begin a discussion with them and come to the DRB after?

Mr. Cranse told Mr. Schy he would seek Clancy's view on that. He feels uncomfortable counseling him about the processes of the city.

Mr. Schy said he is just trying to find out what he can do with this building. He appreciates all of their feedback.

Mr. O'Connell said to summarize, that in order for the Board to act on an application they need significantly more detail and design parameters.

Mr. Lindley said the DRB can save him a few dollars if we table the application until he comes back with his amended plan.

Mr. O'Connell said if they table they have to table the application to a certain date. The next meeting they could consider his proposal would be May 18<sup>th</sup>.

Mr. DeSmet said from a process standpoint if he is going to get to the Design Review Committee by the May 18<sup>th</sup> meeting it won't work.

Mr. Cranse said if Mr. Schy comes to the DRB with an application for conditional use and site plan review for an office, do we simply deal with the application as he presents it if it doesn't have any windows?

Mr. O'Connell said they could act on the application has it is presented.

Mr. Schy said he isn't looking for approval for a project, but approval for the right to use it as an office.

Mr. DeSmet said in reality if he has a master plan for what he wants to do up there as far as exterior, it would make more sense to go through Design Review Committee for the design review portion and then come to the DRB for conditional use.

Mr. O'Connell said that is the process as it typically works.

Mr. Richardson moved the DRB table the application for Site Plan & Conditional Use Review of 106 East State Street until the May 18<sup>th</sup> meeting. Mr. Lindley seconded the motion. The motion passed on a unanimous vote of 6 to 0.

**IV. 78 Barre Street – CB-II/DCD**

Applicant: Steve Ribolini

Owner: Sally Longhi

Replace 26 Windows.

**Tabled by the Design Review Committee**

**Adjournment:**

Upon motion by Jack Lindley and Dan Richardson, the Development Review Board adjourned on a vote of 6 to 0.

Respectfully submitted,

Clancy DeSmet  
Planning and Zoning Administrator

Transcribed by: Joan Clack