

Montpelier Development Review Board
June 20, 2011
City Council Chambers, City Hall

Approved

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

Call to Order:

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

Review and Approval of June 6, 2011 Minutes:

Not Available.

I. 575 Stone Cutters Way – RIV/DCD

Applicant/Owner: Connor Brothers LLC
Conditional Use, Site Plan, Flood Plain and Design Review for a new building
Fred Connor, Connor Brothers LLC
Steve Connor, Connor Brothers LLC
Don Marsh, Marsh Engineering

Mr. Zalinger said tonight's hearing is conditional use, site plan, flood plain and design review for a new building at 575 Stone Cutter's Way. Mr. Zalinger reminded witnesses they were still under oath. This hearing has been continued from the June 6th meeting. Perhaps they could outline what changes, if any, there are in the application now pending before the Board.

Mr. Connor said they did receive DRC approval and the changes that have made to the plans since the original submittal are porches, standing seam hip roofs on both ends and increased landscaping on both ends on the Turntable Park. On the elevations the porches are shown on either end. In addition, they made minor revisions to cornice treatments and window and door submittals which were with the recommendations and approvals of the Design Review Committee.

Mr. Cranse said with the elevation which he labeled conceptual in the handouts the members received why did he decide on what looks like a more traditional structure with little windows.

Mr. Connor said they were trying to design it to complement some of the older buildings in the district like the Clothespin Factory and the Jeffords building and decided to do a uniform layout for windows for different uses.

Mr. Cranse asked what material goes on the sides. Is that wood?

Mr. Connor added that one of the changes the DRC wanted was they had originally submitted 6 inch reveal and wood embossed grain siding and they revised that to 4 inch smooth side exposure on the siding.

Mr. Richardson said rather than the fake wood grain on the clapboards it will just look smooth.

Mr. Blakeman said the weatherboards are the aluminum or vinyl.

Mr. Connor said it is fiber cement. It is manufactured by Hardy Products. It is very hard and very dense and holds paint very well. It's been used for about 15 years.

Mr. Richardson asked if it was a flat roofed building.

Mr. Connor replied yes, a rubber roof. It is heavily insulated and the structural plans accommodate solar because they would like to do that in the future.

Mr. Richardson asked if it would have an internal drain.

Mr. Connor replied yes.

Mr. Lindley asked if he was going to put solar on top.

Mr. Connor replied they have strengthened the structure to be able to handle it but they aren't proposing it at this time.

Mr. Lindley asked if he had to get a permit for solar if he has a plan where they stick up in the air.

Mr. Connor replied he is assuming he would.

Mr. Richardson said he thinks he would need a design review permit. Prior applications have come before them for that.

Mr. Blakeman said they have four shared parking spaces with the Coop. Is that in writing with them that they are in agreement?

Mr. Connor replied yes.

Mr. Sarafzadeh asked how far does the lip of the roof from the siding. Is it flush?

Mr. Connor said it would be about a foot from the overhang.

Mr. DeSmet said the minutes weren't ready so he e-mailed them a copy of the video.

Mr. O'Connell said he doesn't feel prepared this evening. He feels the minutes are an integral part of a continued discussion and that is a critical piece of information the members do not have. He is not prepared to vote this evening.

Mr. Zalinger asked Clancy to explain to the DRB what the origin of the DRC's decision with respect to the last criteria they voted against the project. That is the §604.B.3 criteria. The DRC voted in favor of the first 7 criteria.

Mr. DeSmet said it was four in favor of the entire project and 2 against.

Mr. Richardson said only one of those two of those votes counted because the other was cast by an alternate member. Is that correct?

Mr. DeSmet replied yes.

Mr. Richardson said since they don't have the minutes, what was the issue that caused the dissension?

Mr. DeSmet said the biggest issue is with the way these are written. Most of the members thought they were subjective. He knows the applicant went through these criteria when they designed the building. The real problem is they really didn't articulate the problem. There was a lot of hemming and hawing about how they were to be applied by the DRC.

Mr. Richardson asked if there was no particular issue that caused the one dissent.

Mr. DeSmet replied no. The member that was most vocal against it thought one of the problems was that since there weren't specific uses designed for the building that marriage was somewhat missing. They knew that and it wasn't their jurisdiction.

Mr. O'Connell said it would be really helpful to have that discussion before them in the minutes but taking off of that point specifically he thinks it is extremely difficult for them as a Board to make a determination on specific issues such as parking and lighting and noise they don't know what the specific use is going to be. If they were to give a smorgasbord of approvals for conditional use, at a minimum there should be a touch back with the review process so those issues could be covered. He isn't comfortable with this blanket approach.

Mr. Cranse said he is prepared and able to consider design review and site plan, and also conditional use. The conditional use has been reduced from 11 to 4. He isn't saying he would vote for or against but feels they have the information necessary to consider this application.

Mr. O'Connell said he would be willing to consider site plan and design review but the conditional use is still way up in the air in terms of the difference between a research facility and an eating and drinking establishment and the implications of the use and issue he comes back to with the river corridor which is the heating, ventilation and air conditioning noise you have, which can be mitigated if it is well designed, and is a real detriment to serious noise pollution if it is not. Also with an eating and drinking establishment you also have the other type of condenser which is for refrigeration. How do you approach this?

Mr. Cranse said he didn't disagree, but he thinks they can consider the conditional use application. It doesn't mean they will necessarily approve it. He agrees with Kevin that unless they know specifically what the food, lab or whatever is they may not be able to apply the standards specifically enough to vote in favor of it but can still consider it for an up or down vote.

Mr. Zalinger said he thinks it may be premature to draw conclusions about the process without at least hearing more evidence. However Kevin feels about the process it shouldn't interfere with their ability to at least going ahead with hearing the rest of the evidence on site plan and design review.

Mr. O'Connell agreed with the Chair on that.

Mr. Zalinger asked that they return to the site plan criteria. The last time the applicant was here he asked some questions about the parking area at the Coop and was told unconditionally that there was no landscaping between the aisles at the Coop. On Tuesday, June 7th, he drove through the Coop parking lot and indeed there is landscaping between the parking aisles.

Mr. Connor said that wasn't their testimony.

Mr. Marsh said they said there was no walkway between the aisles but there are crab trees and plantings between the aisles. There is one south walkway with no pedestrian access.

Mr. Zalinger said he is talking about landscaping.

Mr. Marsh said he doesn't think they said that. They know there are crab trees there and other landscaping through the aisle in between the two double loaded bays.

Mr. Zalinger added there is landscaping on the border with Stone Cutters Way as well. He sees there has been no change to their design for their parking area.

Mr. Connor replied that is correct.

Mr. Zalinger asked if that was because he didn't want to include landscaping.

Mr. Connor said they have landscaping along Stone Cutters Way, but in order to get the number of parking they feel they need they were not able to include any landscaping within the site. They have a much narrower site than the Coop and for that reason and snowplowing they kept it open. The Coop has double load parking. They already have some single loaded parking so they have a less than efficient parking layout.

Mr. Marsh added another thing that impacts it is they now have a sidewalk that will be the extension of the city sidewalk across the front. They are adding parallel parking that reduces the space off Stone Cutters Way which doesn't exist on both sides at the Coop. There is a sidewalk that doesn't exist in front of the Coop, and then they have landscaping in front of the parking lot and in front of the building and on both ends of the building.

Mr. Zalinger said they are asking the Board to waive the parking requirements.

Mr. Connor said their legal regulations is if they don't meet the parking they will have to provide parking under the parking replacement fee but you only have to provide it for greater than your existing footprint and their footprint is equal to what is there now.

Mr. Zalinger said Mr. Marsh is testifying that the reason why you can't include landscaping in the parking lot is because you need to meet parking requirements. On another page of the application you suggest you don't have to meet the parking requirements or secondly that the DRB issue a waiver.

Mr. Connor said he should clarify that. They serve two masters in the marketplace so they want every one of these parking spaces. Under zoning they are saying it is a moot issue because they don't have to pay the parking replacement fee because they are equal or matching their own square footage. They want every one of those parking spaces to meet the marketplace. They have a narrower site and essentially the same footprint as the old building.

Mr. Zalinger said from his eye there is going to be a disconnect between the parking area at the Coop and the parking area at this facility. The parking area at the Coop is not an uninterrupted area of square footage of pavement such as that which is going to serve this property.

Mr. Connor said he wanted to clarify the layout. There is an aisle here and here for the Coop and their aisles line up with those aisles. They have an additional 8 or 10 foot strip in the middle and that is what they are missing and don't have the land for.

Mr. Zalinger added the other issue he questioned was circulation. He remained adamant that he wanted the traffic to ingress and egress from both aisles.

Mr. Connor replied yes, they would like to keep it as two-way traffic in all directions.

Mr. Zalinger asked him to refresh his recollection as to why that is necessary.

Mr. Connor said in order to back up vehicles from existing spaces and leave in either direction. That is just flexibility for different drivers.

Mr. O'Connell asked how that would relate to next door at the Coop which does have a very defined traffic pattern going from the entrance, which is near his project, exiting on the other side next to the Coop. The entire project works like that.

Steve Connor said what Fred is trying to point out is that circulation could go either way, and the reason you need it is because when you come around one way it is very difficult to queue up and get back into these spaces.

Mr. O'Connell said the Coop is a predictable pattern. How does that work at the interface between the two?

Fred Connor said it is separated by a common drive so one is coming to one location and one coming to the other.

Mr. Zalinger asked if the common drive was 14 feet wide.

Mr. Connor replied it is 24 feet.

Mr. Marsh said the city has a right-of-way through the Coop parking lot. It's a dead end street and they have to respect that city easement. They could have had the same in and out but the city has that one-way pass through so they couldn't design it that way. That is another thing that is rather unique of the Coop versus this. If you took that aside the Coop could function either way in terms of direction of traffic flow. It would be nice to have grass in the middle but there is a narrower site here than they do at the Coop. The Coop parking extends another nearly 24 feet one way and goes an additional way out in the front, but then they have room for landscaping as well.

Mr. Zalinger said he is a little surprised he is so resistant to proceeding an already long established traffic pattern on the neighbor's property and continuing in his area. There is a protocol right there; that is the established use at the Coop. The city's shared drive of 24 feet is long established and he thinks they wouldn't have much cooperation from the city if they weren't going to continue that. There is an easement to the city over the roadway.

Mr. Connor replied there is a lease.

Mr. Zalinger asked if he could offer a broader background.

Mr. Connor said the real estate of Stone Cutters Way is owned by the Agency of Transportation and was built by the city with local, state and federal money about 2006 and it remains under lease between the city and the AOT. It's a two-way street up to the curb cut that is on the subject property and the curb cut is shared with the Coop. There is a two-way traffic pattern up to the curb cut and one-way from Sarducci's to this one. The one-way construction included about 100 parking spaces of which about 21 are leased year to year.

Mr. Zalinger said he is talking about the strip of land between the Coop's parcel and 575.

Mr. Marsh said the 12 foot wide city easement is what they are talking about.

Mr. Connor said the public thoroughfare easement which is unrelated to their site plan and unrelated necessarily to the circulation pattern to the two sites, but there is a 12 foot thoroughfare easement that is in place and on record from the property boundary through the Coop and out, and they have added theirs because they found in some of the city's records that a similar document had been prepared for execution by the Skating Association way back when but was never put on record. They have shown that on the plan and put it on record just as they have shown on the plans a storm water easement that was never put on record for the benefit of the city.

Mr. Zalinger said at the common boundary between the two parcels are folks who are visiting 575 going to travel on the Coop's land to access his property.

Mr. Connor replied no.

Mr. Zalinger asked does anyone who is visiting the Coop travel on his land.

Mr. Connor replied yes. The curb cut, which is shared, is on their property and the Coop also uses it.

Mr. Zalinger asked where in the curb cut is the property line.

Mr. Connor pointed it out on the site plan. They show four shared spaces and they straddle the property line.

Mr. Zalinger asked if the island on the Coop's land was right at the boundary.

Mr. Connor said the island is on the subject property, the section from the boundary to the 24 foot main access drive which is something he believes was done by the Coop with the consent of the then owners of the Piralisk when they expanded the parking or by the Skating Association.

Mr. Marsh said about 15 feet of the island is actually on Connor property, the center island in the parking lot of the Coop. Approximately 22 feet of the island closest to Stone Cutters Way is on Connor property and then 15 feet the center aisle. The Coop parking extends 25 feet closer to the stream than the end of the Connor parking.

Mr. Connor said he believes the curb cut and the extension of the Coop's parking area was done at the time of the construction of Stone Cutter's Way because the Coop was in place before the road was. They came back and made subsequent addition to their parking area.

Mr. Zalinger asked if there was going to be an easement granted to the Coop.

Mr. Connor said there is presently a lease between the owner of 575 and the Coop.

Mr. Zalinger inquired how wide the traveled way was. After construction how wide is the traveled way that is going to be the access to Stone Cutters Way between the two parking areas.

Mr. Connor replied it is the width of the curb cut.

Mr. Marsh said the curb cut is 22 feet.

Mr. Zalinger said the idea is to line that area of the roadway that provides ingress and egress to Stone Cutters Way. Is there going to be a yellow line down the center? How are you going to keep traffic to the right?

Mr. Marsh replied there is no change in what is going on.

Mr. Zalinger said there will be 45 more parking spaces. When folks depart 575 Stone Cutters Way how do they know to stay to the right? You have traffic coming from the Coop's parking lot and people from 575 Stone Cutters coming in, then making a quick right or going through down closer to the river, and you also have people coming out here from the first aisle. When they meet folks from the Coop who are also departing from the opposite aisle is there going to be marking on the road?

Mr. Connor said he hasn't looked at their site plan but he believes that at least one of their aisles is one way.

Mr. Zalinger said that is the whole point. They are both one way. They run counter clockwise. The aisle closest to the river you can only go south. The aisle that is closest to Stone Cutters Way you can only go west or north towards the city. That is the only circulation that is permitted.

Mr. Marsh said he drives into the first one from Stone Cutters Way directly and then back out.

Mr. Zalinger said he doesn't think you are supposed to park that way.

Mr. Marsh added you can depart that way. It is very clear that the other end you aren't supposed to depart the eastern end of the parking place closest to Stone Cutters Way. You can come in and out of it from the 575 side but it is very clear you aren't supposed to exit there.

Mr. Zalinger told Fred he doesn't understand if he is building parking area that is going to be wed to an existing retail parking area that he hasn't looked at the design of that parking area but he resisted any suggestion that your traffic circulation could be improved simply because that is not the way he designed it so there is no other alternative. He is suggesting that circulating that way keeps everybody who has already visited the Coop and knows there is a very precise circulation pattern, and if you limit the first aisle to ingress and ask folks to go around and then they egress closer to the river on to the 22 foot drive he thinks they are going to have to have a yellow line down the center of that to keep folks to the right because the ingress is on the left.

Mr. Connor said they aren't trying to give any resistance. They understand there are two ways to lay out a parking lot, either a one-way pattern with certain geometry or a two-way pattern with certain geometry. They believe they laid it out with a two-way pattern that meets the standards of the city. There are some of their parking spaces if you go in a certain direction you either can't get into the space or as easily get out of it and leave. They are just trying to make it easier for folks parking to get in and get out.

Mr. Zalinger asked what the width of the aisles was.

Mr. Marsh replied that one is 24 feet and in the middle it is 21 feet.

Mr. Zalinger inquired what the optimal design for that width was.

Mr. Marsh replied 20 to 24 feet. Normal design is 20 for spaces, 20 for aisle and 20 for other. If you have a high traffic shopping center then you would go to 24 feet in the aisle, but 20/20/20 is typical.

Mr. Zalinger asked what the width of the aisle was on the building side.

Mr. Marsh replied it is 22 feet.

Mr. Zalinger said it appears there is at least 5 feet within the parking area for you to be motivated to put in landscaping.

Mr. Connor replied they aren't interested in landscaping. They think they comply with the regulations as drawn.

Mr. Zalinger added there was no need to go any further with any testimony is there. That was an unproductive line of questioning. Let's move on to street lights.

Mr. Connor said the street lights are as presented in the packet. He said he can't recite all of the manufacturer's specs they have submitted.

Mr. Zalinger said he was asking about the height.

Mr. Connor said there are four poles on the front as proposed, two between the building and the sidewalk, and two others at the back of the parking lot. The only change that was made in the DRC's approval of those lights is they went to a warm light instead of a different light on the specs. They documented that with Clancy and the DRC. The height of the poles is 12 feet. They have three security lights in the back of the building and recessed lights under the three covered entries at the front, left and right sides. They are 14 feet to the lamp and the poles themselves are 12 feet. They are 12 feet from the bottom of the pole to the bottom of the fixture.

Mr. O'Connell asked Clancy if he could tell if possible what the DRC recommended for approval.

Mr. DeSmet said they wanted a warmer light that had a cooler temperature. They went from 5100 to a 3500.

Mr. Lindley said for someone who doesn't know about lights, what does that mean?

Mr. DeSmet said they wanted more akin to incandescent lighting. It's the tone of the lighting and not the illumination of it.

Mr. Richardson said moving away from the harsh color of the LED and more towards a warmer incandescent light.

Mr. Connor said they both have LED fixtures but it's a warm white.

Mr. Lindley asked what was on the rest of the lights going down through. Have they got consistency in light levels along the whole street, or is this one area different than anywhere else.

Mr. Connor said they researched that and were advised that both the Coop and the city are considering switching out their fixtures to go from what they have now to a more efficient LED lamp.

Mr. DeSmet said there is a Street Light Committee that has been meeting for several months and we don't know.

Mr. O'Connell said he would just reiterate his initial comment which is that they have incomplete information to make what he thinks is important decisions.

Mr. Connor said he is on the record as being sworn in and can say they approved all of the lighting as submitted with one exception which was to go from the light that was proposed to a warmer white. One has a suffix of 5100 and they wanted 3500. That was the only change they asked for.

Mr. Zalinger said the DRC had no interest in insuring that the lighting on this property was the same height as the lighting on Stone Cutters Way or the lighting at the Coop.

Mr. Connor said they did not raise the issue. They did respond to the Board to say there are different heights for different purposes and locations, and in the case of some of the sharp curves on Stone Cutters Way the poles are in closer proximity so they might be lower in those areas and then when they go out to a wider space they are getting higher. It is the same thing with the Coop. They only have a couple of fixtures in the center of their parking lot and they are higher than theirs but are doing a different job.

Mr. Zalinger asked if the fixture came in different heights.

Mr. Connor replied the poles come in different heights.

Mr. Zalinger said as part of their design of using the 12 foot poles and a 2 foot fixture on top, is that correct?

Mr. Connor replied roughly. They directed Pearce and Associates from Lamberton Electric to develop a lighting plan that would meet the city's specs.

Mr. Zalinger asked if it was fair to ask whether a 10 foot pole could also meet the Board's specs.

Mr. Connor said he would not have that knowledge sitting there tonight.

Mr. Zalinger said he has dealt with lighting specialists too who are given direction by the client and simply just plug in whatever is most convenient. Without any testimony that says yes a 12 foot pole does maximize is what we need with this number of lights and the quality of these fixtures is what the minimum necessary is in order to provide a lighting necessary for that parking area. That's different than saying that is what their experts gave them because it is entirely possible that 10 foot poles could also meet the minimum requirements.

If there were 10 foot poles they would be much less visible, much less apparent, and much less intrusive than 12 foot poles. Is that a fair statement? It would be to him.

Mr. Connor said he couldn't argue with that. He doesn't know if in those locations if 10 foot poles would give you the illumination the regulations call for.

Mr. Zalinger said those are issues he believes arose under site plan review.

Mr. Connor said if the Board would want a condition that they go to 10 foot poles and if it provided the illumination required he has no problem.

Mr. Zalinger said he has been involved with projects where the engineers out source lighting to lighting experts. If the lighting experts came back with 16 foot poles there would be no correlation to what is necessary. After several exchanges back and forth, including another regulatory body, they determined that the lighting experts it was irrelevant to them as to how tall the fixtures were but it was very relevant to the DRB that this matter was before and to the neighbors. Sometimes those decisions get made in a vacuum because the question isn't asked. He thinks it is valid for Mr. Connor to find out whether that is the optimal

height, and if you need that height that is a different question for the Board. But if that is just the way it came back from the cleaners it's not a justification for light fixtures that will end up at 14 feet if they could end up at 12 feet and still meet your purposes.

Mr. Lindley said the other thing that is troubling is that the review of all of that lighting near the building is whether there is compatibility. He doesn't know what the height is at the Coop but it doesn't seem like the lights are that high at the Coop area.

Mr. Connor said they did talk to the Coop and Tom McCardle from the city and Tom told them to go in our own direction. They think they are re-lamping so don't try to match them.

Mr. Marsh said he believes that Turntable Park has two lights plus the light at the top of the turntable. The two lights he believes are 20 and the top of the turntable is 2 feet but it is that sort of historic structure.

Mr. Zalinger said there are no signs proposed at this time. How will they communicate to the public where the entrances and uses inside the building are? Is there going to be common walkway or a common public area within the building?

Mr. Connor said they show three entrances. If it were a single tenant building obviously it wouldn't be much of an issue. If it is 4 or 6 tenants then there would be signage either on the doors or at the center lobby which would have elevator and stairwell. They would have to come up with a sign package based on the tenants' wishes.

Mr. Zalinger said in the front door at Stone Cutters Way there is a lobby, elevator and stairwell.

Mr. Connor said they want to give each tenant two means of egress on the second floor.

Mr. Zalinger asked if the signs would be affixed to the doors or to the wall.

Mr. Connor replied either in the entry or lobby if they are accessed from the main entrance, or from the doors on either end. They have reviewed that issue with Glenn Moore as part of the Technical Review Committee's discussions.

Mr. Zalinger asked what was the pleasure of the Board with respect to site plan review criteria. He will share his wish to hear more about the needs are for the height of the light posts. If someone can testify that which is designed is the minimum necessary to accomplish what the lighting scheme requires then he could probably support it, but if there isn't that testimony and the lighting experts come back and say they don't need that kind of height then he doesn't know why they are going to use that kind of height.

Mr. Connor said he isn't a lighting engineer is all he can testify to is that they need that height. Those are the pole locations. If they were directed to reduce the height they would probably add two poles at the parking lot.

Mr. O'Connell said the problem again is articulated by Phil which is the Board is being asked to make a significant decision on design review with inadequate information. He understands he is saying he might have to increase the fixtures but what are the criteria, what are the alternatives. He doesn't think they are being given the kind of information to make an intelligent decision.

Mr. Connor said the packet is complete as far as the regulations.

Mr. O'Connell asked if he understands design review and the fact that it is project specific. Sure, we have our regulations but each project that goes through design review has to meet specific criteria based upon the wholeness of the project not just because it meets the criteria under one condition. It has to hold together as a project.

Mr. Connor said he respects his comment. In review of the regulations with Clancy it is their understanding they have to produce a photometric plan and submittals that meet the lighting requirements, and they believe they have done that. If they would like to see a lower pole height they will be glad to add poles to get that item done. But it isn't because it is incomplete and didn't do a good job because they are in compliance with the regulations.

They just got poles that are fairly standard height for an application like this and that is why they did the spacing the way they did it. Keep in mind they have four in their parking area and the Coop has two.

Mr. Zalinger said as one member of the Board he would like additional information about the height of the poles. He would like the applicant to address circulation of traffic through the parking lot and provide testimony as to why it is necessary to have ingress and egress through both traffic aisles.

Mr. Lindley said when he is addressing that circulation for that egress he would like to hear a little bit of testimony as to why one wouldn't put a yellow line down the center so there would be some delineation and cars aren't smashing into each other trying to get out the same side.

Mr. Marsh said that is a good idea. They just didn't think about this.

Mr. Lindley said the Chairman pointed out there is some problem of flow we need to deal with.

Mr. O'Connell asked if they were going to continue down the list of the standards.

Mr. Zalinger said he thinks they have been through the site plan criteria. He is trying to wrap up evidence on the site plan issues.

Mr. O'Connell said a comment he would make on §714 relating to performance standards is that it states no adverse impacts expected, but performance standards include noise, odor, dust, smoke, nauseous gases. Maybe everything would be just fine but without knowing the specific use it's difficult to make a determination.

Mr. Zalinger said you have to realize that the ordinance does have specific standards. If proposed use is sought and there is in evidence that establishes that the noise produced is beneath the level at the property line then a permit couldn't be issued. There are specific standards in the ordinance.

Mr. O'Connell said for design review that is perfectly understandable. For conditional use would be a different review.

Mr. Zalinger said they are being asked to do is permit for potential conditional uses. If one were an eating and drinking establishment and they needed some kind of unit they wouldn't get a permit for it if the noise at the property line exceeded what the ordinance stipulated.

Mr. Connor said they are proposing a generator pad and if they want that they have to come back before the Board on that. For the HVAC pad they are assuming they can install air conditioning condensers that do not exceed the noise limit outside the property line. He believes the Coop issue was either freezer chillers or

refrigeration chillers of a much bigger capacity than anything they would consider. The pads are up against the building and the generator pad, both of which are on the back side of the building.

Mr. O'Connell asked if they would consider putting a buffer screen behind those HVAC systems in order to mitigate the sound because that would be directly on the river.

Mr. Connor said they do have a planted buffer proposed for both of them assuming they do the install. It wouldn't be above the 50 decibels at the property line.

Mr. Richardson asked if that would be evergreen screening that is proposed.

Mr. Connor replied yes.

Mr. O'Connell said from the standpoint of a noise buffer that wouldn't do much.

Mr. Richardson said they would want a four season visual buffer for the air conditioning units.

Mr. Marsh said if you drive by the whole side of the stream is pretty well screened as it is.

Mr. Richardson said the regulations call for both sides of the river to be treated as frontage. Just as they wouldn't have an unscreened mechanical feature on the front of a building he would feel strongly he would want visual screening for an HVAC system on the back of the building facing the river given it is treated like frontage.

Mr. Richardson said he also noted on the picture below that has the northern frontage that is the Turntable Park light fixture he was referring to. He said that was 22 feet tall.

Mr. Marsh said he believes it is 20 feet tall.

Mr. Richardson asked if they knew how tall the light fixtures are that line the sidewalk. Do they know which ones the city is thinking about changing out?

Mr. Connor replied the whole row.

Mr. Zalinger said even though the city is contemplating changing them he would like to know what they are now.

Mr. Richardson said he thinks light fixture and the quality of light fits the regulation but he would share the Chair's concern about the height of the pole given the various roads that parallel Stone Cutters Way at different levels as well as the different lighting fixtures up and down that road. The picture seems to illustrate at least two varying levels of light fixtures.

Mr. Marsh said certainly the ones along Stone Cutters Way are shorter and probably are 10 or 12 feet, but they are very close together. You can clearly change the height as long as you lower the height and increase the density of the lights. It works generally but not when you are trying to throw it out into the parking lot itself.

Mr. Lindley said there needs to be a balance and some harmony with the lights.

Mr. Richardson said he isn't necessarily opposed to the 16 foot height. He just thinks the Chair would like more information.

Mr. Marsh said the Turntable Park lights are probably a little too hot for the tone. That's a whiter light than what the DRC is now asking for.

Mr. Zalinger asked if there were any questions from the Board about the landscape plan aside from the screening of the mechanicals on the river side. The new landscape plan has additional landscaping at the corners courtesy of the DRC.

Mr. Connor replied yes, roughly 15 linear feet and 8 feet deep of plantings at all four corners. Those plantings are anchoring the covered porches on both ends.

Mr. Cranse said just to reiterate and confirm it is his testimony that the landscaping meets §708.B parking lot landscaping and §708.E screening.

Mr. Connor said he would have to check on §708.E. He believes it would meet that requirement.

Mr. Zalinger asked if there were any more questions on site plan issues. He asked Clancy to identify for the Board the notification from the state on floodplain.

Mr. DeSmet said there was a recommendation about the floodway delineated on the plan.

Mr. Marsh said it has to do with the 100-year flood. The entire site on Stone Cutters Way, the bike path, the railroad and heading towards Berlin Street are all within the 100 year flood special flood hazard area. They have added a note to the plan to reflect that. They also made it specific that the HVAC pad and the generator pad would be 1 foot above the flood plain.

Mr. DeSmet said Rebecca Pfeiffer is strongly encouraging the city to request the applicant to relocate the generator site closer to Stone Cutters Way but they are elevating it.

Mr. Marsh said they elevated it. They understood what her issue is. First of all, it is potential. That pad is for a future generator. They didn't think there would be a better place to it that made sense. They understand her concerns so they elevated it. She's right that it needs to be anchored even though it is above the flood plain.

Mr. DeSmet said she also says it appears as proposed it meets the minimum standards. She was just trying to get a little more protection for those features.

Mr. Marsh said looking at the mapping in this location the 100 year flood plain goes down so they aren't getting into difficulties as a result of that.

Mr. Zalinger said that concludes the site plan review criteria, or at least as far as they can go this evening. From Kevin's perspective he feels rather strongly that we really can't commence the design review of the project without the Minutes of the Design Review Committee's meeting.

Mr. O'Connell said at the beginning of the meeting he certainly expressed his disappointment that they didn't have that as a reference thinking there may have been very relevant discussion that would have been indicated in those minutes. How do the other members feel?

Mr. Richardson said he is inclined to go forward with design review simply because it has been approved with one minor adjustment to the scope. Clancy's report was that the dissent wasn't necessarily a particular issue but more of a general philosophic difference.

Mr. O'Connell said he was prepared to proceed.

Mr. Zalinger said that having been said does anybody have any questions about the Design Review Committee's report and their findings? What is the sense of the Board? Do they want to complete and act on design review?

Mr. O'Connell added there are two things that are outstanding on the lighting and the circulation.

Mr. Zalinger said that is on site plan. That is under the site plan review criteria. Design review generally speaking the way they approach this is if they have questions, comments or concerns with the criteria that the Design Review Committee applies we ask the applicant and conduct further inquiry. If not, generally speaking, the Board proceeds and acts upon it. Do you wish to act upon design review or reserve judgment on design review and act at the same time they act on site plan and conditional use? There is a full complement tonight. Design review is the harmony of the exterior design with other properties in the district, compatibility, prevention of the use of incompatible designs, location and appearance of utilities. It is all on the Design Review Committee's criteria sheet. The Design Review Committee has already considered and approved the application.

Mr. Richardson said one reservation he would have is that they are keeping the door open to other potential changes, both in the lighting and in the parking lot configuration. Certainly, Roger's point on parking lot landscaping under §708.B might require more trees, and at the same time these seem to be fairly minor within the scope of design review, so on a whole he feels comfortable going forward and voting on it tonight.

Mr. Cranse moved approval of design review at 575 Stone Cutters Way, including the adjustment made by the Design Review Committee. Mr. Blakeman seconded the motion.

Mr. Zalinger said there were architectural changes and it may have been a suggestion from the DRC that the applicant of its own accord expand the landscaping plan.

Mr. Richardson said his understanding is that the DRC almost never opposes more or substantial landscaping such if the DRB made a change they wouldn't be going against their recommendation of the conditions.

Mr. O'Connell said he wants to make absolutely certain that by approving design review that they are not in any way compromising potential changes to the site plan review because if it is they should wait to approve them together.

Mr. Zalinger said he couldn't tell them conclusively that isn't the case. Can Roger withdraw his motion?

Mr. Cranse at the request of the Chair he shall withdraw the motion. Mr. Blakeman closed his second.

Mr. Zalinger said they wouldn't close the record on design review. It's clear how the Board views the design review components of the project. They are just going to add a bit of abundance of caution and going to reserve acting on design review until the project's pieces are finished moving.

Mr. Connor said he is fine with that.

Mr. Zalinger said the next thing is conditional use criteria. The project has been narrowed to two permitted uses and four conditional uses – research facility on either the first or second floor and catering services,

eating and drinking establishment and retail sales on the first floor only. In a general context does the DRB feel more comfortable moving forward with a smaller menu?

Mr. Richardson said he would echo Kevin's concerns. He doesn't feel it is appropriate to vote on approving any conditional use short of an actual application, especially given the comments of the Chair which are that most conditional uses should receive approval but with conditions. Those conditions should be narrowly tailored and should fit the application, and given there is no application before them he doesn't feel comfortable acting on them.

Mr. O'Connell said he agrees with Dan's comments. He thinks history will show that this Board has been very responsive in granting conditional use. He can't even think of an instance where we they actually turned one down, but with a specific application we can tailor that approval to conditional use with possible conditions. There is a reason for the process and it is project specific.

Mr. Connor said they also submitted a memo on Friday with the square footages of some of their neighbors. Sarducci's Restaurant is about 9,000 feet. The Hunger Mt. Coop in the retail use is 19,000 and Allen Lumber Company is about 12,000 excluding their storage buildings. In your definition of Riverfront District it says one of the purposes of the district is to provide opportunity for new mixed use development. They aren't the City Center and he can't give another comparison to another site in town, but they are trying to have the flexibility to be able to have one or more of those uses on the first floor. In an extreme case if they had to come back for two different conditional uses they might spend four or five months if they had to deal with unsequentially. It makes it difficult for building owner and tenant alike for a lot of expensive interior design work if you don't know what your actual use is.

Mr. Richardson said his response to that would be that is what every business does in conditional use when they rent to tenants. The last time they talked about an eating and drinking establishment and the differences between various eating and drinking establishments from Capitol Grounds to Charlie-O's is going to be very different whereas a coffee shop or a restaurant may not need any conditions and may just simply be something the Board can approve. As a commercial landlord when tenants approach, they want the space, and get excited and they take the lead in going after a conditional use. That is the process that works and the one he is comfortable with. That would end up with an end result that would be much more suitable for you and the tenant as well as the city that they wouldn't get into ridiculously large conditions thinking of worse case scenarios.

Mr. Connor said they are really only one of two sites in the Riverfront District that has submitted to this bylaw and one went single use permitted use office and they want to do something more. They are next to the GB zone that has 79 permitted uses and they have 5.

Mr. Zalinger said that is what the ordinance requires. What he is hearing from the DRB is that for a conditional use to be approved it has to be a specific use so they can apply it to the criteria. They are as much slaves to the terms of the ordinance as applicants are. How does the Board wish to address this issue in the context of our process? We can ask the applicant to withdraw the request for conditional use for 4 items. We could act on the 4 items but he would be disinclined to act on the 4 items because it would require them to deny conditional use approval because the applications were incomplete. Those all seem to be gestures that have some degree of finality to them. Perhaps the easiest way to do it would be to solicit from the applicant a willingness to withdraw the conditional use request.

Mr. Connor said he would like to request they withdraw the request for conditional use for the first floor conditional use on the three catering services, eating and drinking establishment and retail sales. They really consider the research facility to be the office type use.

Mr. Zalinger said then he wouldn't have to apply for a conditional use for a research facility.

Mr. Connor said he is asking if the board will consider granting conditional use approval to a research facility use as being a reasonable request.

Mr. O'Connell said he could think of at least a few research types of applications that probably wouldn't be appropriate for downtown Montpelier. He's sure that isn't what he has in mind, but the reason there is a conditional use process would be to examine those and if it was a research into archiving texts and internet research that seems pretty benign but a high energy physics lab might be. They would both be research facilities.

Mr. Sarafzadeh said his concern of all of them is in fact the research and development designation because you are close to the river after just having experienced a flood. It could be anything from internet research to chemical research but that has a tremendous amount of risk associated with it. That in particular he would like to know the details of so he would be less inclined to do a blanket approval.

Mr. Connor said he would modify his request to ask that all requested conditional uses be stricken or withdrawn.

Mr. Zalinger asked if the DRB had any objection to the withdrawal. The members replied no. That leaves them with several questions and matters outstanding under site plan and perhaps design review that they might just be minor impact on the design review issues. The next meeting is July 5th.

Mr. Richardson and Mr. O'Connell moved that the application be continued to the July 5th meeting. The vote on the motion was unanimous 7 to 0.

Adjournment:

Upon a motion duly made by Mr. Lindley and Mr. Blakeman the Development Review Board adjourned.

Respectfully submitted

Clancy DeSmet,
Planning & Zoning Administrator

Transcribed by: Joan Clack