



Agenda

for the Meeting of the Development Review Board

City Council Chambers, City Hall
Monday, July 8, 2019 at 7:00 PM

Members: Daniel Richardson (Chair), Kate McCarthy (Vice Chair), Kevin O'Connell, Ryan Kane, 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 minutes from the June, 17th meeting.
- 5) 106 E. State St. (MUR/DCD)
Final plan review of a two-lot subdivision.
Owner/Applicant: Gary and Allison Schy
- 6) 4 Pearl St. (Res. 3000)
Owner/Applicant: Paul Markowitz
Conditional Use review of a Home Industry-bread baking.
- 7) 18 Marvin St. (Res. 6000)
Owner/Applicant: Brett Proctor
Sketch Plan review of a two lot subdivision.
- 8) 29 Franklin St. (Res. 1500/HD)
Owner: Andy Perchlik
Applicant: Ward Joyce
Waiver of front yard setback and lot coverage maximum for construction of a covered front porch and rear patio.
- 9) 2 Sunset Ave. (Res. 9000)
Owner/Applicant: Howie Michaelson
Review construction of a second driveway.
- 10) Other business:
 1. Next meeting will be Monday, July 22, 2019.
- 11) Adjournment



Agenda

for the Meeting of the
Development Review Board

City Council Chambers, City Hall
Monday, July 8, 2019 at 7:00 PM

**Montpelier Development Review Board Meeting
June 17, 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, Ryan Kane, Robert Goodwin, Michael Lazorchak (alternate), Meredith Crandall – staff.

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

Approval of the agenda: Kevin made a motion to approve the agenda as printed, Ryan seconded. The motion passed on a 6-0 vote.

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

Approval of minutes from May 6, 2019 and June 3, 2019: (this was moved from after the application hearings)

Kate had a change to page 2 on the May 6 minutes. In the first sentence on the third to last paragraph, "water supply" needs to be added at the end after "the Association's." On page 3, under adjournment, Kate was listed as making the motion and seconding it, so that needs to be corrected. Staff will confirm what actually happened. Kevin made a motion to approve the May 6 minutes with edits, Kate seconded. The motion was approved on a 4-0 vote (Richardson, O'Connell, McCarthy, and Kane).

Ryan made a motion to approve the June 3 minutes, Rob seconded. The motion passed on a 5-0 vote (Richardson, O'Connell, Kane, Goodwin, and Lazorchak).

301 River Street (continued)
Owner/Applicant: Junction Associates
Final plan review of a two lot subdivision.

Ryan Emmons, Jason Merrill, and Don Marsh were in attendance. Ryan was still under oath from the last meeting, Jason and Don were sworn in.

Kate stated that she wasn't present at the June 3 meeting, but she reviewed the meeting minutes and the staff report and she was at the sketch plan review, so she feels she's sufficiently informed to hear the application at this meeting. There was no objection.

Meredith passed along a report from DPW that states there is no objection to the driveway spacing, so long as when future development is proposed, the Applicants submit a trip generation analysis. Further, should that should that trip generation result in 50 or more new peak hour trips, DPW requests that a full traffic study and review by the Board be required.

Don requested that the traffic study be based on the use of Lot 2 and that the traffic study be triggered by 75 peak hour trips, not the 50 suggested by DPW.

The updated site plan includes a driveway cross section that complies with the VTrans B71 standard.

After further discussion regarding the access spacing and character of the neighborhood, Kevin made a motion to close the hearing and move into deliberative session after hearing the next application, Rob seconded. The motion passed on a 6-0 vote.

81 North Street

Owner/Applicant: Eyrich Stauffer

Sketch plan review of a two lot subdivision.

The applicant was present.

The parcel is an existing .38 acre with 105 feet of frontage on Ewing Street and 70 feet on North Street. The current parcel contains a single family home served by municipal water and sewer. No new uses are proposed in this application. It has roughly 2,400 square feet of impervious surface when including the driveway.

The application is to subdivide into two lots, one 6,600 square feet with 70 feet of frontage and 9,900 square feet with 45 feet of frontage for the second lot. The second lot has slopes, but the applicant is not sure if it is more than a 30% slope.

The final plan application will need to include an access proposal and setbacks for the entire parcel (both proposed lots). The Board emphasized that it is looking for facts confirming that Lot 2 is developable in compliance with the zoning regulations, including: (i) where underground utilities could be located or, if not, why; (ii) a landscaping plan; and (iii) a narrative of how the proposal fits into the character of the neighborhood. A survey will need to be completed, with relevant survey notations included. .

A neighbor spoke who just wanted to monitor the project.

The applicant has the staff report to guide him toward his next steps.

Other Business: The next regular meeting will be July 8, 2019, with five applications scheduled for that meeting.

Adjournment: Kate made a motion to go into deliberative session, Kevin seconded. The motion passed on a 6-0 vote.

Respectfully submitted,

Tami Furry
Recording Secretary

MONTPELIER DEVELOPMENT REVIEW BOARD REPORT

Prepared by Meredith Strobridge Crandall, Planning and Zoning Administrator

Date: June 24, 2019

For the meeting of July 8, 2019

FINAL SUBDIVISION REVIEW

Applicant: Gary and Allison Schy

Owner: Same

Address: 106 East State Street

Application # Z-2019-0067

Zone: Mixed Use Residential



Guiding Ordinance Sections

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 3004. Demolition
- o Section 3005. Riparian Areas
- o Section 3006. Wetlands and Vernal Pools
- 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 350. Subdivision Standards

- o Section 3501. Applicability
- o Section 3502. Capacity of Community Facilities and Utilities
- o Section 3503. Suitability of Land
- o Section 3504. Traffic
- o Section 3505. Design and Configuration of Parcel Boundaries
- o Section 3506. Design and Layout of Necessary Improvements

- o Section 3507. Character of the Neighborhood and Settlement Pattern
- o Section 3508. Renewable Energy and Conservation
- o Section 3509. Natural Resource Protection
- o Section 3510. Lot Line Adjustment and Lot Merger

Chapter 440. Subdivision and PUD Review Procedures

Materials Submitted:

- a) Development Application, dated 6/4/2019;
- b) Subdivision Attachment, Sketch Plan Review, received by Department of Planning and Community Development 6/4/2019;
- c) Answers to Subdivision Standards, pp. 1-2, by Gary and Allison Schy, received by Dept. of Planning and Economic Development March 20, 2019 (the “Narrative”);
- d) Nine (9) photographs of current site plan status, including recent curb and permeable surface changes, pp. 1-5, received by Dept. of Planning and Economic Development 6/3/19 (“Applicant’s Photos”);
- e) Subdivision of Lands of Gary and Allison Schy, #106 and #108 East State St., by Richard W. Bell Land Surveying, Inc., Dwg. #S-1216, dated April 2019 (the “Final Plan”); and
- f) Excerpt of Final Plan modified with Site Plan specifics – such as landscaping, by Gary Schy, received by Dept. of Planning and Economic Development June 4, 2019 (the “Site Plan”).

Project Scope & Applicant Request

Applicant seeks final plan review for a proposal to subdivide a 23,281 SF (0.5344 acre) parcel containing two multi-unit (4) residential buildings, two driveways, and a parking area into two parcels, such that: (i) a four-unit residence, parking area and driveway will be on the 12,360 SF westernmost parcel (“Lot 1”); and (ii) one 4-unit building – a converted barn with a single-car ground level garage, driveway, and parking area will be on the easternmost, 10,921 SF parcel (“Lot 2”).

The current parcel is located in the Mixed Used Residential (“MUR”) Zoning District. The related sketch plan application was reviewed by the Development Review Board (the “Board”) on April 15, 2019. This final subdivision application will first be reviewed by the Board on July 8, 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 0. 5344 acre parcel with 145.45 feet of frontage on East State Street. The current parcel contains two, 4 unit apartment buildings – one a converted barn with a mailing address of 108 East State Street that is less than a foot from the neighbor’s garage at 110 East State Street. Both buildings are served by municipal water and sewer.
2. Location: The subject parcel is located on East State Street, facing the north side of the Vermont College of Fine Arts’ green, within the College Hill - East State Street

Neighborhood of the MUR Zoning District.

3. Permit/Parcel History: The permit history relevant to the current application is as follows:

- **2004** – Applicant converted the main house on the parcel from a single-family residence to a 4-dwelling unit building with Zoning Permit #2004-0150.
- **April 5, 2011** – Following public hearings on February 7th and 22nd of that year, the DRB issued a decision allowing conversion of the barn on the property into a two-unit dwelling, with the following findings of fact #7 and 8: “Granite curbing, or the equivalent, will be installed along East State street, and the curb cut narrowed to only allow ingress and egress to the single garage at the end of the easterly converted barn,” per Permit #Z-5768.
- **June 14, 2012** – then Zoning Administrator Clancy DeSmet issues the 2012 Administrative Amendment to allow “additional dwelling (barn),” per Permit #Z-6066.
 - Mr. DeSmet sent Mr. Schy the June 2012 Letter with the June 14th permit, clarifying on page 2 that with the site plan amendment there would be a total of 3 authorized dwelling units existing in the barn on the parcel.
- **June 24, 2019** – Administrative permit #Z-2019-0086 issued by Zoning Administrator for 4th dwelling unit in carriage house, including confirmation of the site plan changes consistent with Permit #Z-5768 from 2011 (curb and grass in front of carriage barn).

Staff Comment: The Department of Public Works has been given the opportunity to review this application, but had not yet provided comments as of the date of this report.

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. One, two, three, and four dwelling uses are all “permitted” uses within the MUR District.
- 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 two buildings, each building containing four dwelling units.
 - ii. No new uses are proposed in this application.

Staff Findings: The use on the current parcel is permitted under §§ 3001.A, 2107.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 2-07 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. The existing parcel:

- a. Is 23,281 SF (0.5344 acre) and has frontage of 145+ feet on East State Street.
- b. Has significantly less than 70% coverage.
- c. Staff estimates that the current buildings are set back from the property boundaries as follows (approximately, based on the Final Plan):
 - (1) Front: 0 feet (to carriage barn) - Existing, no change proposed, so allowed to remain per § 1203.
 - (2) Rear: 90 feet
 - (3) Side West: 10 feet
 - (4) Side East: 0 feet (carriage barn is nearly on the property line shared with 10 East State Street) – Existing, no change proposed, so allowed to remain per § 1203.
- d. *The building height and footprint are not applicable here, where no changes to such are proposed.*

ii. After the subdivision:

- (1) Proposed Lot 1 will be 12,360 SF, with approximately 76 feet of frontage on East State Street, significantly less than 70% coverage, and the following approximate setbacks (based on the Final Plan):
 - i. Front: <10 feet (to front of covered porch of house – the uncovered steps may encroach all the way to the property line per Figure 3-07).
 - ii. Rear: Over 90 feet
 - iii. Side West: 10 feet
 - iv. Side East: >25 feet to the house

1. Parking area is all the way to the property line,

but comes off a shared driveway (parking areas are supposed to be 10 feet from property lines in MUR, as close as 0 feet if shared, see Figure 3-07).

(2) Proposed Lot 2 will be 10,921 SF, with approximately 69 feet of frontage on East State Street, significantly less than 70% coverage, and the following approximate setbacks (based on the Final Plan):

- i. Front: 0 feet
- ii. Rear: Over 100 feet
- iii. Side East: 0 feet (carriage barn is nearly on the property line shared with 10 East State Street)
- iv. Side West: Varies per Final Plan:
 1. Building is >20 feet from new line.
 2. Parking area will be at property line (as it has to connect to the shared driveway).
 3. Ramp and railing from rear deck access to basement apartment ends roughly 10 feet from the new shared property line. Figure 3-07 allows entry stairs to be within 0 feet of any boundary.

(3) *Again, building footprints not applicable here, where the Application proposes no changes to existing buildings and no new buildings.*

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

E. Calculating Density: § 3002.D. In MUR, the residential density allowance is 1 dwelling unit per each 1,500 SF of parcel area. § 3002.C.

- i. Lot 1 will have more than 12,000 SF – limiting the dwelling units to 8.
- ii. Lot 2 will have more than 6,000 SF – limiting the dwelling units to 7.

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

Staff Findings: Applicant meets all of the MUR dimensional requirements, provided the Board determines that the parking area is “shared” and therefore allowed to be up to the property line.

6. Section 3003. Accessory Structures and Uses

A. The parking areas, railing/fence, front steps, and driveway are all accessory structures and uses that are allowed to encroach into the standard setbacks – to the varying degrees noted above.

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. *Not applicable. No slopes disturbed by subdivision.*
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. *Not applicable, the act of subdivision will not disturb any soil, so this provision is not applicable here.*
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.*
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 Lots 1 or 2.
 - ii. State or Class 1 highways. *Not applicable. East State Street is a Class 3 town highway.*
 - iii. Number. Shared access is strongly encouraged.
 - a. Most parking for Lot 1 and 2 will share the current main access point between the buildings.
 - b. One space for Lot 2 has access through second curb cut that is shared with the neighboring 10 East State Street.
 - iv. Spacing. Access points shall be spaced as specified in figure 3-11.
 - a. Not applicable, all curb cuts are existing.
 - v. Cross access. § 3010.B(5). *Not applicable to residential development.*
 - vi. Length. *Not applicable to subdivision where no new driveways created.*
 - 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. Any non-compliances with requirements for spacing of access points are non-conformities that may remain, unchanged.

14. Section 3011. Parking and Loading Areas

- A. Residential uses in MUR are required to have 1 off-street parking space for each unit. § 3011.C and Figure 3-11.
- B. The Board may waive some off-street parking requirements, if (among other options) there is an existing transit stop within ¼ mile of the proposed development. § 3011.C(3)(d).
- C. Off-street parking shall be behind the front line of the building (inclusive of vehicle overhang) – except that personal vehicles may be parked within any lawful residential driveway. § 3011.G(2).
- D. Parking spaces must be 8.5 feet wide by 18 feet deep, except for compact car spaces approved by the DRB. § 3011.H(1).
- E. Parking spaces must be accessible from a driveway or access aisle, except for “tandem parking (a double-depth parking space with one vehicle parking the other in) for residential or employee parking.” § 3011.H(1)(b).
- F. Off-street parking must have a “firm, level surface appropriate for the anticipated level of use in all seasons.” § 3011.I(1).
- G. Snow storage areas should be identified for compliance with § 3011.I(4) – requiring adequate space for snow storage on site without obstructing vehicle or pedestrian visibility or circulation to the maximum extent feasible given the physical characteristics of the property.
- H. Sites with nonconforming parking areas must come into conformance with § 3011 to the maximum extent feasible given the physical characteristics of the lot and the existing development 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.
 - i. No changes are proposed for the parking layout shown on the Site Plan, which includes 5 parking spaces measuring 8.5 feet wide by 18 feet deep, and one space within a garage that measures 10 feet wide by 15 feet deep.

Staff Comment: The parking space within the garage is not consistent with the current requirements, as it’s smaller than the current standards. However, the parking layout is consistent with that previously approved under the 2012 permit, and is therefore a pre-existing nonconformity that may remain unchanged, as the proposal doesn’t include any 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: The proposed subdivision complies with the requirements of § 3011, as there are 4 parking spaces for each proposed parcel, such spaces either compliant with the Regulations or nonconformities that may remain unchanged.

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.
 - A. No buildings proposed to be built or changed, or uses altered. No changes to burden on municipal facilities.
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 Applicant, the structures involved have existed since 1800.
 - ii. Development is existing, and no changes to uses or buildings proposed.
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. Both proposed parcels are previously developed, and no changes to use or access proposed.
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 MUR District "is to encourage infill development – including neighborhood-scale businesses and a range of housing choices – while preserving each neighborhood's distinct character and quality." § 2107.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.
 - a. Per the Final Plan, the subdivision is of a previously developed parcel, with no resulting changes to access, stormwater drainage patterns, or need for further zoning permits.
- 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. Per the Final Plan, both parcels: (i) front on East State Street, (ii) meet the minimum standards for the MUR District, and (iii) have side lot lines generally at right angles to and rear lot lines parallel with East State St. Further, neither new parcel is irregularly shaped.

Staff Findings: Per the Final Plan, the proposed parcels conform to all requirements of Section 3505.

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.*
 - i. Applicant notes ample accommodation for bikes.
- C. Water and Wastewater facilities. *Not applicable, both parcels currently connected to City water and sewer and no proposed changes to use.*
- D. Firefighting facilities. The applicant shall design the subdivision to provide water for fire protection in accordance with the following:
 - i. Per Narrative, both buildings have sprinkler systems.
 - ii. There are fire hydrants: (1) at the corner of West St. and East State St; and (2) slightly more than 100 feet to the east of the subject parcel, on the same side of East State Street.
- E. Public and private utilities. The applicant shall design the subdivision to provide

utility service to each lot not intended for conservation purposes.

- i. Both proposed parcels have existing connections.
- 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 Site Plan, Applicant intends to add two lilac bushes in the yard in front of the carriage barn, and replace a dying tree near the new property boundary, between the three outdoor parking spaces for Lot 2 and the street.

Staff Finding: The Board will need to determine whether or not Applicant's landscaping proposal is sufficient to meet the requirements of § 3506.F.

Given the limited ability to plant new landscaping between proposed Lots 1 and 2, and that the building on Lot 2 directly abuts the City's ROW, Staff recommends that the Board accept Applicant's landscaping proposal as enhancing the appearance of the street frontages and creating a shaded front walkway for tenants. The replacement tree will create a buffer between the parking area and the street, as well as help delineate the separation of parcels.

- G. Erosion Control. *Not applicable, as no construction or soil disturbance proposed.*
- H. 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: No new development proposed, so not applicable.

- I. Parks and recreation areas. *Not applicable if no common recreation areas or facilities planned, and 10 or fewer dwelling units planned.*
- J. 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. The Final Survey notes where new Iron rods have been set (6), and two found. **There is one corner/jog in the new boundary between Lots 1 and 2 that doesn't note a pin or rod on the Final Plan.**

Staff Comment: The Board should require that the Final Plat contain all relevant corner markers and angle points. Staff spoke with the surveyor, Richard Bell, and confirmed that the missing

marker on the Final Plan was an oversight.

- K. 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. *Not applicable as additional zoning permits not required.*

Staff Findings: The Board will need to make a determination regarding landscaping, and condition approval on the Final Plat including all relevant corner and angle markers. Otherwise, the application complies with the requirements of § 3506.

- 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;
 - C. Be compatible with the character of the neighborhood.
 - i. Section 2107.B(1), describes the College Hill-East State Street Neighborhood 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.”
 - ii. Applicant’s Narrative notes that the structures “are in the design review district and have met all requirements.”

Staff Findings: Subdividing this 8 dwelling unit parcel into two parcels with four dwelling units each doesn’t appear to have any impact on the Neighborhood in question. Therefore, Staff suggests that the Board find that this proposal complies with § 3507.

- 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.

Staff Findings: No new development is proposed, and the new parcel boundary complies to the extent possible with the requirements of § 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. *Not applicable, as no such natural resource areas identified on the subject parcel or within 500 feet.*
24. Section 3510. Lot Line Adjustment and Lot Merger – *Not applicable. This does not involve either a boundary line adjustment or a merger.*

Staff Recommended Proposed Motion(s), provided that the Board resolves the issues requiring determinations detailed above (i.e., shared parking and landscaping):

- ❖ Motion to approve Application # Z-2019-0067 for a two-lot subdivision, as presented in the application dated June 4, 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, including the locations of all applicable survey rods and markers.
 - II. Board to add any additional conditions (i.e., landscaping)?

MONTPELIER DEVELOPMENT REVIEW BOARD REPORT

Prepared by Meredith Strobridge Crandall, Planning and Zoning Administrator

Date: June 20, 2019

For the meeting of July 8, 2019

CONDITIONAL USE REVIEW

Applicant: Paul Markowitz

Owner: Same

Address: 4 Pearl Street

Application # Z-2019-0073

Zone: Residential 3000



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

Chapter 200. General Provisions

Chapter 210. Base Zoning Districts & Neighborhoods

- o Section 2109. Residential 3000 (RES 3) 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 310. Special Use Standards

- o Section 3105. Home Occupation, Home Business and Home Industry

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 June 9, 2019;
- b) Zoning Permit Attachment, received by the Department of Planning and Economic Development June 10, 2019;
- c) 4 Pearl Street Aerial and Street Views – neighborhood context.

Project Scope & Applicant Request

Applicant seeks conditional use approval to add a home industry use – bread baking and selling business - to the single-family home at 4 Pearl Street.

The subject parcel is located in the Residential 3000 (“RES 3”) Zoning District. The Application will first be reviewed by the Development Review Board (the “Board”) on July 8, 2019.

STAFF REVIEW & COMMENTS

1. Existing Conditions: 4 Pearl Street is the second building on the left on Pearl Street when entering the street from the west (i.e., Winter Street), on an existing .21 acre (9,147.6 SF) parcel that a single-family home and driveway.

There is a steep bank between the street and the front of the house, and roughly the rear third of the parcel is wooded. Both sides of Pearl Street have sidewalks, and speed humps are present on the street to slow traffic. The parcel is serviced by municipal water and sewer.

2. Location: The subject parcel is in the Meadow – West Neighborhood in the RES 3 Zoning District. This northern side of Pearl Street contains parcels of relatively consistent size and orientation, and the entire neighborhood contains mostly single-family homes.
3. Permit/Parcel History: Applicant’s spouse obtained a home occupation permit in 2007 (#Z5291) for a law office based in the home. This is no longer in active use. None of the other permits issued for this building relate to or affect the current request.
4. Procedural Status: **The only reason that this application is before the Board is because Applicant is requesting the ability to have up to 25 people come to the parcel to pick up bread in a single day. As customers could opt to walk or bike to his home, 50 new vehicle trips per week – split over two days – is the maximum impact. However, more than 10 trips per day triggers the Home Industry Use and required Conditional Use Review.**

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, bed and breakfasts, and various non-residential uses are “permitted” uses in the RES 3 District.
 - ii. Per § 3105.E, a Home Industry are accessory to residential uses, and are conditional uses in all zoning districts.
 - 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.”
 - D. Materially similar uses. *Not applicable*.

- i. The current use of 4 Pearl St. is as a single-family home. Applicant requests the addition of an in-home bread baking and selling business, with the 200 SF of Home Industry use to overlap with the residential kitchen.

Staff Findings: Both the current, residential, use and the proposed Home Industry use are allowed in RES 3. However, the Home Industry Use requires conditional use review. See ##17–20, below, for further 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 2-09 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: 25 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 .21 acres (9,147.6 SF), has >70 feet of frontage on Pearl St., and less than 50% coverage per Staff’s estimate of <3,800 SF of impervious surface. See embedded image, showing structure, driveway, patio, small accessory structure, and stairs to sidewalk.



- b. *The setbacks and building footprint are not applicable here, where no changes to such are proposed.*

- D. Principal building:§ 3002.B. *Not applicable.*

E. Calculating Density: § 3002.D.

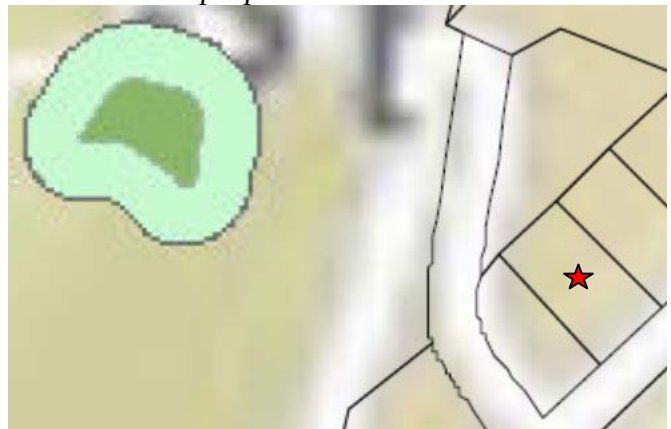
- i. In RES 3, residential density is calculated as 1 dwelling unit per each 3,000 SF of parcel area. § 3002.C.
- ii. Nonresidential density is measured as FAR, the ratio of gross floor area to the total lot area – with the RES 3 District having a maximum FAR of 1.0. § 3002.D.
- iii. Per § 3002.D(3), where a proposal includes both residential and nonresidential development, the total density cannot exceed the necessary square footage of the combined uses.
 - a. Here, where the parcel includes a single family home, and 200 SF to be used for the Home Industry Use, only 3,200 SF of the available density allowance of over 9,000 SF has been used.

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

Staff Findings: The subject parcel meets the minimum lot size and frontage requirements. The proposed additional Home Industry Use complies with the density requirements.

The coverage, setback, height, and building footprint standards don't apply here, where no relevant changes are proposed. Any failures of the current structures to comply with such standards would be nonconformities that could continue to exist.

7. Section 3003. Accessory Structures and Uses: *Not applicable, no new accessory structures proposed or being changed.*
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 200 feet of the northwest 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 within 200 feet of the parcel boundary and no vernal pools within 500 feet of the parcel through a visual inspection of the Map.
11. Section 3007. Steep Slopes – *Not applicable, no land being disturbed.*
12. Section 3008. Erosion Control – *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.*

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, Pearl 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, no new parcels created.*
- 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.

Staff Comment: Having customers park in the driveway could be problematic, given the small area for turnaround, and the risk of queuing on the street. Staff suggests requiring that customers park on the street, which will reduce potential risks.

- vii. Emergency access. *Not applicable. No changes proposed that impact emergency access.*
- 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: Applicant proposes no changes to the site layout or access points, and therefore the number, spacing, cross access, and emergency access requirements aren't applicable. Pearl Street is a Class 3 Highway, therefore § 3010.B(2) isn't applicable.

Staff has determined that the number of new trips proposed, at most two times per week, is not significant enough to warrant street improvements. Staff has confirmed verbally with the Director of the Department of Public Works that he has no concerns with this proposal. However, the Board can request DPW's additional comments if it wishes.

Given the potential risk for queuing on the street should Applicant's customers park in the driveway, Staff suggests that the Board condition approval of this application so that customers must park on the street during bread pick-ups.

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 dwelling units require 1 parking space. Industrial uses with limited customer traffic require 1 parking space per each 900 SF of GFA. 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 ... (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. Applicant has parking within the residential driveway, see Zoning Permit Attachment.
 - ii. With a single-family home and 200 SF of home industry space, applicant would typically be required to have 2 off-street parking spaces. Though the residential parking could be in the driveway.
 - iii. There is significant public parking available along both sides of Pearl Street, particularly in the 3-5 pm block of time.
 - iv. GMTA's Montpelier Circulator Bus Route stops roughly 1 block away (+/- 325 feet), at the corner of Summer and Winter Streets every hour (except 10 am) between 7 am and 5 pm, Monday through Friday.

Staff Comment: Given: (i) the low, at most two days per week impact from the requested new home industry; (ii) the availability of a nearby transit stop; and (iii) Staff's suggestion that customers park on the street to avoid queuing, Staff recommends that the Board waive the off-street parking requirement for the new business – thereby making the locational, dimensional, and design standards listed below moot.

C. Shared Parking. *Not applicable.*

- D. Loading Areas. Section 3011.F states that uses “that will regularly receive deliveries or generate shipments by truck shall demonstrate that there will be adequate off-street space for loading and unloading without interfering with traffic circulation, access, and parking.

Staff Comment: Applicant has not confirmed whether or not any truck deliveries will occur, so the Board should request this information at the hearing. However, given the small size of the proposed bakery, it appears that all supplies will likely be purchased and “delivered” by Applicant in personal vehicles.

Staff suggests the following as a condition of approval, even though it’s a standard regulatory requirement – to remind Applicant that growth of the business beyond the maximum customers approved will require further permits: Any future enlargement, alteration, or change of use will require a permit from the City of Montpelier.

- 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. Applicant proposes no changes to the current parking layout.
 - ii. *See above.*
- 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 proposes no changes to the current parking layout.
 - ii. *See above.*
- 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. 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.”
- i. *No changes to parking layout proposed.*

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

Chapter 310. Special Use Standards: *Establishes supplemental regulations that address the unique development challenges of certain land development. It includes additional standards, exceptions to the standards or alternative standards for particular uses, structures and facilities.*

17. Section 3105. Home Occupation, Home Business and Home Industry – Section is intended to provide “appropriate guidance for home businesses and industries to allow modest uses of one’s dwelling provided the neighborhood is protected from undue impacts.” Subsection A.

- A. Home Offices, Businesses, and Industries are defined separately, with a Home Business not generating more than 10 additional vehicle trips per day. If more than 10 trips are generated, then the proposal rises to the level of a “Home Industry” which is a conditional use in all zoning districts. See § 3105.C and D.

B. Home Industries must:

- i. Be conducted on-site by residents of the dwelling and up to 3 non-resident employees on-site at any time;
- ii. Limit any exterior storage of materials and equipment to clearly designated areas approved by the Board, which meets all applicable setbacks, and avoids adverse impacts to neighboring properties or the public right-of-way.
- iii. Park associated commercial vehicles within designated parking areas approved by the Board.
- iv. Sell only goods or services produced on the premises.
- v. Have not more than one sign.
 - a. The proposal proposes up to 25 people picking up bread between 3 and 5 pm on Fridays. Applicant requests the ability to increase pick-ups by up to an additional 25 people (for a maximum total of 50 trips) on another day, during the same window.
 - b. Weekdays 3 – 5 pm overlaps the typical PM Peak travel hour for the City of Montpelier (often 4:15 – 5:15 pm, or 4:30 – 5:30 pm).
 - c. No new facilities or improvements to be made to the residence to accommodate the new business. Bread making and selling business will use roughly 200 SF of space within the current home, mainly the kitchen.
 - d. No non-family members will be employed, no outdoor storage, equipment, or signs proposed. No commercial vehicles added.

Staff Findings: Staff's opinion is that Applicant's proposed bread making and selling business qualifies as a Home Industry under § 3105, as more than 10 additional vehicle trips will be generated on the one or two specific days when the business is open to customers.

As Applicant will be the sole employee, no materials or equipment will be stored outside, no additional vehicles will be used for the business – merely Applicant's personal vehicles that will be parked in the driveway, and all bread will be produced on the premises, **this application complies with the requirements of § 3105; provided, that the Application also meets the conditional use requirements of Chapter 330. See below.**

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.*

18. 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. No additional burden on the City's local schools, police, fire protection, or ambulance services, or parks and recreation facilities are anticipated.
 - B. There may be a *de minimis* impact on street infrastructure and maintenance needs in the immediate vicinity, same with water and sewage usage for the subject parcel.

However, none of these impacts should rise to the level of a disproportionate or unreasonable burden.

Staff Finding: Applicant's requested home bread baking and selling business will not cause a disproportionate or unreasonable burden on the city's ability to provide community facilities and utilities.

19. 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.
 - 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. Pearl Street is a Class 3 road.
 - ii. The maximum new trips generated per day by this proposal is 25, 50 total per week.

Staff Comment: Applicant should be prepared to address § 3303 in more detail at the July 8th hearing. However, Staff consulted with the Department of Public Works Director, who verbally confirmed that he had no issues with the proposed new use in this location. As discussed above regarding § 3010, Access, there is substantial parking available on Pearl Street, with opportunities for customers to park, pick up their bread, and then continue on either North or South on Route 12, or otherwise reach their destination without blocking traffic. Further, when school re-starts in the fall, the pick-up windows will coincide with school dismissals, so it's possible that some bread pick-ups will be by foot traffic.

Therefore, Staff suggests finding that the proposed use will not have an undue adverse effect on traffic.

20. 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 Meadow – West Neighborhood, described as a:
“traditional residential neighborhood close to downtown and Hubbard Park is densely developed with historic, mostly single-family homes close to the sidewalk on tree-lined streets. These regulations are intended to protect the historic and family-friendly character of the neighborhood created by the primarily residential

use, historic building stock, front yards, porches, walkable, tree-lined streets, and low levels of non-resident traffic.”

i. Only potential issue appears to be the increase in “non-resident traffic.”

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 or landscaping on the parcel is proposed.*

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. Increased traffic during the 3-5 pm hours, two times a week, could create some increase in noise for neighbors. However, the 3-5 pm window is typically when those that work outside of the home are still at work, so the impact still appears relatively light.

Staff Comment: Applicant will need to address whether or not the proposal will have an undue adverse effect on the character of the Meadow – West Neighborhood during the July 8th hearing. And the Board will need to make a determination on this point.

However, Staff’s suggested finding is that although there may be some adverse effects on the Neighborhood, they will not be “undue.” Further, though perhaps not a factor in the ultimate decision, there may be some benefits in community building through neighbors seeing more of each other during pick-up windows.

Staff Suggested Action: Before any Motion to Approve Application #Z-2019-0073, the following issues must be resolved (as detailed above, along with more minor determinations):

(1) Does the subject property meet the relevant Access and Circulation requirements of § 3010?

(2) Does the proposal meet the relevant parking requirements of § 3011?

(3) Does the proposed conditional use have:

A. An undue adverse effect on traffic?

B. An undue adverse effect on the character of the Neighborhood?

C. Require any performance standard conditions?

Staff Suggested Motion Options:

- ❖ Motion to approve bread making Home Industry use as a Conditional Use at 4 Pearl Street, as presented in the application dated 6/9/2019 and supporting materials, subject to the following conditions of approval:

- I. Applicant's customers that arrive via vehicle will be directed to park in on-street parking spaces, and not in Applicant's driveway.
- II. Any future enlargement, alteration, or change of use will require a permit from the City of Montpelier

MONTPELIER DEVELOPMENT REVIEW BOARD REPORT

Prepared by Meredith Strobridge Crandall, Planning and Zoning Administrator

Date: June 25, 2019

For the meeting of July 8, 2019

SKETCH PLAN SUBDIVISION REVIEW

Applicant: Brett Proctor

Owner: Same

Address: 18 Marvin Street

Application # Z-2019-0075

Zone: Residential 6000



Guiding Ordinance Sections

Chapter 200. General Provisions

Chapter 210. Base Zoning Districts & Neighborhoods

- o Section 2110. Residential 6000 (RES 6) 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 3004. Demolition
- o Section 3005. Riparian Areas
- o Section 3006. Wetlands and Vernal Pools
- 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 350. Subdivision Standards

- o Section 3501. Applicability
- o Section 3502. Capacity of Community Facilities and Utilities
- o Section 3503. Suitability of Land
- o Section 3504. Traffic
- o Section 3505. Design and Configuration of Parcel Boundaries
- o Section 3506. Design and Layout of Necessary Improvements
- o Section 3507. Character of the Neighborhood and Settlement Pattern
- o Section 3508. Renewable Energy and Conservation
- o Section 3509. Natural Resource Protection
- o Section 3510. Lot Line Adjustment and Lot Merger

Chapter 440. Subdivision and PUD Review Procedures

Materials Submitted:

- a) Development Application, dated 6/14/2019;
- b) Subdivision Attachment, Sketch Plan Review, dated 6/14/2019; and
- c) Subdivision of Lands of Brett Proctor, Marvin Street, by Richard W. Bell Land Surveying, Inc., Drawing #S-1188, dated Nov. 2018, received by Department of Planning and Economic Development 6/14/19 (the “Sketch Plan”),

Project Scope & Applicant Request

Applicant seeks sketch plan review for a proposal to subdivide a 15,822 SF (0.36 acre) parcel containing a single-family home and driveway into two parcels, such that: (i) the main house and driveway will be on the 8,167 SF northwestern parcel (“Lot 1”); and (ii) an exterior staircase and fence will be on the 7,655 SF southeastern parcel (“Lot 2”).

The current parcel is located in the Residential 6,000 (“RES 6”) Zoning District. This sketch plan subdivision application will first be reviewed by the Board on July 8, 2019.

STAFF REVIEW & COMMENTS

1. Existing Conditions: The parcel is an existing 0.36 acre parcel with 192 feet of frontage on Marvin Street. The current parcel contains a single-family home served by municipal water and sewer.
2. Location: The subject parcel is located on the North side of Marvin Street, roughly halfway between the intersections with Hubbard Street and Bingham Street, within the College Hill - North Neighborhood of the RES 6 Zoning District.



3. Relevant Permit/Parcel History: The prior owner received a permit for the parcel’s fence in 2002 (#Z230).

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. One, two, three, and four dwelling uses are all “permitted” uses within the RES 6 District.
- 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 one single-family home.
 - ii. No new uses are proposed in this application.

Staff Findings: The use on the current parcel is permitted under §§ 3001.A, 2110.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 2-10 establishes the dimensional standards for development in the RES 6 District as follows:

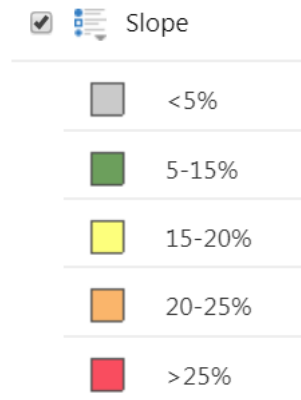
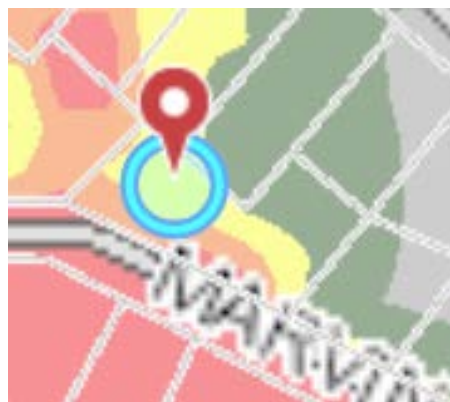
Figure 2-10. Residential 6000 District Dimensional Standards

LOTS	SETBACKS	DENSITY	BUILDINGS
Lot size: 6,000 sf min Frontage: 60 ft min Coverage: 50% max	Front: 15 ft min Side: 10 ft min Rear: 20 ft min Water: 25 ft min	Residential: 1 du/6,000 sf max Floor Area Ratio: 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).

- i. The existing parcel:
 - a. Is 15,822 SF (0.36 acre) and has frontage of 192 feet on Marvin St.
 - b. Has 1,100 SF of coverage, significantly less than 50%.
 - c. Contains a single family home set back from the property boundaries as follows (based on the Sketch Plan scale):
 - (1) Front: 11 feet – to the existing covered front porch
 - (2) Side Right (east): 100+ feet
 - (3) Side Left (west): 30+ feet
 - (4) Rear: approx. 10 feet to the rear covered porch.
 - d. *The building height and footprint are not applicable here, where no related changes are proposed.*
- ii. After the subdivision:
 - a. Proposed Lot 1 will be 8,167 SF, with 132.59 feet of frontage on Marvin St., significantly less than 50% coverage, and the following approximate setbacks (based on the Sketch Plan scale):
 - (1) Front: 11 feet – to the existing covered front porch
 - (2) Side Right (east): <30 feet to the covered wraparound porch.
 - (3) Side Left (west): 30+ feet
 - (4) Rear: approx. 10 feet to the rear covered porch.

- b. Proposed Lot 2 will be 7,655 SF, with 60 feet of frontage on Marvin St., and minimal coverage (just a staircase in the bank on the western side). The setbacks for the RES 6 District are shown on the Sketch Plan.
 - 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 RES 6, the residential density allowance is 1 dwelling unit per each 6,000 SF of parcel area. §§ 2110 & 3002.C. Land with grades of 30% or more (steep slopes) are excluded from buildable area used to calculate maximum density. § 3002.C(2).
 - i. As seen on the excerpt below from the ANR Atlas, the parcel may contain a *de minimis* area of greater than 25% slopes. The area involved doesn't appear to be enough to reduce the Lot 2 buildable area by more than 1,600 SF.



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

Staff Findings: Applicant's proposal complies with the § 3002 dimensional requirements, as any setback noncompliances are nonconformities that are remaining the same (i.e., not increasing in intensity or noncompliance) following the subdivision. Further, the current parcel and the proposed parcels comply with the density, lot size, and coverage standards.

6. Section 3003. Accessory Structures and Uses

- A. Driveways are accessory structures/uses that are allowed to encroach into the standard setbacks on any side, up to the property line.
- B. Fences may also be within 0 feet of the property line.
- i. *The Application doesn't include a driveway/access plan. Given the topography, a new curb cut for Lot 2 appears most likely. See below for further discussion.*

Staff Comment: Applicant to propose access plan with Final Application, noting spacing with other nearby driveways.

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. *Not applicable. Although some slopes of greater than 25% are present per the ANR Atlas (see excerpt above re: density), none will be disturbed by the subdivision, and there appears to be sufficient area on Lot 2 for development without disturbing the steep slopes.*
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. *Not applicable, the act of subdivision will not disturb any soil, so this provision is not applicable here.*

Staff Comment: Applicant should note that appropriate Erosion control practices will need to be followed during future development of Lot 2 given the natural terrain.

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.*

Staff Comment: As part of any future development on Lot 2, Applicant will need to get DPW's approval of any storm water connection through a construction and access permit. The most likely connection would be to the downslope storm water line that runs across private property to the north.



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.
 - ii. State or Class 1 highways. *Not applicable. Marvin Street is a Class 3 town highways.*
 - iii. Number. Shared access is strongly encouraged.
 - a. It may be possible for a shared driveway between Lots 1 and 2, but given the slopes one of the property owners would have to deal with an exterior staircase to access their home, so this appears unlikely.
Applicant to clarify access plan in Final Application following survey.
 - iv. Spacing. Access points shall be spaced as specified in figure 3-11, which for RES 6 requires a minimum of: (1) 100 feet between curb cuts and intersections; and (2) 45 feet between driveways.
 - a. The current curb cut on Marvin Street appears to be:
 - (1) <30 feet from each of the closest driveways on the opposite side of Marvin St.
 - (2) 200+ feet to the intersection with Bingham St., and more from Hubbard St.



Staff Comment: It doesn't appear possible for Applicant to propose a new driveway for Lot 2 that complies with the spacing requirements. Applicant should provide an access plan as part of the Final Plan Application, so that DPW can provide comments and the Board can determine whether or not a reduction in the spacing requirement is allowable.

- v. Cross access. § 3010.B(5). *Not applicable to residential development.*
- vi. Length. **New driveway for Lot 2 will have to be of sufficient length to avoid queuing.**
- vii. Emergency access. *Not applicable to subdivision without further details of proposed new development.* Further, the proposed parcels will be small enough that access from the adjacent streets should be sufficient for emergency purposes.
- viii. Street improvements. *Not applicable, no new streets created.*
- ix. Non-conformities. Any non-compliances with requirements for spacing of current access points are non-conformities that may remain, unchanged.

14. Section 3011. Parking and Loading Areas

- A. Residential uses in RES 6 are required to have a minimum of 1 off-street parking space for each unit. § 3011.C and Figure 3-11.
- B. The Board may waive some off-street parking requirements, if (among other options) there is an existing transit stop within ¼ mile of the proposed development. § 3011.C(3)(d).
- C. Off-street parking shall be behind the front line of the building (inclusive of vehicle overhang) – except that personal vehicles may be parked within any lawful residential driveway. § 3011.G(2).
- D. Parking spaces must be 8.5 feet wide by 18 feet deep, except for compact car spaces approved by the DRB. § 3011.H(1).
- E. Parking spaces must be accessible from a driveway or access aisle, except for “tandem parking (a double-depth parking space with one vehicle parking the other in) for residential or employee parking.” § 3011.H(1)(b).

- F. Off-street parking must have a “firm, level surface appropriate for the anticipated level of use in all seasons.” § 3011.I(1).
- G. Snow storage areas should be identified for compliance with § 3011.I(4) – requiring adequate space for snow storage on site without obstructing vehicle or pedestrian visibility or circulation to the maximum extent feasible given the physical characteristics of the property.
- H. Sites with nonconforming parking areas must come into conformance with § 3011 to the maximum extent feasible given the physical characteristics of the lot and the existing development 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 Comment: As this is a subdivision proposal where both Lots 1 and 2 will be residential, and no changes are proposed for Lot 1, Applicant’s Final Application needs to show a possible access/driveway plan for Lot 2 that will allow for parking for at least 1 off-street vehicle as well as a home. These can be shown on a separate Site Plan, versus the final survey plat.

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.

Staff Comment: The Application materials do not include a narrative addressing the Chapter 350 Criteria. Such will be required for the Final Subdivision Application package. For this review, given that this is a basic, two-lot sketch plan subdivision request, Staff has provide some basic analysis below. However, the Board should request additional information from the Applicant as part of the Final Subdivision review.

- 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.
 - A. With the acreage on Lot 2, in RES 6, the most likely future use is a single family home or possibly 2 dwelling units.

Staff Comment: Adding one new residential parcel – with either one or two dwelling units – in this area will not cause a disproportionate or unreasonable burden on the city’s ability to provide community facilities or utilities.

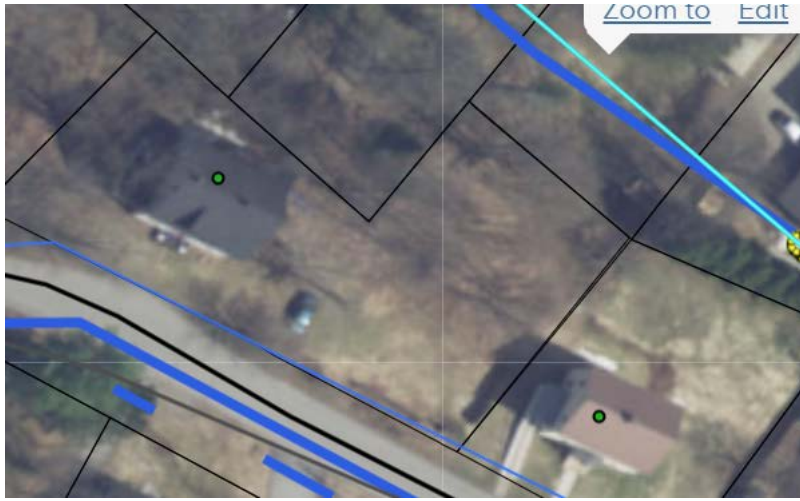
17. Section 3503. Suitability of Land

- 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.”

Staff Comment: There are no apparent issues with complying with the requirements of § 3503, although the topography may create some additional steps for future development, such as obtaining easements from the property owner to the North for access to City sewer and storm water lines.

The Board should determine whether obtaining those easements should be a condition of the subdivision approval.



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. The most likely use for Lot 2 is a single family home or (at most) two units.

Staff Comment: The addition of one new parcel, developed with either a single-family home or two units, will not have an undue adverse effect upon the traffic in the area.

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 RES 6 District “is to encourage infill development and a range of housing choices while preserving neighborhood character and quality.” § 2110.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. See Sketch Plan.

Staff Comment: The parcel design and configuration generally satisfies the § 3505 requirements. **Applicant should demonstrate at least one viable access option on a potential site plan at the Final Application stage.**

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. *Not applicable, Lot 1 is currently connected to City water and sewer, and there are no foreseeable difficulties with connecting Lot 2 though State and DPW permits will be required, as well as potential easements for access to sewer.*
- D. Firefighting facilities. The applicant shall design the subdivision to provide water for fire protection in accordance with the following:
 - i. There is a fire hydrant near the corner of Marvin and Bingham Streets, less than 300 feet away.
- E. **Public and private utilities. The applicant shall design the subdivision to provide utility service to each lot not intended for conservation purposes. Per subsection E(1), "utilities shall be located underground unless prevented by ledge or other physical conditions."**

- i. In this developed neighborhood, all powerlines are currently above-ground, with the line along Marvin Street running up the south side – across the street from the subject parcel (see image below).
- ii. Given the current physical location of the power lines, it seems sensible for Applicant to reach out to the local service provider to determine what it would cost to run power for Lot 2 underground, and whether the power company would require a new pole (due to age of the current one) to do so. If the costs are exorbitant, then the Board may wish grant the “other physical conditions” exemption to the underground utilities requirement given the scope of the proposal and the current utility situation in the neighborhood.



- 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. No new landscaping is proposed.
 - b. As of May 2012, there was no landscaping delineating the proposed boundary line. Further, although there's a fence between proposed Lot 2 and the neighbor to the east, it appears to provide little privacy. See Google Street Views from May 2012 below.

Staff Comment: Applicant should report on current landscaping, including a landscaping plan and/or pictures in the Final Application package.

Further, given the nature of this proposed infill, should the Board approve this subdivision request at the final application stage, Staff suggests requiring a landscaping plan be included in the zoning permit application that meets the requirements of § 3506.F(1)(2) and (4).



G. Erosion Control. *Not applicable, as no construction or soil disturbance proposed.*
However, given the topography, Applicant should be aware that such could be triggered depending on the extent of disturbance planned for future development.

- H. 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: *No additional development proposed in this two-lot subdivision. However, DPW approval for storm water connections will be required for future development, and there are some complications with this site. See notes above regarding likely need for easements.*

- I. Parks and recreation areas. *Not applicable when no common recreation areas or facilities planned, and 10 or fewer dwelling units planned.*
- J. 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. Sketch Plan includes relevant rod and pipe notations.
- K. 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. *Not an issue currently, as a two-lot subdivision application.* However, Applicant will need to obtain additional zoning and DPW permits for any future development.

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;
- C. Be compatible with the character of the neighborhood.
 - i. Section 2110.B(2), describes the College Hill -North Neighborhood as “primarily residential with historic homes located on lots of varying size. Proposed land development should protect the historic character and appeal of this neighborhood while accommodating modest increases in density through compatible infill development and conversion of existing buildings to multi-family occupancy.”
 - a. The proposal extends the City’s traditional settlement patterns, and is not strip development.
 - b. This is an infill subdivision, where the future intended use is likely to be a single-family home built on what is now a large side-yard. Although there are larger parcels within the Neighborhood, this particular parcel appears to be suitable for an infill subdivision – given the terrain.

Staff Comment: At the final application review, the Board will need to determine whether or not the proposal is compatible with the character of the 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.

Staff Comments: Given the topography in the area (the land slopes up to the South and West), and the existing house on Lot 1, solar access on Lot 2 will not be ideal. However, the requirements of § 3508 apply “to the maximum extent feasible given topography, orientation and vegetation”

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. *Not applicable. No natural resource areas identified on the subject parcel or within 500 feet.*
24. Section 3510. Lot Line Adjustment and Lot Merger – *Not applicable. This does not involve either a boundary line adjustment or a merger.*

Staff Recommended Action:

- ❖ Following the sketch plan meeting, the Development Review Board shall:
 - A. Make recommendations to guide the applicant in preparation of more detailed plans.
 - B. Request any additional application materials deemed necessary to determine compliance with these regulations.
 - C. 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 DEVELOPMENT REVIEW BOARD REPORT

Prepared by Meredith Strobridge Crandall, Planning and Zoning Administrator

Date: June 20, 2019

For the meeting of July 8, 2019

SETBACK WAIVER REQUEST

Applicant: Ward Joyce

Owner: Andrew & Marriane Perchlik

Address: 29 Franklin Street

Application # Z-2019-0076

Zone: Residential 1,500



Guiding Ordinance Sections

Chapter 200. General Provisions

Chapter 210. Base Zoning Districts & Neighborhoods

- o Section 2108. Residential 1500 (RES 1.5) 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 3004. Demolition
- o Section 3005. Riparian Areas
- o Section 3006. Wetlands and Vernal Pools
- 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 430. Development Review Procedures

Chapter 460. Appeal Procedures

- o Section 4602. Waivers

Materials Submitted:

- a) Development Application, dated 6/13/19;

- b) Zoning Permit Attachment, dated 6/13/19;
- c) Attachment to request a Waiver or Variance, dated 6/14/19;
- d) Parcel Map with Adjacent Parcels, received by Department of Planning and Economic Development (“DPED”) 6/14/19
- e) Perchlik House Renovation, Proposed Site Plan, Drawing #A100, by Architect Ward Joyce (“Mr. Joyce”), dated 6/13/19;
- f) Perchlik House Renovation, Existing Site Plan, Drawing #A101E, by Mr. Joyce, dated 6/13/19;
- g) Perchlik House Renovation, Proposed Floor Plan, Drawing #A101, by Mr. Joyce, dated 6/13/19;
- h) Perchlik House Renovation, Existing Elevations, Drawing #A102, by Mr. Joyce, dated 6/13/19;
- i) Perchlik House Renovation, Proposed Exterior Elevations, Drawing #A103, by Mr. Joyce, dated 6/13/19.

Project Scope & Applicant Request

Applicant seeks a waiver of the 10 foot front-yard setback minimum and the 60% coverage maximum, to allow various external renovations at 29 Franklin Street, including the reconstruction and enlargement of a front porch, and the addition of a stone patio in the back yard.

The subject parcel is located in the Residential 1500 (“RES 1.5”) Zoning District. The Application will first be reviewed by the Board on July 8, 2019.

STAFF REVIEW & COMMENTS

1. Existing Conditions: 29 Franklin Street is an existing 0.04 acre (1,965 SF) parcel that currently contains a 2,256 SF single-family home, with a roughly 4-foot deep porch and a driveway. The parcel is small generally, as well as when compared to other single-family homes in the neighborhood. The parcel is serviced by municipal water and sewer.
2. Location: The subject parcel is in the Franklin Street – Southwest Neighborhood in the RES 1.5 Zoning District. 29 Franklin Street is one parcel down from the intersection of Franklin, Cross, and Mechanic Streets.
3. Permit/Parcel History: See below for recent zoning and building permit history:

Case #	Site Address	Primary Contact	Department	Type	Project	Project Description	Status	Submitted	Issued	Closed
B-2017-0087	29 FRANKLIN ST	Andrew & Marianne Perchlik	BUILDING	BUILDING PERMIT - SINGLE FAMILY	Foundation repair, insulation, outlets, porch railing and heat pump installation.	Foundation repair, insulation, outlets, porch railing and heat pump installation.	ISSUED	06/07/2017	06/15/2017	
B-2015-0099	29 FRANKLIN ST	HARTMAN JOEL	BUILDING	BUILDING PERMIT - SINGLE FAMILY	Replace plaster and lath and upgrade wiring and insulation as necessary.	Replace plaster and lath and upgrade wiring and insulation as necessary.	CLOSED	06/05/2015	06/16/2015	04/24/2017

4. Procedural Status: As the subject parcel contains a single-family home, no Site Plan

provisions apply here. The addition of a porch and patio on a single-family home would normally be an administrative permit, but the waivers requested are beyond the scope of the Zoning Administrator's authority.

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. Single-family homes are "permitted" uses in the RES 1.5 District, and no change of use is requested.
- B. **Mixed uses.** *Not applicable.*

Staff Findings: Single-family homes are allowed in the RES 1.5 District on this parcel, and 29 Franklin 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 2-08 establishes the dimensional standards for development in the RES 1.5 District as follows:

Figure 2-08. Residential 1500 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/1,500 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. **Per § 1203, nonconformities may continue to exist unchanged indefinitely.**
 - § 1203.A.**
 - a. **Per § 1203.D, "a nonconforming structure may undergo normal repair and maintenance provided that the degree of nonconformity is not increased."**
 - b. **Further, a nonconforming structure "may be enlarged or expanded without a waiver or variance, provided: (1) the addition does not encroach beyond the existing, nonconforming building line; and (2) the structure is not subject to other conditions or restrictions from prior approvals or permits that would otherwise restrict the proposed additions." § 1203.E.**
 - c. **Per § 1203.F, the Board "may approve a waiver to allow enlargement or expansion of a nonconforming structure beyond what is authorized in Subsection 1203.D (see Subsection 3002.J and Section 4602).**
- ii. **The parcel is 1,965 SF, with 30 feet of frontage on Franklin St., and 60.18% coverage (1,182.67 SF) per comparison of the Proposed and Existing Site Plans. Building footprint will be well below the maximum allowed. The current setback distances are:**
 - a. **Front – 7 feet 8 inches to the front of the covered porch** (uncovered steps may extend to the property line per § 3003, Fig. 3-07).

- b. Rear – 9 feet 1.5 inches to the building façade.
- c. Side R – 3 feet to the property line shared with 27 Franklin St. to the South.
- d. Side L – 13 feet to the side of the house (>9.5 feet to the existing, uncovered side entrance steps).
 - 1) The driveway on the northernmost side of the parcel is allowed to be up to the property line per Fig. 3-07.

iii. **After the proposed improvements:**

- a. The parcel would have 1,368 SF (or 69%) coverage due to the added patio and larger front porch.
- b. The front setback distance would be reduced to 5 feet, 6 inches (covering the steps includes them within the line of the building, and negates the accessory structure exemption for entry stairs).
- c. The roof over the side steps would add negligible coverage, and still complies with the minimum 5 foot side-yard setback.
- d. The rear patio complies with the rear yard setback minimum of 5 feet allowed for patios as accessory structures/uses. See Fig. 3-07.
- e. Fences are allowed within 0 feet of the boundary. See Fig. 3-07.

B. Principal building: § 3002.B. *Only one building. Not applicable.*

C. Calculating Density: § 3002.D.

i. *Only 1 single-family home on parcel. No new units proposed. Not applicable.*

D. Height. *No changes in height proposed, not applicable.*

Staff Findings: The proposed porch renovation and external additions (including the patio) comply with the RES 1.5 footprint, height, and density requirements, as well as the side and rear setback requirements (the patio complies with the reduced rear accessory structure setback requirements).

The lot size, frontage, and height requirements generally don't apply here, where no changes affecting such are proposed. However, given the waiver request, it should be noted that the waiver is being requested for a parcel that currently doesn't conform to: (1) the minimum lot size; (2) minimum lot frontage; and (3) front, rear, and right side setbacks.

I. To grant a waiver, the Board must find that:

- o (4) "The [waiver], if authorized, shall not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the lawful use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare"; and
- (8) "The proposed land development is beneficial or necessary for the continued reasonable use of the property." § 4602 and Figure 4-02.

II. The requested renovated porch increases the degree of nonconformity with the front setback (the current porch is a nonconformity that may remain – but per § 1203, should not be increased).

- o Per § 3002, Figure 3-06, Applicant may request a waiver of the front setback, but by no more than 10% (here, a 1-foot reduction of a 10 foot minimum equals an allowed 9-foot setback). [Staff Note – Side and Rear setbacks may be reduced to not less than 5 feet. Front setbacks must rely on the “Other Dimensional Standards” Waiver limitation.]
- o Alternatively, § 3002.G states that “to encourage a regular building pattern along a street, the [AO] shall reduce the minimum front setback requirement to allow a principal building to match the average setback of the two closest principal buildings on the same side of the street.”
 - Although the neighbor to the North has only 2 feet between the property line and the front porch, the § 3002.G option doesn’t provide a solution here, as the neighbor’s porch to the South is setback more than 20 feet.

III. The current degree of coverage (60.1%) is another nonconformity that may continue under § 1203. However, the larger porch and the patio increase the amount of coverage to 69%.

- o Coverage maximum waiver, 5% or 2,000 SF more than district standard, whichever is less.
 - For this parcel, a 5% increase in coverage (to 65%) would be a maximum of 1,277.25 SF.
 - Under this proposal, the coverage increases from 1,182.67 to 1,368 SF – an increase of 185.33 SF.

Staff Comment: One option for Applicant to consider regarding coverage is whether it would be possible to create a permeable patio, versus the proposed stone patio. If the total “impervious” coverage can be reduced to 65%, the Board would have the option of a waiver. See § 5101.I(1) “IMPERVIOUS SURFACE means a surface composed of a material that impedes or prevents the natural infiltration of water into the soil including, but not limited to, rooftops, streets, driveways, sidewalks, walkways, patios and similar hard-surfaced areas whether constructed of concrete, asphalt, stone, brick, gravel or compacted earth, *unless they are specifically designed, constructed and maintained to be pervious.*” [Emphasis added.]

IV. Should the Board consider granting the waivers despite the Figure 3-06 Limitations noted above, it should consider the following:

- The issues involved with increasing the degree of a nonconformity.
- The limitations for improvement on a small (nonconforming) parcel.
- Prior decision regarding Pearl Street – Board didn’t allow waiver for deeper front porch.
- Character of the Neighborhood. How many other single-family homes in the neighborhood have front porches that fail to comply with the front setback, and to what extent?
- Whether the Applicant would be better served by a variance.

Staff Comment: Staff's opinion is that a variance is not the appropriate tool here, as the variance isn't necessary to "enable reasonable use of the property." See § 4603 and Fig. 4-02.

7. Section 3003. Accessory Structures and Uses: See notes re: accessory structure setbacks.
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 – Not applicable, no slopes on parcel.
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. Not applicable, triggers not met. No slopes, and area of disturbance will be less than 500 SF.
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 stormwater or drainage changes proposed. Numerous catchbasins in the area. See below.



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. Not applicable. No changes in use, access, circulation, or relevant layout proposed.

15. Section 3011. Parking and Loading Areas – *Not applicable. No relevant changes proposed triggering re-examination.*

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

Staff Suggested Motion Options:

- ❖ Motion to approve the request for approval of renovation and enlargement of the front porch, addition of a roof over a side stoop, and creation of a rear patio area at 29 Franklin Street, as presented in the application dated 6/13/2019 and supporting materials, subject to the following conditions of approval:

[Options for the Board's consideration]

- I. Impervious cover to be reduced to no more than 65% of the subject parcel, or 1,277.25 SF.
- II. [Possible conditions regarding size of rebuilt porch.]

OR

- ❖ Motion to deny the request for approval of renovation and enlargement of the front porch, addition of a roof over a side stoop, and creation of a rear patio area at 29 Franklin Street, as presented in the application dated 6/13/2019 and supporting materials, due to failure to comply with provisions of Montpelier's Unified Development Regulations, including, but not limited to, §§ 1203 and 3002.A and G.

MONTPELIER DEVELOPMENT REVIEW BOARD REPORT

Prepared by Meredith Strobridge Crandall, Planning and Zoning Administrator

Date: June 25, 2019

For the meeting of July 8, 2019

REQUEST FOR DECREASED ACCESS SPACING

Applicant: Howie Michaelson

Owner: Same

Address: 2 Sunset Avenue

Application # Z-2019-0074

Zone: Residential 9000



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

Chapter 200. General Provisions

Chapter 210. Base Zoning Districts & Neighborhoods

- o Section 2111. Residential 9000 (RES 9) 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 3004. Demolition
- o Section 3005. Riparian Areas
- o Section 3006. Wetlands and Vernal Pools
- 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 430. Development Review Procedures

Materials Submitted:

- a) Development Application, dated 10/25/18 (complete application not received until 5/29/19, then amended by Applicant);
- b) Zoning Permit Attachment, dated 10/25/18;
- c) Letter from Jacob R. Miller, of Jacob Miller Landscaping re: curb cut request for 2 Sunset Avenue, dated 10/25/18;
- d) Photographs of current parcel layout and with overlay of proposed new driveway and parking area, pp. 1–10, received by Department of Planning and Economic Development 6/14/19;
- e) Letter from Multiple Sunset Avenue Residents to Meredith S. Crandall, Planning and

Zoning Administrator, re: Application for Second Driveway Cut at Sunset Ave, pp. 1–3, dated June 5, 2019 (“Sunset Ave. Comments”);

- f) Letter from Mr. Michaelson to Ms. Crandall re: Request to create additional parking spaces at 2 Sunset, pp. 1–2, dated June 14, 2019 (“Narrative”);
- g) Email from Richard DeAngelis and Ariane Kissam to Ms. Crandall re: Curb cut proposal 2 Sunset Ave, dated June 18, 2019;
- h) 2 Sunset Ave. tax assessor map with ANR Atlas steep slopes overlay, dated 10/26/18;
- i) Michaelson 2 Sunset Ave Site Plan A, by Jacob Miller Landscaping, dated 5/10/19 (“Site Plan A”);
- j) Michaelson 2 Sunset Ave Site Plan B – with landscaping, by Mr. Michaelson, received by Dept. of Planning 6/14/19 (“Site Plan B”); and

Materials Provided By Staff:

- k) Email correspondence between Ms. Crandall, Mr. Michaelson, Mr. Miller, Audra Brown, and Zach Blodgett re: new curb cut at 2 Sunset Ave, discussing application requirements, dated 9/26/18 – 11/19/18 (the “2018 Emails”).

Project Scope & Applicant Request

Applicant seeks the Board’s approval to install a driveway at 2 Sunset Avenue that is less than the generally allowed distance from nearby driveways, and that is a second driveway to the parcel.

The subject parcel is located in the Residential 9000 (“RES 9”) Zoning District. The Application will first be reviewed by the Board on July 8, 2019.

STAFF REVIEW & COMMENTS

1. Existing Conditions: 2 Sunset Ave. is an existing 0.91 acre (roughly 39,600 SF) parcel that currently contains roughly 4,400 SF of coverage from a single-family home with an attached carport/covered patio, a small shed, and a short driveway.

The parcel is serviced by municipal water and sewer.

2. Location: The subject parcel is in the Towne Street Neighborhood in the RES 9 Zoning District. The parcel is located in the curve of Sunset Avenue (a dead-end street), and is in the mid-range size for the Neighborhood, see blue outlined area adjacent.



3. Permit/Parcel History
This application first came into the Planning and Economic Development Office in October

of 2018. However, the plan was missing critical information, such as property lines and so was not deemed complete by the Zoning Administrator until the relevant deficiencies were remedied in May of 2019 with the Site Plan A. See also 2018 Emails.

In the interim, the Department of Public Works had processed a separate application for the DPW access permit (see chart below), and approved the second access/driveway for 2 Sunset Ave., but to avoid confusion and at the Zoning Administrator's request has not yet issued the permit.

After the Planning Department received Applicant's May Application, comments were received from some of the neighbors on Sunset Avenue opposing the requested second driveway. In response, Applicant submitted Site Plan B and the Narrative, responding to the neighbors' issues, including clarity regarding why the driveway is requested, current issues raised by on-street parking on Sunset Avenue, a potential proposal for additional landscaping, the desire to maintain the mature oak between the current and proposed driveway locations, and Applicant's willingness to allow neighbors to use the long driveway for off-street parking under certain conditions. Property owners from 5 Sunset Avenue submitted an email supporting the project.

See below for additional details regarding recent zoning, building, and public works permit history for 2 Sunset Ave.:

Case #	Site Address	Primary Contact	Department	Type	Project	Project Description	Status	Submitted	Issued	Closed
PW-0016-2019	2 Sunset Ave	HOWIE MICHAELSON	PUBLIC WORKS	PUBLIC WORKS PERMIT	2 SUNSET AVE	NEW ACCESS TO PUBLIC ROAD	READY	05/21/2019		
D-2018-0286	2 SUNSET AVE	Howard Michaelson	MONTPELIER DEVELOPMENT	DEVELOPMENT PERMIT	C & A for sewer repair.	C & A for sewer repair.	PENDING	10/19/2018		
PW-0035-2018	2 SUNSET AVE	Howard Michaelson	PUBLIC WORKS	PUBLIC WORKS PERMIT	C & A for sewer repair.	C & A for sewer repair.	READY	10/19/2018		
B-2018-0033	2 SUNSET AVE	Howard Michaelson	BUILDING	BUILDING PERMIT - SINGLE FAMILY	Installation of 2 top of pole solar mounts.	Installation of 2 top of pole solar mounts	ISSUED	02/22/2018	03/15/2018	

4. Procedural Status: As the subject parcel contains a single-family home, no Site Plan provisions apply here. A new curb cut for a single-family home would normally be only an administrative zoning permit and a permit from the Department of Public Works. However, the Board is the only entity authorized to grant permission for: (i) two access points under § 3011; and (ii) a reduction in the residential access spacing requirements of § 3010.B(4). See ##14, 15, & 17 below for full analysis.

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. Single-family homes are "permitted" uses in the RES 9 District, and no change of use is requested.
- B. Mixed uses. *Not applicable*.

Staff Findings: No change of use is proposed, and single-family homes are allowed at this address, so the proposal complies with § 3001.

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 2-08 establishes the dimensional standards for development in the RES 1.5 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 Floor Area Ratio: 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).

- i. The parcel is roughly 39,600 SF, with approximately 140 feet of frontage on Sunset Ave., and approximately 11.11% coverage (~4,400 SF). Building footprint is below the maximum allowed (roughly 2,300 SF as estimated by Staff using the City's GIS software). The current setback distances are:
 - a. Front – roughly 20 feet to the house, with a driveway extending to the property line as allowed by § 3003 and Figure 3-07.
 - b. Rear – 80+ feet to the rear of the home. 70+ feet to the rear of the existing shed.
 - c. Side R – 60+ feet to the home. Roughly 40 feet to the shed.
 - d. Side L – Roughly 18 feet to the northwest side of the house.
- ii. After the proposed improvements:
 - a. The parcel would have approximately 1,200 SF more coverage from the new driveway and parking area, for a total of 14.14% (5,600 SF).
 - b. Per § 3003, driveways may extend up to the property line. See Fig. 3-07.

B. Principal building: § 3002.B. *Only one building. Not applicable.*

C. Calculating Density: § 3002.D.

- i. *Only 1 single-family home on parcel. No new units proposed. Not applicable.*

D. Height. *No changes in height proposed, not applicable.*

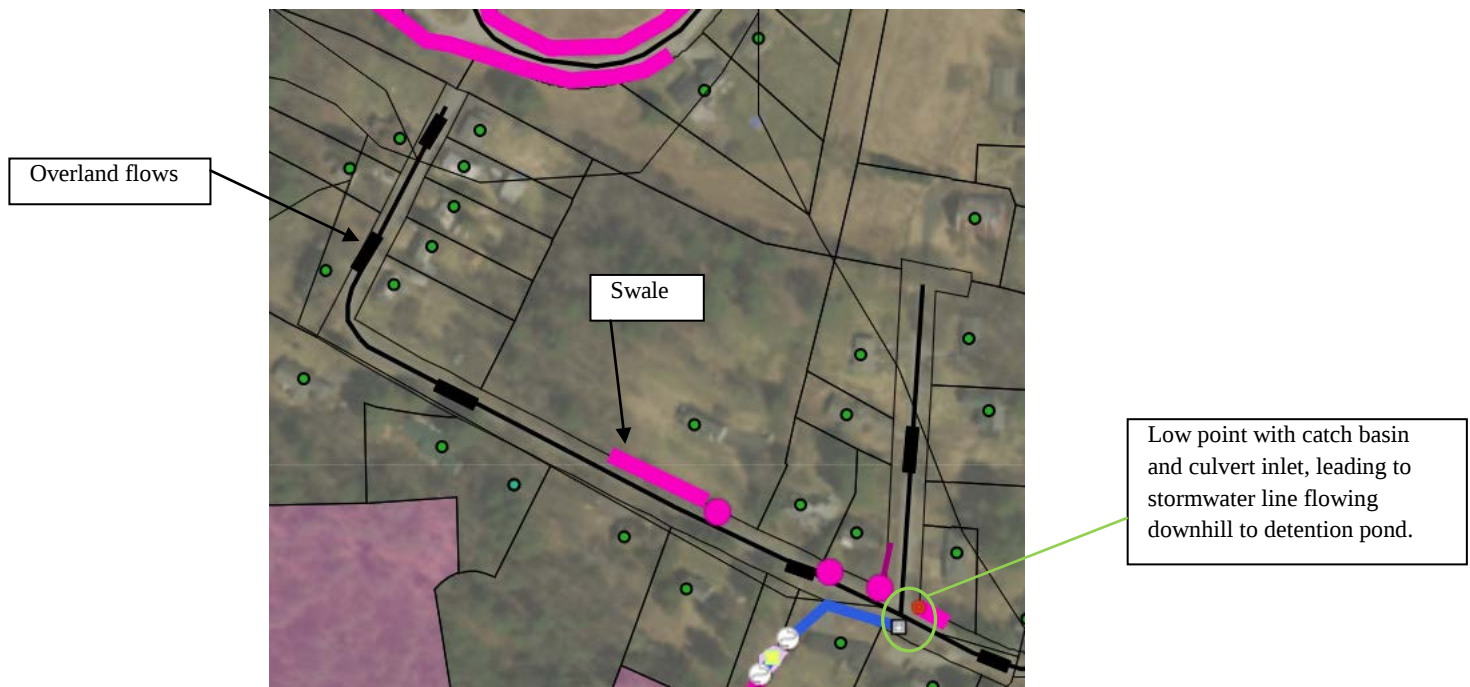
Staff Findings: As detailed above, the proposed new driveway and parking area comply with the dimensional requirements of § 3002.

7. Section 3003. Accessory Structures and Uses: *See notes re: accessory structure setbacks above.*
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 – Not applicable, no slopes impacted.
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. *Not applicable, triggers not met. No slopes of >25% impacted, and area of disturbance will be less than 6,000 SF.* See Site Plan A and letter from Mr. Miller re: full area of impact given regrading and other disturbance.
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 appreciable impact on stormwater or drainage.*

Staff Comment: The Department of Public Works approved the project separately and expressed no concerns with stormwater. See existing stormwater protection measures below.



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 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.
- ii. State or Class 1 highways. *Not applicable. Sunset Avenue is a Class 3 town highway.*
- iii. Number. **Per Subsection 3010.B(3), “A lot may be served by only one access point except as provided for below: (a) A corner lot not fronting on a state or Class 1 highway may have one access point on each street provided that the spacing requirements specified below shall be met. (b) The Development Review Board may approve more than one access on a lot when necessary to accommodate unique physical conditions on the property, to provide adequate emergency access, or to provide adequate traffic circulation within the site.”**
 - a. Applicant is requesting a second access point for the subject lot, which fronts on a Class 3 city road.
 - b. As detailed in the Narrative, Applicant is requesting the 2nd curb cut to alleviate parking and traffic flow issues on the subject parcel – as well as to potentially alleviate some of the parking issues and potentially hazardous conditions created on the street due to the relatively small amount of off-street parking available on this portion of a dead-end street.
 - c. There is a mature oak to the east of the current driveway which Applicant wishes to retain, both for the benefits to his own property and for the aesthetic benefits to the neighborhood. Expanding the current driveway to allow for additional parking would likely damage the roots of this tree, while Applicant is hoping to reduce such damage going forward.
- iv. Spacing. **Per Subsection 3010.B(4), Access points shall be spaced as specified in figure 3-11, which for RES 9 requires a minimum of: (1) 100 feet between curb cuts and intersections; and (2) 45 feet between driveways. “The Development Review Board may: (a) Reduce the spacing for residential driveways based on the site and street conditions. (b) Reduce 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.”**
 - a. The current curb cut on Sunset Ave. appears to be roughly 20 feet from the nearest neighbor’s driveway (1 Sunset Ave.).
 - b. Per the scale on Site Plan B, the proposed new curb cut would be approximately:
 - 1) 32 feet from the existing access on 2 Sunset Ave.
 - 2) 20 feet from the driveway for 1 Sunset Ave.
 - 3) 24 feet from the driveway for 3 Sunset Ave.
 - 4) 50 feet from the driveway for 4 Sunset Ave (although a notation on Site Plan B seems to indicate that this distance may actually be 39 feet).

- c. The City's Department of Public Works was ready to issue an access permit for the proposed second curb cut in May 2019, but the Zoning Administrator requested that it be held until the Board was able to consider the zoning permit application.
- d. Distances to intersections are not at issue.
- v. Cross access. § 3010.B(5). *Not applicable to residential development.*
- vi. Length. Per subsection B.(6), "Driveway length and internal circulation patterns shall be adequate to prevent vehicles entering and exiting the site from causing queuing on the street."
 - a. New driveway appears to be of sufficient length and width to avoid queuing.
 - b. Current driveway/parking area has no queuing issues for the cars that park in it. However, with the minimal off-street space, queuing for drop-off and pick-ups can occur on the street.
- vii. Emergency access. *Not applicable.*
- viii. Street improvements. *Not applicable, no new streets created.*
- ix. Non-conformities. Any non-compliances with requirements for spacing of current access points are non-conformities that may remain, unchanged.

Staff Findings: The Board will need to make a couple of determinations:

- 1. Has Applicant provided sufficient evidence for the Board to find that a 2nd access point is warranted for 2 Sunset Ave. per Subsection 3010.B(3) as it is "necessary to accommodate unique physical conditions on the property, to provide adequate emergency access, or to provide adequate traffic circulation within the site"?**
 - a. If not, the Board could approve the new access point, on the condition that the current access point and parking area are removed, with appropriate re-seeding of grass or other plantings.
- 2. Has Applicant provided sufficient evidence for the Board to find that the site and street conditions at 2 Sunset Avenue warrant a reduction in the typical spacing minimums under Subsection 3010.B(3)?**

15. Section 3011. Parking and Loading Areas

- A.** Residential uses in RES 9 are required to have a minimum of 1 off-street parking space for each unit. § 3011.C and Figure 3-11.
- B.** Per § 3011.D. creating more than 2x the minimum amount of parking requires Board approval in accordance with the following: (1) submission of a parking study demonstrating that the additional parking is necessary; and (2) the Board may condition approval of any parking in excess of the minimum on the additional area being surfaced with pervious materials and being phased so that it is constructed only as warranted to meet future demand."
- C.** Off-street parking shall be behind the front line of the building (inclusive of vehicle overhang) – except that personal vehicles may be parked within any lawful residential driveway. § 3011.G(2).

- D. Parking spaces must be 8.5 feet wide by 18 feet deep, except for compact car spaces approved by the DRB. § 3011.H(1).
- E. Parking spaces must be accessible from a driveway or access aisle, except for “tandem parking (a double-depth parking space with one vehicle parking the other in) for residential or employee parking.” § 3011.H(1)(b).
- F. Off-street parking must have a “firm, level surface appropriate for the anticipated level of use in all seasons.” § 3011.I(1).
- G. Snow storage areas should be identified for compliance with § 3011.I(4) – requiring adequate space for snow storage on site without obstructing vehicle or pedestrian visibility or circulation to the maximum extent feasible given the physical characteristics of the property.
- H. Sites with nonconforming parking areas must come into conformance with § 3011 to the maximum extent feasible given the physical characteristics of the lot and the existing development 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.
 - i. Applicant currently has room to park up to two vehicles within the residential driveway in the front of the home. Whether or not this counts as two “parking spaces,” or merely the allowable “parking in a residential driveway” despite being between the frontline of the building and the road is unclear.
 - ii. Applicant’s proposed new driveway leads to an area that could be the proper size for two official parking spaces.
 - a. See Photo # 9, which measures the final parking area as 18 feet wide by 20 feet deep. Compare to Site Plan B which lists it as 19 feet wide and 18 feet deep. To accommodate two standard parking spaces, the parking area must be at least 17 feet wide and 18.5 feet deep.
 - b. However, remember that residential parking may be tandem.

Staff Comments: Should the Board approve the Application as proposed, it may be difficult to argue that no more than two parking spaces exist on the property.

Given the maximum parking limitations, Staff suggests that the Board request additional input from Applicant regarding whether the proposed new driveway and parking area (alone) will meet his family’s needs. Provided that the Board has approved installation of the new access point with reduced spacing requirements under § 3010, then a condition requiring the removal of the current driveway and parking area would also resolve any excess parking space complications.

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

17. Miscellaneous – None of the Regulations applicable to a curb cut request for a single-family home contain landscaping or screening requirements through which the Landscaping and Screening provisions of Section 3203 can be applied to this application. However, Applicant has included potential landscaping within Site Plan B and as part of the Narrative.

Staff Comment: Given the above, Staff suggests that the Board question Applicant during the

July 8th hearing and determine whether:

A. Applicant wishes the potential landscaping to be a part of the application that is before the Board for approval (potentially similar to a negotiated settlement with the neighbors currently in opposition to the project) – and therefore enforceable should Applicant fail to install such.

OR

B. Applicant is merely stating that he “might” install the landscaping reflected on Site Plan B, depending in part on the actual costs of the project and budgetary concerns.

Staff Suggested Motion Options:

- ❖ Motion to approve the request for approval to install a new driveway at 2 Sunset Avenue that is less than the generally allowed distance from nearby driveways, as presented in the application dated 10/25/2018 and supporting materials, subject to the following conditions of approval:

[Options for the Board’s consideration]

- I. The impervious surface on the current driveway and parking area to be removed, and the area returned to lawn or other landscaping – the specific plantings to be at Applicant’s discretion.

OR

- ❖ Motion to deny the request for approval to install a second driveway at 2 Sunset Avenue that is less than the generally allowed distance from nearby driveways, as presented in the application dated 10/25/2018 and supporting materials, due to **[Board to provide reasoning]**.