Agenda

for the Meeting of the

Development Review Board

City Council Chambers, City Hall
Monday, June 3, 2019 at 7:00 PM

Members: Daniel Richardson (Chair), Kate McCarthy (Vice Chair), Kevin O'Connell, Ryan Kane , Deb Markowitz, , Thomas Kester, Robert Goodwin, 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) Review meeting minutes of 5/6/19
5) 301 River St. (Eastern Gateway)
   Owner/Applicant: Junction Associates
   Final Plan Review of a two lot subdivision.
6) Adjournment

Montpelier Development Review Board Meeting
May 6, 2019

Subject to review and approval

This public meeting was recorded, and the video will be available for viewing at this link: https://www.montpelier-vt.org/1094/CivicClerk

Present: Daniel Richardson, Kevin O'Connell, Kate McCarthy, Deb Markowitz, Thomas Kester, Ryan Kane, Meredith Crandall – staff.

Call to order: The meeting was called to order by the Chair, Dan Richardson.

Approval of the agenda: Deb made a motion to approve the agenda, Tom seconded. Kate noted that the Vermont College of Fine Arts application has been withdrawn. Deb accepted a friendly amendment to the motion to approve the agenda as amended.

Comments from the Chair: Dan wanted to recognize Deb's service on the board, as she will be leaving. She has accepted a job in Boston and will be traveling back and forth, so she won't be able to attend further meetings.

Approval of minutes from April 15, 2019: Dan, Tom, Kevin, Kate, and Ryan were in attendance at that meeting. There was a clarifying question on an item. With the question answered, Ryan made a motion to approve the minutes as drafted, which Tom seconded. The motion passed on a 5-0 vote.

41 College Street
Owner/Applicant: Vermont College of Fine Arts
Site plan and conditional use review to convert NECI dorm into artist coop housing.

This application was withdrawn by the applicant.

217 North Street
Owner/Applicant: Will Schebaum
Review development of accessory dwelling on steep slopes.

The applicant was present.

The application is to build a 750 square foot accessory, single story dwelling and to extend the driveway to reach the new building. The building site includes slopes of around 30%, requiring review by the board.

The applicant submitted an amended Grading and Erosion Control Plan showing the 30% slopes (existing and proposed grades), as well as stormwater and erosion control details. He also provided a letter from Don Marsh attesting to the lack of an undue adverse impact on

slopes of the project as designed. There will be two raingardens installed to address storm runoff. The city engineer was satisfied with the changes made from the original application. Applicant indicated there will be no blasting, it seems as if there is no ledge there, just soil.

Dan reviewed the zoning criteria for steep slopes.

Nick Persampieri from 191 North Street was also sworn in and had concerns about the storm runoff going to the raingardens, and a driveway close to the property line and heavy equipment using that driveway to get to the construction. He's also concerned about the existing trees near the property line that he shares with the applicant. He expressed his support of the stormwater and drainage changes submitted by Applicant.

Kevin made a motion to accept the application as modified by the materials submitted by Applicant at the hearing, Deb seconded. The motion passed on a 6-0 vote.

Upper Main Street
Owner: Statewide Corporation Applicant: Jeff Stetter
Sketch plan review of a new four-unit PUD.

Rob Goodwin arrived in time to join the board for this application. The applicant was present.

The application is for a four-unit, single building infill housing planned unit development, including construction of a new gravel driveway and parking area. The building will be a 1,800 square foot building, containing three, small one-bedroom units, and one two-bedroom unit. The building will be net zero ready. Applicant reported that recent efforts to dig test pits for the State Wastewater and Potable Water Supply permit process had disappointing results, discovering more ledge, closer to the surface than anticipated.

The Board saw the application in a more abstract form previously, at an informal review.

For final approval, the following must be in the application package: stormwater management plan, professional lighting plan, professional landscaping plan, signed and sealed engineered grading plan, professional erosion and sediment control plan, and a demonstration that the project meets the steep slopes criteria.

Eric Bigglestone, president of the Murray Hill Association raised concerns about the project contaminating the Association's. He asked the Board to consider adding that the applicant pay for water testing, as Vermont Compost does, to ensure the Association's water source is not contaminated. Removal of the ledge and possible damage to neighbors' homes was another concern.

Jim Tringe, a nearby property owner was just interested in hearing about the proposal.

It was mentioned that a possible solution to the concerns about water contamination would be to hook into the city water and sewer, but it's possible that ledge would need to be blasted to make that happen.

Other business:

On June 18, the Vermont League of Cities and Towns Spring Planning and Zoning Forum will be held at the Lake Morey Resort.

The Downtown and Historic Perseveration Conference will be June 5 in various sites around the city.

The Conservation Committee has asked Dan and Meredith to attend their next meeting to discuss the Commission's role in development application review.

The next meeting is Monday, May 20, 2019. There are no applications scheduled, so Board members can either have the night off or schedule a training session. It was decided to take the night off and meet again on the next regular meeting date of June 3, 2019.

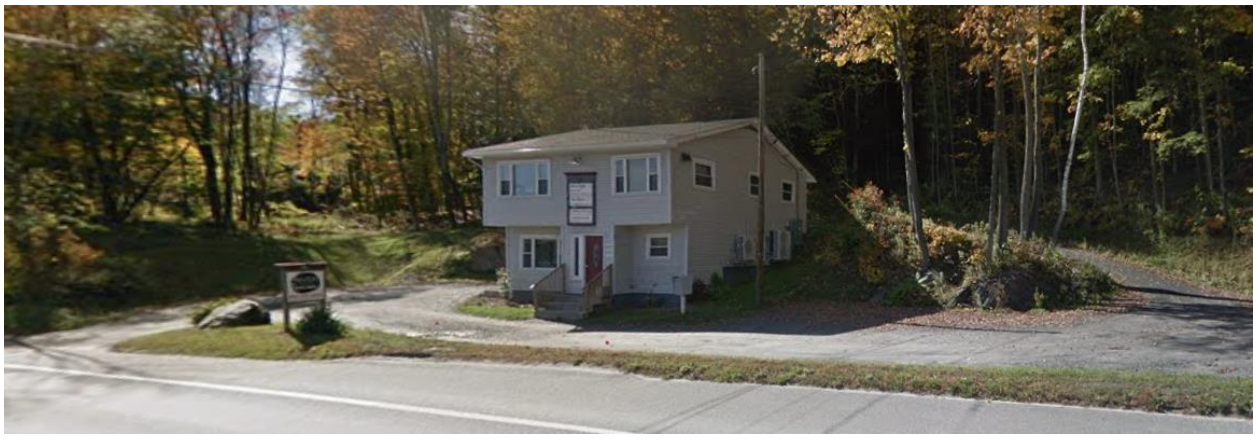
Adjournment: Kate made a motion to adjourn, Kate seconded.

Respectfully submitted,

Tami Furry
Recording Secretary

MONTPELIER DEVELOPMENT REVIEW BOARD REPORT
Prepared by Meredith Strobridge Crandall, Planning and Zoning Administrator
Date: May 30, 2019
For the meeting of June 3, 2019

FINAL SUBDIVISION REVIEW
Applicant: Junction Associates
Owner: Same
Address: 301 River Street
Application # Z-2019-0051
Zone: Eastern Gateway



Guiding Ordinance Sections – Montpelier Unified Development Regulations, Adopted by Montpelier City Council January 3, 2018, as Amended March 27, 2019.

Chapter 200. General Provisions
Chapter 210. Base Zoning Districts & Neighborhoods
- Section 2105 Eastern Gateway (EG) Zoning District & Neighborhoods

Chapter 300. General Standards
- Section 3001. Use Standards
- Section 3002. Dimensional Standards
- Section 3003. Accessory Structures and Uses
- Section 3004. Demolition
- Section 3005. Riparian Areas
- Section 3006. Wetlands and Vernal Pools
- 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 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
- Section 3510. Lot Line Adjustment and Lot Merger

Chapter 440. Subdivision and PUD Review Procedures

Materials Submitted:

a) Development Application, dated 3/6/2019;
b) Subdivision Attachment, Final Review, dated 5/9/2019;
c) Letter from Don Marsh, PE, of Grenier Engineering, PC, to Ms. Crandall, re: Junction Associates Subdivision, 301 River Street, dated April 16, 2019 (the "Engineer's Letter");
d) Junction Associates – Two Lot Subdivision – Project Summary/Response, pp1–2, by Mr. Marsh, dated April 16, 2019 (the "Narrative");
e) Site Plan Phase II, Junction Associates, 301 River St., Sheet # C-1, Rev. No. 1, by Grenier Engineering, PC, dated April 22, 2019 (the "Access Plan"); and
f) Subdivision of Lands of Junction Associates LLC, 301 River Street, Drawing # S-1211, by Richard W. Bell Landsurveying Inc., dated February 20, 2019(the "Final Plan").

Materials Provided by Staff:

g) 2018 Montpelier Slopes Map Excerpt – 301 River Street, dated 3/25/19 ("Slopes Map Excerpt");
h) Memorandum from Tom McArdle, Public Works Director, and Kurt Motyka, Assistant Director of Public Works, to Ms. Crandall re: 301 River Street, Subdivision Site Plan Review, pp. 1-2, dated May 29, 2019 ("DPW Comments").

Project Scope & Applicant Request

Applicant seeks final approval for a proposal to subdivide a 247,142 SF (5.67 acre) parcel containing an existing commercial building, driveway, and parking areas into two parcels, such that: (i) the existing building and driveway will be on the northernmost, 87,755 SF parcel ("Lot 1"); and (ii) nothing will be present on the southernmost, 159,387 SF parcel ("Lot 2").

The current parcel is located in the Eastern Gateway ("EG") Zoning District. The related sketch plan application was reviewed by the Development Review Board (the "Board") on April 1, 2019. This final subdivision application will first be reviewed by the Board on June 3, 2019.

STAFF REVIEW & COMMENTS

This Application will be reviewed in accordance with the Montpelier Unified Development Regulations, Adopted by Montpelier City Council January 3, 2018, as Amended March 27, 2019 (the "Regulations").

1. Existing Conditions: The parcel is an existing 5.67 acre parcel with 856.85 feet of frontage on River Street. The current parcel contains a multi-use commercial building in the northern

third of the parcel, and a driveway that loops almost all the way around the building and provides access to River Street. As discussed further below, this stretch of River Street is fairly constrained, with sloped land rising to the west, and the Winooski River immediately to the east.

2. Location: The subject parcel is located on River Street, the third drive on the right after leaving the rotary heading south, within the Eastern Corridor Neighborhood of the EG Zoning District.

3. Permit/Parcel History: The property was converted from a single-family residence to a commercial office use in 2015, after the sale to the current owner.

Z-2016-0136	301 RIVER ST	JUNCTION ASSOCIATES LLC	ZONING	SIGN	Ground sign.	Ground sign.	APPEAL PERIOD	10/14/2016	10/14/2016	
Z-2016-0047	301 RIVER ST	Junction Associates	ZONING	SIGN	24ft2 second floor wall sign for multiple tenants.	24ft2 second floor wall sign for multiple tenants.	APPEAL PERIOD	05/10/2016	05/10/2016	
Z-2015-0098	301 RIVER ST	Junction Associates	ZONING	ZONING PERMIT	Site Plan Review to change use from Single Family to Office.	Site Plan Review to change use from Single Family to Office.	APPEAL PERIOD	07/14/2015	09/02/2015	
B-2015-0125	301 RIVER ST	Haviland Property Management LLC	BUILDING	BUILDING PERMIT - PUBLIC BUILDING	Interior renovations and property clean up.	Interior renovations and property clean up.	CLOSED	07/08/2015	07/14/2015	07/22/2016
Z5246	301 RIVER ST	ROGERS CHARLES	ZONING	LEGACY - ZONING PERMIT		EXTENSION OF EXISTING ROOF OVER EXISTING DECK	PENDING	09/13/2007		
Z5084	301 RIVER ST	CHARLES ROGERS	ZONING	LEGACY - ZONING PERMIT		CONSTRUCTION OF 9' X 10' METAL ROOF OVERHANG OVER EXISTING DOOR IN SINGLE FAMILY RESIDENCE	PENDING	10/04/2006		
Z471	301 RIVER ST	CHARLES ROGERS	ZONING	LEGACY - ZONING PERMIT		RECONSTRUCTION OF EXISTING PORCH AND ASSOCIATED STAIRS 14 FEET LONG AND 8 FEET WIDE.	PENDING	10/23/2003		

During the April 1st sketch plan hearing, the Board requested that Applicant provide an engineered driveway/access plan during the final application, including at least some details regarding stormwater controls, so the Board could confirm that the parcel is developable.

CHAPTER 300 GENERAL STANDARDS

4. Section 3001. Use Standards
   - A. Applicability. The land development shall conform to the use standards for the applicable zoning district …
     - i. A variety of commercial uses are allowed within the EG District; personal or professional services, office, and medical clinics are all "permitted" uses.
     - ii. All residential uses are conditional uses.
     - iii. The existing building houses River Street Wellness, which provides naturopath, acupuncture, psychotherapy, and massage therapy services.
   - B. Mixed uses. Any combination of permitted or conditional uses allowed on a single lot.
   - C. Prohibited uses. *Not applicable.*
   - D. Materially similar uses. *Not applicable.*
     - i. The subject parcel contains a multi-use commercial office/medical clinic building.
     - ii. No new uses are proposed in this application.

Staff Findings: The use on the current parcel is permitted under §§ 3001.A, 2105.C and Fig. 2-15. No new uses are proposed at this time.

5. 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 2-05 establishes the dimensional standards for development in the EG District as follows:

Figure 2-05 Eastern Gateway District Dimensional Standards

LOTS	SETBACKS	DENSITY	BUILDINGS
Lot size: 20,000 sf min **Frontage:** 120 ft min **Coverage:** 50% max	**Front:** 20 ft min **Side:** 20 ft min **Rear:** 30 ft min **Water:** 50 ft min	**Residential:** 1 du/5,000 sf max **Nonresidential:** 1.5 FAR max	**Footprint:** 40,000 sf max **Height:** 45 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. Per the Subdivision Attachment and Final Plan, the existing parcel:
   a. Is 247,142 SF and has frontage of 856.85 feet on River Street.
   b. Has significantly less than 50% coverage.
   c. The current building is set back from the property boundaries as follows (approximately, based on the scale on the Final Plan):
      (1) Front: 12.5 feet
      (2) Rear: Over 200 feet
      (3) Side North: Over 175 feet
      (4) Side South: Over 500 feet
      (5) Water: More than 50 feet to the Winooski River bank.
   d. The building height and footprint are not applicable here, where no changes to such are proposed.

ii. After the subdivision:
   a. Proposed Lot 1 will be 87,755 SF, with 299.40 feet of frontage on River Street, and less than 50% coverage, and the following setbacks:
      (1) Front: 12.5 feet
      (2) Rear: Over 200 feet
      (3) Side North: Over 175 feet
      (4) Side South: Over 75 feet
      (5) Water: More than 50 feet to the Winooski River bank.
   b. Proposed Lot 2 will be 159,387 SF, with 557.45 feet of frontage on River Street, and no coverage and no setback conflicts.
   c. *Again, building footprints not applicable here, where the Application proposes no changes to existing buildings and no new buildings.*

B. Principal buildings. *Not applicable for subdivisions.*

C. Calculating Density: § 3002.D. In EG, non-residential density is calculated per the floor area ratio ("FAR") of the parcel, which is the ratio of the gross floor area on the parcel to the total parcel area.
   i. In the EG District, non-residential density is limited to 1.5 FAR maximum.

ii. Per the Narrative, the building on Lot 1 is 1,800 GFA, resulting in a FAR of 0.02.

Staff Comment: So long as Applicant's plans for Lot 2 remain non-residential, the slopes on the parcel will not impact the density of development allowed on the parcel.

D. Height. *Not applicable, no structures being changed in Lot 1 and no structures proposed for Lot 2 in this application.*

Staff Findings: The proposed subdivision complies with the lot size, coverage, and density requirements, as detailed in Figure 2-05. Further, the setbacks all comply with §§3002 and 3003. The height and building footprint standards do not apply to this Application.

6. Section 3003. Accessory Structures and Uses – *Not applicable. No new accessory structures or uses are proposed, and no changes are proposed for the current driveway or parking areas. Nor will the new southern boundary create any encroachments.*
7. Section 3004. Demolition – *Not applicable. No demolition is proposed.*
8. Section 3005. Riparian Areas – *Not applicable, no riparian areas within over 200 feet.*
9. 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 verified that no wetlands are vernal pools on or abutting the parcel involved, and no vernal pools within 500 feet of it.
10. 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. Per Figures 3-08 and 3-09: (1) Disturbance of more than 2,000 SF of greater than 25% slopes requires an engineered plan; (2) Disturbance of slopes of ≥30%, in any amount, requires an engineered plan and a hearing by the Board.
        i. As shown on the Slopes Map Excerpt, there are significant areas of slopes that are at least 25% and possibly more than 30% on the parcel. However, the act of subdivision alone doesn't disturb slopes.
        ii. In the Engineer's Letter, Mr. Marsh opines that with the proper site plan design, including erosion control, stormwater management, and proper grading, Lot 2 can be developed "without causing adverse impacts on public health, safety or the environment."
        iii. Per the Narrative, Applicant anticipates that development on Lot 2 will require an engineered site and erosion control plan.

Staff Finding: Ultimately, Section 3007 is not applicable to this application, as: (i) the act of subdivision alone does not impact slopes; (ii) no new development is proposed; and (iii) since the March 2019 Interim Amendments to the Regulations, slopes of ≥30% may be developed.

Applicant or a subsequent landowner will need to address relevant issues with slopes to obtain zoning permit approval for further development.

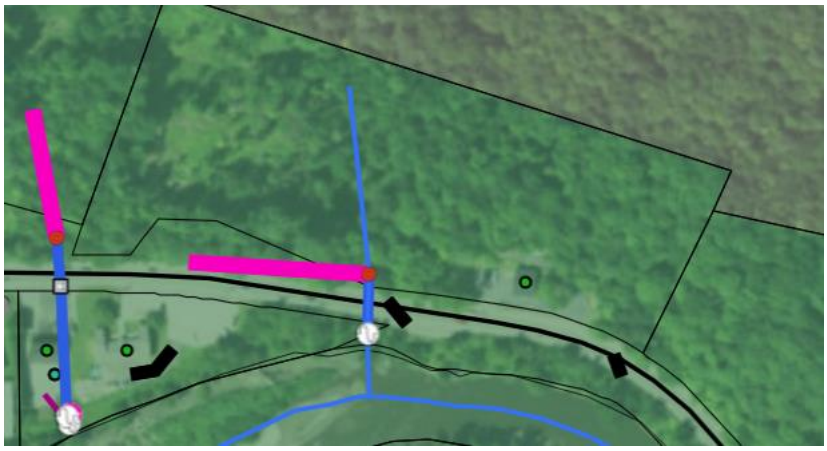
11. Section 3008. Erosion Control – The provisions of this section apply to land development that proposes to disturb or clear land on steep slopes that exceed the threshold amounts specified in Figure 3-08.

    A. *Not applicable, the act of subdivision will not disturb any soil. However, Applicant should review DPW comments regarding future development at #12, Stormwater.*

12. 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 the current stormwater flows or grading proposed.*
    B. The Access Plan does include possible stormwater control measures related to future development.
    C. In the Engineer's Letter, Mr. Marsh opines that with the proper site plan design, including erosion control, stormwater management, and proper grading, Lot 2 can be developed "without causing adverse impacts on public health, safety or the environment."
    D. Per the Narrative
        i. Stormwater from the proposed Lot 2 drive will be diverted, via a stone lined road ditch, to an existing 18" culvert under River St.
        ii. Future development of Lot 2 may require a stormwater management plan (see Access Plan for possibilities).
        iii. No stream is present on the parcel.

Staff Comment: The realities of the on-site stream will need to be confirmed with DPW or a site visit as part of Applicant's future zoning permit process for further development, as a seasonal stream is noted on the Access Plan as well as DPW's stormwater data (see image below). Applicant's Access Plan includes possible stormwater control measures, attesting that controls are possible. The Board doesn't need to review them at this point except as evidence that Lot 2 is developable.

Although not applicable now, Applicant should be prepared to provide a complete stormwater plan at the next permitting stage (i.e., site plan review). See DPW Comments, and additional input at #16.

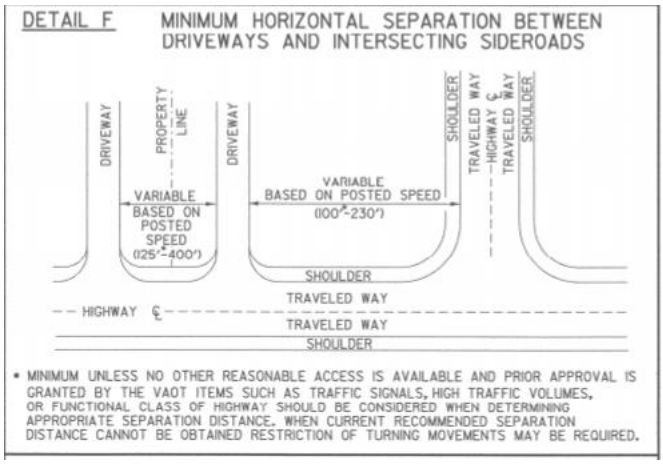


Pink: Swale
Thin Blue: On-parcel stream appearing on DPW mapped data, though not the City's NRI Map.
Thick Blue: Stormwater Line
Red Circle: Culvert
S: Outfall
Black: Overland flow
Grey Square: Catchbasin

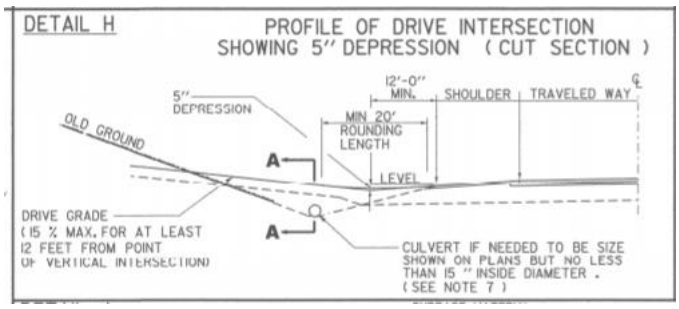
13. Section 3010. Access and Circulation – The purpose of this section is to promote safe and efficient access to and circulation within a property for vehicular, bicycle, and pedestrian traffic.
    A. Vehicular access. Section 3010(B) requires that all lots being developed or redeveloped to provide 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. No changes to current access routes or uses of such are proposed for Lot 1.
            b. Applicant has provided a potential curb cut and driveway design in the Access Plan for a 24-foot wide access point/curb cut for Lot 2 beginning 72 feet to the southwest of the curb cut for Lot 1, with a 15-inch culvert flowing underneath, plus a driveway with a final slope of 14% (maximum).
            c. Per the Narrative, the Access Plan complies with the VTrans B-71 driveway standards, and Applicant understands that further access permits will be required from DPW prior to construction.
        ii. State or Class 1 highways. *Not applicable. Although the stretch of River Street on which the subject parcel fronts is a Class 1 City Highway, neither Lot 1 nor Lot 2 will be on corner lots.*
        iii. Number. Shared access is strongly encouraged.
            a. Language is not a requirement.
        iv. Spacing. Access points shall be spaced as specified in figure 3-11.
            a. Spacing of proposed driveways in the EG District is a minimum of 200 feet to any intersection and 120 feet between driveways.
            b. The Board may "[r]educe the spacing distance when it is not physically feasible to achieve and upon the applicant obtaining an access permit from the city or state, as applicable." § 3010.B(4)(b).
                (1) The Access Plan confirms that the proposed distance between the new driveway for Lot 2 and that in existence for Lot 1 is only 72 feet.
            c. With regard to access to Lot 2, the Department of Public Works provided the following comments:

DPW Comments: "**The proposed curb cut location does not meet the minimum separation requirements noted in Vtrans standard #B-71("Standards for Residential and Commercial Drives") from the existing driveway location. It appears there are alternatives to meeting the separation distances noted under Detail F of this standard [see image below].** These separation distances are necessary in order to minimize conflicting turning movements, particularly with the large commercial development shown in the plans. The recommended minimum spacing for the 40 mph River St speed limit is about 200' vs 100' proposed. **The engineer should be asked to**

demonstrate the maximum separation distance feasible considering topographical or other constraints and explain whether a reduction in the separation distance can be justified."



DPW Continued: "**There is insufficient detail to determine if the driveway approach is compliant with Vtrans standard detail #B-71, detail H [see image below]. The profile should extend to the centerline of the public road in order to confirm compliance with all pertinent dimensions shown.**"



Applicant will also need to obtain a construction and access permit from the Department of Public Works for the driveway.

v. Cross access. § 3010.B(5). Proposed nonresidential or mixed-use land development shall provide for cross access between adjacent properties whenever physically feasible. At the time of subdivision, the Development Review Board may require construction of the access or a common access easement with agreement for later construction of the access as a condition of approval.
    a. Applicant has not suggested cross access between Lots 1 and 2.

Staff Comment: Applicant was asked about the possibility of cross access during the Sketch Plan hearing, and given the likely future development of Lot 2, as well as the slopes and ledge present cross access appears unlikely.

vi. Length. *Not applicable to subdivision where no new driveways created. DPW requested details on the curb cut proposed, not the full driveway.*

Staff Comment: Applicant submitted a preliminary full site plan (the Access Plan) as part of the application package, but the curb-cut and initial section of the driveway were the concern for this permitting stage. Applicant is not requesting full Site Plan approval now.

vii. Emergency access. *Not applicable to subdivision without further details of proposed new development.*
viii. Street improvements. *Not applicable, no new streets created.*
ix. Non-conformities. *Not applicable, no nonconformities noted.*

Additional DPW Comments: Items for Applicant to address or be aware of for the next stage of development.

- Construction & Access Permit: [Required] for all construction that will take place within the public highway right-of-way and / or which may affect the travelling public. This permit will also cover the new "curb cuts" & utility construction. See ordinance for fee structure. If blasting of ledge rock is required, applicable conditions will be applied to the permit.
- Landscaping & Signs: Final design submittal shall demonstrate that proposed signs and landscaping to be placed along the street frontages will not present an impediment to the sight distance needed by motorists entering or exiting the property.

Staff Comment: Given DPW's concerns, Staff recommends that the Board ask Applicant to address the #B-71 standard compliance issues noted above (commercial access spacing minimums and driveway approach) prior to approving this application. Note that these factors also come into play regarding compliance with the direct access from Class 1 Highway standards in § 3205, detailed below. All other requirements of § 3010 have been met by this application.

14. Section 3011. Parking and Loading Areas
    A. No changes are proposed for the parking layout on Lot 1.
    B. No parking plan is provided for Lot 2, as no specific development is proposed.

Staff Comment: There is plenty of room on Lot 2 for parking and loading areas, though any construction on slopes of ≥30% will require additional engineering and Board approvals per § 3007. Site Plan review will require a full slopes analysis, as well as an engineer's report regarding any construction on ≥30% slopes, or any disturbance of more than 2,000 SF of ≥25% slopes.

15. Section 3012. Signs – *Not applicable. No signs being proposed at this time.*

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

16. 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.

i. Per the Narrative, "[t]he creation of one new 3.66 acre lot should not have any impact on the city's ability to provide municipal services. The lot will be served by new sewer and water connections to existing city mains. When the final development of Lot 2 is proposed all the required City and state permits will be obtained. Lot 1 is served by city water and sewer."

Staff Comments on Specific Facilities and Utilities:

A. Local Schools: A single new parcel is unlikely to have much impact on local schools, particularly if the development is non-residential.
B. Police, Fire, Ambulance: Few anticipated impacts with a two-lot subdivision.
C. Street infrastructure and maintenance: Few anticipated impacts with a two-lot subdivision, but much depends on the intended use for Lot 2. This will be examined in more depth when Applicant (or subsequent owner) applies for a zoning permit for future development.
D. Parks and Rec: Few anticipated impacts with a two-lot subdivision.
E. Water Supply, Sewage, Stormwater: Per the DPW Comments, future development will require connection permit(s) – water, waste water & storm systems. "Final design plans to include all pertinent site plan layouts & typical design standard details relative to new utility construction. See ordinance for fee structure. The applicant must also secure a water supply / waste water disposal permit from the State of Vermont. For new land uses that will rely on municipal services, the applicant's engineer must first obtain an allocation (reserve capacity to serve) letter of approval from DPW." Additionally, "wastewater from this development will need to pass through two municipal sewer pump stations. An evaluation of the storage capacity of the pump station will be required in order to verify sufficient post development storage for the longest power outage over the past five years. Depending on the requested allocation, infrastructure funding may be required to support the development."
F. Solid waste disposal services and facilities: The City doesn't provide such general services, though the City does maintain a stump dump that might be used for future development of Lot 2.

Staff Findings: The requested, two-lot subdivision, without further development, won't cause a disproportionate or unreasonable burden on the City's ability to provide community facilities and utilities. However, at the next stage of permitting, Applicant will have to meet various requirements before getting permission to access certain facilities, particularly the water, waste water, and stormwater infrastructure.

17. 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. Per the Narrative, "proposed Lot 2 has steep slopes which will be addressed in the [] site plan [application] for development of the lot. Attached is an engineer's letter confirming his belief that, with proper design and site development, Lot 2 can be developed for commercial uses without causing an adverse impact on public health safety or the environment." See Engineer's Letter.
    ii. See also Access Plan which includes potential stormwater controls.

Staff Findings: As detailed on the Access Plan and supported by the Engineer's Letter, Lot 2 is 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 – though such development will require investment in stormwater and erosion controls, and possibly blasting of ledge.

18. 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:
    A. That the traffic generated by the proposed subdivision shall not unreasonably and disproportionately contribute to a reduced level of service for affected streets, intersections, and for all modes of travel.
    B. The Board may also factor the results of the traffic impact study when one is required.
    C. That reasonable measures have been taken to minimize or mitigate the amount of vehicular traffic generated by the proposed subdivision.
    D. A traffic impact study "prepared by a qualified professional in accordance with VTrans' traffic impact study policy" is required by § 3504.B for applications "for subdivisions that are expected to generate 75 or more new trips during the a.m. or p.m. peak hour on Class 1 roads, and 50 or more new trips during the a.m. or p.m. peak hours on Class 2 and 3 roads." The Board also has the option to require a study if such is deemed necessary "to determine the compliance with this section."
        i. Per the Narrative, potential traffic impacts will be addressed in the site development plan for Lot 2.

DPW Comments: "While the final development of the subdivided parcel has not yet been determined, it should be noted that prior to final permitting a trip generation analysis will likely be required to assess the extent of the impact. Depending on the results, a detailed traffic study may be recommended for the development."

Staff Findings: A two-lot subdivision, on its own, will have little to no impact on traffic.

Applicant should keep the comments from DPW above regarding potential studies in mind, and that future development proposals of anything other than a single or two residential units will require Major Site Plan review, with a fresh review by the Board.

19. Section 3505. Design and Configuration of Parcel Boundaries.

A. Lot arrangement. The applicant shall design the subdivision:

i. (1) To follow and extend the planned settlement pattern (including lot size, lot configuration, street layout and building location) as defined by the purpose and standards of the applicable zoning district to the maximum extent feasible given the site's topography and natural features;

a. The purpose of the EG District "is to encourage increased business activity, mixed-use redevelopment and infill development that enhances property values, the quality of construction and site design, and the overall aesthetics of this entrance to the city." § 2105.A.

ii. (2) To connect to and extend existing street, sidewalk, path, trail, utility, greenway, and open space corridors to the maximum extent feasible given the site's topography and natural features.

iii. (3) So that there shall be no foreseeable difficulties in obtaining zoning permits to build on all lots not intended for conservation purposes in accordance with the standards of these regulations;

iv. (4) So that there shall be no foreseeable difficulties in providing access to buildings on lots not intended for conservation purposes from an approved street.

v. (5) To avoid direct access from arterial streets or state or Class 1 highways. The Development Review Board may require shared access or other means to minimize new access points along arterial streets or highways.

vi. (6) To allow further subdivision on any remaining undivided land and adjoining undeveloped parcels in a manner that would result in a logical and coordinated development pattern.

vii. (7) So that there shall be positive drainage away from building sites and a coordinated stormwater drainage pattern for the subdivision that does not concentrate stormwater drainage from each lot to adjacent lots.

B. Lot dimensions. The applicant shall design the subdivision:

i. (1) So that all lots front on a street;

ii. (2) So that lot dimensions meet the minimum standards for the zoning district;

iii. (3) So that generally side lot lines are at right angles to straight street lines or radial to curved street lines with recognition that some variability may be desirable to respond to the site's topography and natural features.

iv. (4) So that generally rear lot lines are parallel to street lines with recognition that some variability may be desirable to respond to the site's topography and natural features.

v. (5) To avoid flag and other irregularly shaped lots except when desirable to respond to the site's topography and natural features.

a. Review of the Final Plan demonstrates that

(1) Both proposed parcels will front on River Street, and meet the minimum dimensional standards – see #5, above.

(2) The rear boundaries for both parcels are generally parallel to River Street, and the new, shared side boundary line is proposed at a right angle to River Street.

(3) The reconfigured Lot 1 will have less frontage than originally,

but not so little as to be considered a flag lot.

b. This section of River Street is a Class 1 City Highway.
c. Following Sketch Plan review, Applicant provided the Access Plan, with a design for a new access drive for Lot 2. Per the Narrative, "the remaining site design issues will be addressed with the final development plan for Lot 2."
d. The Access Plan clarifies that access to potential buildings on Lot 2 is achievable, and also shows that drainage issues can be managed with appropriate stormwater infrastructure.

Staff Comment: Applicant's Access Plan has resolved most of the issues noted at Sketch Plan Review, and the proposed subdivision meets the lot dimensional requirements of § 3505.B, and the requirements of § 3505.A(1)–(4), and (6)(7).

However, the proposal still creates a new, direct access from a Class 1 Highway. Section 3505.A(5), does not bar the creation of new access points on Class 1 Highways, but does discourage them, and states that the Board may require a shared access for proposed Lot 2 – if it wishes.

Given DPW's input on the access issues – including that the proposed Lot 2 access point doesn't meet the B-71 standard (see Section 3010 discussion at # 13), Staff suggests that the Board request alternative proposals from Applicant, or that Applicant provide additional support for the reduced spacing between access points and the creation of a new access for Lot 2.

20. Section 3506. Design and Layout of Necessary Improvements:
    A. Streets. *Not applicable. No new streets proposed with this subdivision.*
    B. Pedestrian and bike facilities. *Not applicable to this two-lot subdivision with no new streets, no changes to internal pedestrian flows, and no changes in use.*
    C. Water and Wastewater facilities. The applicant shall design the subdivision to provide potable water and wastewater facilities in accordance with the following:
        i. (1) Any subdivision within the city's water service area shall be connected to the municipal system. The applicant shall provide water service to each lot not intended for conservation purposes in accordance with the city's Public Works Specifications;
            a. Lot 1 is already connected to municipal water and sewer services.
            b. Lot 2 is not yet connected to municipal water and sewer services, but Applicant has plans to do so.
                (1) As noted above, permits from the Department of Public Works will be required prior to future development. Applicant should also contact the State regarding the necessary State Wastewater System & Potable Water Supply Permit as part of the further development process.

    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 be connected to the city's water system, the applicant shall install fire hydrants in accordance with the city's Public Works Specifications.
    a. Staff has determined that there are fire hydrants: (1) roughly 650 feet north, on the Winooski side of River Street; and (2) approximately 950 feet to the south, on the western side of River Street.
    b. Whether additional fire hydrants would be required for Lot 2 likely depends on what future development will entail.

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.

Staff Comment: Applicant hasn't provided information on this point, but photographs indicate that the power lines run on the river side of River Street, with power and data being brought to the current building at 301 River Street via overhead wires.

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. Per the Narrative, "[p]roposed landscaping will be provided with the final site plan for actual development on Lot 2."

Staff Comment: Given that Lot 2 is largely wooded, it appears likely that significant trees will need to be removed for development on the parcel.

G. Stormwater Management. Subsection H requires Applicant to design the subdivision with adequate drainage and stormwater infrastructure in accordance with § 3009 and City specification.

Staff Comment: See prior comments at ##12 and 16.

H. Parks and recreation areas. *Not applicable if no common recreation areas or facilities planned, and 10 or fewer dwelling units planned.*

I. Monuments and lot corner markers. The applicant shall install:
    i. Permanent right-of-way monuments at all street intersections and other

critical points in street lines in accordance with state statute.

ii. Lot corner markers at corners and angle points of all lots in accordance with state statute.

a. Relevant monuments and markers are noted on the Sketch Plan.

J. Construction and Maintenance of Necessary Improvements. Applicant shall construct the necessary improvements in accordance with all conditions of approval and city specifications before the Administrative Officer may issue any zoning permits for further land development within the subdivision

i. The Access Plan confirms that an access drive to and within Lot 2 is feasible. The Narrative confirms that a final drive layout within Lot 2 "will be provided with the final development plan."

Staff Comment: Depending on what the future development plan ultimately entails, and the resulting trip generation calculations, additional improvements may be required (i.e., left turn lane, traffic signal, etc.).

Staff Findings: Given the nature of this project, a two-lot subdivision where the exact plans for further development of Lot 2 are unclear, Applicant appears to have met the requirements of § 3506.

However, Applicant should be aware that any proposed development beyond 1 or 2 dwelling units will require Major Site Plan review, including various detailed plans as detailed herein.

21. 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;

i. Strip development is defined as: "a linear development pattern along an arterial street or highway that is generally characterized by: (a) Broad street frontage; (b) Predominance of single-story buildings; (c) Predominance of single-use buildings and properties; (d) Predominance of parking and auto-oriented features visible from the frontage; (e) Limited provision for shared or cross access; (f) Limited provision for access by walking, biking or transit; and (g) Lack of coordination with and connections to surrounding neighborhoods and land uses except by vehicle and by the street.

C. Be compatible with the character of the neighborhood.

i. Section 2105.B(1), describes the Eastern Corridor Neighborhood as a "typical low-density highway commercial corridor [that] accommodates many of the city's auto-oriented businesses. Proposed land development should promote infill development and mixed-use redevelopment that shall enhance the aesthetic character of the corridor with well-designed buildings, landscaping and signage along the frontage."

a. Per the Narrative, the "proposed lot is an in-fill lot consistent with, but larger than, most lots in the immediate neighborhood. The parcel is generally surrounded by other commercial uses." See images

below.

b. No other information regarding compatibility with the Neighborhood was provided.

<u>Staff Findings</u>: The proposed subdivision does not conflict with the City's traditional settlement pattern – as it creates options for new commercial development along an established commercial corridor, but doesn't contribute to a pattern of strip development. Although some of the "strip development" criteria may apply to the proposal (i.e., being connected to surrounding uses via the street), the application before the Board doesn't detail

exactly how Applicant will develop Lot 2 in the future. The Access Plan shows only one possibility.

The Board will need to determine whether or not the proposed new parcel is compatible with the character of the Eastern Corridor Neighborhood. Staff suggests that it does, given the other large, commercial parcels in the vicinity within the Eastern Corridor Neighborhood.

22. 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. Proposed lot lines comply with the "east west" requirements.
            b. Remaining general standards appear largely inapplicable to a two-lot subdivision given the natural topography and orientation of the land in question.

Staff Findings: As the proposed lot lines comply with the "east west" requirements, and the remaining general standards are largely inapplicable to this two-lot subdivision given the natural topography and orientation of the land in question, Staff finds that this application complies with § 3508.

23. 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 in accordance with the following…
        i. *See ##8 and 9.*

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

Before making a Motion to approve this application, the Board needs to determine whether: (A) the reduced driveway spacing is acceptable; (B) direct access to River Street for Lot 2 – versus a shared access with Lot 1 – is acceptable; and (C) the proposal is compatible with the character of the Eastern Corridor Neighborhood. See ##13, 19, and 21 above.

Per the comments at #13, Staff recommends that the Board obtain additional information from Applicant prior to making determinations (A) and (B).

Should the Board determine the above in favor of the Application, Staff recommends the following Proposed Motion:

- Motion to approve Application # Z-2019-0051 for a two-lot subdivision, as presented in the application dated March 6, 2019, and supporting materials, subject to the following conditions of approval:

    I. Within 180 days of this Decision Applicant shall Record the final survey plat in the Montpelier land records office, per the procedures detailed in § 4405 of the Zoning Regulations.

    II. Prior to obtaining a zoning permit for further development on Lot 2, Applicant shall either: (i) obtain an access permit from the City's Department of Public Works; or (ii) file a shared access agreement, executed with a neighboring parcel, with the Zoning Administrator.