

Montpelier Development Review Board
February 7, 2011
City Council Chambers, City Hall

Approved

Present: Philip Zalinger, Chair; Kevin O’Connell, Vice Chair; Alan Blakeman, Jack Lindley, Roger Cranse and Sabina Haskell.
Staff: Clancy DeSmet, Planning and Zoning Administrator

Call to Order:

The meeting of the Montpelier Development Review Board was called to order by Chair, Philip Zalinger, at 7:00 P.M.

Approval of January 18, 2011 Minutes:

Upon motion by Kevin O’Connell and Alan Blakeman the Minutes of the January 18, 2011 were approved on a vote of 5 to 0.

I. 59 Elm Street – CB-II/DCD

Owner: Peter Hood, et al
Applicant: Steven Usle
Design Review for a Sign.

Philip Zalinger recused himself from taking action on this agenda item.

The application calls for the placement of two signs at 59 Elm Street. The Design Review Committee reviewed the application on February 1st and recommended approval as proposed. Since the Design Review Committee is advisory to the Development Review Board unless the board members have specific questions they don’t usually ask the applicant to go back through the criteria.

Mr. Lindley moved approval of the signs at 59 Elm Street as proposed. Mr. O’Connell seconded the motion. The motion was approved on a vote of 5 to 0.

II. 37 Barre Street – CB-II/DCD

Owner: Central Vermont Community Land Trust
Applicant: LaJeunesse Construction
Design Review for Replacing Windows and a Roof Top Solar Collector
Interested Parties, Alison Friedken, CVCLT and Mike LaJeunesse

The Design Review Committee reviewed the application at its February 1st meeting and recommended approval with an adjustment to the scope of the proposal. Mr. Zalinger asked if the applicant had any difficulty with the recommendation made by the Design Review Committee.

Mr. LaJeunesse and Ms. Friedken replied they had not received the recommendation yet.

Mr. Zalinger said unless there are questions or a comment from the board members is there a motion for approval.

Mr. Cranse moved approval for the design review application for 37 Barre Street with the adjustment. Mr. Lindley seconded the motion. The motion was approved on a vote of 6 to 0.

III. 63 Barre Street – CB-II/DCD

Owner: Tom and Leslie Sabo

Applicant: Buzz Ferver

Site Plan and Design Review for Change and Exterior Renovations.

Mr. Zalinger administered the oath to Buzz Ferver.

Mr. DeSmet said the applicant seeks design review and site plan review approval for the change of use from residential to office with associated site plan improvements and exterior changes at 63 Barre Street. 63 Barre Street is on the National Register of Historic Places and is in Design Control as well as the Central Business II zoning district.

The applicant presented his plans for 63 Barre Street renovations to the DRB along with detailed architectural drawings. He said there would be a series of rain gardens installed around the property. The soils there are mostly sand. All of the walls inside are being restored in plaster and new paint. All of the windows that are there are being restored. The windows were approved by the Design Review Committee.

Mr. Zalinger said there are two applications he is seeking from the DRB. One has to do with design review, which is analogous to what just transpired with the previous applicant. He is going to suggest if it is agreeable to the Board that they deal with the design review aspects first. He understands the DRC reviewed this application at its February 1st meeting and recommended approval with an optional change and two adjustments to the scope of the proposal. He asked if the applicant recalled what the recommendations of the DRC were.

Mr. Ferver said they are outlined.

Mr. Zalinger said there is an optional change that the swinging barn doors may be removed and used on the interior as necessary if the applicant wishes to do so and with approval for tax credits. There are adjustments that the DRC recommended. One was the installation of a small shed roof over the GMP electrical meter; and, secondly, the 6 foot vertical tall board wooden fence to match the neighbor's fence in the existing location would be installed. He

asked if the applicant was in agreement with the two requirements. The applicant replied he was.

Mr. Lindley moved design review approval as recommended by the Design Review Committee for 63 Barre Street. Mr. Blakeman seconded the motion. Mr. Blakeman said regarding the rain garden there was a good map of it. Is there any way he would recognize a rain garden?

Mr. Ferver replied possibly and possibly not. They would plant it with flowers that would be in bloom surrounded by grass. There are a couple of them at the Hunger Mountain Coop. One of the main storm drain grates as you pull into the Coop from Stone Cutters Way near the front door that intercepts rain before it goes into the grate. There is one back by the bike racks and picnic table where the water is captured for awhile and runs parallel to the river. There is a much larger one at Montpelier High School designed and installed by him to deal with the parking lot runoff. When they repaved the parking lot two years ago they put in a swale and had the students design it and choose the plants.

Design review approval was approved on a vote of 6 to 0.

The DRB moved on to site plan review. Site plan review criteria are numerous. The ones that is relevant or applicable to this deal with pedestrian access and circulation. Does the applicant know the density of the number of employees is planned to be?

Mr. Ferver replied he believes there are 9 employees but over time would like to have 11 or 12. That is recollection of conversations with various people in the organization.

Mr. Zalinger said the location is right on Barre Street. There are sidewalks up and down Barre Street.

Mr. Lindley said he would assume that the snow removal plan would impact the rain gardens. Is that correct?

Mr. Ferver said actually the rain gardens would double as a snow removal location.

Mr. Lindley said he doesn't see where a dumpster would be located on the plan.

Mr. Ferver said they haven't requested him to place a dumpster.

Mr. Lindley said there must be some waste generated by their activities.

Mr. Ferver said they could put their trash out on the street.

Mr. Zalinger said he isn't sure how relevant the dumpster location is to pedestrian access. The second criteria deal with vehicular access and circulation. He asked Board members if they had read the comments from staff. He asked Mr. DeSmet what paved gravel meant.

Mr. DeSmet said that is a stay mat surface.

Mr. Lindley asked if the driveway at 18 feet passable for cars coming and going at the same time. He doesn't know what the usual width is.

Mr. Ferver said the tenant is the Vermont Network Against Domestic & Sexual Violence. They aren't client based. They do education outreach to community and other organizations so they have no clients coming there. They would come and stay at their offices during the day. During the technical review they made a couple of changes to push those 18 feet.

Mr. Zalinger said he thought 18 feet would more than adequately be enough.

Mr. Blakeman said under the staff and advisory comments about the impact fee. Have we run into an impact fee?

Mr. DeSmet said they have been in the ordinance since 2000. He just put it there to remind himself for when they issue the permit. There are a lot of impact fees listed in the ordinance that actually have a zero. The conversion of a residence to an office requires a \$500 impact fee.

Mr. Zalinger said over which the Board has no jurisdiction.

Mr. DeSmet replied it has already been enacted by the City Council in Article II.

Mr. Zalinger said under parking and loading the plan shows there are 13 spaces that are going to be created by the project. Two are ADA accessible. Based on the ordinance 8 spaces are required. It is clear that the applicant has provided parking that exceeds the minimum requirements of the zoning ordinance.

Under landscaping and screening there is landscaping planning in the materials.

Mr. Lindley said the rain gardens out front does somebody actually maintain it so it isn't a jungle out front.

Mr. Ferver said the rain garden does require some maintenance. The grade is such that it is a very shallow and easy spot to maintain. You could mow that down to remove any unsightly weeds. If it were to get out of hand it would be just a simple matter of mowing and keeping the perennials in check. The perennials add color and a little hardier when it comes to surviving. If you look right next door at Claire Guare's property she is a very big fan of

perennials and her gardens all along the front of her house and along the sidewalk is full of perennials.

Mr. O'Connell asked if it was just a general perennial mix. Is there any specific species that are preferred?

Mr. Ferver replied it is species that can tolerate some inundation predominantly such as econasia and rubedelkia and cone flower. The idea is to not let it go to waste.

Mr. Zalinger said it strikes him as being a net gain to the neighborhood.

Mr. Zalinger said the site plan also has the outdoor lighting fixtures. They are all going to be full cutoff wall packs and they are indicated on the elevations. Because it is an office use he suspects there are no performance standards that are going to be coming to question about smoke, noise or creation of other odors, etc.

Storm water management has already been addressed by the rain gardens.

Mr. O'Connell moved to approve site plan approval for 63 Barre Street. Sabina Haskell seconded the motion. The motion passed on a vote of 6 to 0.

IV. 106 East State Street (HDR/DCD)

Owner/Applicant: Gary Schy

Design Review, Site Plan Amendment and a Variance Request for Converting a Vacant Barn to a Residential Use.

Mr. Zalinger administered the oath to Gary Schy.

There are three separate requests before the Board tonight. One is for design review; one is for site plan amendment; last is for a variance request. He is going to recommend that the Board deal with design review first because it has already been reviewed by the Design Review Committee and they are advisory to the Development Review Board. There were more than one Design Review Committee hearings on this application. In its final recommendation the DRC recommended approval with five adjustments to the scope of the proposal. If the applicant is in agreement with them they won't go any further with them.

Mr. Schy said he is okay with the Design Review Committee's recommendations in full. There are no changes.

Mr. O'Connell said with three meetings with these recommendations obviously the Design Review Committee exhaustively reviewed the project and after having read the application he is happy to proceed with their good work.

Mr. Blakeman moved approval for design review section of the application for 106 East State Street.

Mr. Zalinger asked Mr. Blakeman if he would accept a friendly amendment that said we would grant design review approval containing the suggested adjustments made by the Design Review Committee.

Mr. Blakeman agreed he would. Mr. O'Connell seconded the motion. The motion to approve design review for 106 East State Street was approved on a vote of 6 to 0.

Mr. Zalinger said they would review the site plan review next and leave the variance request for last. He asked Mr. Schy to give an outline of what his plan is for the site.

Mr. Schy said he hopes to make improvements to the two residential units in the structure. The existing structure has 3,800 square feet of space. He just added parking spaces. The proposed barn has indoor parking. The design review change the parking space furthest to the left will have to be eliminated because they are going to make a vestibule out of that space. That recommendation happened at the last meeting of the Design Review Committee. It wasn't going to be a parking garage and in order to not have a door on the front of the building they are doing a vestibule with the door inside so he is dropping that parking space. There is just one inside parking space now.

Mr. Cranse said where it says existing barn with one inside parking space it is big enough to have two residential units.

Mr. Schy said the square footage is almost the size of the house that borders this. It is 40' x 30' or 1,200 square feet. A typical two bedroom apartment 1,200 is huge. This will be two apartments that will be upstairs and downstairs. He had two meetings with Tom McArdle and he gave him a very extensive list of what the requirements would be. He was satisfied with the size of the spaces.

Mr. Zalinger said the house to the right isn't there any longer. That is the white house right next to the barn.

Mr. Schy said the house is definitely there. A lot of people think they are the same building because they look connected. There is literally 2 ½ feet between the two structures.

Mr. Zalinger said going to the west where the parking is. West of the area he is showing as parking there is an existing house. Could he tell the Board where the property line is between his parcel and the adjoining property?

Mr. Schy said the barn and the house are one property. 106 East State Street is one property.

Mr. Zalinger asked if he owned the house to the east.

Mr. Schy replied he did not.

Mr. Zalinger said he owns the barn and house to the west.

Mr. Schy said they came as one parcel.

Mr. Zalinger asked what his parking requirements for the house at 106 were.

Mr. Schy said he needs four. He has four units there.

Mr. Zalinger said this one parking lot provides four parking spaces for the existing house.

Mr. Schy replied that is correct.

Mr. Zalinger asked if he needed four parking spaces for the barn.

Mr. Schy said he needs two more for the barn. He has eight parking spaces. The house has four units and in his last site plan he had excess also.

Mr. Zalinger said the 8 parking spaces are 7 ½ x 16.

Mr. Schy replied they are.

Mr. DeSmet said he didn't think he could count the indoor one as an unobstructed parking space. It is his impression you count the ones that aren't blocked or possibly could be blocked. He has never calculated one that was inside a garage.

Mr. Zalinger said the area he calls a driveway what is the depth of it?

Mr. Schy said it is a big amount of space. Somebody could pull out of there and turn around. You can pull a car fully in this space. When the College owned it this was all parking. It took him a long time to get people to stop parking there because they thought it was a parking lot.

Mr. Zalinger asked if he would have any objection to a restriction that prohibited the indoor parking space from being used by anyone other than a tenant on the site.

Mr. Schy replied not at all. It will probably end up for storage.

Mr. Zalinger asked if it was Mr. Schy's testimony that in the parking area where the other 7 spaces are identified that all of the cars parked in those areas can park there without backing into East State Street.

Mr. Schy replied yes.

Reviewing the site plan criteria they have discussed the parking. Pedestrian and circulation, they understand there are sidewalks on the other side of East State Street. Since no one is going to have to cross the road there shouldn't be any pedestrian issues or problems. Vehicular access and circulation – he presently polices the parking that goes on in this site because he is the landlord at 106 East State Street currently.

Mr. Schy said he also has in his lease if they have an automobile and not a giant truck of a certain size.

Mr. Zalinger asked Clancy to explain what it says here about the city's right-of-way.

Mr. DeSmet said he was trying to illustrate to the Board that the city's right-of-way goes all the way up to the base of the barn. Previously on a plan that Mr. Schy had he indicated parking there and through discussing it with Public Works they wanted to make sure that well known to the Board. He isn't proposing parking there. He just wanted to let the Board know that the barn goes right to the right-of-way.

Mr. Zalinger said he drives by it on a daily basis. He just said it was 16 feet and the implication was that it was part of his parcel. But it isn't, is it?

Mr. Schy replied no. He has a right to use that but he cannot have designated parking. On his other site plan he had a couple of parking spaces stuck in 2 or 3 feet into that right-of-way and he thought he could have parking there and eliminate all of that.

Mr. Zalinger said he understands that no part of any permit that might be issued here involves active use of area within the city's right-of-way.

Mr. Schy said that is correct.

Landscaping and screening – there aren't any changes to the landscaping.

Mr. Zalinger asked if that was because maintenance is troublesome.

Mr. Schy replied no. He made it look nice already. There is a nice crabapple tree and a weeping lilac. There is a house garden. He isn't proposing any more.

Mr. Zalinger asked if it was necessary for the driveway to be driveway if there is going to be only one vehicle parking in the garage. Is there going to be a walkway from the parking area into the new front doorway?

Mr. Schy said the whole area is walkway.

Mr. Zalinger said he is wondering why if he has the opportunity to put a front lawn in or to put grass there with a walkway the way a residential structure would generally appear why he wouldn't avail himself of that opportunity. He can understand why he wouldn't if he had two parking spaces that were separated by building, but now there is one parking space that is there at the far eastern part of the building. He doesn't know how many feet of the building – maybe there is 30 feet of building between the western end of the barn and the western end of the parking space, and if it is 16 feet deep times 30 feet that is a lot of square footage of gravel that just sits there in front of the building. It struck him that lawn would be very attractive there.

Mr. Schy said it gets a lot of moisture because the way the road is done. The road is higher there and it will just be mud and wet so the crushed stone is probably the best medium. It is crushed stone and he thinks it is attractive. If people want to put a couple of chairs and sit there it is right on the road and gets plowed. There is no curb there. There is no curb that separates it from the street. There is no way he could stop people from backing into there. People use that as a turnaround constantly because it is very busy up there.

Mr. Zalinger said he knows, and that is what they don't want to have happen.

Mr. Schy said if there is lawn there is it going to turn to mud? It gets a tremendous amount of water from the road. Since he has very few windows in the front the people are going to be looking out the back at the woods and that is the main focus. The Design Review Committee let him have a couple of windows on the front. They are keeping the barn look on the front so the view and focus is on the back where it is all extremely beautiful wooded. You are on a busy road and he doesn't know that anyone would want to use it as a yard.

Mr. Zalinger asked if he was familiar with what is at the corner, the NECI property. It is nicely landscaped and some of the other institutional buildings around the green are nicely landscaped as well. He can see he is underwhelmed by the proposition.

Mr. Lindley said there is one photo with a car which would indicate where the three parking spaces are. He would assume the bush would come out of there to make room for a car to go in so that bush would be missing. The Chairman's concern about the landscaping around the building comes into play. The other pictures would indicate a fairly big drop off on the back side of the barn. He assumes that the three parking spaces that are over the bank that there has to be some excavation or filling in order to keep them level. He is talking about the three spaces away from the barn.

Mr. Schy said there is no excavating going on over there.

Mr. Lindley asked if that was a level piece of property.

Mr. Schy replied yes, definitely.

Mr. Lindley said the barn is 30 feet wide. That tree sets back from the edge of the barn. With a car parked there and it looks like there is a parking space outlined next to the car he isn't sure how they park another car there without taking that tree out. The landscaping for the whole barn there is nothing on that corner any longer so there is just a wide space here on the plan. He has to question his measurements across.

Mr. O'Connell said from his perspective he has a hard time trying to put this together from the plan they have. It's hard to read.

Mr. Schy said he sat down with Tom McArdle twice and went over everything with him. He gave him a list of 11 things and he signed off and said he was happy with it. He's the expert. He's the one who is the authority. They measured everything and he approved it so he couldn't have done anything else except what he told him to do. Landscaping – it's a barn. There's never been anything in front of there. That is the historic look of that structure.

Mr. O'Connell said he is now converting it into residential units. It changes it fundamentally.

Mr. Schy said the Design Review Committee seemed to feel it was asphalt and he tore up the asphalt to put crushed stone in because it looked country. The Design Review Committee wanted to make it look like a barn and not a house. If he wanted to make it look like a house he wouldn't make it look like a barn. Look at the front of it. It doesn't look like a residential unit. It has barn doors and little barn windows so it looks like a barn. They didn't want it to look like a house. He didn't propose any other landscaping because they were satisfied with it. There's a yard and a tree and a bush. That is how it has been all of these years. There's a small amount of grass there. There is no soil here. He would have to dig down and have soil brought in. There is old asphalt in there and landfill.

Mr. O'Connell said the application that was on the agenda just before his this evening there was a proposal for what is known as a rain garden which would be a way of handling excess water and yet providing some attractiveness to that rather barren stretch of property there. A rain garden acts essentially as a shallow catch basin with perennials that are planted and does a good job with a lot of water. They have one at the Montpelier High School and several at the Hunger Mountain Coop as well as a few others around town as well. This is a fairly complicated project. He would like to hear from the other Board members who haven't spoken up about whether they fully understand what is being proposed and how this is going to look. We might want to consider a site visit.

Mr. Schy said this is complicated, taking an existing structure. It is an allowed permitted use to take this barn and use it as a residential unit. It is in a high density residential neighborhood. The NECI building destroyed those two buildings. He used to sit in his yard and look at a carriage house and a beautiful historic house. He sees a wall with windows. He can't even see original structures any more. This is two units here. He spent four meetings with the Design Review Committee and this is what they came up with. He doesn't think this as being complicated. He has excess parking.

Mr. Cranse told Mr. Schy he thinks the Board understands his position. The Chair asked for Board Members to give their input. He doesn't have an objection to the application.

Ms. Haskell said she thinks the parking looks tight. She doesn't have any objections.

Mr. Schy said if someone has a problem with the parking if they would like he will eliminate a parking space. He has 8 spaces and only needs 6. That would leave less crowding here and more grass and it allows for more lawn.

Mr. Zalinger said his comments about landscaping and screening are because the zoning ordinance requires them to consider landscaping and screening when they do a site plan to help the property look as attractive as it possibly can not only to the residents but to the neighbors. He understands he is a commercial property owner and not a landscaping professional or design professional. They have seen other projects of his down on Hubbard Street when he came before the DRB, and it might have been the Zoning Board of Adjustment, when he added units on the back. They try to encourage folks. His project need not be limited because the scope of his vision may be more limited than someone else's scope or vision. He drives past the building and they have all watched it morph over the past two years. There have been a lot of structural improvements there. He built up the floor and a lot of hard work has gone into that building. The area that is identified as driveway was where a lot of timber got stored for months on its way in or on its way out. There were trailers coming in and out so it became a work area. He understands that it was naturally better suited with gravel on it because if it wasn't gravel it was going to be mud. He is asking him to look at the project and how it might be in May of 2013. If he had a walkway that came from the parking to the east of the barn and it came around the front because now he has a recessed front entry way and if he had a shrub on either side of the entrance way then it isn't a barn any more. It has barn architectural characteristics and that is what the DRC wanted to sustain.

Mr. Schy said he wished the city would do something about the way the road ends there. If you look at NECI there are curbs and grass as a separation.

Mr. Zalinger said without installing granite curbing the city in many locations uses rounded blacktop. He is sure the city would be responsive to working out some kind of plan with him. They have projects all of the time and this is not a big project for purposes of their

work plan. They can't vote on conjectural plans so he would have to come to a solution with the city that is mutually agreeable.

Mr. Schy said he is going to propose to leave it the way it is. He really doesn't want to go through that. He thinks the gravel looks really nice and he doesn't see anything wrong with it.

Mr. O'Connell said he needs to understand that his plan for the major part of the project with the Board members is fine. They are talking about a relatively minor technical detail which he would hate to see his project get derailed because of something that could be relatively simple to do. The Chair was suggesting he could work with the city to come up with a solution.

Mr. Zalinger asked him to explore the subject with Clancy and Tom McArdle. Once you arrive at a mutually agreeable solution with the Public Works Department then that would drive what he would be able to do for purposes of landscaping in the front of the building.

Mr. Schy said he would sit down with Tom and Clancy and see what he can come up with.

Mr. Zalinger said for the parking to the west of the building it is hard for him to look at this plan and project he is going to be able to fit three parking spaces there. They like to rely upon the credibility of a plan that is before them.

Mr. Schy said the parking is tight.

Mr. Zalinger said maybe he would have to revise the site plan so there is a plan that would show what the landscaping would be and that the one parking garage is no longer there. Just update it for the Board. Perhaps they should recess the hearing until February 22nd to give the applicant an opportunity to consider some landscaping and screening at the site.

Mr. Schy said it took awhile to get through the Design Review Committee and their suggestions created a much better project.

Mr. O'Connell and Ms. Haskell moved to recess the hearing on the site plan for 106 East State Street until February 22nd. The motion passed on a vote of 6 to 0.

Adjournment:

Upon adjournment by Mr. O'Connell and Ms. Haskell the Development Review Board adjourned on a vote of 6 to 0.

Respectfully submitted,

Clancy DeSmet

Planning and Zoning Administrator Transcribed by: Joan Clack