

Montpelier Development Review Board
June 6, 2011
City Council Chambers, City Hall

Approved

Present: Philip Zalinger, Chair; Kevin O'Connell, Vice Chair; Alan Blakeman, Daniel Richardson, Jack Lindley and Roger Cranse.
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 May 16, 2011 Minutes:

Upon a motion made by Mr. Blakeman and Mr. Lindley, the Minutes of the May 16, 2011 meeting were approved as amended on a vote of 5 to 0.

18 Leap Frog Hollow (LDR)

Owner/Applicant: Dejung Gewissler

Preliminary & Final Plan Review for a two-lot subdivision and two units

Mr. Zalinger said it was at the applicant's request that the matter was continued from May 16th to June 6th.

Don Marsh from Marsh Engineering replied it is preliminary and final plan review for a two-lot subdivision both with single family residences on Leap Frog Hollow, which is a private graveled access road off Towne Hill. There have been no changes to the project since sketch plan. There is municipal water and sewer for the house closer to Towne Hill and municipal sewer and an individual drilled well for the house on Lot B, the 6.3 acre parcel. There have been no other changes since the Board reviewed the sketch plan.

Mr. Zalinger said the earlier subdivision permit the Board granted on February 24, 2010 required that a homeowners' association or similar entity be established for maintenance and repair of the driveway. Have they made any progress on that?

Mr. Gewissler replied there is a homeowners' agreement with regards to the driveway that has been recorded and on the deed on the property. That is between himself and James Nagle.

Mr. Lindley moved preliminary and final approval for 18 Leap Frog Hollow. Mr. Blakeman seconded the motion. The motion was approved on a vote of 6 to 0.

575 Stone Cutters Way:

Applicant/Owner: Connor Brothers Stonecutters LLC

Conditional Use, Site Plan and Flood Plain Review for a new building.

Interested Parties: Don Marsh, Marsh Engineering; Fred Connor, Steve Connor and Didi Brush, Landscape Design.

Mr. Zalinger said the application has five permits at its core. Mr. Zalinger administered the oath to the interested parties.

Mr. DeSmet said the applicant seeks design review, site plan review, flood plan review and condition review approval for the demolition of the existing building, construction of a new building, parking and associated improvements on a parcel at 575 Stone Cutters Way. The application was before the Design Review Committee on May 10th and was tabled for further consideration. Because the building is over 10,000

square feet, regardless of the proposed uses, it is required to go through condition use under Section 605 (b)(2).

Fred Connor said the site is bounded by the city's new Turntable Park on Stone Cutters Way and the Coop and the river. It is presently occupied by a roughly 20,000 square foot existing building and they are proposing essentially the same square footage for a two-story building. The building is served by a common drive and they are expanding the parking. They are providing a storm water easement and they are providing a thoroughfare easement which relates to the fact that the two-way portion on Stone Cutters Way. Presently, the utilities are underground electric that comes from Putnam Street and it will continue to be served by municipal water and sewer. They are proposing a sidewalk which will go from Turntable Park out to the Coop so that will provide access to the bike path and into downtown. They are using propane fuel in underground tanks. There are several entrances to the building. There is a main entrance at the front of the building and other entrances at the other end and the Turntable Park end of the building. They are proposing a concrete pad in the back and a future generator pad in the back as well, and a concrete pad with enclosure for dumpsters. They are proposing 10 parking spaces along the sidewalk within the right-of-way which is subject to approval by the City Council and the Department of Public Works.

For the window treatment they are proposing a cream trim and gray, and they are proposing all black windows for both sash and frame. They are proposing storefront glass windows for the entry door.

Mr. Zalinger told Fred Connor he thinks it is premature to go through the design review elements with them because the DRB's jurisdiction is a condition that the Design Review Committee review and approve it. They do have jurisdiction no matter what happens if the Design Review Committee disapproves of it. He can still present it to the Board. It is premature until they have an opportunity to review it before it comes before the DRB.

Mr. Connor said they will be requesting to meet with the DRB again on the June 20th. They are meeting with the Design Review Committee on June 14th. The only other issue he wanted to point out is that different from the packet they have in front of them they have added porches at both at Turntable Park and at the other end. They have changed the landscaping and added about 50 layer feet of landscaping beds at the Turntable Park.

Mr. O'Connell said getting into the details of the design, including the landscaping, without the Design Review Committee's review first is not going to be productive. The other issue he wants to raise as he looks at their application is they are requesting six different uses – the business use and the five conditional uses. It almost looks like a grab bag of stuff in terms of the fact that what they have is a footprint. As far as the specific layout about how that is going to work within a 10,000 square foot building footprint is conspicuous by its lack of detail.

Mr. Connor said this zoning district was preceded by a General Business zone. A General Business zone has 79 permitted uses. They have only asked for two permitted uses. The balance of the uses they have asked for to be able to have flexibility to do different uses as well as to be able to have the flexibility of having mixed use. They think the district encourages that. He is hoping they could walk through the uses one by one. If there are strong objections to some then they can get rid of them, but if they fit in with the district they could support the uses they have asked for.

Mr. Zalinger said if they agree that design review is premature at this time. It needs conditional use review, site plan review and flood plain development. Flood plain development is certainly a review they could undertake now because it is irrelevant what the uses are. They can start with flood plain development because it does have designated boundaries.

Don Marsh said the best way to address that is that the building floor elevation will be 1 foot above the existing 100-year flood plain map. As the Board knows there are other pending maps that would change that but they aren't official so they are using what ultimately will be a more conservative higher elevation. The LP gas tanks will be anchored appropriately to prevent flotation. The flood rules actually require that even underground utilities be anchored so you don't have the possibility of them popping up. There are other standards for water and sewer but they are using standard practices for that material so it would be considered flood proof.

Mr. Richardson asked if the LP tanks are going on the Stone Cutters Way side of the building or on the river side.

Mr. Marsh replied they are just off the corner of the Coop side next to the parking.

Mr. Richardson replied they would be closer to Stone Cutters Way than to the river. Does the elevation moving away from the river go up or stay somewhat level?

Mr. Marsh said it goes up. The proposed is approximately 2 percent across the parking lot slope from the edge of the river bank up to the upper end of the parking, and then it will drop down again to the sidewalk along Stone Cutters Way.

Mr. DeSmet inquired about the dumpster.

Mr. Marsh said the dumpster pad would be just at flood plain. They discussed that in the Technical Review Committee and their conclusion was that you can't really anchor the dumpsters but they are within a four sided fence which would contain them from moving during a flood event. It is a wood frame fence with steel posts anchored deep off the ground. The flood waters would go underneath. They believe the fence would corral the dumpsters. His recent experience at 58 Barre Street was that the water in the last storm came in through the holes in the bottom of dumpsters and the dumpsters stayed in place in 2.5 feet of water.

Mr. Blakeman asked if the red shed on the Coop was going to come down.

Mr. Marsh replied the entire existing building will come down.

Mr. Zalinger said they would move on to site plan review. In Site Plan Review Criteria under §306 there is a whole variety of different items that are addressed in the zoning ordinance. Site plan review requires the Board to consider the following items:

§702 – Streets. They are utilizing the existing Stone Cutters Way and the existing curb cut. Mr. Zalinger asked if an element of the application contemplated adding parking in the city streets. Mr. Connor replied it is at the existing edge of the roadway so the roadway would remain unaffected. With Turntable Park the city did a bump out and an access into their state and put in four parallel parking spaces at the granite curbing. They are just proposing a continuation of that throughout the front of the site including a bump out that has a crosswalk to an existing walk that gets folks to the bike path. Mr. Zalinger said the traveled way is not going to be impacted by the addition of the parking spaces. The parking spaces are going to be created in an area that is now not dedicated to the traveled way. Mr. Marsh replied that is correct.

§703 – Pedestrian Access & Circulation. Mr. Connor said they think they are making great improvements there. Again, where there is no sidewalk. They are providing a sidewalk to the Coop and Turntable Park and beyond and also providing better access to the bike path for both the use of

this site and their neighbors. Mr. Richardson said in both of these instances picking up on the Chair's last comment there are no sidewalks in the areas where they are proposing to put them currently. Mr. Connor replied that is correct. Essentially he will be extending sidewalk from Turntable Park all the way down to the turnoff they share with the Coop. Mr. Marsh said in the middle of that they exist that pedestrian bulb out to allow a crosswalk to allow access to the similar bulb out on the other side of Stone Cutters Way. Mr. Richardson asked if the sidewalk he is proposing on the Turntable Park side will it just be accessing that entrance or will they be able to access Turntable Park from there. Mr. Marsh replied both. It connects right to the end of Turntable Park's new sidewalk.

Mr. Zalinger said an element of the site plan is pedestrian access and also circulation within the site. He asked the applicant how he contemplates pedestrian circulation within the site. Mr. Connor said the sidewalk as previously described goes from their entrance to Turntable Park and it allows them to gain access their center entrance with another sidewalk to entrances on the south side of the building. Mr. Zalinger said the Coop does have a picnic area outside of its building. They have a back patio.

Mr. Zalinger said there is no provision for pedestrians to have access to the river bank side of the building. Will there be means of ingress and egress from the building? Mr. Connor replied not on that elevation. With the two sidewalks and the porches there is access to the rear of the building by way of the sidewalks. Mr. Marsh said there are no doors out to the river side of the building.

§704 – Vehicular Access & Circulation: Mr. Connor replied they have the common curb cut with the Coop and they have aisles which provide circulation in either direction. Mr. Zalinger asked if they were relying upon existing signage that prevents departing visitors from attempting to leave. Mr. Connor replied yes.

§705 – Parking: Mr. Connor said they propose 63 spaces and they are at or above for what will be required for some of the uses, and that includes the 10 spaces on Stone Cutters Way. He checked with the Police Department and there are 100 spaces on Stone Cutters Way with about 21 of those leased on a year to year basis and the balance of the spaces are used day to day so that is also available to their tenants to negotiate that kind of year to year arrangement or to park day to day. The 20 or so parking spaces that are immediately across from the building are vacant most of the time.

Mr. Cranse said on the site plan we have 63 and need 66. There are 4 shared spaces. Who are they shared with?

Mr. Connor replied they straddle the boundary and are shared with the Coop.

Mr. Cranse said there are going to be 38 unrestricted on the south side and 4 shared, and 10 on Stone Cutters Way parallel parking and other on site shared spaces. What are they? Mr. Connor said they show limited shared parking on the site, and that is additional parking that is not co-owned with the Coop. Mr. Cranse asked where they got their other 3 to get to 66. Mr. Connor replied their understanding of the parking requirement is that if they don't furnish it they have to provide a parking placement fee which is assessed on increased occupiable square footage, and they aren't increasing it.

Mr. Zalinger asked Clancy to articulate the issue for the rest of the Board members. It's in the staff comments.

Mr. DeSmet replied to Roger that some of his questions were about the different types of parking they have. One of the ways you can meet parking requirements are through shared parking, on site parking, waiver provisions in the district and the parking replacement fee. It is the contention of the applicant that pursuant to §705.H since they are using the existing floor space that they shouldn't be subject to the parking requirement. In the River Front District and CB-I if you use the same amount of existing floor space the city decided you didn't need to provide off street parking. In the downtown where is hardly any parking anywhere because all of the lots are built to the property line they waive that requirement, and they did the same with the River District because it is was meant to be more of a pedestrian friendly area. He looked at the table of parking to try to find something that could fit the suite of uses they proposed and went to other commercial use which requires one parking space for 258 square feet of net area plus 2, which would require them to provide 66. They have shared spaces, off street spaces so they are meeting the requirement in two ways.

Mr. Zalinger said they have to adopt an approach. Either they adopt the applicant's approach that parking requirements don't have to be met because there is replacement of existing space or area that already exists. That is alternative A in which case there is no inquiry as far as parking requirements. Alternative B would disagree with that approach and the Board determines that parking requirements are applicable so then there is an inquiry as to how it is met and a finding by the Board of the manner and number and how the requirement is made.

Mr. Richardson said he is inclined to go with Alternative B simply because this is a radical shift then what exists in that square footage. It's the same but very different in that they are completely reconstructing the building. It is a more thoughtful analysis if they can look at it under the new structure as well as a more meaningful analysis which would be to disagree with the applicant. He said they have acknowledged as practical in letter and spirit now.

Mr. Cranse said he agrees with the Chair with Alternative B.

Mr. O'Connell said the flip side of that is they are creating a huge parking lot by doing this. The existing use which hasn't been used for 15 years or so since the Pyralisk was there, are the 67 spaces going to be necessary in a practical sense? Does it make sense to create this huge parking lot? He is concerned about that. Stone Cutters Way as it was originally envisioned was envisioned as a pedestrian friendly environment and now we are getting away from that.

Mr. Richardson said the reality is that is already a building and a parking lot all the way down. It is pedestrian friendly in the sense that you can walk from downtown all the way to the Coop on the bike path or sidewalk but it's not necessarily the same as downtown. It's linear rather than square. You can park down on the corner of Langdon and Main Street and walk around a number of various areas because they are square where if you park anywhere on Stone Cutters Way it is a linear thing. The reality of it is that it is already there. Part of it is difficult for him to analyze the parking needs because this is a spec building they don't have uses before them but just potential uses. There may be office buildings that don't require the same amount of parking that the Coop requires. He didn't understand either if the applicant was proposing one alternative where you weren't building 63 parking spaces but just proposing it. It's just a matter of how choose to classify it.

Mr. Lindley said he would argue that the philosophical issue comes down to whether they take the work of the applicant. He would err on the side of the applicant on Plan A in order to move the project along. They have had proposes before them that had issues on parking, whether they were below the building or above the building, and if this is the way this building can be put together and that applicant is that close he doesn't have any issues with the parking proposed by the applicant.

Mr. O'Connell asked the applicant if he was proposing 63 new spaces regardless. Mr. Connor replied yes. He would add to Alternative A they did try to close on a property last August to demolish the existing building and pave that area and occupy any of 4 of the 5 permitted uses. They still hold that permit and would hope it would bolster their case to say there is an existing building there.

Mr. Richardson asked Clancy if the 66 number was based on his analysis.

Mr. DeSmet replied he just took the net floor area and the highest required commercial use he could find and applied it. Since there were so many uses proposed he looked at the highest. He doesn't think they are subject to the parking replacement fee. If you look at §705.A it talks about the ways you can meet the requirement by providing off street parking, public parking which exists, pay the fee or it is waived in that district, and also there is shared parking. They have shared parking; they are creating parking, and at the end of the day the hard part is the use as it applies to the parking.

Mr. Marsh said the parking waiver in the River District seems to be pretty clear that since there is existing floor space there is no discussion about occupancy or how long it has been used or not used. It is pretty square that if it is existing floor space the off street parking is waived in its entirety. The whole building is 20,000 square feet. He is concerned he is building a completely new building even though it is the total floor space. Nothing in this project raises any red flags with that, but interpreting that bylaw does give him pause in that manner because then they don't get the opportunity to really look at the use of the new building as per parking.

Mr. Connor said the proposed building sits within a foot of the existing building.

Mr. Cranse said as a practical matter they have identified 63, and also there is public parking just down the road which is diagonal. They don't know what it is going to be used for, whether it is going to be retail, offices, and studios so he is going to need some parking like the other buildings along Stone Cutters Way.

Mr. Blakeman said he is along with Roger on this. Choice of certain uses of the building – a museum conceivably may not be that big. When it comes to retail this is going to take a lot of parking. Is there space for buses?

Mr. Richardson asked Mr. DeSmet what the highest use he based the 66 spaces was.

Mr. DeSmet replied he did the standard office space use but it adds two so it went higher than an office use. Part of the rationale for having multiple uses is you have different trips leaving this area. A mix might actually fit within this district just because you don't have people coming and going at the same time. At the end of the day some of these numbers are a little too tight and you end up with more parking than is necessary.

Mr. O'Connell asked if they go with Alternative B do they have the option of waiving 3 spaces.

Mr. DeSmet replied absolutely. You can meet it by having all of the parking on your property or you can meet it with some of it on your property, there are public spaces in the area, and there are shared spaces. When Kismet went in at 207 Barre Street the Board used this rubric. This is not unfamiliar to this body to find that you meet parking in a number of ways. They have essentially done that if you take the argument of the parking standard in §717.

Mr. O'Connell added he would response that, but he is also mindful of a lot that has been sitting down there for almost 2 decades that is begging for use. Mr. Richardson said he looks at it the same way.

Mr. Zalinger said as he reviews the parking design here he noticed that in contrast to the parking design at the Coop where the Coop relies on bulb outs and there are walking spaces.

Mr. Marsh said there is an island in the middle and no longitudinal walking space, but they have two sets of double loaded parking and there is a walkway between the Stone Cutters double loaded section and the river side double loaded section.

Mr. Zalinger asked if all of the parking lot was necessary for ingress and egress and turning radius.

Mr. Connor replied yes.

Mr. Zalinger asked if it was all required to meet the turning radius.

Mr. Marsh replied yes.

Mr. Zalinger said the inquiry is whether there is more pavement than is absolutely necessary.

Mr. Marsh replied no. They have 20 foot aisles. It is a compact design for parking so they don't have extra paving that doesn't accommodate the needs of the parking. They are trying to have circulation that works in all directions so you can come in from either direction.

Mr. Zalinger asked if there was a circulation pattern for the parking area.

Mr. Marsh replied no, you can get in or out either side. It's two-way on both aisles.

Mr. DeSmet said the applicant has asked for a waiver of the loading requirements.

Mr. Zalinger said as he reviews the loading requirements it doesn't appear that a waiver would be ill advised in this situation. Mr. DeSmet said it is fine with him. Mr. O'Connell and Mr. Richardson both said they were in favor of it.

§710 – Lighting: Mr. Connor said they provided in their packets a lighting plan. It points out recessed lighting under the building. They have added it on their porches. There are sharp cutoff fixtures on the back of the building. There are light posts at the front sidewalk.

Mr. Zalinger asked why there would be cutoff lighting on the rear of the building.

Mr. DeSmet said the theory is that it won't lead into the night sky at all.

Mr. Richardson said it encourages cutoff lighting. On the back of the building where there is no ingress or egress why is there lighting there?

Mr. Marsh said they are providing security lighting.

Mr. Zalinger asked if there was a provision for interior lighting with security or motion detectors.

Mr. Connor replied they are recessed cans.

Mr. Zalinger asked if the poles in the parking area would come on at dusk and go off at a certain time. Would they be left on overnight for security purposes?

Mr. Connor replied there are only two in the parking light and they are on the river side. Since there is no gated access they would leave them on from a liability standpoint. In plowing season they obviously need them to see.

Mr. Zalinger asked if the lighting was comparable to the Coop's existing lighting. It would seem he would integrate the lighting of this parking area with the lighting that the Coop uses now because there isn't any discernable difference between the two areas.

Mr. Connor said he believes the Coop is currently examining replacing their heads to their light posts to make them more efficient so they look at that. They also had the same discussion with DPW.

Mr. Zalinger added he is also interested in the height of the fixtures.

Mr. Marsh said Turntable Park's LED lights are on all night. They are motion, too. If you go at a certain hour they come on brighter.

Mr. DeSmet said all he could find out about the lighting is the housing is 188 inches.

Mr. Zalinger said they should leave lighting open. If the applicant says they are 16 or 14 feet they don't have any means to compare them to what the height of those existing lights along Stone Cutters Way are or with what the existing lights at the Coop. They want to achieve some integration between the two sites. That information will be handy for them.

Mr. Marsh replied that along Stone Cutters Way they are shorter than you typically have but they are much closer. Mr. Connor said they were designed by a lighting engineer to meet the code and the pole height is set to hit the numbers.

§714 – Performance Standards: Mr. O'Connell said this has been a concern with much of the development along the river. The valley acts as an amplifier for the riverside communities. It has been a concern about compressors at the Coop for cooling for their refrigeration plus the HVAC systems for air conditioning and ventilation. They should be carefully designed so as to buffer that sound from becoming an issue for the river front communities on both sides of the river, both up the hill and down the hill. It is something that is of great interest to him.

Mr. Connor said the generator they show is an emergency generator. They aren't proposing its installation, just the pad for it. The HVAC similarly they are proposing a pad and they did not expect it will be regulated for condensers.

Mr. O'Connor replied the Coop has been very cooperative in providing designs that do minimize the sound that gets out into the general environment.

Mr. Marsh said their replacement units were better than the existing. The existing was quite noisy.

Mr. Zalinger said they should understand it is a concern of the Board. When the Coop was first constructed the performance standards weren't made applicable. Because of the amplification of the

site it is an issue and they will be concerned that the HVAC and what it generates is within the standards.

§711 – Signs: Mr. Zalinger said he noticed there is no signage proposed at this time. He asked if he understood what the zoning ordinance requirements are regarding signs. Mr. Connor replied yes.

Mr. Zalinger said they have addressed many of the principal issues of site plan review; some are still open with landscaping and screening being one of them. What is the concern of the Board concerning beginning the conditional use criteria this evening? Jack has left.

Mr. Cranse said conditional use concerns both the size of the building and the conditional uses that will take place within it. Those are pretty weighty and important topics.

Mr. Zalinger said his inclination would be that they need to come back for design review in any event. There are some outstanding minor issues. He would be disinclined to begin the conditional use review tonight. They can start at the next meeting on June 20th. He would like to await the outcome of the Design Review Committee's proceedings and they meet the 14th to initiate and complete design review and conditional use and site plan at their June 20th meeting. This will give everybody an opportunity to visit the site now they have seen the plans.

Mr. O'Connell said the conditional use will play into performance standards as well. Hypothetically, if one of the uses was a concert hall that would be an issue with regard to sound at the property line.

Mr. Richardson said his understanding is always that conditional use is driven by the specifics of the application and how it fits.

Mr. O'Connell said it is difficult to envision how this would play out. With 9 different conditional uses that are potential, he personally feels they have an obligation to the community at large to look at specifics. The Board hasn't been asked to approve something so wide ranging and it is difficult for him to get his head around that concept.

Mr. Zalinger said he isn't sure they can achieve the grant of conditional use approval for a smorgasbord of uses. It would be unreasonable for the Board to say to give them an idea of how many square feet you are thinking about. They can go ahead with it but he would hate to reach negative findings on a hypothetical conditional use that in the specific he wouldn't necessarily make a negative finding. If there was a 4,000 square foot artisan studio on the second floor he might reach affirmative findings if that were the conditional use that was proposed. But if you said they want the right to have a 20,000 square foot artisan studio and dedicate the entire building to an artisan studio he might well say that's a negative. His view of the zoning ordinance is all conditional uses are permitted or permissible with conditions.

Mr. Connor said their comments have been very helpful. He just wanted to give the Board the perspective they face which is right now there is a redevelopment of a two single use building – one office and one grocery store and the flexibility to be a mixed use facility.

Mr. Richardson said he would echo the Chair's comments that conditional use is that uses do fit in but often need conditions based on the specific proposal. He understands they don't want to get into a contractual relationship with somebody, but at the same time the bylaws are written such that they have to make a step by step analysis for a particular application. At the same time this Board is looking at a reasonable use and the conditional use criteria.

Upon a motion by Mr. O'Connell and Mr. Cranse to continue the application at 575 Stone Cutters Way until June 20th the Board passed it on a vote of 5 to 0.

Mr. Zalinger said he is encouraged by the project. It is sensible; it's achievable. It has a lot of merits to it. We are just bound by the zoning ordinance.

Adjournment:

Upon a motion by Mr. Richardson and Mr. Blakeman the Development Review Board adjourned on a vote of 5 to 0.

Respectfully submitted,

Clancy DeSmet
Planning & Zoning Administrator

Transcribed by: Joan Clack