

Montpelier Development Review Board
May 18, 2009
City Council Chambers, City Hall

Subject to Review and Approval

Present: Kevin O'Connell, Vice Chair; Alan Blakeman, Daniel Richardson, Jeremy Hoff, Roger Cranse and Kenneth Matzner. Philip Zalinger, Chair, arrived later during the meeting and assumed Chair duties for Site Plan Review at 7 Liberty Street.
Staff: Clancy DeSmet, Planning and Zoning Administrator

Call to Order:

The Montpelier Development Review Board meeting of May 18, 2009 was called to order by Kevin O'Connell, Vice Chair, at 7:00 P.M. Mr. O'Connell served as Acting Chair.

Review of May 4, 2009 Minutes:

Mr. Blakeman moved approval of the May 4, 2009 minutes, with Mr. Hoff seconding the motion. The May 4, 2009 Minutes of the Development Review Board were adopted on a vote of 5 to 0...

I. 1 Granite Street – RIV/DCD

Applicant: Charlene Sroka
Owner: National Clothespin Co.
Sign.

Mr. DeSmet explained to the DRB that the applicant has requested design review approval for the placement of an approximately 10 square foot wall sign. The Design Review Committee approved it at their May 12th meeting with one optional change and an adjustment to the scope. The optional change was that they add an additional small directional sign so that people can actually know which entrance to go into at the building. The DRC decided they could place a directional sign. Also, the width of the sign was to be reduced so as not to exceed the width of the horizontal trim above the window that it was proposed to be placed.

Mr. O'Connell said as he reads the Design Review Committee's recommendations he see that as an optional recommendation.

Mr. DeSmet replied that the directional sign is optional; the width of the sign is not.

Mr. O'Connell asked Ms. Sroka if she was in agreement with the Design Review Committee's recommendation. She replied she was.

Mr. Hoff moved approval of design review at 1 Granite Street as submitted to the Board, including the optional change and adjustment to the scope as proposed by the Design Review Committee. Mr. Blakeman seconded the motion. The motion was approved on a vote of 6 to 0.

II. 185 Main Street – HDR/DCD

Applicant/Owner: James and Janet Burke
Multiple exterior renovations.

Mr. DeSmet said the application includes a porch addition, window and door replacement and exterior lighting. This property is in a high density residential district as well as in design control. It is not listed in the Montpelier Historic District. Basically, the applicant is proposing to reconfigure the rear entrance, creating a sunroom on the porch. New windows will be placed along the addition. The Design Review

Committee made some optional changes that the applicant can pursue at their own discretion as well as an adjustment to the scope. Mr. DeSmet noted he made an error under the lighting. It is not subject to the development standards under lighting for this property after discussion with the applicant.

Mr. Matzner inquired if the porch was going to be built on the back.

Mr. Burke replied yes. He said if they look at the window with the isometric, it is this section that is being added. Currently, about half of that is garage and the other just ground. It is going to be more of a sunroom than a porch.

Mr. O'Connell asked the applicant if he was in agreement with the Design Review Committee's recommendations. He replied he was.

Mr. Cranse moved approval of the design review application at 185 Main Street incorporating the Design Review Committee's optional changes and adjustments and incorporating the recommendations. Mr. Richardson seconded the motion. The motion passed on a vote of 6 to 0.

Mr. Burke said they would like to put up a temporary canvass garage.

Mr. O'Connell suggested he discuss that with Clancy separately.

III. Site Plan & Conditional Use Review – IND/FP

456 East Montpelier Road

Applicant: San Daniels Co., Inc. – Jim Daniels

Owner: James & Donna Daniels

Addition of Mini Storage.

Mr. O'Connell administered the oath to Mr. Daniels.

Mr. DeSmet said the applicant requests site plan review and conditional use approval for the change of use from a light manufacturing to a mini warehouse within the existing footprint. The reason it requires conditional use is that any facility over 10,000 square feet and its cumulative requires conditional use review. Mini warehouse or a self storage is a permitted use in this district. The property is within the flood plain, but in the 1994 study they did elevations of the building and it is actually above the base flood elevation for this area, so he didn't have to do additional measures to protect the property.

Mr. O'Connell told Mr. Daniels as he looks at the application it says the lot covers currently 1,180 square feet, and it would be 1,200 in 1992. It is a one-story structure so we are talking about adding 100 square feet.

Mr. Daniels said they are not adding. It is an existing building and they are just redoing.

Mr. Richardson said this is on Route 2 across from Woodbury Auto. He asked if their neighbors were mostly industrial.

Mr. Daniels replied there is the river on two sides. Chuck Haynes' building is on the right just past Kurrle Fuels. Across the street what was Woodbury Auto is now the GMC dealer.

Mr. Richardson asked if he already had storage units on the property.

Mr. Daniels said there are 12,000 square feet of storage. The project they are doing now is to the front of the building so you can actually see it from Route 2. They did the same conversion on the back of the building in 2006.

Mr. O'Connell asked how would the use change, or will it at all, in terms of what the renovation will do?

Mr. Daniels said nothing will change. He will just increase the self-storage use and decrease manufacturing. They used to build trash dumpsters for years. They stopped doing that in 2007, which is when they converted the back of the building. He has 6,000 square feet of shop for his furnaces, and that will be reduced to 4,000 which are fine for just making furnaces and sheet metal work.

Mr. O'Connell asked if there would be any change in the volume of traffic.

Mr. Daniels said from 2006 probably less overall. They don't have anybody coming to pick up trash cans any longer. This will probably increase by one car per day.

Mr. Hoff asked if these are going to be individual storage units. Are they going to be storing large items?

Mr. Daniels said they would be 10' x 20' bays, so there will be 10 doors on the front of the building.

Mr. O'Connell said the criteria for conditional use requires the Board examines the criteria in the ordinance and conditional use may only be approved if they determine the proposed use does not adversely affect the following:

Section 304.D.

1. A conditional use may be approved only if the DRB determines that the proposed use does not adversely affect the following:
 - a. The capacity of existing or planned community facilities;
 - b. The character of the area affected, as defined by the purpose(s) of the zoning district within which the project is located, and specifically stated policies and standards of the Montpelier Municipal Plan; This is the industrial district and there will be no change in how this is used within that district.
 - c. Traffic on the roads and highways in the vicinity; Again, the traffic impacts are minimal to nonexistent.
 - d. The Zoning and Subdivision Regulations in effect; and
 - e. The utilization of renewable energy sources. Not applicable.
2. Area affected. The DRB shall consider the following when determining whether the proposed development will adversely affect the character of the area: There is certainly nothing there to review.

Site Plan Criteria – Section 306

- No adverse impacts are expected on streets.
- Pedestrian traffic to this site does not currently occur. It is accessed only by vehicle.
- There is no change in the parking configuration.
- There is no change in the landscaping or screening.
- No new lighting is proposed.

Mr. Richardson moved for approval of the site plan review and conditional use approval for 456 East Montpelier Road. Mr. Hoff seconded the motion. The vote was favorable on a vote of 6 to 0.

IV. Site Plan Review – HDR
7 Liberty Street
Applicant: Lynda H. Benoit
Owner: Lynda H. Benoit
Permit Application #5534
Interested Party: Lanny Benoit

Mr. O'Connell administered the oath to Lynda Benoit.

Mr. Richardson said while he is not an abutting neighbor he does reside in the neighborhood. He doesn't think it creates a conflict of interest. He lives at 2 Liberty Street, which is in the neighborhood.

Mr. O'Connell inquired if there were others present who wanted to testify this evening. He administered the oath to interested parties who were interested in testifying.

Mr. DeSmet said 7 Liberty Street was significantly damaged by fire in November of 2008. The applicant requests site plan approval to repair the fire damage and to add an additional unit; there were three units and now there will be four. There are no changes to the lot coverage. There is a portion they are requesting to remove between the two structures and should be noted that 7 Liberty Street is listed as a contributing structure on the National Register. The applicant has approximately five parking spaces. There is an undefined parking area on the Brown Street side that has historically been used by guests.

Mr. Matzner inquired if the structure was in the Design Control District.

Mr. O'Connell replied it wasn't.

Mr. DeSmet said the Design Control District and the Historic District don't necessarily match up completely.

Lynda Benoit said they are basically keeping the same footprint except they are going to remove the connector. The significant reason is for economic reasons. It is very expensive to install sprinklers as is now required in Montpelier, and over two units in a building it becomes prohibitive to do that. They need to remove the connector to bring each building down to two units. The connector was significantly damaged in the fire and it does not really contribute in any way to living space. It just makes economical sense to remove it.

Mr. O'Connell asked if this was the fire damaged portion of the building.

Ms. Benoit said the whole building was fire damaged and the connector does not contribute in any way really to the building. It doesn't have a significant purpose.

Philip Zalinger, Chair, arrived late and joined the proceedings regarding the application at 7 Liberty Street.

Ms. Benoit said the parking situation really isn't going to change. Where the extra unit is going to go is just going to fill up an area that was used for storage. From the exterior there shouldn't be any significant change whatsoever. Parking will stay the same. Since there is going to be so much construction the building will be in better shape in the end because it will be all new.

Mr. Cranse asked where the additional unit was going to be.

Ms. Benoit said it is going to be in the carriage house. The carriage house only had one unit in it so it was only 50 percent used. It was just used upstairs. The total downstairs was empty.

Mr. Cranse said they would be renovating it in order to make two units.

Ms. Benoit replied yes.

Mr. Richardson asked what the bedrooms are going to be in each of the four new units. How many bedrooms per unit?

Ms. Benoit replied two. There were three units before and in two of the units there were three bedrooms, so the bedrooms are not going to change.

Mr. O'Connell said there is a total of four rental units with two bedrooms each.

Mr. Zalinger asked what buildings the units are. Are they all in the carriage house?

Ms. Benoit said there is one unit in the main building. There will be two units in the main building with two bedrooms each. The carriage house will have two units with two bedrooms.

Mr. Zalinger asked if there were four two-bedroom units.

Ms. Benoit replied that was right.

Mr. Matzner asked if they had any idea when the connector was built in relation to the rest of the building.

Ms. Benoit said she had no idea. She thinks things were built in sections. The carriage house was built in sections. Back then it wasn't as well documented as it is today. Mr. Benoit said it looks like it was done three different times.

Mr. Zalinger said there are other site issues and the Board should stay with questions in that regard. He asked if there were any questions about parking and loading.

Mr. O'Connell asked if there would be a change in the configuration of parking and loading.

Ms. Benoit said she didn't believe so. The parking areas are all staying in the same areas.

Mr. Hoff said they are adding a unit so do they need to add new parking? How many spots do they have? How many do they need? How are they oriented?

Mr. DeSmet said they need four spaces and they are proposing five.

Mr. Zalinger said the area that says undefined existing parking that fronts on Brown Street there would be no changes to that area. Also, the Zoning Administrator tells the DRB that the Technical Review Committee said that parking there cannot be included in the application because there is no ingress and egress without backing on to Brown Street. They are going to disregard that as parking that is considered to be permitted. Then, we are going to go to the driveway area that enters from Liberty Street and exits on St. Paul Street. The first space is going to be where it is indicated on the site plan. The Zoning Administrator tells them that the Technical Review Committee says that you can't include parking that requires the car to back into a city street because it is a patently unsafe condition.

Mr. Benoit asked what do all of the people do out back there that are parking there now.

Mr. Zalinger said for zoning purposes you need to have five spaces. If you can get demonstrate that there are five conforming spaces elsewhere on the site, and then we don't use the Brown Street area.

Mr. Benoit said there is enough room there so somebody could drive in and park and still drive back out.

Mr. Zalinger said it is kind of a hypothetical, isn't it?

Ms. Benoit said let's deal with the driveway first.

Mr. Zalinger said there are five spaces showing here on the site plan.

Mr. Hoffman asked what the width of a parking space was.

Mr. DeSmet said 8.5' x 19'.

Mr. Hoffman said there is plenty of room.

Mr. Blakeman said along St. Paul Street their property will be basically long.

Mr. Benoit said it could be long.

Mr. Blakeman said it won't be parking.

Ms. Benoit said not unless it has to be.

Mr. Benoit said it could be parking if it has to be.

Mr. Cranse said they only need to have four parking spaces. Is that correct?

Mr. Zalinger replied that was correct.

Mr. Cranse said there are four units with one per unit.

Mr. DeSmet said they need four unobstructed.

Mr. Richardson said he understands the driveway as it exists now isn't wide enough for cars necessarily to go around. For example, car number 2 would get stuck. But what they are proposing is to widen the driveway, which may mean removing one of the pine trees.

Mr. Benoit said the pine trees are going. All of the pine trees are going, period. They have plans to cut all of the trees, even in the front, because they are nothing but a liability.

Mr. Richardson said once they have taken out the trees he is going to make the driveway area is going to be made wide enough so that if a person parks in space #2 can exit and enter that space without parked car #1 or car #3 having to get out and move their cars because that would be the difference between an unobstructed and an obstructed space. That is what he understands they are proposing.

Mr. Benoit said everybody who has lived there in the past have had four or five cars.

Mr. Zalinger asked how wide he proposes the driveway is going to be in front of the main building.

Mr. Benoit said he hadn't thought that far yet.

Ms. Benoit said they could widen it as much as necessary.

Mr. Zalinger said let's say hypothetically the DRB votes tonight and grants them a permit based upon the site plan and then next June the Zoning Administrator visits and goes to measure the driveway and there is a driveway where no one car can get another past car...

Ms. Benoit said according to the requirements 8.5 is for one so they are looking for 17 feet wide for a car to pass another one.

Mr. O'Connell said he thinks all of the members are having some problems with the site plan. He can't imagine how he can make an informed decision based on this. The site plan is in his view deficient. He doesn't think he could make an informed decision based upon what is there, and the Board can't design it for you. That isn't the Board's role. What the Board does need is very specific information as to the widths, lengths and how the traffic is going to flow and what landscaping is going to be. That is, at best, hinted in the plan they now have.

Mr. Zalinger said what he believes Mr. O'Connell is suggesting is that there isn't enough detail on here for the Board to pass a site plan that six months from now they good go back and look at the site and say it complies with the site plan reviewed. If they had site plan that was the equivalent of the specificity that your contractor gave them as far as the elevations...

Ms. Benoit said she couldn't afford a contractor. Her insurance is not paying enough. She is doing this bare bones. She barely has enough to make this work.

Mr. Zalinger said he understands but they have to apply the zoning ordinance.

Ms. Benoit said she understands they have to meet certain guidelines, but this is it. It wasn't her choice to be here. She would just as soon have it the way it was for the rest of her life.

Mr. Zalinger said they understand, and the calamity was very unfortunate.

Ms. Benoit said her choice is to just to let it sit there. She is here because she has to be here. She was told she had to come here to rebuild the building. She can't afford to sprinker three units the way it says.

Mr. Zalinger said right now they are talking about her plans for the driveway and what the parking area is going to be.

Ms. Benoit said this is what she can afford to do. This is it.

Mr. Zalinger said she is going to have to go back and measure how wide the driveway is going to be. He asked if she was going to improve the driveway.

Ms. Benoit said she is going to try to improve the driveway.

Mr. Zalinger said there will be an area that is lawn and an area that is driveway. She is just going to have to put down some stakes and measure it and give the Board an idea of what the width of the driveway is going to be in front of the house so the Board can make the finding that says she will have at least four unobstructed parking spaces. Then, she can measure out the area that she is going to dedicate to lawn.

Mr. Matzner said it is really just a matter of drawing another map with the proper widths of the driveway.

Ms. Benoit asked what else it would be after that.

Mr. Richardson said he had a question about the roofline she is proposing. She is essentially restoring the rooflines.

Ms. Benoit said there is going to be one less gable because of economic reasons, which will be in the back of the building.

Mr. Benoit said the roofline will be the same height. Everything will be the same except for one gable. They would like to put it back to the way it was, but it would cost \$600,000 to put all of the frills back on. Maybe in time he can put those back.

Mr. Richardson said on the front it looks identical and he was wondering if that was correct.

Mr. Benoit said they are working on it right now to repair the building properly.

Ms. Benoit added they were trying to get it weatherized right now because it is suffering a lot of damage. They need to replace the roof.

Mr. Zalinger asked what they planned for the area where the connector building was formerly located.

Mr. Benoit replied there is a little pile of bricks from the chimney that was there. There is going to be a patio going out through there and a little walkway. It will look really nice.

Mr. Zalinger said the Board would move on to the demolition of structures. The zoning ordinance reads:

“The demolition or replacement of any structure, or portion thereof, listed as a contributing structure on the Vermont Historic Sites and Structures Survey and/or the National Register for Historic Places is prohibited unless the DRB approves the demolition and site restoration plan, and the board finds that rehabilitation of the structure would cause undue financial hardship, or the board finds that the demolition is part of a site development plan and design plan that would provide a clear and substantial benefit to the community.”

He reads that as being in the disjunctive so the board can find either one or the other; they don't have to find them both.

Mr. Zalinger asked what they formerly used to connect the building for.

Ms. Benoit said it was just storage.

Mr. Zalinger asked if it provided any economic benefit to them as the owners.

Ms. Benoit said no, not really. Substantially, the connector was just storage. It had the stairway going upstairs. It did have one bedroom back there but it was never well heated. Most of it was storage.

Mr. Zalinger said that bedroom must have been attached to a unit.

Ms. Benoit said it was a first floor unit in the main building.

Mr. Hoff said if he remembers correctly from the articles the fire started right outside the connector.

Ms. Benoit replied no, that it was the kitchen.

Mr. Hoff asked if the connector area was damaged heavily in the fire.

Ms. Benoit replied yes because the connector was right beside the fire. The porch is beside the connector, which is where the fire started. The connector went up those stairs. It is one of the more heavily damaged sections of the house. It's not worth restoring.

Mr. Zalinger inquired if there were questions or comments from other interested persons.

Catherine Gordon, a resident at 15 Brown Street, said this is the view from her porch. She believes there was an error in saying that the parking was all out front. People did park regularly in front of their house.

Mr. Zalinger asked if that was what they were referring to as the Brown Street parking.

Ms. Gordon replied yes. She said they have to be permitted if they use that spot.

Mr. O'Connell said they can't count that parking spot on Brown Street as an official parking.

Mr. Zalinger said the Board can't include those kinds of spaces towards the number of legal spaces they need on the site.

Ms. Gordon said her concern is when she reviewed the plan the spaces on the other side she is concerned about them being able to get in and out and also when it is winter where the snow will be for that. Historically, there were no more than two cars here and she would like that to continue and be specified so it doesn't become a parking lot in her front yard. That would not be changing it from what it historically has been. Her other concern is the duration of the construction. They have asked for a two-year permit and she is hoping they can complete it in two years. It would benefit them all. If it goes on longer than that, then the look of the neighborhood and during the construction the landscaping and view. Right now there are dandelions that are going to encroach all of the neighboring yards. She understands on some new construction they do have requirements for landscaping so the place doesn't look like a construction site. She would like to see something like that happen here.

Ms. Gordon said around the proposed dumpster that access for Casella are able to get to the dumpster without going on her property. She is also concerned during the winter who would be plowing this area, and would the truck be able to get in. She would like a note from Casella that shows they could reasonably do this. It's also rather unsightly to have a dumpster in your front yard so she would like to see some screening.

Historically, the tenants have been responsible for shoveling and lawn care in the portion she sees so she questions how that is going to continue. Right now one site comes into their front yard, and in the proposed site everyone is on the other side. Is this area just going to become a wasteland and people parking there regularly if it is too hard to get to their other spots?

Mr. Benoit asked who parked there all winter.

Ms. Gordon said nobody parked there.

Mr. Benoit said there was a truck parked there all winter and they left a bunch of stuff there. She must know who it was because it was across from her house.

Ms. Gordon said she did not know who that was, and it was not their vehicle. They have a van and Dodge neon. She said her other concern is from them talking about being strapped for finances is that the construction will not get done within the two-year time period. After the two-year time period she would like to see another meeting to assess what is happening and what are their future plans. The last concern she has is they are just going to fix up the structure. On Dr. Peterson's side the foundation is a bit "iffy" and she doesn't know how they intend to address it.

Mr. Benoit said they are planning on putting a new roof on the building this summer. First, they have to put a roof on the main building.

Ms. Gordon said she is also concerned about the general upkeep.

Mr. Zalinger told Ms. Gordon the Board has her concerns and will take those under consideration.

Diane McInerney, an interested party living at 10 Brown Street. The owner of that property is John Page and he is in conflict of interest so he could not attend. Historically, the carriage house has been one unit. Indeed, there were two places for cars to park back here. Recently, she has noticed this door is wide open. There is extensive glass everywhere through the front, and it is very vulnerable to curious teenagers and transients. She worries about it because she has two children and the Gordons have two children. There are two other children in the area. She worries about the extended time that has been given to improve this property and she worries about the dumpsters as well along with the additional parking that might be given.

John Peterson, a resident at 34 St. Paul Street, said he would love to see the whole place fixed up. He initially had concerns about the proposed parking that was on Brown Street and his concern is somewhat alleviated hearing what the proposal is. He has a concern about the dumpster as well just for access. In the winter time Brown Street gets one of the smallest of the city's plow trucks that goes through, and it is essentially little more than a single lane of traffic through there. He has concerns about how Casella, or whoever, is going to be able to get to the dumpster. He is also wondering about this area itself because nothing has been said about whether there is a plan to bring this up to grade, fill it in, and pave it. His concern is with water runoff. His property sits pretty low and in the summer when we get the heavy rains water geysers up out of all of the drains on Brown Street. He is concerned that if it is filled in he is going to wind up with a basement full of water. Those are his only points of interest or concerns with the project.

Mr. Zalinger said many of the issues they have discussed would come under what the DRB would consider to be site plan issues. He just wants to make sure that none of the neighbors and other interested parties have testimony they want to offer on the question that he addressed earlier about the criteria for demolition of a historic structure, which would be the connector building.

Ms. McInerney asked if the demolition of that part of the building put this into a noncontributing status as far as the National Register is concerned.

Mr. Zalinger said he isn't qualified to answer that although logic tells him that it would not, that the remainder of the building should still be a contributing structure just because the connector wouldn't be removed from the

contributing list because the connector had been demolished. The Board is going to have to make a decision about that based upon what they have heard tonight.

Mr. Richardson said that concurs with his understanding as well, especially in a renovation job such as this where they have to make decisions about where to restore the house. It doesn't remove it from its historic contributing factor. It just affects the quality of its contribution.

Mr. Zalinger said what he has heard from the neighbors are essentially three concerns. One is the concern about the parking that we are pretending doesn't exist on Brown Street but old photographs show it as a pretty well worn bare area.

Mr. Benoit said Mr. Page wanted to buy half of that parking lot. When they said no he didn't like it too much. Now, all of a sudden he doesn't want anybody parking there but he wanted to buy part of the parking. What does that tell you? It tells me he wanted to buy that and he has been pestering them for two years to buy parking out there. They kept telling him they didn't want to sell any parking. Now he is making a complaint about cars parking out there.

Mr. Zalinger said he thinks his ability to chair this application has been called into question. If he has a difficulty with Mr. Page...

Mr. and Mrs. Benoit said they get along fine with Mr. Page. John has approached her for the last couple of years about parking because he needed the parking.

Mr. Zalinger said he wanted to tell them why he thinks he has to step down. John Page practices law in his office. If there is a dispute between you and someone who they are claiming is objecting to the parking.

Mr. Cranse said in the review criteria he doesn't see any area where the board has purview over the undefined parking area. They do with the parking in the driveway and they do with the dumpster, and also with landscaping. He doesn't see where that is something the Board needs to consider.

Mr. O'Connell said the Board does have purview over the site because this is site plan review. Regardless of whether that is considered parking or not parking, that is part of the site. At this point he doesn't see how they can proceed until they have something that is very tangible that tells what happens at what specific spot on that site. As long as we are talking in hypothetical and maybes there is no way we can proceed intelligently. The Board may not be able to complete it tonight.

Mr. Zalinger pointed out that one of the two alternate criteria for the Board approving demolition is that the Board finds that the demolition is part of a site development plan and design plan that would provide clear and substantial benefit to the community. If the Board were able to conclude their plans for the entire site goes from the Brown Street area to the Liberty Street area, if their plan for the entire site provides a benefit to the neighborhood, then they can make that finding. What the Board needs to have, which is what Mr. O'Connell's point is, is a comprehensive plan for what the applicant is willing to commit to so we know it is going to happen everywhere on the site. It seems intrusive for the Development Review Board to be asking what is going to happen in the 8 x 10 site here and what is going down there, but unfortunately it is a very unusually shaped parcel with a lot of building coverage on it with frontage on three different streets. They don't make parcels like this any more, or buildings like this any more. That is both the benefit and detriment to a historic structure like this.

Mr. Zalinger said they have heard concerns of the neighbors and from the Board before we review it. What is the Brown Street parking area. It says undefined existing parking. He thinks the Board has heard enough about the parking they plan to use. If they have measurements and they finalize where they will go with it, the Board can respond.

Mr. Benoit asked if the neighbors would like to see more grass than parking, or would they prefer more parking. He is talking about St. Paul and Liberty Street.

Mr. DeSmet said the original plan proposed parking on the Brown Street side. Tom McArdle said parking cannot be proposed on that side. It has been removed from the site plan. We can't permit somebody to propose parking on that side.

Ms. Benoit said they have to have a minimum of four parking spaces to meet zoning requirements.

Mr. Richardson said as far as the demolition section of the building there doesn't seem to be any feedback from the neighbors. The Board seems to be open to consideration, especially considering the condition of that section, to the cost and hardship. What the Board is missing is the landscaping around the building. If you aren't going to put parking out back, what will go there and what would it look like? If you are putting parking in the front, then perhaps we need a better drawing so we will have a sense of what it would look like. The drawing the Board has doesn't significantly indicate the difference. What the Board has to require the applicant to do is to go back and design something. They have a sense they can't put parking on Brown Street.

Mr. Benoit asked if he could put parking out here if he puts up a building where they have to back in and not drive in.

Mr. Zalinger said the Board can't answer that question.

Mr. Benoit said the next building over they have a little garage there where they back in.

Mr. Zalinger said that could be preexisting and could have been there since the 1950's before there was even a zoning ordinance. He said they are here before the Board because of the calamity that struck the building. The Board has to deal with what they are given. The Board is trying to be reasonable about listening to the concerns about the site plan and encouraging them to find their way to a comprehensive site plan.

Ms. Benoit said they misunderstood why she was shaking her head. Live through what she has lived through.

Mr. Benoit asked if all they needed was four parking spaces here.

Mr. Zalinger said four unobstructed parking spaces.

Mr. Benoit said instead of putting a patio in here there could be a parking area there.

Mr. Richardson said in theory, yes, but they are going so far past where they need to go they are getting in their own way. They are 90 percent of the way done with the plan they have here and just need to fill in the details.

Mr. Benoit said the stairs won't be there after this summer.

Mr. Richardson said they can't count it as parking spaces for the purpose of the parking requirement as required by the zoning laws, which requires four spots. He could come up with something as simple as some landscaping changes. He has the four parking spaces on the St. Paul Street side; the Board just needs to see it.

Mr. Matzner said the plan right now describes the way it is now and it doesn't show what it is going to look like when it is done. In other words, the connector won't be there and there will be a patio instead. Draw in the patio there and draw in the exact parking spaces, and if the driveway needs to be widened for the parking spaces...

Mr. DeSmet said this is what is proposed. This building has never gone through site plan because it has been a preexisting use. His proposed use is to have parking in the front because that is permissible.

Mr. Zalinger said this plan depicts what the applicant what they propose. This is nonexistent. There are no dimensions and we see it is 37' 7" from the sidewalk on St. Paul Street to the corner of the carriage house, but we don't know precisely where the car is going to be parked. Is this all going to be gravel?

Ms. Benoit said it would probably be gravel.

Mr. Zalinger inquired if this was as much driveway as they want, or as little driveway they want.

Ms. Benoit said obviously she would prefer less driveway because it would look better.

Mr. Zalinger said they should design it as they want it to appear after they achieve the number of parking spaces required.

Mr. Benoit said they wanted to leave more grass so it would look nicer.

Mr. Zalinger said based on what their neighbors are saying they would love it if they took the Brown Street area and dumped a load of top soil there and seeded it.

Mr. Benoit said the problem is that will never happen because the neighbors park there. That's what happened last winter. Somebody always parks there.

Mr. Zalinger said they are certainly within their rights to cause that to stop.

Mr. Richardson said the one concern Dr. Peterson had is that if it were raised in grade it might cause runoff issues on to a neighbor's property.

Mr. Zalinger said top soil two inches thick doesn't change the grade. Once it becomes a grassed area it becomes much more absorbent.

Mr. Zalinger asked the applicants if they were more comfortable with what they need to do between now and the next DRB meeting.

Ms. Benoit replied she believes so.

Mr. Zalinger said they could talk to Clancy and get an idea of what the Board is looking for. They can't give them advice or consultation.

Mr. Blakeman inquired about the dumpster. Before the fire occurred where the dumpster was?

Ms. Benoit said she didn't provide a dumpster because she found that the neighbors got into it and put their trash into it. In their leases everybody who rented was responsible for their own trash.

Mr. Zalinger said he was going to ask the DRB if they wanted to recess this portion of the meeting regarding this application until June 1st to give the applicants an opportunity to fine tune the site plan and return with a more comprehensive detailed plan.

Mr. Richardson moved the DRB recess the application for 7 Liberty Street until June 1st, with Mr. O'Connell seconding the motion. The motion passed on a vote of 7 to 0.

Adjournment:

Upon a motion to adjourn by Mr. O'Connell and Mr. Cranse the Development Review Board adjourned.

Respectfully submitted,

Clancy DeSmet
Planning and Zoning Administrator