

Montpelier Development Review Board
August 1, 2011
City Council Chambers, City Hall

Approved

Present: Philip Zalinger, Chair; Kevin O’Connell, Vice Chair; Daniel Richardson, Jack Lindley, Roger Cranse, Elizabeth Koenig, and Ali Sarafzadeh
Staff: Clancy DeSmet, Planning and Zoning Administrator

Call to Order:

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

Review and Approval of July 18, 2011 Minutes:

Upon a motion duly made by Mr. Lindley and Mr. Richardson the Minutes of July 28, 2011 were adopted on a vote of 5 to 0.

Comments by the Chair:

If members of the public are interested in a specific matter as a neighbor or adjoining property owner then you should make the Board aware of that instance before the proceeding starts. It is very important they sign in and identify the matter they are interested in. If you do want to give substantive testimony he will ask them to be sworn in.

I. 10 Corse Street – HDR/DCD

Owner/Applicant: Victoria Cherney
Design Review for Replacing a Carport Roof

Mr. DeSmet told the Chair the applicant had to leave town unexpectedly and asked that the Board proceed without her present. The Design Review Committee recommended approval as proposed. The Design Review approved replacement of cedar shingles with metal roofing at 10 Corse Street. The committee reviewed the proposal on July 19th and recommended approval as proposed.

Upon a motion by Mr. O’Connell to accept the application as proposed and as recommended by the Design Review Committee, with a second by Mr. Cranse, the DRB approved the application on a vote of 7 to 0.

Mr. Zalinger said for a matter of information for members of the audience the DRB has 7 or 8 design review applications pending before them tonight. The way the DRB acts for design review matters is as follows: The Design Review Committee has already reviewed the application and made its own determinations as to whether it should be recommended or not. They have made suggestions in some instances, and in some instances accepted it completely as it was presented. The Design Review Committee is advisory to the DRB, and unless there are specific questions, comments, observations or concerns that DRB Members have they generally treat these items as consent items and don’t take additional evidence. Although the applicant is not present the Design Review Committee recommended the application be accepted as submitted and it doesn’t appear there are any questions among the DRB Members.

The vote on the motion was favorable on a vote of 7 to 0.

II. 1 Bailey Avenue – GB/DCD

Owner/Applicant: VSECU, Steve Avery
Design Review for a Sign.
John Miller, Sign Design

Mr. Zalinger said the Design Review Committee reviewed the proposal at its July 19th meeting and recommended approval as proposed. There was a recommendation that the height should be reduced.

Mr. DeSmet replied they recommended the sign be reduced to 10 feet as opposed to 12 feet overall. 20 feet is the maximum.

Mr. O'Connell said to him it looks like a billboard.

Mr. Zalinger asked if the Credit Union was in agreement that the height be reduced from 12 to 10 feet.

Mr. Avery replied yes.

Mr. O'Connell said it looks out of scale to him, even with the reduced height. He will not support this application.

Mr. Zalinger said he thinks it is out of scale because there is no representation that this is drawn to scale.

Mr. O'Connell said 10 feet is higher than other bank sign in the city.

Mr. Zalinger replied it is the height of a basketball rim.

Mr. Cranse said he doesn't think it improves the look of the immediate environment. It's a nice look. It is green. The building is nicely designed. This billboard like sign doesn't improve it. He is looking especially at the admittedly vague sign standard saying the proposed sign design dimensions, color scheme and materials shall be compatible with the subject property and other properties in the district.

Mr. O'Connell said he would have to disagree with that. It is totally out of scale. He can't imagine why there would be a proposal for such a sign; it's a billboard.

Mr. Zalinger administered the oath to Mr. Avery.

Mr. Avery said they mentioned some concerns about the size of the sign. He would submit that the overall height is lower than most signs in that area. Granted, they are directional road signs, but there are signs that are over 15 feet high in that same area.

Mr. Zalinger asked what he defined as the area.

Mr. Avery replied that Montpelier High School's sign is only about 7 feet high. Directly in the area would be the bike path sign and there is also a sign with some directional arrows.

Mr. Zalinger asked what was the principal sign at the Credit Union for that facility.

Mr. Avery replied it is on the building. There is a clock on the face of the elevation that faces the intersection of Bailey Avenue and Memorial Drive but you can't see it because there are so many trees there. 1 Bailey Avenue is spelled out on the elevation facing Memorial Drive. Their main sign is over the main entrance on the building itself. There are no lawn signs on the property. This is identical to the sign they just installed in Berlin at their Berlin branch.

Mr. O'Connell pointed out this is a gateway to the downtown, quite a different environment from the Berlin branch's location which is really a gateway to a shopping plaza directly across the street. This scale looks like it belongs in that kind of environment. The signs he mentions that are equivalent are not really

equivalent but directional signs for the motoring and bicycling public, which is a completely different use. You would expect them to be up higher and highly visible. He can't think of any sign that is of this scale in downtown Montpelier in terms of height. He is concerned about the height and not the sign itself.

Mr. Avery said the sign is shown at 12 feet in the rendering and that was a concern of the Design Review Committee and that is where they got to the 10 foot.

Mr. O'Connell said they took a crack at what his concern is. He would say the DRC didn't go far enough. He would like to see at least another couple of feet reduced.

Mr. Richardson asked if there was any dispute about the space area of the sign. Is that within the limitations?

Mr. DeSmet replied that both the height and the space area are within the limitations.

Mr. Richardson asked if this was in the Design Control District.

Mr. DeSmet replied yes. It is in General Business and General Business and Central Business have the same overall height of 20 feet for the overall height of the structure.

The DRB went through the design review criteria:

Evaluation Criteria in §504.A:

- a. *Preservation or reconstruction of the appropriate historic style if the proposed project is in the historic district or involves an historic structure;*
That isn't applicable.
- b. *Harmony of exterior design with other properties in the district;*
He thinks it is fair to say there are no other brushed aluminum signs. Mr. Avery said there is no good comparison in the area. The closest sign is the High School or the War Memorial across the street other than VTrans signs.
Mr. Zalinger said it isn't just the height of the sign for him. He finds the brushed aluminum to be a flashier statement on that campus than any other improvement there is. Everyone else uses a basic stone motif they have used for the exterior of the building. The brushed aluminum has a flashier flavor than anything else on the site.
Mr. Avery said they did submit a sample for the DRC to review.
Mr. O'Connell said he wanted to remind the Board they had a similar issue in terms of the metallic finish with the Peoples United bank sign and there were several sessions about that. Eventually the bank agreed to change the burnished metallic color to a muted gray.
Mr. Zalinger said that building is in the Civic District and it was intended to be a historically significant building when it was built.
- c. *Compatibility of proposed exterior materials with other properties in the district;*
- d. *Compatibility of the proposed landscaping with the district;*
Mr. Zalinger inquired if the bed was going to be raised. Mr. Avery replied yes. Mr. Zalinger asked if that would raise the height of the sign. Mr. Avery said no.
The 10 feet elevation is from the existing ground.
Mr. Zalinger said that may have a mitigating effect on the height if you add 2 feet or 30 inches worth of landscaping at the base.

e. Prevention of the use of incompatible designs, buildings, color schemes, or exterior materials;

f. Location and appearance of all utilities;

Mr. Avery testified it will be lighted. The original permit was to include lighting.
Mr. O'Connell said it says on the rendering non-illuminated sign.

Mr. Avery said the sign itself is not illuminated, but they did submit it be lit from the ground with small floodlights in the planting bed. It is not an internally lit sign.
Mr. Zalinger said there aren't many of those in Montpelier.

g. Recognition of and respect for view corridors and significant vistas including gateway view of the city and State House.

Mr. O'Connell spoke to this earlier.

h. Conformance with Cityscape placement and design recommendations;

This isn't applicable for ground signs.

i. Compatibility with subject property and adjacent properties;

It doesn't seem to be consistent with the rest of the development on that site.

Mr. Lindley asked if there was any green on the building anywhere.

Mr. Avery replied all of the glazing trim is dark green.

Mr. Zalinger said they were referring to the new logo green the Credit Union has adopted over the last several years.

j. Shall not obscure significant architectural details;

It isn't applicable.

k. Consistency and uniformity of multiple signs in CB-II and OP Districts;

That's not applicable.

l. Illumination: internally lit plastic signs are prohibited;

m. Pennants and banners are prohibited, except as public announcement in §811.B(e);

n. Individual letters affixed, painted or engraved directly on the building or structure, are encouraged.

Mr. Avery said they won't be raised letters.

Mr. Zalinger said the DRB has a long history of dealing with financial institutions as they change and evolve over time. The Howard Bank has changed names three or four times in the last decade and they have two locations in the city. They have been around and around with them a number of times about color schemes they used and they would send folks from the home office and say that was the only color they used. The same thing happened with Peoples United Bank when they converted the Chittenden Bank on State Street. They aren't treating the Credit Union any differently than they have treated other financial institutions who are changing their branding and their signage in the city. He thinks the Credit Union has been caught off guard by these observations because usually the Design Review Committee is attuned to these kinds of things. It is very infrequent for the DRB to disagree with the DRC.

Mr. Lindley said he thinks the way they need to handle this is in the way of positive motion. He would move a motion to approve the design at 1 Bailey Avenue as presented. Mr. Cranse seconded the motion.

Mr. Zalinger said the difficulty with them conducting a vote is that this application runs the risk of being accepted or rejected and that would restart the process with a new design that would go back to the Design Review Committee. If this was to be continued and the application was revised it would have to go back before the Design Review Committee in any event.

Mr. DeSmet said it isn't necessary. The DRB holds the ultimate authority over jurisdiction so if this body thinks that the Design Review Committee should look at it again that is their prerogative.

Mr. Richardson said they did that with the Peoples United Bank. They continued the application.

Mr. Zalinger told Mr. Avery the choice was his. If he wanted the DRB to act on this application as it is now presented they can, or they can continue it to a later date. Some of the suggestions that have come from Board members about changing the style, composition and other aspects of the sign the Board can't design it for them. They just apply the criteria. They have identified several of the criteria where some of the members feel this application is inconsistent.

Mr. Avery asked if they could give him a better sense of what the Board is looking for to be able to approve the application.

Mr. Cranse said frankly this is a gateway to the city. This is the way many people come into the City of Montpelier and the Credit Union is a very nice building to see when you are first coming in. This sign as it is represented is jarringly ugly and inappropriate. It mars the whole entrance into the city and it doesn't do the Credit Union a lot of good either. That is his personal view.

Mr. O'Connell said he would like to continue Roger's thought. He agrees that the Credit Union building is a very attractive building and it does a lot of credit to the building itself, both to the business located there and to the city. What he has created by proposing a sign such as this with the composition of the sign itself as well as the scale of the sign that your eye no longer is drawn to the attractive Credit Union building. Your eye is drawn to this strip mall type sign. It is so out of scale and so out of character for the gateway to the Capitol City.

Mr. Richardson said he would pick up on Kevin's statements. The sign to the High School directly across the street was approved within the past five years, or at least the portion in which words could be put on it and incorporated into the granite design so it doesn't stick out in any particular way but as a somewhat minor sign. It seems out of character. The High School billboard when he voted for it was about as far as he would like to go for that size of a sign because it felt very close to moving toward a billboard in its width and height. He understands the purpose of a sign is to catch attention. He thinks there are other ways to do so that might incorporate elements of the building itself or other natural type of elements as oppose to the metal of the sign. He believes that is the Board's reaction to it. The building has a sandstone look to it. Incorporating those types of features makes it much more palatable and still allows the eye to catch the sign but doesn't create that kind of disconnect the Board is sensitive to, especially on Bailey Avenue which is one of the main entrances to the city.

Mr. Zalinger added that it seems more like an advertisement for the 24-hour ATM than it does to advise the public that this is the Credit Union. To that extent it is advertising one specific service that is offered there and he isn't sure that is compatible with the philosophy of the city's signage. The announcement that there is a 24-hour ATM there seems to be very prominent in the sign and he wonders if that scale needs to be carried through for the sign to serve its purpose. It's not a sign to identify that the Credit Union is there. Most every member or participant can find the Credit Union.

Mr. Avery said that is true for existing members but not necessarily for new members. Like any retail business you are looking to bring new business in and a sign certainly helps with that. It is very important to this site. Over the years the trees have grown up and hide the building. If you drive in from the Interstate you don't see much of the building any longer because it is covered with leaves. The only thing they have to identify the building is a lawn sign and that is what brings them to where they are today. They feel it is very important for their continued success at that location. He appreciates the Board's input. It sounds like he is headed toward a continuance.

Mr. Lindley said he would be happy to withdraw his motion and continue the application until August 15th. Mr. O'Connell seconded the motion. The vote on the motion was unanimous on a vote of 7 to 0.

III. 63 Main Street – CB-I/DCD

Owner: Tim Heney
Applicant: Sign Design for Capitol Stationers
Design Review for a Sign.
Interested Party: Jon Miller

The Design Review Committee reviewed this application at its July 19th meeting and recommended approval as proposed. It is for a sign above the new location of Capitol Stationers on 63 Main Street.

Mr. O'Connell moved approval of the application for Capitol Stationers as submitted and as recommended by the Design Review Committee. Mr. Lindley seconded the motion. The application was adopted on a vote of 7 to 0.

IV. 10 State Street – CB-I/DCD

Owner: Candice Moot
Applicant: Sonja Grahn
Design Review for a Sign

The Design Review Committee reviewed this application at its July 19th meeting and recommended approval as proposed.

Mr. Cranse moved approval of the design review application for 10 State Street. Mr. Lindley seconded the motion.

Mr. Richardson asked if she was replacing the Athena's sign. Is it approximately the same size?

Ms. Grahn said it is almost exactly the same size. Hers was a little longer and a little shorter.

The vote on the motion was unanimous 7 to 0.

V. 5 State Street – CB-I/DCD

Owner: Jeff Jacobs
Applicant: Cindra Conison
Design Review for a Sign

The Design Review Committee reviewed this application at its July 19th meeting and recommended approval with adjustments to the scope of the proposal. Ms. Conison said she was in agreement with their recommendations. The DRB Members have all had a chance to review the application and the recommendations of the Design Review Committee.

Mr. O'Connell said he had a little bit of difficulty reading the comments.

Mr. DeSmet said he wrote them on the report.

Mr. Lindley asked what the dog signifies.

Ms. Conison replied the dog is the logo for their store. If you have been by her store in the window that is her logo. They have dog biscuits made with that logo.

Mr. Richardson said one of the adjustments to the scope the DRC recommended was that it not interferes with the architectural details of the building. What is the material of the dog?

Ms. Conison said the dog is going to be made out of a white pine 18 inches. It is hand carved with no lettering on it.

Mr. O'Connell moved to approve the application with the recommendations of the Design Review Committee and Mr. Lindley seconded the motion. The motion was approved unanimously on a vote of 7 to 0.

VI. 114 Main Street – CB-I/DCD

Owner: Raymond Alvarez

Applicant: Dang Son, Ly Ly Nails

Design Review for a Sign

The Design Review Committee reviewed this application at the July 19th meeting and recommended approval with an optional change that the applicant may pursue at his own discretion adding a thin border around the perimeter of the sign in black color to match the proposed color of the content of the sign.

Mr. Son said he put a trim around the sign and painted it black.

Mr. Sarafzadeh said he is a little confused about what is actually being proposed because the sign over the front of the building. Is that what they are being asked to approve?

Mr. DeSmet replied yes.

Mr. Sarafzadeh said he had a problem with the sign because he doesn't believe in that location it does justice to have a phone number so permanently placed on the sign. While he can appreciate his meaning for having people being able to access or contact you, but to have it on a permanent sign in that location is something he wouldn't agree with.

Mr. Zalinger administered the oath to Dang Son.

Mr. Zalinger asked Ali if his objection went to the content of the sign. Is the signage going to remain in the window?

Mr. Son replied right on the window. They are on the inside.

Mr. Zalinger asked if the words that were applied to the window going to remain.

Mr. Son replied yes.

Mr. Zalinger asked if the phone number be displayed there.

Mr. Son replied yes.

Mr. Cranse said this sign as it is betrayed in the picture, looking at review criteria §305.F, harmony of exterior design with other properties in the district. The last two signs they looked at, Botanica and Capitol Stationers, those enhance the district. This falls far below the standards set by those two signs and by other signs in the downtown area. It doesn't look good.

Mr. Lindley asked if the Board approved the Vy Vy sign.

Mr. DeSmet replied yes about eight years ago. It was approved in 2002.

Mr. Zalinger said they could review the criteria.

Evaluation Criteria in §504.A:

- a. Preservation or reconstruction of the appropriate historic style if the proposed project is in the historic district or involves an historic structure.*

This may be a historic structure but it isn't in the historic district. Mr. DeSmet replied it is.

- b. Harmony of exterior design with other properties in the district;*

Mr. Zalinger pointed out that the next agenda item is at 112 Main Street.

- c. Compatibility of proposed exterior materials with other properties in the district;*

- d. Compatibility of the proposed landscaping with the district;*

There is no proposed landscaping.

- e. Prevention of the use of incompatible designs, buildings, color schemes, or exterior materials;*

- f. Location and appearance of all utilities;*

- g. Recognition of and respect for view corridors and significant vistas including gateway views of the city and the State House;*

- h. Conformance with Cityscape placement and design recommendations;*

- i. Compatibility with subject property and adjacent properties;*

- j. Shall not obscure significant architectural details;*

Mr. Zalinger told Mr. Son what he senses from the Board Members is that this sign is not compatible. If you stood on the other side of Main Street and looked back at this location and the other locations on Main Street including those in the next building past the driveway where Three Penny Taproom, Miller Sports and Rivendell Books are located. There is also an application pending for the adjoining property. The sign that is proposed of your neighbor is a sign that already exists in the city. At least to his eye the design and appearance of the sign is more compatible with the rest of the neighborhood. Who designed the sign for you?

Mr. Son replied the folks in Burlington.

Mr. Zalinger asked if they ever drove down here.

Mr. Son replied no.

Mr. Zalinger said the Board's difficulty is that if the sign is designed by someone in Burlington who has never seen the site and never seen the city's zoning ordinance, then he could be designing it from Wyoming. This happens with large national corporations who want to install their color scheme or designed signs for gas stations and banks, and they are not compatible with what they are looking for through our zoning ordinance to have in the Downtown City of Montpelier. How does the rest of the Board feel?

Mr. O'Connell said the Chair is echoing his sentiments.

Mr. Zalinger said in the previous application for the Credit Union they recommended that the applicant ask to continue the application and try to come up with a more compatible sign that the Board would be inclined to approve. You heard one member mention that it is very unusual for a telephone number to be on a sign in downtown Montpelier. If you look at most of the other applications for signs tonight you will see that they are a little more subtle and a little more in keeping and compatible with the other signs you find in the city.

Mr. Son asked if he took off the phone number that his sign would be okay. What do they want him to do with his sign?

Mr. Zalinger said Clancy could help him with his sign consultant to come up with something that is more compatible.

Mr. Richardson said he would point out that on every sign on that side of the street they tend to be rectangular, longer rather than taller, and they state the name of the business with little else.

Mr. O'Connell said he might want to take a look at the Knitting Studio's sign. That would be consistent with the type of the signage we have downtown.

Mr. Lindley moved they continue the application until the 15th of August. Mr. Cranse seconded the motion. The motion passed on a vote of 7 to 0.

VII. 112 Main Street – CB-I/DCD

Owner: Raymond Alverez

Applicant: Lee Youngman, The Knitting Studio

Design Review for a Sign

Interested Party: Leslie Roth

The Design Review Committee reviewed this application on July 18th and recommended approval precisely as it was proposed.

Mr. Richardson said they were taking the sign as it is currently at the location on State Street.

Ms. Roth said it will be affixed to the exterior of the building. They are not making any changes to the sign.

Mr. Zalinger asked how she proposed it would stand up to the elements.

Ms. Roth said for two years on 7 Main Street and it is exactly the same sign. They just never went through the process at 97 State Street but now they would like to have it on the exterior at 112 Main Street. It is an

exterior sign that hung for two years and they were lazy about going through the process so it looked nice in the window.

Mr. Richardson moved approval for design review sign approval at 112 Main Street. Mr. Lindley seconded the motion. The motion was approved unanimously on a vote of 7 to 0.

VIII. Various Downtown Locations – CB-I/CB-II/RIV/DCD

Owner: Various

Applicant: Montpelier Alive, VT Coalition or Runaway & Homeless Youth Programs, Ned Castle

Design Review for Temporary Art Work in Various Locations

The Design Review Committee reviewed this application at the July 19th meeting and recommended approval with an adjustment to the scope of the proposal. These are not really conditions or adjustments.

Mr. DeSmet said this project is a little bit different from what they typically see in design review. It is neither a sign nor an alteration to a structure, but it was proposed on a dozen locations within the Design Control District. Upon conferring with Mr. Castle they decided that the easiest way to do this would be to see what the Design Review Committee had to say about it. With their recommendation they didn't think it was necessarily under the normal evaluation criteria in §305(f) and they really liked the project. The main condition was that the art would be adhered to the buildings would be a nonpermanent adhesive and they recommended it stay up as long as possible.

Mr. Zalinger administered the oath to Ned Castle.

Mr. Zalinger asked him how he intended to maintain the composition of the artwork during its exposure to the elements.

Mr. Castle said the other alteration they had included in was removing one of the locations, the south side of Blanchard Block. They had initially applied for 30 days because that was a constraint under temporary signage, but because the committee felt it wasn't really temporary signs that the 30-day cap wasn't necessary so they put it up to 90 days. His feeling is it will probably be around 60 days. The images will be printed on water safe paper. Using the wheat paste formula they would actually stay up for a long time. If you look at the back of the TD Bank building somebody has pasted something there and it has been there for a couple of years. Over time that has degraded and is peeling off, but in the time of 60 days these should be fine. The other qualification they put in the application was that Clancy will have his phone number and the number for Montpelier Alive and their partners so if somebody rips half of one of them down or somebody vandalizes it and immediately they will take it down.

Mr. Zalinger asked if that was an element of their application.

Mr. Castle said he thinks they have a length of time but he doesn't know it is written into the application.

Mr. Lindley asked if they had permission from the railroad to put the signs up.

Mr. Castle said it is owned by Guy's Farm and Yard. There is one additional location he believes that is off their list, and that is the cinder blocks in the back of the parking lot which is owned by Alan Carr. That site has regulations from the EPA that it can't have public access because of the contamination.

Mr. O'Connell said he was curious where the idea came from. Is it something that other communities have done?

Mr. Castle replied it is a combination of things. The exhibit has actually traveled the state as a formal gallery exhibit. It was at the Supreme Court gallery in January of this year. It has been to 10 other locations. During that time he realized in talking to people and seeing who came to the events that only a certain segment of the community identifies with the art gallery concept and no matter how you market it and publicize you are only get a certain segment of people. This was an idea from a youth that was in Montpelier, a peer outreach worker for The Basement Teen Center. There is a French photographer who does this type of public exhibition so the two things met together. They are doing this project here, Burlington and Rutland concurrently so there is a presence of the stories in the three major communities in Vermont. Their processes are different by the way the zoning regulations are written. This process and working with Clancy has been helpful with the other communities because it has had the highest bar in terms of what needs to be approved.

Mr. Richardson inquired if Mr. Castle lived in the area.

Mr. Castle replied he lives in Burlington. The project has a lot of folks involved, Montpelier Alive, Washington County Youth Service Bureau, etc. so there are people who are involved in the project who come here to work every day.

Ms. Koenig moved to approve the application with the condition that the applicant adds they will be here on site within 48 hours to address any issues that arise. Mr. Richardson seconded with an amendment that the applicant obtain permission from all property owners.

Mr. Clancy reported they already have that.

Mr. Lindley added that it should not be longer than 90 days as the applicant has indicated here. The length of the installation can be extended for as long 90 days but not longer.

The Board agreed.

Mr. Zalinger said the motion has been amended to add a condition that it also that the installation not last longer than 90 days.

The motion passed on a vote of 7 to 0.

IX. 660 Elm Street:

Design Review and Site Plan Amendment for an addition and associated parking.

Owner: Vermont State Colleges d/b/a CCV

Applicant: Community College of Vermont (CCV)

Interested parties:

Mr. Cranse recused himself since he is employed by Community College of Vermont.

Mr. Zalinger administered the oath to interested parties.

Mr. Zalinger said he believes they dealt with all other elements of the application at the last meeting.

Mr. Clancy said they need to deal with lighting at the site as well as the specificity of the colors.

Robie Stoner from Northern Architects, the project architect. He wants to address the site lighting and also the building color scheme which is the two issues resulting in the continuance of the hearing. He handed

out some 11 x 17 drawings to Board Members. These are dated the 27th of July. These are two photometric plans of the site lighting scheme for the CCV project. One of the plans shows the photometric results for 20 foot light poles and the other one for 16 foot poles. He explained the background behind the lighting design so they will better understand the results of it. They began to work with ideas for what kind of lighting they wanted to do and what would be their real parameters. That was just to come up with a lighting design that had a low level of lighting but provided a safe level of lighting. One of the other intents was to have an even distribution of lighting. They have probably seen different kinds of parking lot lighting designs where sometimes the pools the light are rather intense and then there are separations between the pools of light with dark spaces, and other designs have a very uniform spread of light so you don't see the pools of light but a lit surface for the parking lot. That is one of the goals they were trying to achieve with the lighting design. The other was they needed to come up with a very energy conserving design. The entire project is being designed in conformance with criteria so energy conservation is a huge part of the project. Of course, it also had to be cost effective. One of the ways of getting an energy conserving design is to use LED lighting so that was the purpose of using that type of fixture because they use very little energy.

As far as design criteria the hope was that they would be able to use as a minimum .2 foot candles and as a maximum .4 foot candles. If you take a look at the photometric drawings the one for the 20 foot high poles you'll notice that the spread of light goes very evenly between .2 foot candles and .4 foot candles. A lot of that has to do with the light design and the position of the lights as well as the height of the fixture. They tried a number of different schemes. Two of the schemes had poles that were 20 feet high and one had a height of 16 feet. One of the 20 foot high layouts just didn't work because they couldn't get the distribution correct. The best design they came up with was actually the design where the fixtures on the 20 foot pole in the layout on the drawing, there are 21 of those fixtures. It gave them the very even light distribution they were looking for and a minimum of .2 foot candles and about a maximum of .4. There are some locations where it exceeds the .4, but the uniformity is very good. If you look at the alternate plan where the fixtures are at 16 feet the pools of light that form underneath the fixtures are more intense and the spaces between the pools of light get much darker. That is what they were trying to avoid.

The final design that was presented is actually the 20 foot height fixture which produces a more even light. They have been able to achieve the uniformity and to stay within the parameters of our foot candle design by the way of the .2 foot candles and it is a level of lighting which IES recommends going below for safety levels. The .4 was something that they imposed on themselves because they knew they could get between .2 and .4 it would probably achieve the uniformity they were looking for. They knew they were going to be well below what is generally looked at in commercial parking lots in order to maintain the neighborhood.

Mr. Zalinger asked when they did this plan did they take into account the impact that the tree planting may have upon the lighting that is going to be installed.

Mr. Donovan said there is no impact with the tree lightings. It is just the fixtures and their light on the surface. When the trees start to grow you have to selectively prune the trees.

Mr. Stoner said one of the things they are trying to do with the lighting design is if you look carefully at the position of the lights on the landscaping plan what you will see is that most of the lights are outside of the canopies and the trees. They are around the perimeter of the parking lot and along the edges of walkways. When you get to the islands and the bio swales that becomes a very difficult area to design because you have a lot going on with respect to the plantings as well as the lighting. They are providing a design for the trees that is in an alternating pattern. When you end up with a gap between the trees they are trying to place the light pole between the trees so it isn't the tree. There are a couple of places that gets difficult because there are a bunch of things going on. With these types of lights if you move them 5 feet over you mess up the photo metrics. When they get to fine tuning on this it will be with the trees and not the fixtures.

Ms. Koenig said she read in the minutes from last meeting that this isn't a residential campus so students might only be there in the evenings during class nights. There was discussion about whether you could turn the lights off or not. Are there students there?

Mr. Stoner said there are classes in the evening and the lights will be on during the class time. When the facility closes at night the lighting will be cut back to just security lighting and that will be done with timing clocks.

Mr. Zalinger asked if the security lighting was identified in the application.

Mr. Stoner replied he didn't believe it is. If it is going to be security lighting it is obviously going to be up around the building. There may be a pole light fixture that would be strategically located to go from one parking area to another.

Mr. Zalinger said it's not unusual for commercial applications to have that kind of detail signified in advance. He would suggest it become an element of the application so they would know how many lights would be on through the evening because it's not good planning for the DRB to approve an application and then find out the applicant's view of operations isn't compatible with what the neighbors feels is appropriate lighting. They would like to have those commitments in advance.

Mr. Stoner said they have made a change in the design of the light fixture that actually improves the perimeter condition. There is a house shield that will be installed on each fixture that is around the perimeter of the lot so instead of the .2 foot candles they were working with around the perimeter of the property line will be down to .0 foot candles. What the house shield is not something you can see but within the photo metrics of the lamp head. It will prevent the light from going back from the back of the light when it is along the property lines so the property line doesn't get any light.

Mr. Lindley asked 20 versus 16 feet of pipe, which one would be less of an interstar galatica shine for the neighborhood. Would the 16 foot provide for the neighborhood a better insulation from a great big volume of light coming from that area? The level of the illumination is so low. Another comparison that might be of some help these light fixtures are LED fixtures and the LEDs are in light bars. The design they are proposing is capable of handling up to 20 or 25 light bars. This commercial fixture is on the low end of performance and it doesn't give as much bright light as some of the other commercial parking lot fixtures so it already is a lower distributing light. It is the even illumination they are trying to seek because it is perceived better by people when they see a lower more uniform level of lighting than more intense pools. When they go to the 16 feet they get more intense pools.

Barbara Martin, Dean of Administration for CCV, said she would like to clarify the issue of safety from CCV's perspective is safety for their visitors and students. When they go into the evening hours and have students who are visitors in their lot they want them to feel safe. They want them to feel that when they get into their car they have a good visual impact of what they are looking at and their feeling about safety is less litigious than what they want people to feel safe.

Mr. Zalinger asked if it was possible they could update the application to provide information regarding what their long term security plans are. It is a large parking lot and he can't imagine they are not going to want to keep some of the holes illuminated throughout the evening.

Mr. Stoner said they will and they haven't identified exactly which ones.

Mr. Lindley said it might also be helpful to know the hours or the template for the timing when the lights are going to go off.

Barbara Martin said typically the hours of operation at Community College of Vermont are classes between 8:30 and 9:00. Because they want everybody home safely they try to get the building cleared out as quickly as possible so they would propose that the lighting be reduced at least by 10:00 P.M. If possible they would reduce it earlier. Most weeks they are not in operation on Friday night, Saturday night or Sunday night.

Mr. Richardson said he would revisit the concern they had the last meeting was about the tree canopy and switching from ornamentals to larger canopy trees which start at the 20 foot level. In comparing he sees his point that a lot of the lighting fixtures will actually be free of any of the canopy that are planted around, but the two at the entrance point plus the ones in the bio swales will be part of the canopy.

Mr. Stoner said they would basically put the fixtures where it has to go to get the uniform light on the site and then determine what tree has to go. In certain cases you would just have to trim the trees.

Mr. Zalinger said they can move on to the color schemes.

Mr. Stoner said the explanation they presented for a color scheme was to continue using the earth tone range that is on the existing buildings right now. Right now there are two buildings right now and on those two buildings the siding colors range from a beige/gray to a green/gray to a very deeper red. On the roofing there is one building that has red asphalt shingles and the second building has a brownish asphalt shingle. For the addition they are proposing the siding they are looking at doing in the same beige/gray that was on the original building at Woodbury College. There are also flat panels that go between the windows, and those panels they were proposing to use the gray/green that is also on the existing building. They are planning to use an asphalt shingle for the roofing that is similar to the brown color and not the red color. As far as the windows were concerned they have aluminum clad wood windows so the aluminum cladding has a pre-finish on it. The existing windows in all of the buildings are a very dark brown, or bronze brown. They are proposing to step away from that and use a brighter neutral color on the windows and the colors that were described to the Design Review Committee was pebble gray and another beige color. He brought color samples with him to show the DRB Members.

Mr. Zalinger said he had a very specific question about the lighting. It is his opinion that decreasing the height of the poles from 20 to 16 feet will not provide sufficient foot candle lighting capacity in the parking lot to have a safe and secure location. Is it his opinion that pole heights of 20 feet are necessary to provide the objective they want to achieve in foot candle power on the ground and you can't achieve it with 16 foot poles?

Mr. Stoner said it is the uniformity because if they lower the fixtures to 16 feet they will get a different distribution of light and it will actually be more intense on the ground. By raising those up they not only get the level of lighting they are looking for but also the uniformity they are looking for. The 20 feet helps with that and the position of the poles is also a factor in that.

Mr. Zalinger said the applicant is seeking design review approval and an amendment of the AIPUD.

Mr. Richardson moved approval for design review for 660 Elm Street. Mr. Sarafzadeh seconded the motion. Design Review Approval was granted on a unanimous vote of 7 to 0.

Mr. Richardson moved the approval of the AIPUD Amendment and site plan review at 660 Elm Street. Mr. Sarafzadeh seconded the motion.

Mr. Zalinger said what they don't have is the security lighting scheme and the hours of operation plan that the applicant intends to adopt.

Mr. Lindley said he thinks they could still vote on that tonight in hopes that staff would make an administrative acceptance of provisions provided for by the applicant as they have so testified tonight. Mr. Richardson said he would support that, particularly given the testimony tonight that the light at the property line is within the maximum lighting allowed under the ordinance.

Mr. Zalinger said they should condition the motion to provide for submission of a lighting schedule of hours of operation and security lighting details for submission to the administrative officer.

The motion passed on a unanimous vote of 7 to 0.

X. 364 River Street

Site Plan Amendment for Expanded Entryway

Owner/Applicant: Cody Chevrolet, Inc.

Interested Parties: Bob Cody, Cody Chevrolet

Greg Lord, E. F. Wall Associates

Mr. Zalinger recused himself from participating in the application but facilitated the discussion and introduction of evidence.

Mr. DeSmet said the applicant seeks a site plan amendment for exterior renovations and an addition of a stand-alone entry element with vestibule at Cody Chevrolet. There are two entry elements, a 31' wide x 21.6 height x 12' entry element and a 9.2' x 8' x 12' vestibule. The setbacks are not infringed upon and the maximum height is not infringed upon.

Mr. Lord said the west elevation is the front of the building.

Mr. Zalinger inquired if the signage was going to change.

Mr. Lord replied the signage will likely change but that will be under a separate application. They would like to not have that considered this evening.

Mr. Zalinger said as the staff report suggests the site plan criteria are very hard to identify any impacts from this addition to the building.

Mr. Richardson said the area they are seeking to build the new addition is already paved and has an impermeable surface. Is that correct?

Mr. Lord replied yes.

Mr. Richardson asked if this would change any of the flow of water.

Mr. Lord replied no.

Mr. Richardson moved for site plan approval at 364 River Street. Mr. O'Connell seconded the motion. The motion was approved on a vote of 6 to 0.

XI. 95 Terrace Street – MDR

Conditional Use Approval for a Bed and Breakfast

Owner/Applicant: Marianne and Richard Venmar

Mr. Zalinger administered the oath to Marianne and Richard Venmar.

Mr. DeSmet said the use of Bed and Breakfast is actually conditional in Medium Density Residential. He would note that the definition of “Bed and Breakfast” says that the building needs to be unoccupied but this is technically a stand-alone building and the closest use he could find in the ordinance was bed and breakfast. All other lodging uses are prohibited in Medium Density Residential. Hotel, motel, inn and tourist home – all of those uses are prohibited.

Mr. Richardson asked if a tourist home specifically within the zoning definition.

Mr. DeSmet replied those were the like lodging uses that the ordinance contemplates. Those are specifically not allowed.

Marianne Venmar said it was a barn in their side yard.

Mr. O’Connell said looking at the printout of the web page it looks like they are actually running the bed and breakfast now.

Ms. Venmar replied they are by nightly, weekly or monthly.

Mr. DeSmet said the definition of “Tourist Home” is a rooming house primarily offering overnight lodging accommodations to public travelers. The sale of alcoholic beverages is prohibited. That use is not permitted.

Mr. O’Connell pointed out that the cabin is on the same property as the principal residence which might give it some legitimacy for using that as your definition.

Mr. Zalinger said he noticed the application indicated that it had been occupied before for a 3 or 4 month period last year.

Ms. Venmar replied they did through the winter. They have requests from the Legislature and people coming to stay three months in the winter. If you rent for three months or more you are not paying the 9 percent rooms and meals tax. They don’t make money in the winter with snowplowing and heat. It was more of a hobby. The Chamber asked for people in Leaf Season to put people up in their homes so in the fall of 2006 they opened up the cabin and do this. She did call the Planning Commission and then she was like other people renting out spaces in their homes to put up tourists. It was so much fun and they enjoyed having people so they kept renting through the summer and the Chamber of Commerce made them a web site.

Mr. Venmar said the point is that they didn’t seek to circumvent the regulations when they received verbal approval. They assumed everything was fine and when it was discovered it needed permitting that is what started this process. They hadn’t been told prior that was a requisite and had in fact received verbal okay from the city to go ahead.

Ms. Venmar said she understands her having the web site through the Chamber of Commerce it took her hobby a little further so now she just wants to be legitimate.

Mr. Zalinger asked if she had heard from the Tax Department.

Ms. Venmar replied she paid 9 percent rooms and meals tax because when she called to start the process a lot of people who open up their homes don't do that so that was the first thing she did.

Mr. Zalinger said the Tax Department reads web sites also.

Mr. Venmar said they have a tax number and they do pay the rooms and meals tax monthly.

Ms. Venmar said their neighbor has put up family in the cottage as well so they are providing a good use. She reads her guest book all the time from guests thanking them for creating the cabin. Any money she receives goes for paying taxes and improving the property.

Mr. Zalinger asked how the Board felt about the characterization of this as a bed and breakfast.

Mr. Richardson said he was comfortable with it as a bed and breakfast. The tourist house definition suggests a little more like a boarding house. He asked if they served breakfast.

Ms. Venmar said they provide English muffins in the cabin and juices. She doesn't cook breakfasts.

Mr. Richardson said the way he reads the definition of bed and breakfast it allows the serving of breakfast but doesn't mandate the serving of breakfast. It is more of a limitation. You can't serve three meals a day but you can serve breakfast. He is comfortable that it fits within the definition better than it would as a tourist house, an inn or motel.

Ms. Venmar said July has turned into one of their biggest months and they have had six guests for July.

Mr. Zalinger said at some point an accessory structure that is given to habitation and being held out for rent can become a multi-family use in the MDR.

Mr. Lindley said in LDR they had one created off the Leap Frog Hollow which was a guest house.

Ms. Venmar said the insurance company refers to them as an accessory structure.

Mr. Richardson said he wonders whether or not they would be comfortable with conditions that would require a certain lower level of noise after 10:00 P.M. to be consistent with the residential character of the neighborhood.

Mr. Venmar replied they wouldn't have any problem with that.

Mr. O'Connell said he wondered if it was really necessary. It seems somewhat redundant considering that it is only one unit.

Mr. Richardson said that is part of the reason why the owner occupied condition of a bed and breakfast is to be quieter if the owners are on site as opposed to innkeepers that might have employees there. Given the Chair's concerns about expanding this to an accessory structure suggests a dangerous precedent, or at least one that should give us pause. To him the big impact is noise. The structure can only tolerate so many people at a time. Traffic usually isn't an issue but noise.

Mr. Venmar said they have never had a noise issue. The cabin is on their bedroom side of the house and he doesn't recall an instance ever having being kept up. There are in the neighborhood a couple of people who have pools. Sometimes their pool related activities do cause noise issues in the neighborhood but he doesn't recall any instances where they have had any guests they have had to talk to about noise.

Mr. DeSmet said the noise ordinance states certain activities beyond a certain decibel level from 10:00 P.M. to 7:00 A.M. which is the performance standard.

Mr. Richardson said it is a performance standard. What he is suggesting is they might go a little bit lower.

Mr. O'Connell said he has no objection to it.

The DRB reviewed the conditional use criteria in §304.D and found the application met the criteria.

Mr. Richardson suggested that the Board make a condition that the use of this does not exceed the current noise ordinance for the town minus 3 decibels below current noise performance standards after 10:00 P.M.

Mr. O'Connell said he would have trouble supporting that. It's a residential neighborhood and the standards are developed for the residential area. He can't see why they would add such a condition. He said they should check to see if the neighbors want to testify on the application.

The DRB reviewed the Site Plan Criteria in §306 and found the application satisfied the criteria.

Mr. Zalinger said he was thinking about suggesting a condition that stated that the bed and breakfast use would be permitted only while the owner of the 95 Terrace Street occupies the principal residence. What he is trying to achieve is to bifurcate the possible uses so as long as the owner of the premises are occupying 95 Terrace Street then the bed and breakfast use can be permitted in the accessory structure. If they were to lease 95 Terrace Street and move elsewhere or occupy someplace else as their principal residence then the owner occupied aspect of the bed and breakfast would no longer be there. He wouldn't want 95 Terrace Street used as a rental home and also have the capacity to use the accessory structure for transient housing.

Mr. Venmar said in so stipulating at some point down the road if they didn't live there and they rented the property, could they rent to somebody living in the home that they know occupied and rent to someone else who wanted to reside or spend the summer in the cottage and not operate it the way it is now.

Mr. Zalinger said that is what the condition he is thinking of would restrict.

Mr. Venmar said he understood from what he said that if they rented their home and didn't live there that an absentee person would not operate the cottage as a second hospitality entity, but if they still owned the property as one entity and they rented the main house to one person and another person to rent the cottage for the summer, would that prohibit them from renting that to two occupants neither of which operate a hospitality business Mr. Zalinger replied that would be the intention of that condition. If they no longer occupy 95 Terrace Street, then it is a tenant occupied structure that has an accessory use. It is only fair if they are going to extend that owner occupied fiction for the accessory structure that they restrict to only when the owner of 95 Terrace Street is occupying that as their principal residence.

Mr. Venmar said they wouldn't consider that unreasonable. He thinks it is reasonable they can proceed with the stipulation and they would be willing to reapply for a permit if they were going to change the use from the one they are dealing with one tonight to consider the property a duplex with two long term rental units.

Mr. Zalinger said it is all derived from the use. This is a bed and breakfast use. Renting it out for a six-month period or a year lease or to legislators for three-month periods is not a bed and breakfast use.

Mr. Venmar replied that was acceptable to them.

Mr. Lindley moved approval of conditional use at 95 Terrace Street for a Bed and Breakfast. Mr. O'Connell seconded the motion.

Mr. Zalinger said one of the conditions he would suggest they impose upon the project is that the use may continue only as long as the owner of the land and premises at 95 Terrace Street occupies the principal residence located at 95 Terrace Street as their principal residence.

Mr. Lindley said he is happy with that condition.

The vote on the motion was unanimous in favor 7 to 0 for conditional use.

Mr. Lindley moved to approve site plan as presented for a Bed and Breakfast at 95 Terrace Street. Mr. Richardson seconded the motion. The motion was passed unanimously in favor on a vote of 7 to 0.

Adjournment:

Upon a motion by Mr. O'Connell and Mr. Lindley the Development Review Board adjourned on a vote of 7 to 0.

Respectfully submitted,

Clancy DeSmet
Planning & Zoning Administrator

Transcribed by: Joan Clack