

Montpelier Development Review Board
September 4, 2007
City Council Chambers, City Hall

Approved

Present: Philip Zalinger, Chair; Alan Blakeman, Daniel Richardson, Jack Lindley and Jeremy Hoff.
Staff: Clancy DeSmet, Planning & Zoning Administrator.

Call to Order:

Mr. Zalinger, Chair, called the meeting to order at 7:00 p.m.

Review of August 6 & 20, 2007 Minutes:

Mr. Zalinger said he wasn't present for the August 6th meeting. Jack Lindley, Alan Blakeman and Jeremy Hoff were present, so they will have to reschedule approval of the August 6th minutes until the next regularly scheduled meeting. For the August 20, 2007 minutes all were present. Mr. Lindley moved the Development Review Board accept the minutes of August 20, 2007 as submitted, with Dan Richardson seconding the motion. The minutes of the August 20, 2007 Development Review Board meeting were adopted 5-0.

Comments from the Chair:

None.

I. Design Review – HDR/DCD

60 Ridge St.

Applicant: Susan Walter

New Roof.

Interested Party: Frederick Fayette (Susan's husband)

Mr. Zalinger told Mr. Fayette the application had been reviewed by the Design Review Committee and they recommended approval. Since they recommended approval, the Board generally doesn't take additional testimony. Mr. Blakeman moved the application for a new roof for 60 Ridge Street as it was submitted be adopted. Mr. Richardson seconded the motion. The application was approved 5-0.

II. Design Review – CB-I/DCD/FP

90 Main Street

Applicant: Classic Signs, Inc.

Replace existing TD Banknorth signs.

Interested Party: Paul Tripp, Classic Signs

Mr. Tripp said he had appeared before the Design Review Committee on behalf of the applicant. He said he was familiar with the recommendations of the Design Review Committee and agreed with them. Mr. Lindley moved approval of Design Review for 90 Main Street and the replacement of signs for TD Banknorth with the DRC recommendations. Mr. Blakeman seconded the motion. The application was approved 5-0.

III. Site Plan Amendment Request – GB

367 River Street

Applicant: Harvest Equipment, Inc.

Site Plan Amendment Request to expand existing equipment display lot to the south.

Owner: Thomas B. Blackstone

Interested Party: Douglas Seyler

Clancy DeSmet said several years ago Harvest Equipment came in for a site plan amendment because they wanted to increase their display area along River Street. The application was approved but they never moved on the project. They are moving the existing hedge along River Street toward the mobile home on the property so they can increase their display area. They are not paving or changing the existing location.

Mr. Seyler said the original proposal, before they purchased the business, was a much more elaborate plan. They aren't interested in making major changes.

Mr. Zalinger administered the oath to Douglas Seyler. He asked him to walk through the plan for the DRB.

Mr. Seyler said the photographs depict the current status of the property. One of the photographs shows from Moonlight Terrace looking up towards the mobile home. That shows the hedge to the right hand side along River Street on Route 302. It is just basically taking the hedge and moving it up 50 feet towards the mobile home. Aside from that there aren't any other changes. There is a culvert in place they would be crossing to get there.

Mr. Lindley asked if this was a public road where the saw horse is shown. Mr. Seyler said it is Moonlight Terrace.

Mr. Lindley asked if he was increasing the vision for someone coming down Moonlight Terrace. Mr. Seyler responded that there would be increased visibility pulling out of Moonlight Terrace.

Mr. Zalinger said once the hedge is moved back 50 feet, what is going to happen to the area immediately in front of it? Mr. Seyler said there is another picture that shows how close they get to the other equipment. Even with the additional equipment there it will have better visibility.

Mr. Zalinger said if the hedge is 12 feet from the edge of the traveled right-of-way, when you are finished it will be 62 feet from the edge. The area in front of the hedge will be grass except where they excavate the hedge.

Mr. Seyler said that would be filled back in and seeded.

Mr. Zalinger asked if equipment would be stored in that area. Mr. Seyler said that is where they are trying to expand the storage area, but it won't be any farther forward than where the hedge was. Mr. Zalinger said it is going to be new storage and equipment display area on the grass. Mr. Seyler replied the intent of moving the hedge back was to gain the display area.

Mr. Blakeman asked if the present fence would be extended. Mr. Seyler said they were looking at buying the property so they may in the future do some improvements that would mean replacing the fence. He wants to see where the snow piles up. He would rather not put in a fence before winter.

Mr. Blakeman asked if the owners of the property were in agreement with his plan. Mr. Seyler said they applied for the original permit. Mr. Zalinger said they would have to be co-applicants in order for it to come to us. The owner of the property signed the permit application.

Mr. Richardson inquired what the winter time usage for the display area. Mr. Seyler said they would still have a display out there in the winter, although probably not as extensive as in the summer. There are certain seasonal peaks as to how much equipment would be out there. There may be times when there isn't much in the area at all. They try not to carry as much inventory during the winter periods.

Mr. Blakeman asked if the hedge would be physically moved.

Mr. Seyler said it would be physically moved back. The landscapers will come in and move it back. His business partner has a landscape company.

Mr. Zalinger asked about the hedge that runs east to west. Mr. Seyler asked if any of the members would like some trees. He said that would be removed and disposed of. They may plant them up on the hill for a buffer.

Mr. Blakeman said if Tom Blackstone owns the land where Harvest is already located, and you are looking to purchase Tom Blackstone's property doesn't he own it already? Mr. Zalinger said he owns both lots. Mr. Seyler said they purchased the business from him and now they want to purchase the property.

Mr. Zalinger said there is a residential lot in the General Business District, which is the residential lot with the mobile home located on it. He suspects that at some point they were separate lots and the residential lot may have attributes that can stay with the lot. Mr. Seyler said the permit was approved at one point. They are just amending it to eliminate the additional work that was going to be done.

Mr. Zalinger said he understood the permit may have been granted, but if you didn't act on it within two years it expires by its term. Once you expand the commercial use from the parcel that is now used commercially to the adjacent parcel the attributes the adjacent parcel has for qualifying as a pre-existing nonconforming lot may be lost. By expanding the commercial use from one parcel to the next could be considered as merging the two lots.

Mr. Seyler inquired if they should verify that it is not just one parcel. Mr. Zalinger said he was pointing out that there are consequences for expanding the commercial use only on the one lot to the adjacent lot. These kinds of problems happen when you have common ownership of different lots.

Mr. Richardson asked if the mobile home has off-site water and septic. Mr. Seyler said he didn't know about that. Mr. Richardson said it was his understanding that in General Business, which this is in, residential uses are permitted but it has to be off-site water and septic.

Mr. Lindley said the lot itself that Harvest Equipment is on may include this.

Mr. Zalinger inquired when the permit was first granted. Mr. DeSmet said it was approved in 1999. Mr. Lindley asked if in 1999 it appeared as a merged lot. Mr. DeSmet said it is a partial facsimile of what he has, which is a dotted line.

Mr. Lindley asked if there was a survey done when they bought the place. Mr. Seyler said they haven't purchased the property yet.

Mr. Zalinger said for the record the Board should confirm that the access to the new display area will come from the north so there will be no ingress and egress from Moonlight Terrace or Route 302 to the display area.

Mr. Seyler said the majority of the front lawn across the face of the entire display area is grass. There is just one area that is gravel.

Mr. Blakeman asked how close his display would be toward Moonlight Terrace. Mr. Seyler said no closer than it is to Route 302, which is approximately 15 feet from the edge. They try to get not too close to any roads because things tend to disappear.

Mr. Zalinger said they have a four foot chain link fence along Route 302 and that won't be extended. The new storage area will have no security barrier at all on either Route 302 or Moonlight Terrace. Mr. Seyler replied that was correct.

Mr. Richardson said that there won't be a security barrier accessing the main lot from the south. Mr. Seyler said the main lot has a fence across which have gates closed each night. He isn't going to put lawn and garden tractors there, which would be what they would try to keep people from walking away with.

Mr. Lindley asked if the Technical Review Committee had reviewed this. Mr. DeSmet said yes, they wanted them to stay as far away as they could from the right-of-way on Moonlight Terrace. Mr. Lindley asked if Tom McArdle had looked at the drain pipe. Does he know where the water comes from and goes to? He said he was concerned about the water flow coming down the pipe. It must be going somewhere right now. Mr. Seyler said it goes into a catch basin along the edge of the road. Mr. Lindley asked if they were going to extend this.

Mr. DeSmet said no, they wouldn't extend it any more because state regulations would require a larger in diameter and different material for the pipe.

Mr. Lindley said it says on the plan the Board has been given there is a proposed 20 foot culvert extension. Mr. DeSmet said the second page of the report isn't here. Mr. Seyler said the regulations would require an 18 inch pipe, and the existing pipe is 12 inches. There is plenty of area there to cross over the top of the existing culvert. They were just trying to make it easier to access the area if they extended the culvert.

Mr. Zalinger asked if there was going to be any change to the culvert at the site. Mr. Seyler said no.

Mr. Lindley said by removing the hedge you would bring more water to the culvert than the 12 inches would carry. Mr. Seyler said it wouldn't change the water flow. That would stay the same. Anything that flows off the current front lawn through the hedge row goes into the swill on the edge road, which is the same catch basin that the culvert feeds into.

Mr. Richardson said there is no curve on Moonlight Terrace. What is there to prevent someone from using Moonlight Terrace as an access point for the property? Mr. Seyler said there is really nothing there to keep anybody from accessing the property. This essentially creates frontage on Moonlight Terrace.

Mr. Richardson asked if he had considered putting the hedge row along Moonlight Terrace. Mr. Seyler said they hadn't considered that, and it is entirely possible to do. Mr. Richardson said he would be in favor of it. Mr. Seyler said they would want to keep it back far enough so it wouldn't limit visibility.

Mr. Zalinger said there are some elements of that which are attractive. He asked how Mr. Seyler would feel about putting in three sections of post and rail fence or something that would just segregate Moonlight Terrace. Mr. Seyler said that would be fine. Mr. Zalinger said it would set it off at a minimal amount of expense and investment. It wouldn't be in the way of snow removal or obstruct the visibility they want to achieve on Route 302. Mr. Seyler agreed that would look real nice.

Mr. Seyler asked if there was a typical setback that the city requires from the road.

Mr. Zalinger said the public right-of-way is 24 ½ feet from the center line. He said they could specify it as a minimum amount of fencing, such as 32 feet of post and split rail fence. Mr. Zalinger said it would achieve a lot of objectives and in the long run easier than planting and trimming more hedge. It also satisfies the Board's concerns about circulation and access to the lot from Moonlight Terrace.

Mr. Zalinger asked if he would be able to obtain Mr. Blackstone's signature on the application. Mr. Seyler said yes. It is important from the Board's perspective that we obtain that. Mr. Zalinger said if Mr. Blackstone has signed the application he has evidenced his agreement to the commercial use being expanded on to the Moonlight Terrace parcel so he will be bound by the expansion of that.

Mr. Richardson moved the Development Review Board accept the application as modified by the witnesses' testimony and with the condition that a fence be built along Moonlight Terrace, and no culvert extensions are included with any application. Mr. Lindley seconded the motion. Mr. Zalinger offered a friendly amendment that it be specified that a post and split rail fence for a minimum of 32 feet outside of the city's right-of-way. Site plan approval for Harvest Equipment was granted by the DRB.

Adjournment:

Mr. Lindley moved adjournment, with Mr. Hoff seconding the motion. The DRB was adjourned.

Respectfully submitted,

Clancy DeSmet
Planning and Zoning Administrator