



Agenda

for the Meeting of the Development Review Board

City Council Chambers, City Hall
Monday, May 6, 2019 at 7:00 PM

Members: Daniel Richardson (Chair), Kate McCarthy (Vice Chair), Kevin O'Connell, Ryan Kane, Deb Markowitz, Thomas Kester, Michael Lazorchak (alternate), and Clare Rock (alternate).

Please note: Changes in the agenda may occur

- 1) Call to Order by the Chair
- 2) Approval of the Agenda
- 3) Comments from the Chair
- 4) 217 North St. (Residential 3000)
Owner/Applicant: Will Schebaum
Review development of accessory dwelling on steep slopes.
- 5) 41 College St. (MUR/DCD)
Owner/Applicant: Vermont College of Fine Arts
Site Plan and Conditional Use review to convert NECI dorm into artist coop housing.
- 6) Upper Main Street (Residential 9000)
Owner: Statewide Corporation
Applicant: Jeff Stetter
Sketch Plan review of a new 4 Unit PUD
- 7) Approval of minutes of: April 15th, 2019.
- 8) Other Business:
* Next meeting-Monday, May 20, 2019
- 9) Adjournment

MONTPELIER DEVELOPMENT REVIEW BOARD REPORT

Prepared by Meredith Strobridge Crandall, Planning and Zoning Administrator

Date: May 2, 2019

For the meeting of May 6, 2019

STEEP SLOPES

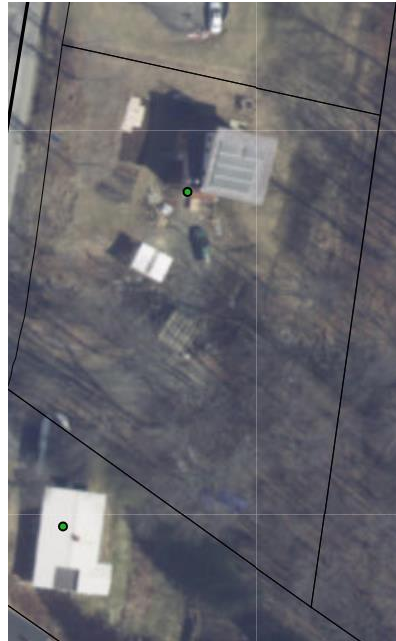
Applicant: Will Schebaum

Owner: same

Address: 217 North Street

Application # Z-2019-0037

Zone: Residential 3,000



Guiding Ordinance Sections

Chapter 200. General Provisions

Chapter 210. Base Zoning Districts & Neighborhoods

- Section 2109. Residential 3000 (RES 3) Zoning District & Neighborhoods

Chapter 300. General Standards

- Section 3001. Use Standards
- Section 3002. Dimensional Standards
- Section 3003. Accessory Structures and Uses
- Section 3005. Riparian Areas
- Section 3007. Steep Slopes
- Section 3008. Erosion Control
- Section 3009. Stormwater Management
- Section 3010. Access and Circulation
- Section 3011. Parking and Loading Areas
- Section 3012. Signs

Chapter 310. Special Use Standards

- Section 3104. Accessory Dwelling Unit

Chapter 430. Development Review Procedures

Materials Submitted:

- a) Development Application, dated October 2, 2018;
- b) Zoning Permit Attachment, dated October 2, 2018;
- c) Site Context, Drawing #A.01, by Steeple Chase Design Build (“Steeple Chase”), dated 3/29/19
- d) Existing Site Plan, Drawing #A.02, by Steeple Chase, dated 3/29/19;
- e) Proposed Site Plan, Drawing #A.03, by Steeple Chase, dated 3/29/19;
- f) Slope Map, Drawing #A.04, by Grenier Engineering, PC (“Grenier”), dated 10/24/18;
- g) Municipal Water and Sewer Site Plan for 217 North Street, Revision 1, by Grenier, dated 4/22/2019;
- h) Slope Map with Proposed House Site, Drawing #A.05, Grenier Slopes with annotations by Steeple Chase, dated 3/29/19;
- i) Proposed Grading and Erosion Control Plan, Drawing #A.05a, by Steeple Chase, dated 3/29/19;
- j) Perspectives, Drawing #A.06, by Steeple Chase, dated 3/29/19;
- k) Foundation Perspective, Drawing #A.07, by Steeple Chase, dated 3/29/19;
- l) West Elevation, Drawing #A.18, by Steeple Chase, dated 3/29/19;
- m) Foundation Plan, Drawing #A.05, by Steeple Chase, dated 10/10/18, as annotated by DeWolfe Engineering Associates on October 23, 2018;
- n) Foundation Elevations, East and West, Drawing #A.06, by Steeple Chase, dated 10/10/18, as annotated by DeWolfe Engineering Associates on October 23, 2018;
- o) Foundation Elevations, North and South, Drawing #A.07, by Steeple Chase, dated 10/10/18, as annotated by DeWolfe Engineering Associates on October 23, 2018;
- p) Wall Section, Drawing SSK-4 for 217 North Street, by DeWolfe Engineering Associates, dated October 23, 2018;
- q) Wall Section, Drawing SSK-5 for 217 North Street, by DeWolfe Engineering Associates, dated October 23, 2018;
- r) Wall Section, Drawing SSK-6 for 217 North Street, by DeWolfe Engineering Associates, dated October 23, 2018;
- s) Wall Section, Drawing SSK-7 for 217 North Street, by DeWolfe Engineering Associates, dated October 23, 2018;
- t) Wall Section, Drawing SSK-8 for 217 North Street, by DeWolfe Engineering Associates, dated October 23, 2018;
- u) Typical Stepped Wall Footing, Drafting SSK-9, by DeWolfe Engineering Associates, dated October 23, 2018;

Materials Supplied by Staff:

- v) Email from Nicholas Persampieri (abutter) to Applicant and Ms. Crandall re: 217 North Street with Swale and Rain Garden Changes Proposed, dated April 29, 2019;
 - a. Attachment: Excerpt from Proposed Grading and Erosion Control Plan with notes in blue and extended swales marked in red
- w) Email from Tom McArdle, Director of Public Works Department, to Ms. Crandall, re: 217 North Street Application Input from Neighbor (re: May 6th DRB hearing), dated April 30, 2019;
- x) Email from Kurt Motyka, Assistant Director of Public Works Department, to Ms. Crandall, re: 217 North Street Application Input from Neighbor (re: May 6th DRB hearing) dated May

- 1, 2019;
- y) Excerpt from the Vermont Standards for Specifications for Erosion Prevention & Sediment Control - 2019, Part 3 – Preparing an EPSC Plan, Section 3.2 – Minimum EPSC Plan Requirements, pp. 6–9, by the Vermont Department of Environmental Conservation (the “Minimum EPSC Plan Requirements”).

Project Scope & Applicant Request

Applicant seeks approval to build a 750 SF accessory dwelling unit (“ADU”) at 217 North Street, as well as extend the driveway to reach the new building. The building site includes slopes of $\geq 30\%$, and therefore requires approval by the Development Review Board (the “Board”).

The subject parcel is located in the Residential 3000 (“RES 3”) Zoning District. The Application will first be reviewed by the Board on May 6, 2019.

STAFF REVIEW & COMMENTS

1. Existing Conditions: 217 North Street is an existing 0.68-acre (29,799 SF) parcel that currently contains a 2,256 SF single-family home, and a driveway that crosses a bridge to reach the parking area adjacent to the house. The parcel is generally wooded beyond the house site, with grades in the proposed disturbance site ranging from 15% to $\geq 30\%$. The parcel is serviced by municipal water and sewer.
2. Location: The subject parcel is in the Franklin Street – Northeast Neighborhood in the RES 3 Zoning District. 217 North Street is on the eastern (uphill) side of the street, with the neighboring house to the south (Persampieri) relatively close to the shared side boundary.
3. Permit/Parcel History: 217 North Street was created by act of subdivision in 2013, via permit #Z-2013-0152. The single-family dwelling on the parcel was built by Applicant in 2016. The current zoning application is the first zoning permit that has been required for the stand-alone parcel.
4. Procedural Status: This is the first Application coming before the Board for a steep slopes analysis under § 3007 as revised in March 2019.

Further, the steep slopes are the only reason that the application was referred to the Board, as the permit would otherwise be dealt with administratively. As the proposal results in a parcel with only two dwelling units, site plan review is not triggered.

CHAPTER 300 GENERAL STANDARDS

5. Section 3001. Use Standards
 - A. Applicability. The land development shall conform to the use standards for the applicable zoning district. Per the Use Table at Figure 2-15:
 - i. One, two, three, and four dwelling units are “permitted” uses in the RES 3 District
 - ii. Per § 3104 and the Use Table at Figure 2-15, there are no specific limits on

which Zoning Districts may contain ADUs, other than that they must be within or associated with a single-family dwelling.

- B. Mixed uses. Any combination of permitted or conditional uses allowed on a single lot.
- C. Prohibited uses. *Not applicable. ADUs are specified within the 2018 Regulations.*
- D. Materially similar uses. *Not applicable. ADUs are specified within the 2018 Regulations.*

Staff Findings: The proposed ADU is allowed in the RES 3 District on this parcel, as 217 North Street currently contains only a single-family home.

6. Section 3002. Dimensional Standards

- A. Applicability. Land development shall conform to the dimensional standards for the applicable zoning district, as set in Chapter 200. Figure 2-09 establishes the dimensional standards for development in the RES 3 District as follows:

Figure 2-09. Residential 3000 District Dimensional Standards

LOTS	SETBACKS	DENSITY	BUILDINGS
Lot size: 3,000 sf min Frontage: 45 ft min Coverage: 60% max	Front: 10 ft min Side: 5 ft min Rear: 10 ft min Water: 25 ft min	Residential: 1 du/3,000 sf max Floor Area Ratio: 1.0 FAR max	Footprint: 2,500 sf max Height: 35 ft max

Note 1 See Section 3002 for specific information and any exceptions regarding dimensional standards. Accessory structures may have reduced dimensional standards (see Section 3003 for specific details regarding accessory structures).

- i. The parcel is 29,799 SF, with 154 feet of frontage on North street, and 14% (4,254 SF) coverage per notes on the Proposed Site Plan. Regarding setback distances:
 - a. The current house is well back from the setback lines. See “Proposed Site Plan” – the front setback line isn’t shown, but the distance to the house from the front property line is well over 30’.
 - ii. After the proposed improvements, the parcel would have 5,969 SF (or 19%) coverage; and the new structures and uses (parking areas) comply with the setbacks. See Proposed Site Plan.
 - iii. The proposed ADU will be much less than 35 feet high, with a 750 SF footprint. See Zoning Attachment and Drawing A.11 (Section Cut Bedroom),
- B. Principal building:§ 3002.B. Allows more than one principal building on a parcel, so long as the maximum density or floor area ratio (“FAR”) allowed in the district is not exceeded. *See below.*
 - C. Calculating Density: § 3002.D.
 - i. Per § 3002.C(4)(a), ADUs approved under § 3104 are not counted as dwelling units for density purposes.
 - D. Height. See above.

Staff Findings: The proposed ADU complies with the RES 3 footprint, coverage, setback, and height requirements. The ADU is exempt from the density calculation, and the current single-family home complies with the RES 3 density requirements.

The lot size and frontage requirements don't apply here, where no changes affecting such are proposed.

7. Section 3003. Accessory Structures and Uses: *Not applicable, all new structures and uses (parking areas) comply with the RES 3 District setbacks – and the driveway is existing.*
8. Section 3004. Demolition – *Not applicable. No demolition is proposed.*
9. Section 3005. Riparian Areas – *Not applicable. No regulated water bodies or water setbacks on property, or within approximately 50 feet of the rearmost corner of the property.*
10. Section 3006. Wetlands and Vernal Pools – *Not applicable.* The standards in § 3006 only apply to wetlands or vernal pools documented on the Montpelier Natural Resources Inventory Map. Staff confirmed that there are no such wetlands or vernal pools on or within 50 feet of the parcel through a visual inspection of the Map.
11. **Section 3007. Steep Slopes** – Section 3007 applies to land development that proposes to disturb or clear land on steep slopes that exceeds the threshold amounts specified in Figure 3-08, all of which are 15% or greater.
 - A. The purposes of § 3007 are to: (1) Protect public safety and property; (2) Minimize the potential for erosion, runoff, flooding and degradation of water quality; and (3) Avoid the increased cost of providing services to remote or difficult to access land. § 3007.A.
 - B. Per §§ 3007.E & F, any development of land with $\geq 30\%$ slopes requires a grading plan that's signed and sealed by a licensed engineer and a hearing. See also Figures 3-08 and 3-09. [Staff Note – Figure 3-09 is titled “Engineered Plan Required” – so the “engineering plan” language quoted here appears to be a typo.]
 - C. The hearing requirement detailed in § 3007.E specifies that the hearing must be “in accordance with the process for conditional use review outlined in Chapter 450.”

Staff Comment: The hearing requirements contained in Chapter 450 are all related to the process. There's no requirement that this application meet the conditional use standards.

- i. Applicant provided a grading plan that's been reviewed by DPW, but such was not signed or sealed by a licensed engineer. Staff has requested such from Applicant.

DPW Comments: Per his May 1st email, Mr. Motyka stated: (1) that a “grading plan showing proposed contours around the building needs to be provided. The plan should show that all work can be performed within the existing property lines”; and (2) “It is suggested that a letter from a professional Engineer be provided stating that the project will not have an adverse effect on slope stability.”

Staff informed Applicant of these requests.

- D. **The Board must consider the extent to which the proposed development conforms to the design standards established in § 3007.H, which states that “to the maximum extent feasible, development on steep slopes shall be designed to:**

- i. Limit the amount of disturbance, clearing of existing natural vegetation and impervious surface in order to minimize potential for erosion, stormwater runoff, flooding and water quality impairment.
 - a. The application materials appear to show minimal clearing or addition of impervious surface in relation to the proposed project.
- ii. Not create slopes steeper than 30%.
 - a. No slopes steeper than 30% appear to be created.
- iii. Preserve distinctive natural features, the general topography of the site and existing natural vegetation.
 - a. Per the application materials, the generally sloped nature of the site appears to have been preserved, if modified consistent with the requirements of of § 3007.
- iv. Maintain or reduce the pre-existing rate, and retain the pattern, of stormwater runoff leaving the property.
 - a. Stormwater measures are included in the application materials to address this factor.
- v. Produce a final grade that is compatible with surrounding natural terrain.
 - a. Staff has requested a signed and stamped grading plan, showing current and proposed grades, from Applicant.
- vi. Create a harmonious transition between graded slopes and the natural terrain.
 - a. Staff has requested a signed and stamped grading plan, showing current and proposed grades, from Applicant.
- vii. Avoid creating continuous unbroken slopes or linear slopes.
 - a. Staff has requested a signed and stamped grading plan, showing current and proposed grades, from Applicant.
- viii. Contour graded slopes by varying the slope increment to produce a final grade that undulates both vertically and horizontally.
 - a. Staff has requested a signed and stamped grading plan, showing current and proposed grades, from Applicant.
- ix. Vary cut-and-fill banks and terraces to produce a final grade that has visual interest and allows for naturalistic landscaping.
 - a. Staff has requested a signed and stamped grading plan, showing current and proposed grades, from Applicant.
- x. Consider use of retaining walls and terracing rather than cut-and-fill banks.
 - a. The foundation of the ADU appears to be acting as a retaining wall.

Staff Comment: The Board may request clarification from Applicant regarding what excavation/fill process will be used for this project. However, remember that it is not required that Applicant fully meet every one of the design standards, merely that they be met “to the maximum extent feasible.”

- xi. Vary the pad elevations on sites with multiple structures to follow the natural terrain.
 - a. Applicant’s design appears to follow the natural terrain.
- xii. Provide roads and drives that follow existing contours.
 - a. Current drive will remain, with only a slight extension for parking areas.
- xiii. Use compact building forms and or multi-story buildings to minimize building footprint.
 - a. Proposed ADU is compact and multi-story to reduce the building footprint to 750 SF.
- xiv. Use split- or multi-level building forms that step up or down the slope.
 - a. Proposal has makes use of the varying slope.

Staff Findings: Applicant’s proposal appears to meet many of the § 3007.H Design Standards, but additional information is necessary to confirm this – namely a signed and stamped grading plan showing the proposed contours and that all work can be performed within the existing property lines.

The Board must make the final determination regarding approval of the engineered grading plan and compliance with the steep slope design standards.

12. Section 3008. Erosion Control – The provisions of this section apply to land development that proposes to disturb or clear land on steep slopes that exceed the threshold amounts specified in Figure 3-08.
 - A. Per Figure 3-08, erosion control plans are required for development disturbing any amount of soil on slopes steeper than 25%.
 - B. Per § 3008.C, the erosion control plan must be “professionally prepared ... in accordance with the *Vermont Standards and Specifications for Erosion Prevention and Sediment Control*.”
 - i. Applicant has provided a Proposed Grading and Erosion Control Plan.

Staff Comments: Section 3008.C doesn’t specify what type of “professional” must draft the required erosion control plan. For the project, Applicant drafted the plan himself. **The Board will need to determine whether or not that meets the minimum necessary for compliance with the requirement – and whether the small scope of this proposal may result in some flexibility in making this determination.**

To assist with this, Staff recommends that the Board review the “Minimum EPSC Plan Requirements” enclosed in members’ packets.

- The purpose statement of the Standards as a whole states that they've been developed to assist designers in creating EPSC Plans "that meet the requirements of the Vermont Construction General Permit." Per the currently applicable version of such permit (General Permit 3-9020 (2006) for Stormwater Runoff from Construction Sites as Amended February 2008), the permit applies as follows:

PART 1: COVERAGE UNDER THIS PERMIT

1.1 Coverage Required

- A. Coverage under this permit must be obtained for stormwater discharges from construction activities that result in a total land disturbance of equal to or greater than one acre, where those discharges enter waters of the State or a conveyance leading to waters of the State, subject to the conditions set forth in this permit. This coverage includes construction activities when the disturbance is less than one acre, but is part of a larger "common plan of development", if this larger common plan will ultimately result in the disturbance of one or more acres. A "common plan of development" is defined in Appendix C.
 - The introduction to the Minimum Plan standards states that "[p]reventing sediment pollution of surface waters from construction sites requires balancing the time and space constraints of a construction project with the risk of sediment leaving the site and reaching streams, lakes, or wetlands. A well-developed EPSC Plan is the key to having the right balance, ensuring timely construction, minimizing pollution, and keeping costs down."
13. Section 3009. Stormwater Management – Section 3009 outlines the requirements for stormwater management and requires that storm sewer system and other drainage improvements shall be in accordance with plans approved by the Director of Public Works. In no case shall stormwater discharge into a city sewer system if a separate system exists.
- A. Applicant's grading and erosion control plan includes details regarding how long term stormwater flows will be drained. Including swales that flow into rain gardens, and directing overflows from those rain gardens towards the stream that runs through the center of the subject parcel.

Abutter Comments: The neighbor nearest to the proposed development, Mr. Persampieri, submitted a list of 7 concerns and proposed revisions to Applicant's Erosion Control plan. The requests include: (i) extending the swales along the east and south walls of the ADU; (ii) relocating the southernmost rain garden; (iii) moving the parking spot closest to Mr. Persampieri's property so it's adjacent to the northern parking spot; (iv) avoid impacting the roots of the large trees along the shared property line; (v) directing all gutters to the stream to the north; (vi) additional vegetative screening.

DPW Comments: DPW provided the following comments: (a) "A typical detail for silt fence need[s] to be provided"; (b) "A stabilized construction entrance pad is needed during earthwork along with a detail"; (c) "A detail of the rain gardens is needed and a method of transporting overflow runoff from the rain gardens to the receiving waterway needs be provided"; and (d) "The recommendations and requests from the neighboring property seem reasonable & DPW agrees that the revisions depicted on the site plan will help to protect the adjoining property interests."

Staff Comment: Staff asked Applicant to address the above comments from Mr. Persampieri and DPW, and obtain additional review from DPW of any revised plans prior to the May 6th hearing.

The Board will need to determine which, if any, of the above suggestions to incorporate in the final permit. As this application doesn't qualify for Site Plan review, the landscaping provision is not part of the Board's review.

14. Section 3010. Access and Circulation – The purpose of this section is to promote safe and efficient access to and circulation within a property for vehicular, bicycle, and pedestrian traffic.

A. Vehicular access. Section 3010(B) requires that all lots being developed or redeveloped provide vehicular access from the street in accordance with any city public works specifications, VTrans' B-71 Standard, and the standards listed in § 3010. Those standards include:

- i. General. All proposed land development shall be designed with adequate access and circulation to prevent traffic congestion on the street and traffic conflicts (including service vehicles, passenger vehicles, parking, drive through lanes, bicyclists and pedestrians) within the site.
- ii. State or Class 1 highways. *Not applicable, North Street is a Class 3 road.*
- iii. Number. Shared access between adjacent properties is strongly encouraged. A lot may be served by only one access point except, that a corner lot that does not front on a State or Class 1 highway may have one access point on each street, provided that the spacing requirements are met. § 3010.B(3).
 - a. *Not applicable, no changes to access proposed.*
- iv. Spacing. Access points shall be spaced as specified in Fig. 3-11. Spacing for the MUR district is a minimum of 50 feet to any intersection and 30 feet between other driveways.
 - a. *Not applicable, no changes to access point proposed.*
- v. Cross access. *Not applicable to residential development.*
- vi. Length. § 3010.B(6) requires sufficient driveway length and circulation patterns adequate to prevent queuing in the street.
 - a. Current driveway patterns will remain, with the addition of one parking area. No queuing issues anticipated.
 - b. DPW raised no issues with the access plan.
- vii. Emergency access. *Not applicable. No changes proposed that impact emergency access.*
 - a. Current turn around areas will remain in place.
- viii. Street improvements. “[A]pplicant may need to fully or partially fund or to construct a turn lane, traffic signal, intersection redesign or other street improvements if necessary to accommodate anticipated traffic and minimize congestion as warranted by a traffic study.”
 - a. No changes to traffic flow suggested by application.

- ix. Non-conformities. Nonconformities must come into conformance when changes are proposed to the site layout, access, or circulation.

Staff Findings: As applicant proposes no changes to the site layout, access points, or circulation patterns, this proposal meets the requirements of § 3010, as any failures to comply with specific requirements (such as spacing between driveways and intersections) are nonconformities that may remain unchanged.

15. Section 3011. Parking and Loading Areas – Section 3011 is intended to ensure that development provides adequate off-street parking and loading areas to avoid congestion on surrounding streets while also avoiding excessive parking that results in increased flooding, decreased water quality, increased land consumption and sprawl, and a less attractive and pedestrian friendly environment.

- A. Amount of Parking (§ 3011.C and D) Per the Figure 3-13 requirements, single-family and accessory dwellings require 1 parking space per dwelling unit. Section 3011.H(1) requires that parking spaces be 18 feet long by 8.5 feet wide.
 - i. There are at least two parking spaces available adjacent to the existing house that meet the dimensional requirements. See Proposed Site Plan.
 - ii. The parking area to the north of the ADU on the Grading and Erosion Control Plan, appears to measure roughly 18 or 19 feet long the width varies, but at the narrowest point (at the front of the car) appears to be less than 8.5 feet wide. Measured by Staff per the scale on the Plan.
 - iii. The parking spot shown to the west of the ADU appears to measure 20 feet long by roughly 10 feet wide. Measured by Staff per the scale on the Plan.
 - iv. Both parking areas are shown as existing impermeable areas on the Existing Site Plan, and Applicant proposes minimal changes to their dimensions.
- B. Shared Parking. *Not applicable, all parking is on the subject parcel.*
- C. Loading Areas. *Not applicable, no loading areas on the parcel, proposed, or required.*
- D. Locational Standards. Per § 3011.G, parking areas: (1) must be on the same lot, unless compliant with the shared parking provision; (2) must be located behind the front-line of the building; and (3) are encouraged to be behind buildings. Notwithstanding these requirements, parking of personal vehicles is allowed within any lawful residential driveway.
 - i. All existing and proposed parking spots are on the subject parcel.
 - ii. The existing parking spaces that are adjacent to the current single-family home are behind the front-line of the existing, primary building.
 - iii. Neither of the areas shown for parking adjacent to the ADU on the Grading Plan are behind the front-lines of the proposed ADU. However, both are within the driveway, and pushing parking behind the “frontline” of the building would require additional disturbance of steep slopes.
- E. Dimensional Standards. In addition to the § 3011.H(1) requirement that parking spaces be 18 feet long by 8.5 feet wide.
 - i. See comments above.

- F. Design, Construction, and Maintenance Standards.
- i. Use of pavement for lightly used (e.g., fewer than 20 vehicles) parking areas is strongly encouraged. § 3011.I(1)(c).
 - ii. Off-street parking and loading areas shall be surfaced, graded, drained and maintained to properly dispose of all surface water and minimize erosion in accordance with the provisions of Section 3009. **Error! Reference source not found..** Run-off and eroded surface materials shall not flow onto adjacent streets or properties. § 3011.I(3).
 - iii. **Snow storage areas are not designated on the Site Plan or Grading Plan. See § 3011.I(4) for requirements, including that storage not damage required landscaping.**
- G. Nonconforming Parking and Loading Areas. § 3011.J
- i. Sites with nonconforming parking and loading areas shall come into conformance with § 3011 to the maximum extent feasible “when there is going to be an increase in the amount of parking, a change in the location of parking on the site, or a substantial change to the site layout, access and circulation.”
 - a. The proposed ADU increases the number of required parking spots by 1, such that any nonconforming parking on the parcel must be brought into compliance.

Staff Findings: The two existing parking spaces adjacent to the primary structure provide the 2 parking spaces necessary for the minimum parking requirement, and comply with the locational and dimensional requirements. The third existing parking space, adjacent to and north of the proposed ADU, doesn't appear to comply with the dimensional requirements. However, if Applicant withdraws the request for the fourth parking space – the third spot would be a nonconformity that could remain per § 3011.J.

Should Applicant wish to maintain the request for the fourth parking space to the west of the ADU Applicant will need to demonstrate that both the third existing and the proposed new parking spaces comply with the dimensional requirements.

16. Section 3012. Signs – *Not applicable. No signs being proposed.*

Chapter 310 Special Use Standards: *Supplemental regulations to address the unique development challenges of certain land development..*

17. Section 3104. Accessory Dwelling Unit – Defined as “a secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structures as the primary dwelling unit or within an accessory structure on the same lot.” § 5101.D(13).
- A. Per § 3104.A, to qualify as an ADU the improvement must meet all of the following:
 - i. Be an “efficiency or one-bedroom apartment that is clearly subordinate to the primary dwelling and has facilities and provisions for independent living, including sleeping, food preparation and sanitation.”
 - ii. Not exceed 900 SF or 30% of the total habitable floor area of the primary

- dwelling.
- iii. Meet all applicable dimensional standards and parking requirements.
- B. The proposed ADU is a one-bedroom stand-alone, accessory building, with a 750 SF footprint, and 740 SF of GFA;
 - i. See #6, above for confirmation of dimensional standards;
 - ii. See #15 above for parking requirements.

Staff Findings: This proposal meets the basic definition of an ADU, doesn't exceed 900 SF, and meets all dimensional requirements of the RES 3 District.

However, before the Board can make a determination of compliance with § 3104, the parking space dimension and nonconformity issues raised at #15 must be resolved.

Staff Suggested Motion Options:

- ❖ Motion to approve the request for approval of construction of an Accessory Dwelling Unit on slopes of $\geq 30\%$ at 217 North Street, as presented in the application dated 10/2/2018 and supporting materials, [subject to the following conditions of approval]:

[Board to add any conditions.]

Conditions to Consider:

- I. Within 60 days of the Board's decision, and prior to issuance of a zoning permit, Applicant shall submit the following updated documents to the Administrative Officer:
 - 1. Proposed Site Plan delineating: (i) snow storage areas; and (ii) the number and proper dimensions of parking spots as discussed during the May 6th hearing;
 - 2. Proposed Grading and Erosion Control Plan specifying: (i) silt fence details; (ii) use of a stabilized construction entrance pad, and relevant details; (iii) rain garden details; and (iv) the method of transporting overflow runoff from the rain gardens to the receiving waterway.

MONTPELIER DEVELOPMENT REVIEW BOARD REPORT

Prepared by Meredith Strobridge Crandall, Planning and Zoning Administrator

Date: May 2, 2019

For the meeting of May 6, 2019

MINOR SITE PLAN AND CONDITIONAL USE REVIEW

Applicant: Vermont College of Fine Arts

Owner: Vermont College of Fine Arts

Address: 41 College Street

Application # Z-2019-0033

Zone: Mixed Use Residential



Guiding Ordinance Sections: Montpelier Unified Development Regulations, Adopted by Montpelier City Council January 3, 2018, As Amended March 27, 2019 (the “2019 Regulations”).

Chapter 200. General Provisions

Chapter 210. Base Zoning Districts & Neighborhoods

- o Section 2107. Mixed Use Residential (MUR) Zoning District & Neighborhoods

Chapter 300. General Standards

- o Section 3001. Use Standards
- o Section 3002. Dimensional Standards
- o Section 3003. Accessory Structures and Uses
- o Section 3005. Riparian Areas
- o Section 3007. Steep Slopes
- o Section 3008. Erosion Control
- o Section 3009. Stormwater Management
- o Section 3010. Access and Circulation
- o Section 3011. Parking and Loading Areas
- o Section 3012. Signs

Chapter 320. Site Plan Standards

- o Section 3201. Major/Minor Site Plan Determination
- o Section 3202. Access and Circulation
- o Section 3203. Landscaping and Screening
- o Section 3204. Outdoor Lighting
- o Section 3205. Outdoor Seating, Display or Storage
- o Section 3206. Solar Access and Shading and Energy Conservation

- o Section 3207. Design and Compatibility
- Chapter 330. Conditional Use Standards
- o Section 3301. Applicability
 - o Section 3302. Capacity of Community Facilities and Utilities
 - o Section 3003. Traffic
 - o Section 3004. Character of the Neighborhood
- Chapter 430. Development Review Procedures

Materials Submitted:

- a) Development Application, dated April 3, 2019;
- b) Zoning Permit Attachment, dated April 3, 2019;
- c) Request for a Conditional Use Review, dated April 3, 2019;
- d) Example proposed floor plan layout, received by Planning and Economic Development Department April 5, 2019;
- e) Bishop Hatch Artist Coop Housing – Change of Use Application: VCFA description of artist co-op housing proposal, received by Planning and Economic Development Department April 5, 2019 (the “Project Narrative”);
- f) Bishop Hatch Artist Coop Housing – Site and Shared Parking Plan, received by Planning and Economic Development Department April 5, 2019 (the “Parking Plan”);

Materials Supplied by Staff:

- g) Excerpt from VCFA’s 2014 Master Plan Draft Revision for Review as found in Department of Planning and Community Development files, p. 13;
- h) Vermont Title 33: Chapter 71: Regulation of Long-term Care Facilities, current through November 2018 updates;
- i) Definition of a congregate care facility from JCH Senior Housing Investment Brokerage, dated March 11, 2015, available at: www.thejchgroup.com/blog/what-is-a-congregate-care-facility; last viewed April 16, 2019 (the “JCH Group Blog Post”); and
- j) Email from Donna Ackerman (abutter) to Ms. Crandall re: 41 College Street, dated May 1, 2019.

Project Scope & Applicant Request

Applicant seeks minor site plan and conditional use approval to change the use at 41 College Street from a college dormitory (currently leased from VCFA by NECI for 30-60 students) to artists’ cooperative housing – where the artists will lease two-room bedroom + studio units (ranging from a total of 250–400 SF) directly from VCFA, with communal kitchens, dining rooms, bathrooms, and laundry facilities. There will be an “on-site resident program manager.”

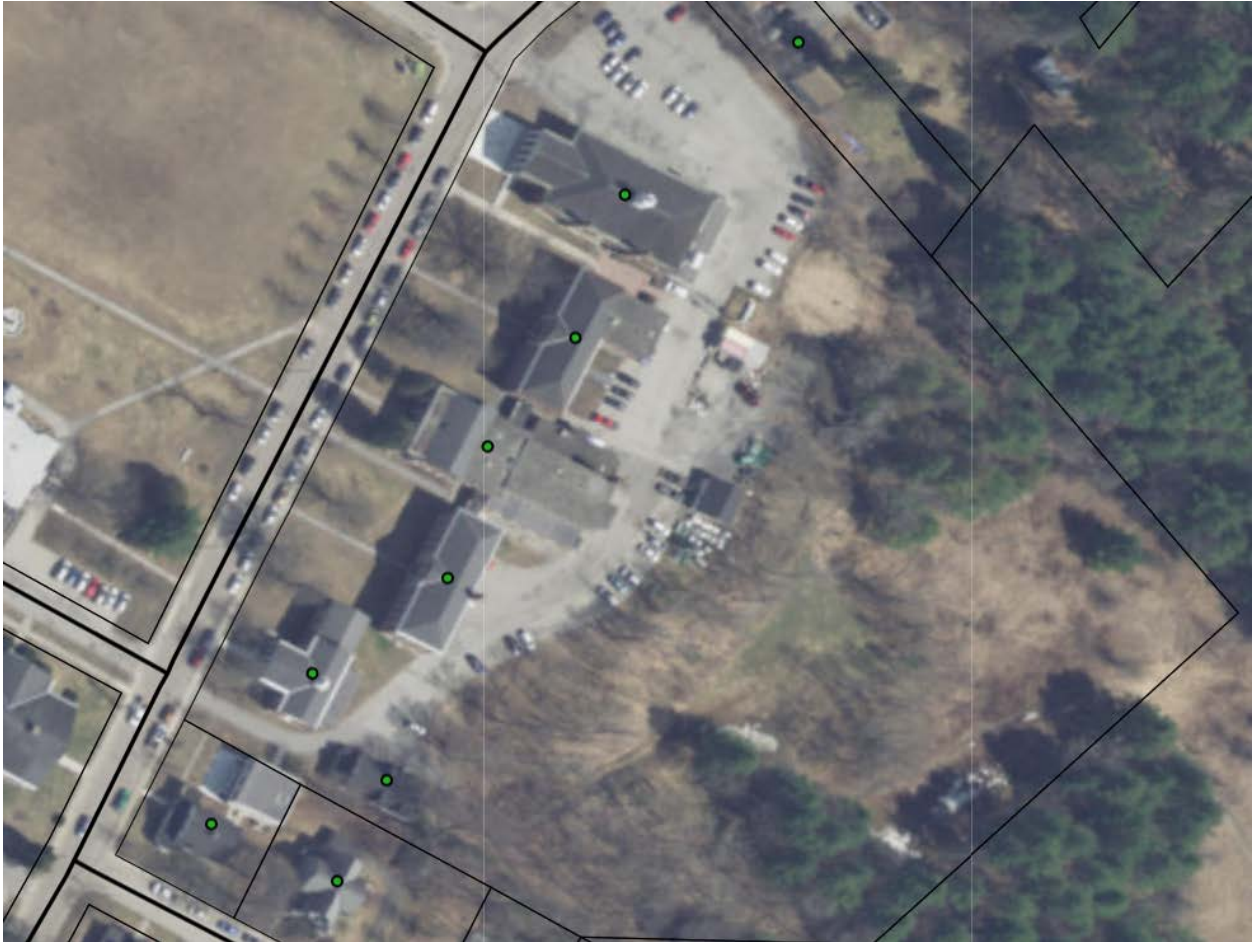
The proposal is for either 22 or 25 bedroom-studio pairs, both counts are noted in various places in the application materials. Staff requested that Applicant confirm the exact number.

The subject parcel is located in the Mixed Use Residential (“MUR”) Zoning District. The Application will first be reviewed by the Development Review Board (the “Board”) on May 6, 2019.

STAFF REVIEW & COMMENTS

1. Existing Conditions: The Bishop Hatch building (41 College Street) is located on an existing 7.44-acre (324,086.4 SF) parcel that contains five other VCFA buildings – 33, 35, 37, 39, and 45 College Street, as well as at least one small shed to the rear of the buildings and possibly some outdoor storage. The parcel also includes a series of parking lots that wrap around the northern end of the parcel and behind the buildings, as well as roughly 155,000 SF of mostly wooded greenspace on the eastern half of the parcel.

The parcel is serviced by municipal water and sewer.



2. Location: The subject parcel is in the College Hill – East State Street Neighborhood in the MUR Zoning District, as well as a campus-specific district subject to Design Review under § 2201. 41 College Street lies roughly mid-way along the subject parcel's College Street boundary, setback from the street behind tall deciduous trees and in line with the Glover-Hadley Building (37 College Street).

The adjacent parcel directly across College Street is owned by the college, and contains College Hall and the college green.

The properties beginning to the north with the adjacent 57 College Street parcels, and extending northeast, are separately owned.

3. Permit/Parcel History: As a college, VCFA was previously subject to the Academic Institution Planned Unit Development provisions of the City of Montpelier Zoning and Subdivision Regulations adopted by City Council on August 30, 2006, as amended through January 26, 2011 (the “2011 Regulations”). As such, VCFA has previously been subject to a Master Plan approved as part of its AI-PUD. However, Staff has been advised by the City’s counsel that neither the AI-PUD nor the 2011 Regulations have any role in evaluating VCFA applications, because: (1) VCFA’s AI-PUD expired on June 4, 2017; and (2) the 2011 Regulations stopped controlling new applications upon the City’s adoption of new zoning regulations in January of 2018.

VCFA has not applied for a Campus-PUD designation under the newer regulations. Therefore, since no PUD exists for VCFA, this application must be reviewed without regard to any PUD provisions or Master Plans – but simply as an application for a change to the individual parcel in question.

4. Procedural Status:

The Board’s authority to regulate VCFA “uses” is limited as the college (a private school) is within the list of uses for which municipal powers are restricted under 24 V.S.A. § 4413.

24 V.S.A. § 4413(a)(1) The following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:

...

(B) Public and private schools and other educational institutions certified by the Agency of Education. ...

However, it’s not clear that the change of use requested by VCFA falls within the same scope as a use that is more closely tied to the academic purposes of the college. In one situation, Goddard College sought a permit to construct a wood chip heat plant in the Town of Plainfield for the benefit of the college. The Town claimed the use was light industrial and therefore a conditional use in the district. In its decision (*In re: Goddard College Conditional Use*, Docket No. 175-12-11 Vtec.), the Superior Court – Environmental Division, found in favor of the College that the heat plant was an integral part of the educational facility and therefore can only be reviewed under site plan and only to the extent allowed by statute in 4413. Specifically, the applicability of § 4413 depends on the “purpose and users of the development” in question. In Goddard College, the heating system was “part of its overall ‘use’ as a school or educational institution.” Staff is not certain that this same argument can be made for the artists cooperative house.

CHAPTER 300 GENERAL STANDARDS

5. Section 3001. Use Standards

- A. Applicability. The land development shall conform to the use standards for the applicable zoning district. Per the Use Table at Figure 2-15:
- i. One, two, three, and four dwelling units, senior housing, and academic uses are “permitted” uses in the MUR District
 - ii. All other residential uses are conditional uses in the MUR District.
 - iii. The 2019 Regulations define:
 - a. Dwelling unit as “a structure or portion of a structure intended for habitation by one household that provides *complete independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation*, and that is not less than 250 square feet in area.” § 5101.D(12)[emphasis added].
 - b. Congregate Living as “one or more structures intended to provide housing and services to residents such as meals, housekeeping, laundry, transportation, recreation or *other convenience services*.” § 5101.C(16)[emphasis added].
 - 1) A convenience service is not otherwise defined.
- B. Mixed uses. Any combination of permitted or conditional uses allowed on a single lot.
- C. Prohibited uses. Per § 3001.C, uses “not specifically listed are prohibited unless the Administrative Officer finds that the unlisted use: (1) is materially similar to a listed use in accordance with Subsection 3001.D; or (2) is required to be permitted in a zoning district by state or federal law.”

Staff Comments: Based on an analysis of the definition of “congregate living” in the 2018 Zoning Regulations, Staff concludes that the requested artists coop housing qualifies as “congregate living” and is therefore a conditional use on the subject parcel. Analysis Details:

- The “academic institution” use is listed as a non-residential use in the Figure 2-15 Use Table. Although the building at issue is still owned by the college, for the proposed change of use Applicant appears to be acting not as an academic institution, but as a landlord – leasing individual artist-housing units to lessees that are not necessarily students. See Project Narrative.
 - The analysis might be different if a Campus PUD were in effect. However, as such is not the case, Staff’s opinion is that the proposed use is residential.
- Each individual leased “unit” can’t be a “dwelling unit” because the kitchen, bathroom, and sanitation (laundry) facilities are communal. See Project Narrative. Therefore this use cannot be categorized as a multi-family dwelling.
- This use isn’t a group home, as it isn’t a residential care home or group home operated under state licensing or registration, serving residents who have handicaps or disabilities. See § 3107. Similarly, the use is not similar to the specialized residential uses of senior housing or skilled-nursing services.

- Given the above, an arrangement where individuals will lease a paired bedroom and studio, but share communal kitchens, dining rooms, bathrooms, and laundry facilities with other tenants on the same floor or in the building appears to comply with the “congregate living” use definition in the 2019 Regulations. **Staff suggests that Applicant’s proposal also meets the “convenience services” portion of the congregate living definition – though not in the typical way.**
 - Applicant will not be providing meals, housing keeping, or laundry services (though laundry facilities will be available). Instead, Applicant is providing the artist coop residents with individual studio spaces adjacent to their living quarters as well as a yearly art showcase event for all coop residents. See Project Narrative.
 - A few notes on interpretation:
 - **The Board’s role is to interpret the zoning regulations as written, and they contain very specific uses of: (i) senior house; (ii) skilled-nursing services; and (iii) group homes. Conversely, the congregate living definition includes no age or ability limitations, and appears to provide a broad range for what can qualify as “convenience services.”**
 - Applicant originally framed this project as one for a change to a Single Resident Occupancy use (see Project Narrative). This use was included in Montpelier’s previous zoning regulations, but as it isn’t listed in the 2019 Regulations, § 3001.C’s prohibition provision applies.
 - “Congregate living” doesn’t appear to be used as a term in Vermont’s statutes regarding long-term care facilities (see Title 33, Chapter 71), but is often used to describe a class of independent senior living as described in the JCH Group blog post.
- D. Materially similar uses. Per § 3001.D, the “Administrative Officer may determine that an unlisted use is materially similar to a listed use in the applicable zoning district and that it should be allowed to the same extent and subject to the same standards as that listed use if it has: (1) Similar impacts on the neighborhood such as traffic, noise and lighting as that listed use; and (2) Similar characteristics such as building type, site arrangement, floor area, number of employees, customer traffic, equipment use, hours of operation, parking, vehicle trips and signage as that listed use.”

Staff Comments: Staff’s opinion is that analysis under § 3001.D is not necessary, as the proposed use fits the definition of congregate living as contained within the 2019 Regulations. However, should the Board require this analysis – Staff’s (i.e., the Administrative Officer’s) determination is that the proposal will have the same impacts on the College Hill – East State Street Neighborhood as any similarly-sized congregate living facility.

Staff suggests that any differences in potential impacts due to the specific-nature of VCFA’s lessee requirements (i.e., artists) would be dealt with in the conditional use analysis.

6. Section 3002. Dimensional Standards

- A. Applicability. Land development shall conform to the dimensional standards for the applicable zoning district, as set in Chapter 200. Figure 2-07 establishes the dimensional standards for development in the MUR District as follows:

Figure 2-07. Mixed Use Residential District Dimensional Standards

LOTS	SETBACKS	DENSITY	BUILDINGS
Lot size: 3,000 sf min Frontage: 45 ft min Coverage: 70% max	Front: 5 ft min Side: 5 ft min Rear: 10 ft min Water: 25 ft min	Residential: 1 du/1,500 sf max Floor Area Ratio: 1.0 FAR max	Footprint: 3,000 sf max Height: 24 ft min, 40 ft max

Note 1 See Section 3002 for specific information and any exceptions regarding dimensional standards. Accessory structures may have reduced dimensional standards (see Section 3003 for specific details regarding accessory structures).

- B. Nonconformities are lots, structures and uses that: “(1) Legally existed on the effective date of these regulations; (2) Do not comply or conform to the provisions of these regulations; and (3) Did comply or conform to any and all applicable laws, ordinances and regulations in place at the time they were created, constructed or commenced.” § 1203.A.
- C. “A nonconformity may continue to exist unchanged indefinitely.” § 1203.B
- i. Applicant proposes no changes to the exterior features of the existing parcel which:
- a. Is 7.44-acres (324,086.4 SF), has >650 feet of frontage on College Street, and less than 50% coverage per the embedded image (larger version at #1).



- b. Staff estimates that the current buildings are set back from the property boundaries as follows (**approximations based on Departmental mapping**):
- (1) Front: 26 feet to the closest building (35 College St.).
 - (2) Rear: 300+/- feet depending on the points of measurement
 - (3) Side North: 5-10 feet to the northern parking lot.
 - (4) Side South: Roughly 10 feet to 33 College Street (Martin Building).
- c. *The building height and footprint are not applicable here, where no changes to such are proposed.*

- D. Principal building: § 3002.B. Allows more than one principal building on a parcel, so long as the maximum density or floor area ratio (“FAR”) allowed in the district is not exceeded. *See below.*
- E. Calculating Density: § 3002.D.
- i. In MUR, residential density is calculated as 1 dwelling unit per each 1,500 SF of parcel area. § 3002.C.
 - ii. Nonresidential density is measured as FAR, the ratio of gross floor area to the total lot area – with the MUR District having a maximum FAR of 1.0. § 3002.D.
 - iii. Congregate Living is listed in the residential uses on the Use Table at Figure 2-15. See #5, above, for relevant definitions.
 - iv. Per § 3002.D(3), where a proposal includes both residential and nonresidential development, the total density cannot exceed the necessary square footage of the combined uses.

Staff Comments:

- **Provided that the Board agrees with Staff’s use analysis above concluding that the proposed new use qualifies as congregate living,** 41 College Street requires 1,500 SF of the subject parcel for density purposes as it’s a residential use. This leaves 322,586.4 SF of the parcel’s total acreage available for the density calculations for the remaining non-residential uses on the parcel.
- Based on page 13 of VCFA’s 2014 Master Plan Draft Revision for Review, the non-residential buildings are associated with the following GFA amounts:
 - o Gary Library – 8,166 GFA of library and academic space,
 - o Glover-Hadley Residence Hall – 14,140 GFA
 - o Alumni Hall – 15,776 GFA, includes event space and academic
 - o Noble Hall – 27,263 GFA of student housing and academic space
 - o Martin House – 2,353 GFA of faculty housing
 - For a total of 67,698 GFA for academic, office, and other non-residential uses, plus the 1,500 SF for the proposed new congregate living use.
 - FAR calculation: 67,698 GFA divided by 322,586 SF parcel = 0.210 FAR
 - FAR well below the MUR maximum of 1.0.

Staff Comment: The application provides GFA only for the proposed use at 41 College Street. **Staff has asked for confirming GFA data for the other buildings from Applicant.**

- F. Height. *Not applicable, no structures being changed or new structures proposed.*

Staff Findings: No matter how the proposed new use is classified, so long as it’s allowed, the 322,586.4 SF parcel is more than sufficient to comply with the density requirements of the MUR District detailed in Figure 2-07 – as the density is below the maximum even when applying the non-residential FAR calculation to all uses on the parcel.

As Applicant proposes no changes to the exterior of the parcel for the change of use, the lot size, coverage, setback, height, and building footprint standards do not apply. Further, even if

they did, the current structures and impervious cover complies with the coverage and setback requirements.

7. Section 3003. Accessory Structures and Uses: See above discussion at #6 regarding setbacks and the parking areas.
8. Section 3004. Demolition – *Not applicable. No demolition is proposed.*
9. Section 3005. Riparian Areas – *Not applicable. No regulated water bodies or water setbacks on property, or within approximately 50 feet of the rearmost corner of the property. See Montpelier Natural Resource Inventory Map excerpt:*



10. Section 3006. Wetlands and Vernal Pools – *Not applicable.* The standards in § 3006 only apply to wetlands or vernal pools documented on the Montpelier Natural Resources Inventory Map. Staff confirmed that there are no such wetlands or vernal pools on or within 50 feet of the parcel through a visual inspection of the Map.
11. Section 3007. Steep Slopes – Section 3007 applies to land development that proposes to disturb or clear land on steep slopes that exceeds the threshold amounts specified in Figure 3-08, all of which are 15% or greater. *Not applicable, no land being disturbed.*
12. Section 3008. Erosion Control – The provisions of this section apply to land development that proposes to disturb or clear land on steep slopes that exceed the threshold amounts specified in Figure 3-08. *Not applicable, no land being disturbed or cleared.*
13. Section 3009. Stormwater Management – Section 3009 outlines the requirements for stormwater management and requires that storm sewer system and other drainage improvements shall be in accordance with plans approved by the Director of Public Works. In no case shall stormwater discharge into a city sewer system if a separate system exists.
 - A. *Not applicable. No changes to impervious surface or alterations likely to alter stormwater flows are proposed.*
 - B. *DPW raised no concerns with this application.*
14. Section 3010. Access and Circulation – The purpose of this section is to promote safe and efficient access to and circulation within a property for vehicular, bicycle, and pedestrian traffic.
 - A. Vehicular access. Section 3010(B) requires that all lots being developed or redeveloped provide vehicular access from the street in accordance with any city public works specifications, VTrans' B-71 Standard, and the standards listed in § 3010. Those standards include:
 - i. General. All proposed land development shall be designed with adequate access and circulation to prevent traffic congestion on the street and traffic conflicts (including service vehicles, passenger vehicles, parking, drive through lanes, bicyclists and pedestrians) within the site.
 - ii. State or Class 1 highways. *Not applicable, College Street is a Class 3 road.*

- iii. Number. Shared access between adjacent properties is strongly encouraged. A lot may be served by only one access point except, that a corner lot that does not front on a State or Class 1 highway may have one access point on each street, provided that the spacing requirements are met. § 3010.B(3).
 - a. *Not applicable, no changes to access proposed.*
- iv. Spacing. Access points shall be spaced as specified in Fig. 3-11. Spacing for the MUR district is a minimum of 50 feet to any intersection and 30 feet between other driveways.
 - a. Both driveways to access the parking at the rear of the subject lot are directly across from street intersections (those of Ridge and East State with College Street).
- v. Cross access. *Not applicable here, where no changes to access or impermeable surface is proposed.*
- vi. Length. § 3010.B(6) requires sufficient driveway length and circulation patterns adequate to prevent queuing in the street.
 - a. The driveways at issue provide access to several previously existing parking lots, extending in a loop behind the main buildings on the parcel. No issues with queuing have been noted.
 - b. DPW raised no issues with the access plan.
- vii. Emergency access. *Not applicable. No changes proposed that impact emergency access.*
 - a. A driveway and parking lots circle the primary buildings on the parcel, with wide walkways along the longer buildings that might be usable as fire lanes.

Staff Comment: The Board may wish to ask Applicant to confirm the fire lane observation. In either event, this is a pre-existing site plan and – as discussed in the Conditional Use analysis below – the new use proposed in this application is likely to be a less intensive use than the NECI student housing in the space currently. DPW raised no concerns with this application.

- viii. Street improvements. “[A]pplicant may need to fully or partially fund or to construct a turn lane, traffic signal, intersection redesign or other street improvements if necessary to accommodate anticipated traffic and minimize congestion as warranted by a traffic study.”
 - a. No changes to traffic flow suggested by application.
- ix. Non-conformities. Nonconformities must come into conformance when changes are proposed to the site layout, access, or circulation.

Staff Findings: As applicant proposes no changes to the site layout, access points, or circulation, this proposal meets the requirements of § 3010, as any failures to comply with specific requirements (such as the distance between points of access to the parking lots and intersections) are nonconformities that may remain unchanged.

15. Section 3011. Parking and Loading Areas – Section 3011 is intended to ensure that development provides adequate off-street parking and loading areas to avoid congestion on surrounding streets while also avoiding excessive parking that results in increased flooding, decreased water quality, increased land consumption and sprawl, and a less attractive and pedestrian friendly environment.

- A. Amount of Parking (§ 3011.C and D) Per the Figure 3-13 requirements, residential uses other than “single-family, accessory, multi-family, retirement housing, assisted living or nursing homes” requires 0.5 parking spaces per bed for congregate living configurations. No more than twice that may be created without the Board’s approval following a parking study. Section 3011.H(1) requires that parking spaces be 18 feet long by 8.5 feet wide.
- B. Per § 3011.C(3), “the Board may waive some or all of the minimum parking requirements to the extent that ... (b) The applicant meets the requirements for shared parking in Paragraph 3011.E; (c) There is adequate on-street or public parking available within 1,000 feet of the proposed development to meet all or a portion of the demand; (d) there is an existing or proposed public transit stop within ¼ mile of the proposed development.”
 - i. Per the application materials, the proposal is for either 22 or 25 “beds.” Therefore, a minimum of either 11 or 13 off-street parking spaces are required for the proposed new use, unless a waiver is requested and granted.
 - ii. Per the Parking Plan and Project Narrative, lessees will have access to 11 off-street parking in the parking lots at the rear of the parcel (where there are a total of 118 parking spaces), as well as on-street parking.

Staff Finding: Provided that Applicant confirms the number of beds in the proposal is 22 (maximum), VCFA will have the minimum number of off-street parking spaces – 11 – available, meeting the requirements of § 3011. However, see the Shared Parking analysis below.

Further, as noted above, the Board has the option of waiving some or all of the minimum off-street parking requirements, should Applicant demonstrate any § 3011.C(3) factors.

- C. Shared Parking. A shared parking plan may be approved to allow parking to be shared by two or more uses or to be provided off-site so long as the following are met: (1) Minimum parking requirements for each use as determined per the requirements of Figures 3-13 and 3-14, with the highest requirement used as the minimum use; (2) Shared off-site parking shall be located within a 1,000 foot walk of the associated use(s); (3) Applicant provides a written shared parking agreement between “owners and lessees” executed for a minimum of 20 years; and 4) Applicant supplies plans showing “the locations of the use(s) or structure(s) for which shared or off-site parking shall be provided, the location of the parking, and the schedule of times used by those sharing the parking.”
 - i. **Staff requested that Applicant provide more details regarding the parking requirements of the other uses on the subject parcel, as well as parking used for other parcels.**

- ii. Strictly interpreted, this is a shared parking arrangement, requiring the above submissions, as VCFA's prior AI-PUD is expired, so each parcel is subject to the MUR standards and other 2019 Regulations individually.
- iii. However, all parking, buildings, and parcels involved are owned by VCFA. Further, with regard to proposed new use, the entrances to 41 College Street are within at least 200 feet of a variety of parking spaces at the back of the parcel.

Staff Comment: Presuming Applicant confirms that the proposal correlates to an allowable use under the 2019 Regulations, Board members should ask Applicant for shared parking details, including confirmation that there is sufficient off-street parking for all applicable uses or (if necessary) confirmation of factors necessary for a waiver of some of the off-street minimum parking requirements.

- D. Loading Areas. *Not applicable, no loading areas on the parcel, proposed, or required.*
- E. Locational Standards. Per § 3011.G, parking areas: (1) must be on the same lot, unless compliant with the shared parking provision; (2) must be located behind the frontline of the building; and (3) are encouraged to be behind buildings.
 - i. See images above, showing parking areas generally behind the frontline of the buildings on the same parcel as the proposed use.
 - ii. Applicant proposes no changes to the current parking layout.
- F. Dimensional Standards. Section 3011.H(1) requires that parking spaces be 18 feet long by 8.5 feet wide. Further, access aisles should be a minimum of 20 feet wide.
 - i. Applicant has not provided dimensions for the subject parking spaces. However, Applicant proposes no changes to the current parking layout or circulation.
- G. Design, Construction, and Maintenance Standards.
 - i. This application proposes no changes to the current layout, design, or maintenance of the parking lots.
- H. Nonconforming Parking and Loading Areas. § 3011.J
 - i. Sites with nonconforming parking and loading areas shall come into conformance with § 3011 to the maximum extent feasible "when there is going to be an increase in the amount of parking, a change in the location of parking on the site, or a substantial change to the site layout, access and circulation."

Staff Findings: Staff requested that **Applicant confirm the maximum number of parking spaces that may be required with the proposed change of use (based on the number of beds provided).**

Provided that this number of spaces doesn't exceed those used currently for student housing, there will be no "increase in the amount of parking" or other factors that trigger bringing

nonconforming parking areas into compliance under § 3011.J.

16. Section 3012. Signs – *Not applicable. No signs being proposed.*

Chapter 320 Site Plan Standards: *The purpose of Chapter 320 is to establish additional standards for proposed land development subject to site plan review (land development other than one- and two-family dwellings).*

17. Section 3201. Major/Minor Site Plan Determination: Section 3201 classifies site plans as follows:

- (1) The following shall require major site plan review:
 - (a) Construction of new principal buildings.
 - (b) Major renovations of existing principal buildings.
 - (c) Construction of more than 10 new parking spaces or 2,000 square feet of impervious surface.
 - (d) Construction of an accessory structure with a footprint of more than 2,000 square feet or a height of more than 24 feet.
 - (e) Construction of an addition of more than 2,000 square feet to an existing building.
- (2) All other applications shall require minor site plan review.

A. No structures are being constructed, no impervious surface added, and no parking spaces added.

Staff Finding: This application is for Minor site plan approval.

18. Section 3202. Access and Circulation

- A. Bicycle access. Bicycle access and storage may be required by the Board.
 - i. Per the Project Narrative, lessees will have access to on campus bike storage, both external racks and internal secure storage.
- B. Pedestrian access. All development [must] provide safe and convenient pedestrian access including (1) public sidewalks; (2) continuous internal pedestrian walkways are required as follows... (3) walkways be provided between the parking area(s) and building entrance(s); and (4) the proposed development enables energy efficient modes of transportation such as walking, biking, transit, electric vehicles, carpooling, car sharing as feasible given the location and use.
 - i. Applicant is not proposing changes to any of the current pedestrian access routes.
 - ii. There is a sidewalk on the near side of College Street, as well as internal paved walkways on the subject parcel. No additional public sidewalk is required for this proposal. § 3202.B(1).
 - iii. Further, the VCFA green on the opposite side of College Street contains internal paved walkways for crossing the green without having to navigate around it on the public sidewalks.

- iv. There are paved walkways to the rear of 41 College Street for accessing the parking areas.

Staff Findings: Pedestrian facilities are fully developed, with sufficient sidewalks and internal walkways, as well as a nearby bus stop and bicycle storage options for lessees. Therefore, this application meets the requirements of § 3202.

19. Section 3203. Landscaping and Screening – The purpose of this section is to protect quality of life and community character by: (1) Enhancing the appearance of the built environment as viewed from public vantage points; (2) Creating shade along sidewalks and walkways, and within parking lots; (3) Providing a landscaped buffer between residential and nonresidential land uses; and (4) Screening land uses and development that create visual clutter and distraction.

A. Section 3203.B requires a landscaping and screening plan for all site plan applications except for “changes of use where sites have previously been developed in accordance with an approved site plan and where the proposed development will not change, or be required to change, any landscaping or screening.”

- i. Application is for a change of use on a parcel that has been previously developed in accordance with an approved site plan. No new landscaping is proposed, and Staff has found no requirements for external changes to the site plan based on the proposed application scope.

Staff Finding: Unless the Board requires a change to the Site Plan for compliance with another provision of the 2019 Regulations that results in additional landscaping or screening requirements, this Application for a change of use on a parcel that has been previously developed in accordance with an approved site plan is exempt from the § 3203 landscaping and screening requirements.

20. Section 3204. Outdoor Lighting – *Not applicable, no outdoor lighting changes proposed.*

21. Section 3205. Outdoor Seating, Display or Storage – *Applicant is not proposing any outdoor seating, display or storage therefore the provisions do not apply.*

22. Section 3206. Solar Access and Shading and Energy Conservation (Major) – The standards of this section apply to any land development requiring major site plan review not located within the Urban Center 1, Urban Center 2, Urban Center 3 or Riverfront districts.

A. *The provisions do not apply, as this is a minor site plan. Further, the proposed development doesn't include the construction of any structures that would increase shade or otherwise interfere with the solar access of any nearby properties.*

23. Section 3207. Design and Compatibility – Section 3207 requires architectural standards for all projects requiring major site plan approval.

A. *As a minor site plan, the provisions do not apply. Further inapplicable, as no structures being built.*

Chapter 330 Conditional Use Standards: *All land development listed as a conditional use in Part 2 of these regulations shall conform to the standards of this chapter.*

24. Section 3302. Capacity of Community Facilities and Utilities – The applicant shall demonstrate that the proposed development shall not cause a disproportionate or unreasonable burden on the city’s ability to provide community facilities and utilities including: (1) local schools; (2) police, fire protection, and ambulance service; (3) street infrastructure and maintenance; (4) parks and recreation facilities; (5) water supply, sewage disposal and stormwater systems and infrastructure.
- A. As noted on Applicant’s Request for Conditional Use Review NECI currently uses the dorm rooms at 41 College Street for its students, with the number ranging from 30-60 depending on enrollment. The proposed artists’ coop housing would be 22-25 “units” and therefore likely fewer individuals and less demand on municipal facilities, utilities, and infrastructure than currently.

Staff Comment: Although Applicant’s points are generally valid, there is the question of where NECI’s students will be housed when no longer using 41 College Street. Will they still be in Montpelier? The demand on municipal capacity at this particular building may not increase, but if this project brings new people to Montpelier (versus just creating new living options for those already within the City) – there will be some increased use of municipal facilities and utilities, even if minimal.

The Board may wish to discuss this criterion and determine if it needs more information from Applicant, or if the potential for increased demand is small enough that the Board is comfortable with the information provided.

25. Section 3303. Traffic. The applicant shall demonstrate that the proposed development will not have an undue adverse effect upon the traffic in the area including:
- A. That the volume, type and timing of traffic generated by the proposed development shall not be substantially greater than what would normally occur at nearby uses or other uses permitted in the neighborhood.
- B. That the traffic generated by the proposed development shall not unreasonably and disproportionately contribute to a reduced level of service for affected streets, intersections, and for all modes of travel.
- C. That reasonable measures have been taken to minimize or mitigate the amount of vehicular traffic generated by the proposed development.
- i. Per the Request for Conditional Use Review, “30 NECI students currently live in the dorms, some with cars and some without. The [] artists would be in the same situation. Similar [numbers] so no increase to traffic.” The application materials state that a reduced number of building residents will result in a decrease in traffic, so there will be neither reduced level of service nor a need to mitigate traffic generated by the proposal.
- D. Section 3303.B requires a professional traffic impact study when proposed development is expected to generate 75 or more new trips during the am or pm peak

hour on Class 1 roads, and 50 or more new trips during the am or pm peak hours on Class 2 and 3 roads.

- i. The nearby portions of College and East State Streets are Class 3 roads.

Staff Comment: Given the proposed number of artist units, it appears highly unlikely that 50 or more new trips will be generated by this new use. So a traffic study isn't warranted. Further, it appears likely that the change in use would result in the same amount of daily traffic as exists currently – and perhaps less – given that the artists would have studio space next to their living space.

There is the question of potential traffic from the yearly exhibition/showing that VCFA plans to curate with the resident artists. However, this would be annual event traffic, not daily – so it appears likely that VCFA could schedule those events during lower traffic times.

26. Section 3304 Character of the Neighborhood standards. The applicant shall demonstrate that the proposed development shall not have an undue adverse effect upon the character of the neighborhood.

- A. The subject parcel is in the College Hill – East State Street Neighborhood, described as a:

“neighborhood east of downtown [that] includes the campus of the Vermont College of Fine Arts, as well as historic homes along major streets, many of which have been converted to multi-family or mixed-use buildings. The institutional properties have a substantial amount of greenspace that enhances the neighborhood. Proposed land development should protect the historic character and appeal of this neighborhood while allowing for compatible infill development and adaptive reuse of older institutional and residential structures.”

- B. Architectural compatibility; § 3304.A(1). New development shall be architecturally compatible with the neighborhood through relationships of scale, massing, siting, detail, and materials.

- i. *Not applicable, no new structures or exterior changes to current structures are proposed.*

- C. Yards, Lot coverage, and Landscaping; § 3304.A(2). New development shall maintain a sense of open space that is appropriate to the neighborhood by balancing the size of the building's footprint with the mass of the structure and the size of the lot. This does not mean that new development cannot reduce the total amount of greenspace within the neighborhood. Rather, the balance of building area to open space shall be typical of the neighborhood and the structure shall be sized and located on the site to maintain the pattern of greenspace existing in the neighborhood. ...

- i. *Not applicable, no change to the amount of greenspace on the parcel is proposed.*
 - ii. Further, Applicant stipulated in the Request for Conditional Use Review that the subject building “has a large front yard with mature trees.
 - iii. Additionally, the VCFA green is directly across College Street from the

parcel involved and will not be impacted by this use of space.

D. Performance Standards. Per § 3305.A, the Board may impose conditions deemed necessary to further the purposes of Chapter 330, including, performance standards under Subsection 4505.E.

- i. Per Applicant, the project is not expected to contribute any of the following to the College Street – East Main Street Neighborhood: noise, glare, odors, vibration, electrical or radio interference, waste storage needs, particulate matter or airborne solids, or flammable, toxic, or hazardous substances or wastes.
- ii. Applicant notes in the Request for Conditional Use Review that no changes to lighting are proposed, and with “fewer residents noise could decrease.”

Staff Comment: Although there are no concerns related to architecture or the greenspace, the Board may want to obtain some more information from Applicant regarding the performance standards issues. For example, will Applicant limit the medium in which resident artists can work within the building? Will performance art, musicians, or metal workers be allowed? How will Applicant verify that the artists in residence will limit their work to types that don’t produce undue noise or odor, or pose some sort of safety risk? What type of authority will the resident program manager have should there be a problem?

Staff Findings: Before the Board can determine whether or not to grant Applicant’s Request for Conditional Use Review, it must make the traffic impact and performance standards determinations as detailed above, and determine whether or not imposition of related conditions might alleviate any concerns. For example, does the Board feel that it’s necessary to mandate certain terms in Applicant’s lease agreement for this use?

Staff Suggested Action: Before any Motion to Approve Application #Z-2019-0033, the following issues must be resolved (as detailed above, along with more minor determinations):

(1) Is the proposed use properly classified as a congregate living use? § 3001, at #5.

(2) What are the maximum number of “beds” that will be available, and therefore the minimum number of parking spaces required? § 3011, at #15.

A. Confirm the shared-parking plan details. At #15.C.

(3) Does the Board need to consider broader traffic impacts or additional performance standard issues? §§ 3303 and 3004, at ##26 and 26.

Staff Suggested Motion Options:

- ❖ Motion to approve artists coop housing as a congregate living Conditional Use at 41 College Street, as presented in the application dated 4/3/2019 and supporting materials, [subject to the following conditions of approval]:

[Board to add any conditions.]

MONTPELIER DEVELOPMENT REVIEW BOARD REPORT

Prepared by Meredith Strobridge Crandall, Planning and Zoning Administrator

Date: May 4, 2019

For the meeting of May 6, 2019

PLANNED UNIT DEVELOPMENT

SKETCH PLAN REVIEW

Applicant: Jeff Stetter

Owner: Statewide Corporation (Paul Lee, Agent)

Address: Upper Main St.

Application # Z-2019-0036

Zone: Residential 9000



Guiding Ordinance Sections

Chapter 200. General Provisions

Chapter 210. Base Zoning Districts & Neighborhoods

- Section 2111. Residential 9000 (RES 9) Zoning District & Neighborhoods

Chapter 300. General Standards

- Section 3001. Use Standards
- Section 3002. Dimensional Standards
- Section 3003. Accessory Structures and Uses
- Section 3005. Riparian Areas
- Section 3007. Steep Slopes
- Section 3008. Erosion Control
- Section 3009. Stormwater Management
- Section 3010. Access and Circulation
- Section 3011. Parking and Loading Areas
- Section 3012. Signs

Chapter 320. Site Plan Standards

- Section 3201. Major/Minor Site Plan Determination
- Section 3202. Access and Circulation
- Section 3203. Landscaping and Screening
- Section 3204. Outdoor Lighting
- Section 3205. Outdoor Seating, Display or Storage
- Section 3206. Solar Access and Shading and Energy Conservation
- Section 3207. Design and Compatibility

Chapter 340. Planned Unit Development Standards

- Section 3401. Infill Housing Development

Chapter 350. Subdivision Standards

- Section 3501. Applicability
- Section 3502. Capacity of Community Facilities and Utilities
- Section 3503. Suitability of Land
- Section 3504. Traffic
- Section 3505. Design and Configuration of Parcel Boundaries
- Section 3506. Design and Layout of Necessary Improvements
- Section 3507. Character of the Neighborhood and Settlement Pattern
- Section 3508. Renewable Energy and Conservation
- Section 3509. Natural Resource Protection

Chapter 430. Development Review Procedures

Chapter 440. Subdivision and PUD Review Procedures

Materials Submitted:

- a) Development Application, dated April 11, 2019;
- b) List of applicable zoning provisions with Applicant's analysis and/or responses, pp. 1–3, dated April 11, 2019 (the "Project Narrative");
- c) Zoning Permit Attachment, dated March 24, 2019;
- d) Subdivision Attachment, dated April 11, 2019;
- e) Slope Analysis Plan, for Jeff Stetter, Upper Main Street, by Grenier Engineering, PC, dated March 22, 2019 (the "Slopes Plan");
- f) Site Plan for Upper Main Street – including soil type data, for Jeff Stetter, Upper Main Street, by Grenier Engineering, PC, dated March 22, 2019 (the "Existing Site Plan");
- g) Stetter Large Scale Site Plan for Upper Main Street, Sheet # A-01, issued March 18, 2019;
- h) Stetter Upper Main Street Site Photos, Sheet #A-02, issued March 18, 2019;
- i) Stetter Site Plan for Upper Main Street, Sheet #A-03, issued March 18, 2019 (the "Sketch Plan");
- j) Stetter Disturbance Plan for Upper Main Street, Sheet #A-04, issued March 18, 2019; and
- k) Survey of C.H. & E.M Murray Parcel, for New England Telephone & Telegraph Co., by Fred C. Koerner, dated December 1970, Sheet #A-05.

Project Scope & Applicant Request

Applicant seeks sketch plan review for a four-unit, single building infill housing planned unit development on Upper Main Street, including construction of a new gravel driveway and parking area. The approximately 1,800 SF building (+/- 900 SF footprint) will contain: (a) three, small 1-bedroom units; and (b) one 2-bedroom unit occupied by Applicant. Applicant intends the building to be net zero ready,

The subject parcel is located in the Residential 9000 ("RES 9") Zoning District. The Administrative Officer organized a Technical Review Committee meeting, held on Monday, April 29, 2019, with Ms. Crandall, Mr. Stetter, Tom McArdle – Director of Public Works, Kurt Motyka – Assistant Director of Public Works, Chris Lumbrá – Building Inspector, and Robert Gowans – Fire Chief, attending. Comments and outstanding information requests from that meeting are incorporated in the analysis below.

The Application will first be reviewed by the Development Review Board (the “Board”) on May 6, 2019.

STAFF REVIEW & COMMENTS

1. Existing Conditions: The subject parcel is a 1.17 acre (50,965+ SF) section of generally undeveloped land containing various degrees of slope within the propose area of disturbance, including some $\geq 30\%$.

Power lines run along the eastern edge of the property, parallel to Upper Main Street. The parcel is not serviced by municipal water and sewer.
2. Location: The subject parcel is in the Murray Hill Neighborhood in the RES 9 Zoning District, in a wooded area along the western side of Upper Main Street, between Murray Hill Drive and the Vermont Compost Company. The parcel shares its western boundary with the Murray Hill PUD.
3. Permit/Parcel History: Previously owned by the New England Telephone & Telegraph Co., Applicant is in the process of purchasing the parcel from Owner, such sale dependent – in part – on the likelihood of Applicant obtaining necessary permits.
4. Procedural Status: To obtain approval, Planned Unit Developments must: (A) meet the general standards of Chapter 300; (B) comply with the subdivision standards, per § 4401.A; and (C) be reviewed under the applicable site plan requirements per §§ 4401.A(1) and 4305.

Further, as the development proposes disturbing land on slopes of $\geq 30\%$, a higher level of scrutiny will apply to the grading plan, erosion control, and structural engineering involved in the project.

As this is Sketch Plan review, the Board won’t make a decision at this hearing. Instead, this is a chance for the Board to provide the Applicant with feedback regarding whether or not the Board might grant the subdivision request, as well as what additional information might be helpful for the Board in making such a decision.

CHAPTER 300 GENERAL STANDARDS

5. Section 3001. Use Standards
 - A. Applicability. Per § 3001.A(2), PUD’s are exempt from the use standards for specific zoning districts, but must comply with the PUD-specific use requirements.
 - i. Per § 3401.B, infill housing developments are permitted in the RES 9 District on parcels that are not more than 2 acres in size.
 - ii. Further, per § 3401.E (Use Standards) states that “[a]ny residential uses *shall be permitted* within an infill housing development, whether or not they are allowed within the applicable district.” [Emphasis added.]
 - a. This is a proposal for a four-unit PUD, on a parcel that is less than 2 acres.

Staff Findings: Because this is an application for an infill housing PUD, the proposal is

exempt from the § 3001 use standards. Further, as the parcel is less than 2 acres, the proposed four units comply with the PUD-specific use requirements of § 3401.

6. Section 3002. Dimensional Standards

- A. Applicability. Typically, land development shall conform to the dimensional standards for the applicable zoning district, as set in Chapter 200. Figure 2-07 establishes the dimensional standards for development in the RES 9 District as follows:

Figure 2-11. Residential 9000 District Dimensional Standards

LOTS	SETBACKS	DENSITY	BUILDINGS
Lot size: 9,000 sf min Frontage: 75 ft min Coverage: 40% max	Front: 20 ft min Side: 15 ft min Rear: 30 ft min Water: 25 ft min	Residential: 1 du/9,000 sf max Nonresidential: 0.5 FAR max	Footprint: 2,500 sf max Height: 35 ft max

Note 1 See Section 3002 for specific information and any exceptions regarding dimensional standards. Accessory structures may have reduced dimensional standards (see Section 3003 for specific details regarding accessory structures).

- B. However, certain dimensional requirements are waived for PUDs approved per Chapter 440. Specifically, Infill PUD applicants “may apply to: (1) modify lot size, frontage and setback requirements within the site” so long as the proposal meets the District-specific setback standards around the perimeter of the site and the water setback standards; and (2) “increase the maximum building height by up to 10 feet above the district standard.” § 3401.D.
- C. With one building, and no surface water features on the parcel, this Infill PUD proposal must meet the perimeter setbacks, coverage, and footprint requirements.
- i. The parcel is 1.17 acres (50,965+ SF).
 - ii. Post development coverage is proposed to be 13%
 - iii. The Proposed Site Plan shows a single building, with parking area and driveway that complies with the setback requirements. (Clearly, driveways are allowed a 0-foot setback. Figure 3-07.) Specifically:
 - a. Front – 79+ feet;
 - b. Rear – 50 feet;
 - c. South Side – 27+ feet;
 - d. North Side – 168+ feet.
 - iv. Further, Applicant isn’t requesting a frontage waiver – frontage equals 282+ feet.
- D. Calculating Density: § 3002.D.
- i. In RES 9, residential density is typically calculated as 1 dwelling unit per each 9,000 SF of “buildable area.” § 3002.C and Figure 2-11.
 - ii. “Buildable area” on a parcel doesn’t include land with a slope of $\geq 30\%$. § 3002.C(2)(a).
 - a. The subject parcel is 50,965 SF total, but per the Slopes Map, has 22,503.38 SF of land with $\geq 30\%$ slopes. Therefore, the total buildable area is only 28,461.62 SF.
 - b. Typically, 28,461.62 SF in RES 9 equals a maximum of 3 dwelling units.

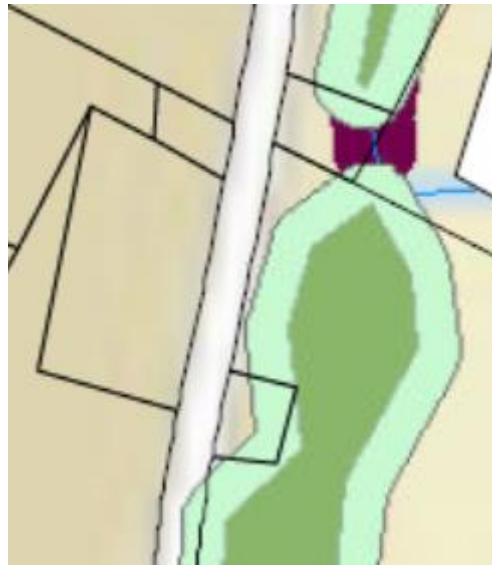
- iii. However, per § 3401.C, In-fill PUDs may apply for a density bonus of up to 50% if each of the “additional dwelling units meets at least three” of the § 3401.C(1)-(6) criteria:
 - a. The unit shall be affordable, as defined in these regulations.
 - b. The unit shall qualify as senior housing, as defined in these regulations.
 - c. The unit shall be visitable or accessible, as defined in these regulations.
 - d. The unit shall have a total habitable floor area of 1,200 square feet or less.
 - e. The unit shall achieve a pre-photovoltaic HERS (home energy rating system) index score of 50 or less.
 - f. The unit shall have direct access to at least 60 square feet of private or semi-private outdoor space such as a porch, deck, balcony, patio, courtyard or atrium.
- iv. Per the Project Narrative, Applicant is committing to meeting three of the four criteria listed in (c) – (f) above in the fourth unit.
 - a. Accessible means “a site, building, dwelling or other facility that complies with the standards of the Americans with Disabilities Act (ADA) and that can be approached, entered and used by people with physical disabilities or impairments.” § 5101.A(4).
 - b. Visitable means “a dwelling unit designed to make it easier for people with physical disabilities and impairments to live in and visit. Such units shall have at least one zero-step entrance approached by an accessible route, wide passage doors (at least 32 inches clear space), and a half bath (and preferably a full bath) on the main floor.” § 5101.V(4).
 - c. At least three of the units will be less than 1,200 SF.
 - d. The Development Application notes that the proposal will be “net zero ready, with a highly insulated shell with setup for future rooftop solar.
 - e. The proposal includes a 12 foot deep by 22+ foot wide (264+ SF) deck on the southern end of the building.
 - 1) The application doesn’t describe which apartments have access to the deck.

- E. Height. Height is measured “as the vertical distance from the highest point of the structure (excluding building elements in Paragraph **Error! Reference source not found.** above) to the average of the highest and lowest points where the exterior wall meets the finish grade.” § 3002.H(5).
 - i. Per Applicant, the proposed structure is 29 feet high, 33 feet at the highest point from finished grade in the front.

Staff Comments: During Final Review, Applicant will need to provide additional information regarding how the proposal will meet the density bonus criteria.

However, the proposal meets all other applicable dimensional requirements for Infill PUDs in the RES 9 District. Further, Applicant could still request an up to 10-foot waiver from the height maximum, should additional square footage be needed.

7. Section 3003. Accessory Structures and Uses: See above discussion at #6 regarding setbacks and the driveway.
8. Section 3004. Demolition – *Not applicable. No demolition is proposed.*
9. Section 3005. Riparian Areas – *Not applicable. No regulated water bodies or water setbacks on property, or within approximately 50 feet of the property. See Montpelier Natural Resource Inventory Map excerpt.*
10. Section 3006. Wetlands and Vernal Pools – *Not applicable.* The standards in § 3006 only apply to wetlands or vernal pools documented on the Montpelier Natural Resources Inventory Map. Staff confirmed that there are no such wetlands or vernal pools on or within 50 feet of the parcel through a visual inspection of the Map.
11. Section 3007. Steep Slopes – Section 3007 applies to land development that proposes to disturb or clear land on steep slopes that exceeds the threshold amounts specified in Figure 3-08, all of which are 15% or greater.
 - A. The purposes of § 3007 are to: (1) Protect public safety and property; (2) Minimize the potential for erosion, runoff, flooding and degradation of water quality; and (3) Avoid the increased cost of providing services to remote or difficult to access land. § 3007.A.
 - B. **Per §§ 3007.E & F, any development of land with $\geq 30\%$ slopes requires a grading plan that is signed and sealed by a licensed engineer and a hearing before the DRB.** See also Figures 3-08 and 3-09. [Staff Note – Figure 3-09 is titled “Engineered Plan Required” – so the “engineering plan” language quoted here appears to be a typo.]
 - C. The hearing requirement detailed in § 3007.E specifies that the hearing must be “in accordance with the process for conditional use review outlined in Chapter 450.”



Staff Comment: The hearing requirements contained in Chapter 450 are all related to the process. There is no requirement that this application meet the conditional use standards.

- i. **This Infill PUD proposal includes development on slopes of $\geq 30\%$.**
- ii. **Therefore, when reviewing the Final Application – particularly the engineered grading plan and other structural designs – the Board will have to consider the extent to which the proposed development conforms to the**

design standards established in § 3007.H. Specifically, “to the maximum extent feasible, development on steep slopes shall be designed to:”

- a. Limit the amount of disturbance, clearing of existing natural vegetation and impervious surface in order to minimize potential for erosion, stormwater runoff, flooding and water quality impairment.
- b. Not create slopes steeper than 30%.
- c. Preserve distinctive natural features, the general topography of the site and existing natural vegetation.
- d. Maintain or reduce the pre-existing rate, and retain the pattern, of stormwater runoff leaving the property.
- e. Produce a final grade that is compatible with surrounding natural terrain.
- f. Create a harmonious transition between graded slopes and the natural terrain.
- g. Avoid creating continuous unbroken slopes or linear slopes.
- h. Contour graded slopes by varying the slope increment to produce a final grade that undulates both vertically and horizontally.
- i. Vary cut-and-fill banks and terraces to produce a final grade that has visual interest and allows for naturalistic landscaping.
- j. Consider use of retaining walls and terracing rather than cut-and-fill banks.
- k. Vary the pad elevations on sites with multiple structures to follow the natural terrain.
- l. Provide roads and drives that follow existing contours.
- m. Use compact building forms and or multi-story buildings to minimize building footprint.
- n. Use split- or multi-level building forms that step up or down the slope.

Staff Comment: Given the exploratory nature of this particular Sketch Plan application, Staff has not required the above from Applicant at this time. However, **Staff advised Applicant that a signed and sealed engineered grading plan (showing existing and proposed grades) will need to be part of the Final Application.** See Applicant note on Project Narrative.

Additionally, for development on Steep Slopes, the Departments of Planning and Economic Development and Public Works have been asking Applicants to provide:

- I. Engineered Foundation and/or Retaining Wall Plans stamped by a professional engineer registered in Vermont;**
- II. Erosion Prevention and Sediment Control Plans (consistent with § 3008);**
- III. All drainage and/or swale information; and**
- IV. A letter from a VT licensed professional engineer indicating that the project will not have an adverse impact on slope stability.**

12. Section 3008. Erosion Control – The provisions of this section apply to land development that proposes to disturb or clear land on steep slopes that exceed the threshold amounts specified in Figure 3-08.

- A. Per Figure 3-08, erosion control plans are required for development disturbing any amount of soil on slopes steeper than 25%.
- B. Per § 3008.C, the erosion control plan must be “professionally prepared ... in accordance with the *Vermont Standards and Specifications for Erosion Prevention and Sediment Control*.”

Staff Comment: Given the exploratory nature of this particular Sketch Plan application, Staff has not required Applicant to submit an erosion control plan at this time, but one is required for the Final Application. See Applicant’s note on Project Narrative.

13. Section 3009. Stormwater Management – Section 3009 outlines the requirements for stormwater management and requires that storm sewer system and other drainage improvements shall be in accordance with plans approved by the Director of Public Works. In no case shall stormwater discharge into a city sewer system if a separate system exists.

- A. Stormwater was discussed during the April 29th TRC meeting, with DPW advising Applicant that a ditch or swale may be needed above the driveway, and a suggestion to explore running 15 inch (minimum – larger if collecting water above the driveway) culverts under the driveway so that flows could filter through the wooded buffer between the building site and Main Street before joining the flows in the ditching along the road.

Staff Comment: Given the exploratory nature of this particular Sketch Plan application, Staff has not required Applicant to submit a stormwater management plan at this time, but one is required for the Final Application. See Applicant’s note on Project Narrative.

14. Section 3010. Access and Circulation – The purpose of this section is to promote safe and efficient access to and circulation within a property for vehicular, bicycle, and pedestrian traffic.

- A. Vehicular access. Section 3010(B) requires that all lots being developed or redeveloped provide vehicular access from the street in accordance with any city public works specifications, VTrans’ B-71 Standard, and the standards listed in § 3010. Those standards include:
 - i. General. All proposed land development shall be designed with adequate access and circulation to prevent traffic congestion on the street and traffic conflicts (including service vehicles, passenger vehicles, parking, drive through lanes, bicyclists and pedestrians) within the site.
 - a. Per Project Narrative, driveway will be constructed according to VTRANS B-71 Standard and City Standards.
 - ii. State or Class 1 highways. *Not applicable, Main Street on this section is a Class 2 road.*
 - iii. Number. Shared access between adjacent properties is strongly encouraged. A lot may be served by only one access point except, that a corner lot that does not front on a State or Class 1 highway may have one access point on each street, provided that the spacing requirements are met. § 3010.B(3).
 - a. *Not applicable, not a corner lot. Remaining language is optional, and sharing access with adjacent properties isn’t practical for this parcel.*

- iv. Spacing. Access points shall be spaced as specified in Fig. 3-11. Spacing for the RES 9 district is a minimum of 100 feet to any intersection and 45 feet between other driveways.
 - a. The proposed access point shown on the Sketch Plan is:
 - 1) More than 100 feet from the nearest driveway - the adjacent pull off isn't a "driveway" as it doesn't "provide access to a parking space, loading area, garage or other structure" per the definition of driveway at § 5101.D(11); and
 - 2) More than 1000 feet from the closest intersection.
- v. Cross access. *Not applicable. Applies only to nonresidential and mixed-use development.*
- vi. Length. § 3010.B(6) requires sufficient driveway length and circulation patterns adequate to prevent queuing in the street.
- vii. Emergency access. § 3010.B(7) states that "all proposed land development shall provide adequate access for emergency vehicles including fire lanes, pull-offs and turnarounds as necessary to accommodate emergency vehicles."

Staff Comment: The driveway length and width, and the ability for emergency vehicles (particularly ambulances) was discussed at length during the April 29th TRC meeting. Although there's room at the building site for cars to turn around using the assigned parking spaces under the building, concerns were expressed regarding: (i) the ability for ambulances to turn around at the top of the driveway; (ii) cars entering the driveway at the bottom at the same time that a car is part way down to exit; and (iii) delivery vehicles and moving trucks.

Ultimately, Chief Gowans was willing to have firetrucks back down the driveway, but Chief Gowans and Mr. Lumbra require that ambulances be able to turn around quickly at the top of the driveway without resident vehicles having to move. Possible options discussed: (a) adding a turnaround area to the north of the building; (b) leaving one of the "parking" spots under building as a designated turn-around and increasing the height of the building to allow access by ambulances.

TRC members also discussed requiring that the first 40-50 feet of the lower section of the driveway be wide enough for two-lanes. Applicant to confer with Mr. Gowans regarding what width is necessary for access by fire engines.

- viii. Street improvements. "[A]pplicant may need to fully or partially fund or to construct a turn lane, traffic signal, intersection redesign or other street improvements if necessary to accommodate anticipated traffic and minimize congestion as warranted by a traffic study."
 - a. Application proposes the addition of four units.

Staff Comment: Traffic increases from four new units (3 one-bedrooms, 1 owner-occupied two-bedroom) are not anticipated to require street improvements, and DPW didn't raise any traffic issues. However, see analysis regarding Traffic and Subdivisions under § 3504, below.

15. Section 3011. Parking and Loading Areas – Section 3011 is intended to ensure that development provides adequate off-street parking and loading areas to avoid congestion on surrounding streets while also avoiding excessive parking that results in increased flooding, decreased water quality, increased land consumption and sprawl, and a less attractive and pedestrian friendly environment.

A. Amount of Parking (§ 3011.C and D) Per the Figure 3-13 requirements, four dwelling units will require four parking spaces. No more than twice that may be created without the Board's approval following a parking study. Section 3011.H(1) requires that parking spaces be 18 feet long by 8.5 feet wide.

i. Per the Project Narrative, four covered 9x18 parking spaces will be provided.

B. Shared Parking. *Not applicable. All parking will be on the parcel.*

C. Loading Areas. *Not applicable, no loading areas on the parcel, proposed, or required.*

D. Locational Standards. Per § 3011.G, parking areas: (1) must be on the same lot, unless compliant with the shared parking provision; (2) must be located behind the frontline of the building; and (3) are encouraged to be behind buildings.

i. Parking will be on-site and covered, under the building, and therefore meets locational standards.

E. Dimensional Standards. Section 3011.H(1) requires that parking spaces be 18 feet long by 8.5 feet wide. Further, access aisles should be a minimum of 20 feet wide.

i. See above re: parking spaces.

ii. **Applicant to verify width of driveway behind the parking area during Final Application.**

F. Design, Construction, and Maintenance Standards.

i. Driveway and parking areas will be compacted crushed gravel.

ii. Applicant will also provide an electrical charging station.

Staff Comment: Snow storage and the design of the driveway was discussed during the TRC meeting. Applicant will place a low wall between the driveway and the potential septic field location to prevent cars from leaving the driveway (and to reduce snow banks on top of the septic field). Suggestion was for snow to be stored at the south end of the driveway. However – this would also require a redesign – as a 2-4 foot high concrete block retaining wall is planned for this location.

G. Nonconforming Parking and Loading Areas. § 3011.J. *Not applicable, no current parking or loading areas.*

16. Section 3012. Signs – *Not applicable. No signs proposed.*

Chapter 320 Site Plan Standards: *The purpose of Chapter 320 is to establish additional standards for proposed land development subject to site plan review (land development other than one- and two-family dwellings).*

17. Section 3201. Major/Minor Site Plan Determination: One and two unit dwellings are

exempt from site plan review. Section 3201 classifies site plans as follows:

- (1) The following shall require major site plan review:
 - (a) Construction of new principal buildings.
 - (b) Major renovations of existing principal buildings.
 - (c) Construction of more than 10 new parking spaces or 2,000 square feet of impervious surface.
 - (d) Construction of an accessory structure with a footprint of more than 2,000 square feet or a height of more than 24 feet.
 - (e) Construction of an addition of more than 2,000 square feet to an existing building.
- (2) All other applications shall require minor site plan review.

A. The proposal is for construction of a new principal building with four dwelling units.

Staff Finding: This application is for Major site plan approval.

18. Section 3202. Access and Circulation

- A. Bicycle access. Bicycle access and storage may be required by the Board.
 - i. Per the Project Narrative, the proposal includes bicycle storage for all units.
- B. Pedestrian access. All development [must] provide safe and convenient pedestrian access including (1) public sidewalks; (2) continuous internal pedestrian walkways are required as follows... (3) walkways be provided between the parking area(s) and building entrance(s); and (4) the proposed development enables energy efficient modes of transportation such as walking, biking, transit, electric vehicles, carpooling, car sharing as feasible given the location and use.
 - i. No public sidewalks service the property.
 - ii. Per the Project Narrative”
 - a. “A system of impromptu trails connects pedestrian access to the site with a calculated 28 minute walk to Main Street Middle School at 1.2 miles.”
 - b. Charging stations will be available for electric cars.

Staff Comment: Applicant should clarify the number EV charging stations proposed in Final Application materials.

19. Section 3203. Landscaping and Screening – The purpose of this section is to protect quality of life and community character by: (1) Enhancing the appearance of the built environment as viewed from public vantage points; (2) Creating shade along sidewalks and walkways, and within parking lots; (3) Providing a landscaped buffer between residential and nonresidential land uses; and (4) Screening land uses and development that create visual clutter and distraction.

- A. Per § 3203.C(2), the landscaping plan must be prepared by a licensed landscape architect or certified horticulturalist.
- B. All plantings must meet the specifications detailed in § 3203.E, including minimum planting area. Key for this project, specification 7 states: “Retention of existing

plants on development sites to meet landscaping and screening requirements is strongly encouraged.”

- C. Among other general standards § 3203.F requires that “Where existing plants are retained to meet landscaping and screening requirements, development shall protect the plants as well as the planting area during the construction process.”

Staff Comments: Given the exploratory nature of this particular Sketch Plan application, Staff has not required Applicant to submit a professionally prepared landscaping plan at this time, but one is required for the Final Application. See Applicant’s note on Project Narrative, and Sketch Plan for intent to rely heavily on the existing wooded character of the site. Per Applicant “Existing trees will be selected for their health and there will be removed to promote healthy long term growth of the existing trees.”

- D. Section 3203.G, Street Trees, applies to major site plans, and defines street trees as those within the road right of way and those “where the center of the tree trunk is located within ten feet of the frontage line.”
- i. Where utility lines are existing: (1) Large trees are prohibited where the lowest utility lines are 35 feet or more in height; and (2) Large and medium trees are prohibited where the lowest utility lines are less than 35 feet in height.
 - ii. Per § 3203.G (5), the Board may waive the Street Tree requirement where:
 - (1) Compliance with the street tree requirements would diminish the appearance of the built environment from public vantage points; (2) Existing natural features (e.g. streams, ledge, and wetlands) would make compliance with such standards undesirable or impossible.
 - a. Applicant requests waiver of Street Tree requirements due to conflict with existing power lines. Reasons: Suitable area doesn’t exist because of the power lines, and regular planting of trees along the street frontage would detract from the random forest like character of the property.

Staff Comments: Applicant should confirm the height of the powerlines in the Final Application so that the extent of the possible Street Tree waiver can be evaluated.

- E. Section 3203.H, Parking Landscaping. *Not applicable. Only applies to major site plan approval where there is existing or proposed parking of more than 10 spaces.*
- F. Section 3203.I, Screening. “Screening shall be applied to minimize the visibility and impacts of incompatible, disruptive, or visually unappealing aspects of proposed development on the surrounding neighborhood.” § 3203.I(1).

Staff Comments: Given the natural screening of the site from the street and neighboring properties from the natural vegetation and elevation of the site, the main concern during Final Review will be that the removal of trees in the Landscaping Plan doesn’t reduce the current screening too much.

- G. Section 3203.J, Total Site Landscaping. Per subsection J(2), a minimum of 264 SF of planting area must be included on the parcel, calculated as 8,000 (proposed SF of impervious cover per the Project Narrative) multiplied by 0.033.
- i. Per § 3203.J(1), current trees and shrubs may be used to meet this requirement, on a 2:1 basis (i.e., requires 528 SF of existing plantings), provided that: “trees and shrubs must be healthy and have suitable planting area to support its long term viability. Unmanaged or unmaintained portions of a site shall not count as landscaping unless the area meets the provisions in Subsection 3203.J(1)(a).”

Staff Comments: The Board should review subsection J(1) in its entirety, to determine whether Applicant can use the natural forest cover on the 2:1 basis to meet the total landscaping requirement without also verifying “suitable planting area” for the designated trees per Figure 3-20 – which specifies minimum planting areas depending on the size of the tree or shrub. The full text of subsection J(1) is below:

- (a) **Calculating planting area-** Where the applicant demonstrates that natural woody vegetation on the parcel furthers the purposes outlined in Section 3203.A, the Administrative Officer or Development Review Board may consider the natural woody vegetation towards landscaping requirements on a 2:1 basis. For example, retaining two square feet of natural forest cover or riparian habitat could be counted towards one square foot of landscaped area.
- (b) Perennial plantings may be used to meet the landscaping requirement and will be counted 1 square foot for each square foot of perennial plantings
- (c) To be counted as an existing tree or shrub for the purposes of this subsection, trees and shrubs must be healthy and have suitable planting area to support its long term viability. Unmanaged or unmaintained portions of a site shall not count as landscaping unless the area meets the provisions in Subsection 3203.J(1)(a). Invasive species shall not be counted towards total landscaping.

20. Section 3204. Outdoor Lighting.

- A. Applications for major site plan require a lighting plan prepared by a qualified professional lighting designer or engineer. § 3204.C.
- B. Lighting for housing and parking falls within Class 2 – “1 outdoor lighting used for illumination of walkways, roadways, equipment yards, parking lots, outdoor security or similar applications where general illumination for visibility, safety or security of the grounds is the primary concern”
- C. RES 9 falls within Lighting Zone 1.
- D. Given these factors, lighting for this project, must be fully shielded, and any lamps with an initial output of $\geq 2,000$ lumens must be of a “warm white” LED, High-pressure sodium, or Low-pressure sodium type. See Figure 3-21 (incorrectly numbered in the 2019 Update as 3-17).
- E. Per Figure 3-22 (incorrectly numbered in the 2019 Update as 3-18), because this is residential development, total outdoor light output for the parcel is limited to 10,000 lumens per unit. Partially shielded lamps are not allowed for this project.
 - i. The application materials don’t include a lighting plan.

- ii. Per the Project Narrative, Applicant proposes that all outdoor lighting will be fully shielded, and extinguished before 11 pm or an occupancy sensor for 30 min. All lamps will be energy star certified, and warm white LED with a high CRI.
- iii. Applicant anticipates 8 fixtures, with no more than 1,000 lumens each.

Staff Comments: Applicant's initial lighting outline meets the § 3204 requirements. Given the exploratory nature of this particular Sketch Plan application, Staff has not required Applicant to submit a professionally prepared lighting plan at this time, but one is required for the Final Application.

21. Section 3205. Outdoor Seating, Display or Storage – *Applicant is not proposing any outdoor seating, display or storage therefore the provisions do not apply.*

22. Section 3206. Solar Access and Shading and Energy Conservation (Major) – The standards of this section apply to any land development requiring major site plan review not located within the Urban Center 1, Urban Center 2, Urban Center 3 or Riverfront districts.

- A. Proposed land development shall not shade existing yards, walls or roofs oriented within 15° of true south on abutting lots to a greater extent than a hypothetical 25-foot high wall constructed on the property line between the hours of 9 a.m. and 3 p.m. on December 21.
 - i. Applicant's proposal will not shade any structures on abutting parcels, but Applicant will need to demonstrate such in conformance with this provision.
- B. With regard to meeting the solar siting requirements of subsection E (orientation of roof, structurally able to support panels, unimpeded solar access) – the Board may exempt Applicant from these requirements if it “determines that use of solar energy is not feasible due to site-specific conditions.”
 - i. Per the Project Narrative, Applicant intends “to provide solar power generation based upon the project budget. Site topography and wooded character may be in conflict with this requirement.”

Staff Comments: For complete compliance with § 3206, the Final Application will need to show that “the building height minus 25 feet and then divided by the distance between the building and the property line equals 0.25 or less”, or “Submitting a solar shading diagram.” § 3206.C. Any request for an exemption from § 3206 will need to be included in the Final Application.

23. Section 3207. Design and Compatibility – Section 3207 requires architectural standards for all projects requiring major site plan approval. This section intends to ensure that proposed land development: (1) Be compatible with and enhance the visual appearance of the street and neighborhood ... in which they are located; and (2) Exhibit consistent design integrity in all building components including, but not limited to, roof forms, windows and entrances (proportion and placement), building materials, facade details, fencing and landscaping.

- A. Section 3207 requires that the Board evaluate a variety of standards: form and massing, compatibility, materials, windows and entries, energy, and service areas (such as trash receptacles and utility meters).

- B. The project is within the Murray Hill Neighborhood, and therefore will be evaluated with the following description: “This is one of the city’s more recent residential developments with single-family homes and townhouses accessed by several cul-de-sac streets and a substantial amount of open space. Proposed land development may feature infill residential development where infrastructure is available and to the extent feasible given the availability and ownership of land in this neighborhood.”
- C. RES 9 doesn’t have architectural standards.
 - i. See p.2 of Project Narrative for Applicant’s initial responses. Of particular note, the Compatibility standard appears inapplicable to this project.

Staff Comments: Applicant will need to include a detailed site plan, proposed building elevations, and any other information necessary to demonstrate compliance with the applicable requirements of § 3207 in the Final Application materials.

CHAPTER 340. PLANNED UNIT DEVELOPMENT STANDARDS: The purpose of this chapter is to provide flexibility for land development types and patterns that further the goals of the Montpelier City Plan.

24. Section 3401. Infill Housing Development – Per subsection A, this section’s purpose is to:

(1) Encourage an increase in the amount of housing generally, and affordable housing in particular, located in downtown and surrounding neighborhoods; (2) Allow for further residential development on vacant or underutilized lots within developed neighborhoods; and (3) Ensure that infill housing development will respect the mass and scale of surrounding development, reflect the character of the existing streetscape, maintain the privacy of adjacent residences and fit comfortably into the existing neighborhood.

- A. Applicability: Per Subsection B, and as noted in #6, Infill PUDs are allowed in the RES 9 District, on parcels not more than 2 acres in size.
- B. Dimensional and Use Standards: See # 6, above, for details regarding the density bonus, dimensional modification, and use standard exemptions allowed per Subsections C-E.
- C. Common Space: Unless waived by the Board per the specific criteria stated therein, § 3401.F requires that Infill PUDs provide a minimum of 400 SF “of common open space usable for passive outdoor recreation per dwelling unit in accordance with the following:”
 - i. It must be accessible to all residents in the PUD;
 - ii. The open space cannot be less than 30 feet in any dimension;
 - a. With four dwelling units, the application requires 1,600 SF of common open space.
 - b. The Sketch Plan shows 4,550 SF of common open space to the north of, and in line with the residential building (on a generally north – south line).
- D. Pedestrian Walkways: Subsection G requires that pedestrian walkways “be constructed within the site as necessary to connect buildings with each other and with destinations including, but not limited to, parking, adjoining streets and

sidewalks, mailboxes, trash disposal, and on-site amenities such as open space and recreation areas.”

- i. No pedestrian walkways are shown on the Sketch Plan. None are needed to access the parking.
- ii. Per the Project Narrative, all site amenities will be accessible by resident pedestrians.

Staff Comment: Applicant should include walkways on the Final Plan for access to common space, and show where mailboxes and trash disposal will be located to clarify whether internal walkways will be needed for access.

- E. Parking: For Infill Housing PUDs, (1) there’s no minimum parking requirement for senior or affordable dwelling units; and (2) parking is not permitted in the front yard, except within an approved driveway.
 - i. Per the Sketch Plan, parking will be underneath the building.
 - ii. See Site Plan Review discussion re: the number of parking spaces.

CHAPTER 350. SUBDIVISION STANDARDS: All subdivision of land shall conform to the standards of this section.

25. Section 3502. Capacity of Community Facilities and Utilities: The applicant shall demonstrate that the proposed subdivision shall not cause a disproportionate or unreasonable burden on the city’s ability to provide community facilities and utilities including: (1) local schools; (2) police, fire protection, and ambulance service; (3) street infrastructure and maintenance; (4) parks and recreation facilities; (5) water supply, sewage disposal and stormwater systems and infrastructure; (6) Solid waste disposal services and facilities.

- A. Applicant is proposing four residential unit, three will be one-bedroom units, and the owner-occupied unit will have two bedrooms.
- B. Per the Project Narrative and the April 29th TRC meeting:
 - i. No effect on the school system is anticipated.
 - ii. Applicant will address comments from Chief Gowans during the TRC meeting in the Final Application.
 - iii. No negative effect on street infrastructure or maintenance, or parks and recreation services anticipated.
 - iv. Water, wastewater, and stormwater services planned to be handled on site.

Staff Comments: During the TRC meeting, Applicant was informed that the City’s sewer line may be accessible from the subject parcel – and advised Applicant to investigate the possibility of connecting to them as an alternative to Applicant’s first choice of an on-site sewer system.

26. Section 3503. Suitability of Land

- A. Section 3503.A. “The land to be subdivided shall be suitable for use without endangering public health or safety, and causing undue adverse impacts on the environment, neighboring properties or the character of the area.”
- B. Subsection B. “Land subject to periodic flooding, poor drainage, inadequate

capability to support development or other hazardous conditions shall not be subdivided unless the applicant can demonstrate that appropriate measures shall be taken to overcome the physical limitations.”

- i. During the TRC meeting, Applicant stated that test pits for determining potential compliance with the state wastewater permit requirements was scheduled for May 2nd. Applicant to advise on outcome during the May 6th hearing.

27. Section 3504. Traffic – The applicant shall demonstrate that the proposed subdivision will not have an undue adverse effect upon the traffic in the area including that: (1) the traffic generated by the proposed subdivision shall not unreasonably and disproportionately contribute to a reduced level of service for affected streets and intersections, and for all modes of travel; and (2) reasonable measures have been taken to minimize or mitigate the amount of vehicular traffic generated by the proposed subdivision.

- A. This portion of Main Street is a Class 2 road, and therefore must be maintained at a level of service of at least C
- B. A traffic impact study is not required, as the proposal will not result in 50 or more trips in the AM or PM peak hours.

Staff Comment: DPW raised no concerns with potential traffic impacts during the TRC meeting.

28. Section 3505. Design and Configuration of Parcel Boundaries. *Not applicable, no changes to parcel boundaries proposed.*

29. Section 3506. Design and Layout of Necessary Improvements:

- A. Streets. *Not applicable. No new streets proposed with this subdivision.*
- B. Pedestrian and bike facilities.
 - i. *Requirement for new sidewalks and travel ways for bicycles not applicable where no new streets created.*
 - ii. Per the Project Narrative, bike storage will be provided.
- C. Water and Wastewater facilities. The applicant shall design the subdivision to provide potable water and wastewater facilities in accordance with the following:
 - i. (3) Any subdivision not within the city’s water or sewer service areas shall demonstrate compliance with the state’s wastewater system and potable water supply rules.
 - a. Applicant will be applying for a State Wastewater and Potable Water permit, and noted during the TRC meeting that test pits were scheduled to be dug prior to the May 6th Board meeting.

Staff Comment: Final Application must confirm compliance with state wastewater and potable water supply rules.

- D. Firefighting facilities. The applicant shall design the subdivision to provide water for fire protection in accordance with the following:
 - i. Within any subdivision that will not be connected to the city’s water system, the Development Review Board may require the applicant to install a fire pond or make other appropriate provisions to facilitate firefighting.

Subsection 3506.D(2).

- a. Per Chief Gowan's and Mr. Lumbra's comments at the TRC Meeting, a sprinkler system is required for this development, unless Applicant obtains a waiver of the code requirement.

Staff Comment: Final Application must confirm method of compliance with the firefighting facility requirement.

- E. Public and private utilities. The applicant shall design the subdivision to provide utility service to each lot not intended for conservation purposes in accordance with the following:
 - i. All utilities shall be located underground unless prevented by ledge or other physical conditions;
 - ii. Utilities shall be located within street rights-of-way to the maximum extent feasible. The applicant shall provide the city with a maintenance and access easement for any utilities not located within a street right-of-way.
 - a. Per the Project Narrative and the Sketch Plan, electric and data lines will be run underground from the lines along Upper Main Street "to the highest extent possible."
- F. Landscaping. The applicant shall design the subdivision to maximize the preservation of existing mature vegetation and provide additional landscaping (which may be installed when lots are subsequently developed) as necessary to:
 - i. Maintain and provide privacy both for adjoining property owners and between lots within the subdivision;
 - ii. Enhance the appearance of street frontages and shade streets and sidewalks;
 - iii. Maintain or establish vegetated buffers along waterways and other natural areas;
 - iv. Utilize green stormwater infrastructure practices.
 - a. See Sketch Plan for preliminary landscaping proposal.
 - b. Project Narrative notes that green stormwater management will be utilized.

Staff Comment: See Section 3203 for further requirements and discussion.

- G. Erosion Control. *Addressed above at #12.*
- H. Stormwater Management. *Addressed above at #13.*
- I. Parks and recreation areas. *Specific requirements for Infill PUDs apply, see #24.*
- J. Monuments and lot corner markers. *Not applicable, no new boundary lines created.*
- K. Construction and Maintenance of Necessary Improvements.
 - i. Per § 3506.K(4), subdivisions must "[e]stablish an owners' association or similar legally enforceable mechanism to ensure continuing maintenance of private streets, shared infrastructure, or other common land or facilities within the subdivision. The Development Review Board may require the applicant to provide drafts of covenants, articles of incorporation, bylaws, maintenance agreements or other legal documents for review prior to final approval of the subdivision and to record such documents with the city along with the final plat."

- ii. Other provisions *not applicable, as only apply to multi-parcel subdivisions.*

Staff Comment: Applicant will need to confirm in the Final Application whether the non-owner occupied units will be leased units or if a condominium association will be created.

30. Section 3507. Character of the Neighborhood and Settlement Pattern – The applicant shall demonstrate that the proposed subdivision shall:

- A. Be compatible with or extend the city’s traditional settlement pattern as a compact urban center;
- B. Not contribute to a pattern of strip development;
- C. Be compatible with the character of the neighborhood.

- i. Section 2111.B(5), describes the Murray Hill Neighborhood as “one of the city’s more recent residential developments with single-family homes and townhouses accessed by several cul-de-sac streets and a substantial amount of open space. Proposed land development may feature infill residential development where infrastructure is available and to the extent feasible given the availability and ownership of land in this neighborhood.”
- ii. The subject parcel is also very close to the Highland Neighborhood, in the Rural Zoning District, described as “approximately 200 acres of land along North Street and Main Street at the northern edge of the city. It is generally farmland and large, rural residential properties. Proposed land development should feature the continued productive use of this land for commercial agriculture, homesteading or rural residential estates.”

- a. As summarized by Applicant in the Project Narrative, the project is compatible with the City’s traditional development pattern, and is “compatible with the neighborhood: project is a dense residential use situated on a large lot similar to much of the Murray Hill development and adjacent properties.”
- b. See adjacent neighborhood view from City’s GIS mapping software.



Staff Comments: The Board will need to look closely at this requirement during Final Review. Little guidance is provided to the Board regarding how to determine compatibility with the “character of the neighborhood.”

31. Section 3508. Renewable Energy and Energy Conservation - The general standards of this section apply to all subdivisions. The remaining provisions of this section apply to any subdivision with more than 10 lots.

A. **General Standards.** To the maximum extent feasible given topography, orientation and vegetation, the applicant shall design the subdivision:

- i. So that the maximum number of lots shall receive direct sunlight sufficient for using solar energy systems.
- ii. With streets and lot lines that shall accommodate buildings oriented with their long axis oriented within 30 degrees of true east west.
- iii. With the highest densities sited on south-facing slopes and the lowest densities sited on the north facing slopes.
- iv. With appropriate protections for each lot's solar access.
 - a. *Per the Project Narrative, Applicant's intent is to provide solar power generation based upon the project budget. Site topography and wooded character may be in conflict with the requirement.*

Staff Comment: Applicant will need to provide details (either of compliance or of difficulties with site features) during Final Application.

32. Section 3509. Natural Resource Protection - The applicant shall demonstrate that the proposed subdivision has been designed and located to avoid, or if avoidance is not feasible then to minimize and mitigate, adverse impacts to any natural resource areas identified on the Montpelier Natural Resources Inventory Map.”

- i. *See #9 and 10.*

33. Section 3510. Lot Line Adjustment and Lot Merger – *Not applicable. This does not involve either a boundary line adjustment or a merger.*

Staff Suggested Action(s):

- ❖ Following the sketch plan meeting, the Development Review Board may:
 - I. Make recommendations to guide the applicant in preparation of more detailed plans.
 - II. Request any additional application materials deemed necessary to determine compliance with these regulations.
 - III. Request that advisory committees review and make recommendations on the application as appropriate.
- ❖ The Development Review Board's determinations and recommendations shall be recorded in the minutes and provided to the applicant, but those actions shall not constitute a formal decision on the subdivision plan.
- ❖ After the Development Review Board has concluded its meeting on sketch plan and provided comments to the applicant, the applicant shall have one year to file the materials required for final plan review.

**Montpelier Design Review Committee Meeting
April 15, 2019**

Subject to review and approval

This public meeting was recorded, and the video will be available for viewing at:
<http://www.montpelier-vt.org/416/City-Meeting-Videos>

Present: Steve Everett, Eric Gilbertson, Martha Smyrski, Benjamin Cheney (alternate), Meredith Crandall - staff.

Call to order: The meeting was called to order by the Chair, Steve Everett.

Approval of the agenda: Eric made a motion to approve the agenda as printed, Benjamin seconded. The motion passed on a 4-0 vote.

Comments from the Chair: There were no comments from the Chair.

58 State Street

**Owner: Overlake Park, LLC Applicant: Jodi Kelly
Review of new signage.**

The application was reviewed while waiting to get in contact with the applicant. She was later in contact by cellphone speaker.

Proposing two signs on the front façade and removing the Wildlife Federation sign backing due to damage from weather and replace with a new sign in the same area and size that will be more weather resistant.

Committee recommends satin or flat black paint for background if the new signs, because glossy will take away from readability of the sign when light (either sun or installed lighting) reflects off of it.

Committee's options for applicant:

1. The size of lettering for the sign may be increased for more readability as long as desired spacing within the sign boards can be maintained.
2. Lettering for the garage cultural center may be placed on the same horizontal level as the Stonecliff lettering for aesthetic balancing of the sign.
3. Black metal or composite material may be used to band around the sign background to preserve the sign foam material.
4. An ADA sign may be added either immediately below the directory sign or be incorporated into the directory sign.

Lighting was not included in this application, it was stated to be determined, and Applicant will return with an application for such in the future.

The applicable criteria were reviewed and determined to be acceptable, and the application was approved on a 4-0 vote.

158 Main Street**Owner: Franklin Square Homeowners Association****Applicant: Laz Scangas, Arnold and Scangas Architects****Multiple exterior renovations including windows, storm doors, porches, railings, and mailboxes.**

This was heard first since the 58 State Street applicant wasn't present.

Laz Scangas was present to review all three Main Street applications.

The renovations for all three buildings at this meeting are basically the same, so they were heard as one.

Remove existing metal roofing panels and center section and replace with new architectural asphalt shingles – remove existing mailboxes and supports, install new mailboxes in same locations – remove existing storm windows and wood window sashes in select locations, insulate former weight pockets and install new 2 over 2 insert windows – remove all basement windows and frames, install two wythes of brick in all basement window openings – remove existing asphalt shingle roofing and underlayment, install new 1/2" plywood roof sheathing, new underlayment and new architectural asphalt shingle roofing with new prefinished metal drip edge – rebuild two existing chimneys at center connector section, repoint existing chimney at original building – remove existing wood clapboard siding in select locations, replace with new wood clapboard siding, match existing profile and exposure – prep, scrape, prime, and paint with two finish coats the existing and new exterior trim and clapboard, new windows and existing doors – replace four Heatmaker boilers with integral hot water with one hot water boiler and one water storage tank – replace storm doors – remove existing skylight and replace with new skylight in the same location – install new 1 1/2" diameter galvanized metal handrails on both sides at front entry porch – install new gravel for parking area – fix drainage and grading – trim trees, remove overgrown plants and replant at all sites – repair porches – restucco existing rigid foundation insulation on west elevation at rear of building – additional insulation and draft sealing – repaint existing basement access hatch.

Committee gave the applicant the option for the new screen doors to be white in color or a color closest to the main door behind the screen door.

The applicable criteria were reviewed and determined to be acceptable.

The application was approved on a 4-0 vote.

160 Main Street**Owner: Franklin Square Homeowners Association****Applicant: Laz Scangas, Arnold and Scangas Architects****Multiple exterior renovations including windows, storm doors, porches, railings, and mailboxes.**

See 158 Main application above.

The applicable criteria were reviewed and determined to be acceptable.

The application was approved on a 4-0 vote.

162 Main Street

Owner: Franklin Square Homeowners Association

Applicant: Laz Scangas, Arnold and Scangas Architects

Multiple exterior renovations including windows, storm doors, porches, railings, and mailboxes.

See 158 Main application above.

The applicable criteria were reviewed and determined to be acceptable.

The application was approved on a 4-0 vote.

Review minutes from April 1, 2019: Eric made a motion to approve the minutes – he, Benjamin, and Steve were eligible to vote on them. Benjamin seconded. The motion passed on a 3-0 vote.

Other business: The next meeting will be Monday, May 6, 2019.

Adjournment: Liz made a motion to adjourn, Benjamin seconded.

Respectfully submitted,

Tami Furry
Recording Secretary