

Montpelier Development Review Board
July 5, 2011
City Council Chambers, City Hall

Subject to Review and Approval

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

Call to Order:

Mr. Zalinger, Chair, called the meeting to order at 7:00 P.M.

Review and Approval of Minutes of June 6 and June 20, 2011:

Mr. Blakeman moved approval of the June 6, 2011 Minutes with Mr. Cranse seconding the motion. The June 6, 2011 Minutes were adopted on a vote of 5 to 0.

Regarding the Minutes of June 20, 2011 Mr. O’Connell said he had two minor corrections. At the bottom of page 2 Mr. O’Connell said he is prepared to vote this evening; it should read “He is not prepared to vote this evening.” The second correction is on the last page, the fourth item down where it referred to a few research types of applications wouldn’t publicly wouldn’t be appropriate. It should read “probably.” With those changes Mr. O’Connell moved approval of the June 20, 2011 Minutes with the motion seconded by Jack Lindley to accept the Minutes with minor modifications. The Minutes of June 20, 2011 were adopted on a vote of 6 to 0.

I. 24 State Street – CB-I/DCD

Owner/Applicant: Woodbury Mountain Toys, Karen Williams-Fox
Design Review for a new awning and repainting storefront.

The Design Review Committee reviewed this application at its June 28th meeting and recommended approval as proposed. The proposal was approved unanimously.

Mr. O’Connell asked if the name of the store was changing. Ms. Williams-Fox replied no. He asked where the sign would be in relation to the existing sign.

Ms. Williams-Fox replied it is on the front of the awning itself.

Mr. Lindley moved approval for design review for 24 State Street. Mr. Blakeman seconded the motion. The motion carried on a vote of 6 to 0.

II. 67 Main Street – CB-I/DCD

Owner: Heney Family Main Street LLC
Applicant: Kelly Sullivan, Athena’s Boutique
Design Review for a Sign

The Design Review Committee reviewed this application at its June 28th meeting and recommended approval with an optional change to the sign. The lettering color may be changed to a lighter brown, a gold color or the proposed brown color may be highlighted with a perimeter pinstripe of gold or lighter color to improve visibility. Ms. Sullivan said she was in agreement with the recommendations of the Design Review Committee.

Mr. Blakeman asked if this was going to be next to the new Capitol Stationers. Ms. Sullivan replied it would.

Mr. Lindley moved approval of design review for 67 Main Street with a second by Mr. O'Connell. The application was adopted on a vote of 6 to 0.

III. 148 State Street – CB-II/DCD

Owner: Vermont Association of Realtors

Applicant: Robert Hill

Design Review for a Sign Plan

Interested Party: Christopher McDonald, VT Association of Realtors

The Design Review Committee reviewed this application at its June 28th meeting and recommended approval of the project as proposed. Mr. Zalinger asked Clancy to explain why there are staff comments and why they are normal in a matter such as this.

Mr. DeSmet said the Vermont Association of Realtors actually backed their way into a sign plan. They have a couple of tenants there and they want to have a uniform sign plan so they won't have to come back every time they change a panel. Based on what they proposed it fit the sign plan recommendations and he wanted to make that clear.

Mr. O'Connell moved to approve the application as submitted. Mr. Blakeman seconded the motion.

Mr. Cranse said on the picture where will it show.

Mr. McDonald said the actual sign will be in the same place where the sign is right now.

Mr. Cranse asked where the Associated General Contractors sign will be.

Mr. McDonald said the Associated General Contractors is removed right now because they aren't tenants any longer. The sign will be at the same spot.

The motion was made by Mr. O'Connell and seconded by Mr. Blakeman. The motion was approved unanimously on a vote of 6 to 0.

IV. 575 Stone Cutters Way

Applicant/Owner: Connor Brothers Stonecutters LLC

Conditional Use, Site Plan, Floodplain and Design Review for a New Building.

Steve Connor, Fred Connor and Don Marsh from Marsh Engineering

Mr. Zalinger reminded the parties they remain under oath having been sworn in at previous hearings. They can draw the Board's attention to any changes in the application since they were last here.

Fred Connor said they sent a memo to Clancy dated June 27th. He will be glad to outline the modifications to the site plan. In the parking area they have labeled their aisles that are 22 feet in all directions around the parking area. They have shown the location of the existing Stop Bar/Slow sign as they exit the property. They have shown the Coop's existing One-Way sign and they have shown a proposed One-Way sign at their rear parking aisle across from the Coop sign. They have also shown a one-way arrow pavement striping at both rear aisles and they have shown two-way arrow pavement striping at both front parking aisles just outside the common drive. They are showing a double yellow line bisecting their curb cut which then transitions into a dashed white line for the balance of the common drive. They did check on the Coop's aisle widths which are 22 feet in the front and 25 feet in the rear. The landscaping plan was revised to comply with Section 708.D by adding an additional crab apple tree. The math is they have a 53 space

parking lot which requires 7 trees. They have also shown a proposed screening for the HVAC pads and the generator pads with evergreen plantings as requested at the last meeting.

They also submitted a new Photometric Plan to add the recessed lighting on the covered porches and that plan deletes the previous shown sharp cut off lights at the two ends of the building. The height of the bottom of the pole light fixtures remains at 14 which are a 2 feet concrete base and a 12 foot pole. They did include a letter from a lighting engineer where they did examine trying to use a lesser height pole and were unable to do that with respect to the lighting in the center of the parking area.

As requested they did measure the neighboring lighting as far as pole height to the bottom of pole fixture and at Turntable Park they are 20 feet, the Coop is 16 feet and Stone Cutters Way is at 10 feet but it is to the bottom of the gooseneck fixture itself.

While at the last meeting they withdrew their request for any conditional uses because the bylaw requires a provision requiring conditional use approval for a nonresidential structure over 10,000 square feet, they still understand they still need to have conditional use approval although it will include conditional specific uses.

Mr. O'Connell told Clancy the conditional use is because any business uses over 10,000 square feet requires conditional use. Is that right?

Mr. DeSmet replied yes that any nonresidential structure over 10,000 square feet. This is 20,000 square feet.

Mr. Zalinger asked the Board how they wanted to proceed.

Mr. Cranse said under staff recommendations Clancy has told the Board what the outstanding issues are. It looks like there are four of them. They also have to consider the conditional use issue.

Mr. Zalinger said they could start with the Design Review Committee's Minutes from June 14th. There was a question that was outstanding from Kevin's perspective.

Mr. O'Connell said one of the issues had to do with the circulation on the site. On page 3 a comment by Zachary Brock he raises the issue about the pedestrian scale and orientation. The Board was expressing concern about that as well during the last meeting. That would be the most significant issue he can see from the minutes that they didn't cover during the last meeting, or didn't resolve.

Mr. Zalinger said they at least now have the DRC Minutes and they explain what the thought processes were and what the issues were which were raised by the DRC when they finally deliberated and acted upon this application.

Performance standards in the district, he thinks the withdrawal of specific conditional use approval for identified uses renders that question moot because there are no specific uses that we can put through the lens of determining whether the performance standards are being met or not. If those performance standards are applied to a specific use in the future the Board will be able to make a determination at that time depending upon the specific use that is proposed. He doesn't think it is necessary to go further and he doesn't think they can apply performance standards to the generic conditional use approval that is before the Board now for a nonresidential structure that is in excess of 10,000 square feet.

Mr. O'Connell said he would agree with that.

Mr. Zalinger said they can deal with lighting. We have a 2 foot base, a 12 foot pole with 14 foot elevation at the bottom of the fixture. There is a 2 foot base, 12 foot pole and 2 foot fixture.

Mr. Connor said it is the 2 foot plus the 12 foot so they are measuring from 14 feet for the light source.

Mr. Zalinger said the top of the entire structure will be 16 feet and the light will begin illuminating at 14 feet.

Mr. Lindley said as he reads the engineering report on that it suggests that if you go lower that there is an uneven light in the center of the parking lot. Can that unevenness be dealt with another pole or light if they lower the lights?

Mr. Connor replied it just has so much horizontal throw so if it gets too low it doesn't throw the light far enough. They are trying to balance both the minimum at the fixture and minimum at the property line.

Mr. Lindley said he is trying to make sure the lights are on the perimeter of the parking lot rather than having any light in the parking lot itself.

Mr. Connor said there are some in the middle of the parking lot but they have insufficient lighting if they go to 12 feet. If they go to a 10 foot pole for a total height of 12 feet it will be insufficient.

Mr. Lindley said it looks to him like the electrician isn't saying what happens when you lower it other than there is uneven light.

Mr. Connor said the Photometric Plan is looking at both enough light and not enough light.

Mr. Zalinger asked if Mr. Gould only measured it with 4 poles.

Mr. Connor replied that is correct. Additional poles on the same ends of the parking lot wouldn't have any impact in the dead center.

Mr. O'Connell asked if it differs at all from the previous lighting plan, or is the same one.

Mr. Connor replied it is the same one.

Mr. O'Connell asked Clancy what was the height of the Coop's lighting.

Mr. Zalinger replied it is in the back of Mr. Connor's memorandum of June 27th. It is 16 feet to the bottom of the light fixture and 2 feet above theirs.

Let's move into the vehicular circulation and traffic delineation. Mr. Connor has explained the additions to the plan. As far as he can tell they look like there were matters that were added to the plan but there has been no substantive change in the traffic circulation. Is that fair?

Mr. Connor said they did make the change in that one aisle is one-way so they added a one-way arrow and a one-way sign which makes it a twin to what the Coop has, which is one-way for their rear aisle and two-way for their front aisle. Theirs has a little more circulation because you can either exit the property or come back out the front aisle.

Mr. Cranse said he believes the Coop's front aisle is two ways only for a brief period of time.

Mr. Connor replied that is correct. It goes in 10 spaces.

Mr. Zalinger asked where his traffic circulation transitions from two-way to one-way. At some point folks can't exit by the top row.

Mr. Connor said it is a one-way road now.

Mr. O'Connell said the original plan had the parking circulation going in both directions at the bottom line.

Mr. Connor replied that was correct.

Mr. O'Connell said he thinks this is an improvement and it will be a lot less confusing.

Mr. Zalinger asked what the pleasure of the Board was.

Mr. Lindley said he thinks they have taken all of the evidence that is necessary so he would move they close the hearing and take this up in deliberative session. Mr. O'Connell said he would support the motion.

Mr. Blakeman said if it is conceivable that the building ends up being an office building it may be pretty set in the sense of parking.

Mr. Zalinger said yes, offices are a permitted use in that district. In that case that use would not need another approval from the DRB.

Mr. Blakeman said if a department store moves in, what happens?

Mr. Zalinger said he doesn't know the table of uses for the Riverfront District, but it is the specific types of uses that would determine whether that use needed a conditional use permit or not. The table of uses goes on for 2 pages in the zoning ordinance.

Mr. DeSmet asked if they were worried he might not have enough parking in the future.

Mr. Blakeman replied that is right.

Mr. DeSmet said they actually designed it to have a lot of parking above and beyond what the ordinance would require. At the same time the Riverfront District was meant to be more of a pedestrian area so there are approximately 100 public parking spaces along that area and only 20 of them are permanently rented. Even if they were to create a use that needed more parking there is suitable public parking in the area.

Mr. Zalinger said the quantity of the parking has never been an issue or concern. If a restaurant were proposed there that would be another story.

Mr. Zalinger asked how the rest of the Board felt about continuing this in deliberative session and issuing a decision in the future.

Mr. Cranse said he would vote against that. He thinks they have covered this pretty thoroughly and everything has been explained carefully. He thinks our suggestions and requirements have been incorporated appropriately so he doesn't see a reason to do a deliberative session.

Mr. Sarafzadeh said he could go either way. It is highly technical and there are certain things he would like to think through. In that sense he would welcome the deliberative session. However, he understands they have put a lot of effort into this and have been before the Board quite a few times and he can understand the need for the applicant to have a swift decision.

Mr. O'Connell said he is weighing in on the deliberative session proposal. That is exactly the reason why we would consider this in deliberative session, which it is because of the highly technical nature of the proposal. He doesn't see that this is going to delay any approval necessary but it allows the Board to carefully consider all of the concerns that have been raised and allows us to make a very informed and well considered decision which will benefit both the applicant and the city in the long run.

Mr. Zalinger asked if there was a motion to close the hearing and go into deliberative session and issue a decision at a later date.

Mr. O'Connell said he thinks the motion has been made. It was made by Jack and he will second it. As part of this the record would be closed. There would be no other evidence taken. The Montpelier DRB in his experience is one of the few DRBs that often acts and makes a decision on the record right when the evidence is closed at the conclusion of a hearing. The DRB in Berlin and Barre Town do not. The Winooski DRB does.

Mr. Blakeman said he agrees with Roger Cranse that we have taken sections and they have been pretty well drilled. He doesn't know how much more they can do at this point. He would vote no on this particular issue. The motion to go into deliberative session prevailed on a vote of 4 to 2. The record is closed.

Adjournment:

Upon a motion duly made by Mr. Lindley and Mr. O'Connell the Development Review Board adjourned on a vote of 6 to 0.

Respectfully submitted,

Clancy DeSmet
Planning & Zoning Administrator

Transcribed by: Joan Clack