Agenda

for the Meeting of the

Development Review Board

City Council Chambers, City Hall
Monday, August 19, 2019 at 7:00 PM

Members: Daniel Richardson (Chair), Kate McCarthy (Vice Chair), Kevin O'Connell, Ryan Kane, Robert Goodwin, Michael Lazorchak, 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 of the July 22nd meeting.
5) 11 Baldwin Ave (MUR/DCD/CC/HD) - Continued
   Owner: Ernest W. Gibson III by Margaret McCoy, POA and Charlotte H. Gibson
   Applicant: Vermont Natural Resources Council
   Change use from residential to office.
6) 29 College St. (MUR/DCD)
   Owner/Applicant: Keith Schumacher
   Review change of use to duplex and addition of second driveway.
7) Other Business:

   Elect Chair

   Next meeting Tuesday, September 3rd, 2019.
8) Adjournment

DRB meetings are open to the public. For questions about accessibility or to request accommodations please call (802) 223-9506.

Montpelier Development Review Board Meeting
July 22, 2019

Subject to review and approval

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

Present: Daniel Richardson, Kevin O'Connell, Kate McCarthy, Ryan Kane, Robert Goodwin, Clare Rock (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, Rob seconded. The motion passed on a 6-0 vote.

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

Approval of minutes from July 8, 2019: Kevin, Kate, Rob, and Dan were present at that meeting. Kate mentioned that the math didn't add up on the square footage on the Marvin Street application. Meredith will make the correction.

Kevin made a motion to approve the minutes with the correction, Rob seconded. The motion passed on a 4-0 vote.

29 Franklin Street (continued)
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.

Mary Ann Perchlik was present and sworn in.

Ryan wasn't at the last meeting, but he reviewed the video and feels able to listen to the continuance. Clare reviewed the material and feels informed to participate in this application.

Applicant provided pictures of other setback violations in the neighborhood. Tom McArdle signed off on a drawing of the front porch setback.

Given the neighborhood and the fact that the parcel is so small and that the director of DPW okayed it, the Board is willing to reinterpret the front yard setback allowance, as well as how to measure where the ROW (right of way) is from Figure 3-02. The porch extension won't encroach into the ROW, and the roof is to be extended over the steps for snow/ice safety issues.

The impermeable area has been reduced to below the 65% maximum waiver threshold.

There was a discussion regarding the property line vs. the ROW. Kevin recommended using a common sense approach versus strict interpretation of waiver maximums and how to measure ROW. The parcel is so small, this might just be a data point in the continuing analysis of the waiver maximum provision. This application is not necessarily precedential, given the specifics here.

The safety and use improvements for the porch also add to the character of the neighborhood.

Ryan made a motion to approve the application, including granting the waiver requests. Kate seconded. 5-0 vote with Clare abstaining.

2 Sunset Drive
Owner/Applicant: Howie Michaelson
Review construction of a second driveway.

Kate did a site visit – greeting the applicant and various neighbors but not speaking with anyone otherwise. Kevin and Dan drove through the neighborhood, and Ryan looked at Google maps. Kate noted that 1 and 2 Sunset had the greatest dips and differentials between driveways and road.

Howie Michaelson and Alyson Mahony were present and put under oath at the last meeting and were still under oath.

At the last meeting, landscaping was discussed as needing more information. The applicants had met again with their landscaper who had sent in a letter regarding the property. They also provided plans for additional landscaping.

Dan mentioned that there might be a possible condition to delineate the current parking area to prevent people from parking beyond the driveway. Howie mentioned rocks but he doesn't want to impinge on the air roots of the oak tree in the yard. Something could be laid down that wasn't friendly to tires to deter people from parking there.

Howie is negotiating space to move his business equipment off the property to an off-site area, a neighbor had expressed concerns about those items.

Carol King from 3 Sunset spoke again – she was put under oath at the last meeting. She feels that the new driveway will affect her property, particularly as it is located directly across from her front view. She wanted to know what the driveway grade is going to be under the application, how wide it's going to be coming off the street, where it intersects with the proposed parking, what the drop off is going to be on each side of the driveway, and the downhill runoff from rain and snow melt. There were other concerns about devaluing their property.

Kevin made a motion to close the public hearing and move into deliberative session after the other business of the meeting was finished. Rob seconded. The motion passed on a 6-0 vote.

11 Baldwin Street
Owner: Ernest W. Gibson III by Margaret McCoy, POA and Charlotte H. Gibson
Applicant: Vermont Natural Resources Council
Site plan and conditional use review of a change of use to office.

Kate recused herself from this application.

Brian Shupe from VNRC stated that they are a co applicant with the property owners, and was put under oath. Applicant has been at its current location since the 80s, with a smallish addition in the 90s, but now looking for either an annex or larger office space. Applicant is considering purchasing 11 Baldwin for additional office space or integrating their existing office space into the one new building. 11 Baldwin is the only residential property on the street, all others are office spaces.

It is an existing .297 acres (12,950 SF) parcel with a single family home and an attached one car garage, and driveway that extends for the southeastern corner of the parcel to the garage at the rear of the building. It is the last residential property on the street. The conversion will likely increase the traffic on the street – particularly if Applicant sells its current building further down the block.

Parking cannot be between the front line of the building and the road.

Regarding the possible waiver of the parking minimum:

- 11 Baldwin is within 1,000 feet of the two transit stops on State Street.
- There is satellite parking at DOL and access from there on the Capitol Shuttle.
- Applicant will have internal bike storage and a shower in the renovated building.
- There are several employees that currently ride Link from Burlington.
- Applicant intends to incentivize alternate transportation.
- VNRC leases a company vehicle and several employees car pool.

Per Brian – yes, Baldwin on-street is always filled. Redstone often has parking when the legislature is not in session.

There are 13 members of the staff – sometimes people stop by with an appointment. The zoning requires 5 parking spaces. There are currently 3 onsite.

They don't yet have a formal area for the bike storage now, since there is not a floor plan yet.

If the application were continued, VNRC would have to seek a purchase contract extension.

The pedestrian circulation would involve using the side door as the main point of entrance, since it would be the ADA compliant entry.

The front yard is barren, so the plan is to plant 2 red oaks there. That's the only new landscaping planned.

More detail on the retaining wall will be provided in future site plan applications, or if this application is continued.

Staff suggested that the Board consider bifurcating the application, to allow Applicant to purchase the property, but limit the use of the new property until Applicant can demonstrate a more complete parking plan in a separate Site Plan application.

Ryan made a motion to approve the change of use as a conditional use. The conditional use would be that the future site plan will come before the DRB to review additional parking, which is required for any office use of the building in excess of 1,800 square feet. It is approved now based on the 3 spaces. Kevin seconded. The motion passed on a 5-0 vote.

Ryan made a motion to continue the minor site plan to August 19, Kevin seconded. The motion passed on a 5-0 vote.

Other Business: The next regular meeting will be Monday, August 5, 2019.

Adjournment: Kate made a motion to move 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: July 18, 2019, Updated as of August 15, 2019
For the meeting of July 22, 2019, with Site Plan approval continued to August 19, 2019

CONDITIONAL USE REVIEW
& MINOR SITE PLAN
Applicant: Vermont Natural Resources Council, by Brian Shupe
Owner: Ernest W. Gibson III by Margaret McCoy, POA and Charlotte H. Gibson
Address: 11 Baldwin Street
Application # Z-2019-0088
Zone: Mixed Use Residential/Capitol Complex

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

Chapter 220. Overlay Zoning Districts
- Section 2201. Design Control Overlay District

Chapter 300. General Standards
- Section 3001. Use Standards
- Section 3002. Dimensional Standards
- Section 3003. Accessory Structures and Uses
- Section 3005. Riparian Areas

- Section 3007. Steep Slopes
- Section 3008. Erosion Control
- Section 3009. Stormwater Management
- Section 3010. Access and Circulation
- Section 3011. Parking and Loading Areas
- Section 3012. Signs

Chapter 310. Special Use Standards

- Section 3101. Fences and Walls

Chapter 320. Site Plan Standards

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

Chapter 330. Conditional Use Standards

- Section 3301. Applicability
- Section 3302. Capacity of Community Facilities and Utilities
- Section 3003. Traffic
- Section 3004. Character of the Neighborhood

Chapter 430. Development Review Procedures

Materials Submitted:

a) Development Application, dated June 20, 2019;
b) Zoning Permit Attachment, received by the Department of Planning and Economic Development June 21, 2019;
c) Request for a Conditional Use Review, received by the Department of Planning and Economic Development June 21, 2019;
d) 11 Baldwin Street Exterior Photos:
    a. View from South East corner (standing in driveway entrance);
    b. View from rear of driveway (facing south west);
    c. View from sidewalk.
e) 11 Baldwin St, VNRC Site Plan, Sheet No. C1.01, by DeWolfe Engineering Associates, dated June 20, 2019 (the "Site Plan");
    a. 8.5 x 11 Site Plan annotated with one-car garage location; and
f) Site Plan annotated with landscaping and snow storage information, submitted by Applicant during the July 22nd hearing (the "Landscaping Plan");
g) Public transportation choices map for Baldwin Avenue, submitted by Applicant during the July 22nd hearing;
h) Two photographs of marked, in-driveway parking at nearby properties, submitted by Applicant during the July 22nd hearing;

Materials Provided by Staff:

i) Email correspondence from Tom McArdle, Montpelier's Director of Public Works, to Ms. Crandall re: DPW comments on 11 Baldwin application, dated June 26, 2019 ("DPW

Comments").

Supplemental Materials Provided Ahead of 8/19 Hearing:

j) 11 Baldwin Street, VNRC Site Plan, Sheet No. C1.01, by DeWolfe Engineering Associates, dated August 6, 2019 (the "Aug. 6th Site Plan");

k) Email correspondence between Mr. Shupe, Ms. Crandall, and Kurt Motyka, Assistant Director of Public Works, re: the Aug. 6th Site Plan, dated August 12-13, 2019 (the "August 13th Emails").

Project Scope & Applicant Request

Applicant seeks conditional use approval to convert a single-family dwelling to an office, including changes to the number of off-street parking spaces available and widening the curb cut and driveway.

The subject parcel is located in the Mixed Use Residential ("MUR") Zoning District, as well as the Capitol Complex. The Application will first be reviewed by the Development Review Board (the "Board") on July 22, 2019.

STAFF REVIEW & COMMENTS

1. Existing Conditions: 11 Baldwin Street is an existing .297 acres (12,950 SF) parcel containing a single-family home with an attached, one-car garage, and driveway that extends from the southeastern corner of the parcel to the garage at the rear of the building.

   The building is listed as a contributing historic structure on the National Register of Historic Places, listed as c. 1850/c. 1900, wood frame, clapboarded, 2 ½ stories, gabled roof sheathed in slate, five-bay façade, cornice returns. The front center door of this house has leaded glass sidelights and an elliptical fanlight. The main Greek Revival style house has a c. 1900 Colonial Revival gabled porch entry, with arched soffit and fluted Ionic columns. A two-story bay window with flared eaves between first and second story is on the east facade along with a small, one-story wing. The windows have two-over-two light sash and louvered shutters.

2. Location: The subject parcel is in the Redstone Neighborhood in the MUR Zoning District. Baldwin Street runs west from the State House, and contains almost entirely office uses – many state government offices, with only 15 Baldwin at the corner of Bailey Avenue being residential (multi-family dwelling).

3. Permit/Parcel History: Prior zoning permits included landscaping and repairing granite steps in 2008 (Permit #Z-5334) and replacing the roof in 2010 (Permit #Z-5766).

   The Board granted Conditional Use approval for the change of use on July 22, 2019, with a condition that the office use at 11 Baldwin be limited to 1,800 SF. The Board granted Applicants request to return with a revised Site Plan including additional on-site parking spaces for the complete change of use, so the Minor Site Plan approval was tabled until the Board's meeting of August 19th.

4. Procedural Status: The Board must apply the following standards to this application: (i) General; (ii) Minor Site Plan – as the application includes site changes to a commercial use, with construction of less than 2,000 SF of impervious cover; and (iii) Conditional Use – see below.

CHAPTER 220 OVERLAY ZONING DISTRICTS

5. Section 2201. Design Control Overlay District
    A. Per § 2201.A, properties within the Capitol Complex are excluded from the Design Control Overlay District, and therefore do not need to go through Design Review.

Staff Comment: Development at 11 Baldwin Avenue will have to go through the Capitol Complex review process.

CHAPTER 300 GENERAL STANDARDS

6. 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. Office uses are conditional in the MUR Zoning District.
    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 11 Baldwin St. is as a single-family home. Applicant is requesting to convert the building to 2,660 SF of office space and 1,140 SF of general storage/unfinished space for Applicant's use. The building will serve as many as 14 staff.

Staff Findings: Both the current single-family use and the proposed office and use are allowed in MUR. However, the Office Use requires Conditional Use Review. See ##25–28, below, for further analysis.

7. 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. Driveways are accessory structures allowed up to the property line, per Fig. 3-07 and

§ 3303.C.

C. Per § 3003.C(1), and Fig. 3-07, parking areas are required to meet side and rear-yard setbacks, specifically, the smaller of the Fig. 3-07 and MUR setbacks. Here, that's 5 feet.

D. 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.

E. "A nonconformity may continue to exist unchanged indefinitely." § 1203.B
    i. The existing parcel:
        a. Is .297 acres (12,950 SF), has approximately 84 feet of frontage on Baldwin St., and 22.4% (2,902 SF) coverage.
        b. *The building setbacks and building footprint are not applicable here, where no changes to such are proposed.*
    ii. The only proposed dimensional change to the site plan for conversion to an office use is the expansion of the driveway by 1,280 SF to allow for more off-street parking and a wider curb cut. This change:
        a. Complies with the 0 foot setback for driveways under the accessory structure standard.
        b. Results in a total impervious area of 4,182 SF (or 32.3% coverage).
    iii. The Aug. 6th Site Plan:
        a. Increases the total impervious cover to 5,243 SF (or 40.4%).
        b. Includes a new, 3-spot parking area at the rear of the subject parcel, accessing Terrace Street. As drawn, the edges of the parking area appear to be much closer to the property boundaries than the minimum 5 feet.
        c. The four parking spaces nearer the buildings are all within the driveway or garage, and no setbacks are implicated.

F. Principal building:§ 3002.B. *Not applicable.*

G. Calculating Density: § 3002.D.
    i. In MUR, residential density is calculated as 1 dwelling unit per each 1,500 SF of parcel area. § 3002.C.
    ii. Nonresidential density is measured as FAR, the ratio of gross floor area to the total lot area – with the MUR District having a maximum FAR of 1.0. § 3002.D.
        a. Here, the office use will be in only 2,660 SF, with the remainder of the building unfinished, equaling a FAR of 0.205.

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

Staff Findings: The subject parcel and proposed site plan changes meet the minimum lot size, frontage, ~~setback,~~ and coverage requirements for the MUR District. Further, the proposed Office Use complies with the MUR District's density requirements.

The 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.

The Terrace Street parking area on the Aug. 6th Site Plan doesn't meet the side setback requirements. Staff has requested that Applicant update the proposal to include only two parking spaces in this area, or otherwise redesign it to comply with the requirements by the August 19th hearing. See the August 13th Emails.

8. Section 3003. Accessory Structures and Uses: *See above regarding the driveway setbacks.*
9. Section 3004. Demolition – *Not applicable. No demolition is proposed.*
10. Section 3005. Riparian Areas – *Not applicable. No regulated water bodies or water setbacks on property, or within approximately 500 feet of the property, per the Montpelier Natural Resource Inventory Map.*
11. 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 500 feet of the parcel boundary and no vernal pools within 500 feet of the parcel through a visual inspection of the Map.
12. Section 3007. Steep Slopes – Section 3007 applies to land development that proposes to disturb or clear land on steep slopes that exceeds the threshold amounts specified in Figure 3-08, all of which are 15% or greater.
    A. Per § 3007.D, Applicant and the Board may "rely on … elevation and slope data available the city or state (see the Vermont Agency of Natural Resource's *Natural Resource Atlas*). [Emphasis in original.]
    B. To trigger an engineered plan, a project must disturb: (i) more than 4,000 SF of land of ≥15% slope; (ii) more than 3,000 SF of land of ≥20% slope.
        i. Per the ANR Atlas, the <2,000 SF of land disturbed for the proposed wider driveway contains almost exclusively slopes of 15% or less, with possibly a *de minimis* amount of land in the 15-20% category. See excerpt below and compare to Site Plan 1-foot contour LIDAR data.

Staff Findings: Section 3007 doesn't apply to this proposal, because the proposed changes to the driveway appear to impact, at most, 2,000 SF of land – 1,280 SF of new

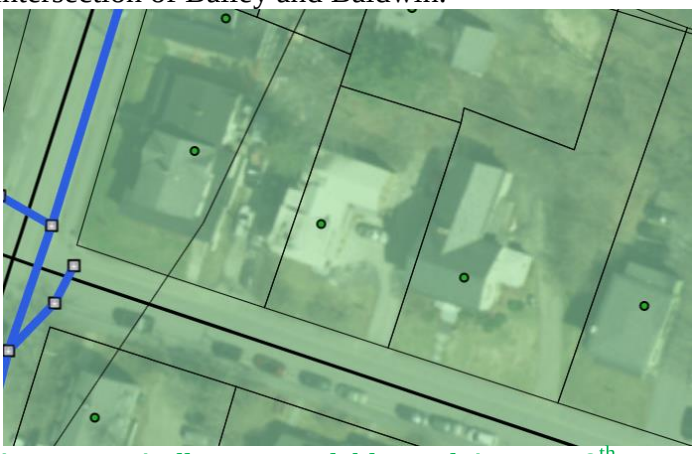
pavement plus impacts from actual construction, with the vast majority in the ≤15% slope category.

The Aug. 6th Site Plan will still disturb less than 3,000 SF of land. Although some will be in the ≥20% slope category, it won't be enough to trigger the engineered plan requirements. Applicant's proposal will require the addition of fill to bring the new parking area up to an appropriate grade. See image below and elevation changes noted on the Aug. 6th Site Plan.

13. Section 3008. Erosion Control
    A. This section is intended to "promote construction practices on development and redevelopment sites that limit soil disturbance and compaction, and minimize erosion and sedimentation of downstream water bodies." § 3008.A.
    B. Per subsection B, all construction activities that will disturb soil must "implement appropriate measures to prevent erosion and sedimentation from adversely impacting nearby properties, public infrastructure or downstream water bodies" through following the practices outlined in § 3008.D.
    C. Per § 3008.B(1), development that obtains a state construction general or individual permit is assumed to have met the requirements of § 3008.
    D. Professionally prepared erosion control plans are required for projects disturbing more than 10,000 SF of soil on a parcel that is steeper than 10%, more than 8,000 SF of soil steeper than 15%, and 6,000 SF of soils that is steeper than 20%.
        i. Per the Site Plan and the ANR Atlas data noted above, this project appears to impact, at most, 2,000 SF of land – 1,280 SF of new pavement plus impacts from actual construction, with the vast majority in the ≤15% slope category.
        ii. The changes to the project shown on the Aug. 6th Site Plan do not trigger the professionally prepared erosion control plan requirement.

Staff Findings: Applicant's expansion of the driveway will need to comply with the best practices listed in § 3008.D, but a professionally prepared erosion control plan isn't required, given the small amount of gentle slopes impacted.

14. 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. Per subsection B, a "stormwater management plan shall be submitted for review and approval" by the Board when "required by the Director of Public Works."
        i. Mr. McArdle has reviewed the proposal, and doesn't require a stormwater management plan.
        ii. As determined by the Site Plan contours, experience with the location, and viewing the stormwater infrastructure shown on the Montpelier GIS map layer shown below – stormwater from the parcel will flow to Baldwin Street, and then flow to the west, towards the catch basins (grey squares) at the intersection of Bailey and Baldwin.



        iii. As Mr. McArdle is unavailable until August 19th, Mr. Motyka reviewed the Aug. 6th Site Plan, and did not raise any stormwater concerns. However, the Board should note that given the elevations involved, Staff's estimation is that stormwater from the new Terrace Street parking area would either: (a) flow in a westerly direction, and onto the neighboring property before infiltrating and flowing down hill (towards Baldwin Street); or (b) flow onto Terrace Street, and down towards Bailey Avenue, intercepted by the catch basins shown below. The impact would likely be minimal, but has not been addressed in the updated information from the Applicant.
            a. See also design standards for parking areas in § 3011.I, stating that run0ff shouldn't flow into adjacent streets or onto adjacent properties.

Staff Findings: Given that the Director of Public Works hasn't requested a stormwater management plan, that municipal stormwater infrastructure exists in the area and is utilized by other similarly situated offices along Baldwin Street, and the small increase in impermeable surface proposed, Staff finds that this proposal meets the requirements of § 3009.

Staff suggests that the Board ask Applicant to describe the likely stormwater flows from the new parking area during the August 19th hearing.

15. 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, Baldwin Street and Terrace Street are Class 3 Town Highways.*
        iii. Number. Shared access between adjacent properties is strongly encouraged. A lot may be served by only one access point except, that the 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." § 3010.B(3)(b).
            a. The Aug. 6th Site Plan proposes two access points, with an off-street parking area added off Terrace Street.
            b. The Aug. 6th Site Plan doesn't detail the width of either access point (the original is being widened), nor the sight lines for the

Terrace Street access or where the public ROW ends on this street.

Staff Comment: Given the slopes and ledge attested to during the July hearing, and the Board's request that Applicant explore alternative parking option to meet the § 3011 minimum off-street parking requirements, **Staff suggests finding that Applicant has met the requirements for a 2nd access point.** Applicant will still need to obtain a construction and access permit from the Department of Public Works (including demonstrating that the new access point will meet the B-71 Standard for commercial driveways) prior to construction.

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. Spacing for the Residential 6000 ("RES 6") District - on the opposite side of Terrace St from the proposed new parking area - is a minimum of 100 feet to intersections and 45 feet to other driveways.

a. Applicant is proposing to expand the driveway to the west. Exact distances between driveways on the same side of the street aren't provided in the Application materials, and none regarding those across the street; however, based on the Site Plan scale and Staff's review of the City's GIS data:

1) There is currently: (i) Approx. 45 feet between the subject driveway and that to the east; (ii) Nearly 70 feet to the driveway immediately to the west; and (iii) Approx. 30 feet between the subject driveway and the one directly across the street.

b. Applicant's proposed Terrace Street Parking area appears to be roughly 45 feet from Chapman Road, and 58 feet from the closest driveway to the west (14 Terrace St.).

1) This meets the driveway spacing in both MUR and RES 6, but not the intersection spacing minimums.

v. Cross access. *Not applicable here, where driveway exists currently.*
vi. Length. § 3010.B(6) requires sufficient driveway length and circulation patterns adequate to prevent queuing in the street.
    a. Based on Staff's review of the Site Plan, the proposed expanded driveway appears to be approximately 14 feet wide (with a 10 foot bottle neck in the middle) and roughly 70 feet long.
    b. With parallel spaces in the Terrace Street parking area, there should not be issues with queuing on the streets, though employees will need to back onto Terrace Street very close the Chapman Rd. **Applicant should clarify sight lines during the Aug. 19th hearing.**
vii. Emergency access. *Not applicable. No changes proposed appear to 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 traffic study requested by Public Works.
    b. No actual new trips to the neighborhood resulting from this proposal, where Applicant would shift vehicle traffic from the corner of Bailey and Baldwin to this new location, roughly 160 feet down the road.
    c. There will be some level of new traffic to the neighborhood, to be determined pending a new tenant at 9 Bailey Avenue.
    d. There will be a maximum of 3 new trips per weekday onto Terrace Street from this proposal.
ix. Non-conformities. Nonconformities must come into conformance when changes are proposed to the site layout, access, or circulation.

Staff Findings: Per the above, the proposal includes: (a) one, existing access point, which meets the number, spacing, cross access, and emergency access requirements of § 3010; and (b) one new access point that meets all applicable § 3010 requirements except for spacing distance from intersections. Baldwin and Terrace Streets are Class 3 roads, therefore § 3010.B(2) isn't applicable.

The Board will also need to make a determination regarding driveway length and any need for street improvements. Given that the Director of Public Works has reviewed this

application, and has not suggested the need for a traffic study, Staff suggests that the Board find that the likely increase in traffic to the relevant neighborhoods will not be significant enough to warrant a traffic study or street improvements.

16. 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 and Dimensional Standards (§ 3011.C, D, & H) Per the Figure 3-13 requirements, commercial uses with limited customer traffic require 1 parking spaces per each 600 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; or (e) the proposed development shall provide secure, enclosed bicycle storage and shower facilities for employees who bicycle, job or walk to work."
    C. Access aisles within a parking lot or structure may not be less than 20 feet wide, except for one-way aisles servicing angled parking spaces designed in accordance with accepted engineering standards.
        i. Per Figure 3-13, the proposed 2,660 GFA of office use with limited customer traffic (customers or visitors that arrive infrequently and primarily by appointment) requires 5 parking spaces. See Figure 3-13 Notes, requiring minimum parking results be rounded up to the nearest whole number.
        ii. The Zoning Permit Attachment states that there are currently 3 parking spaces on the parcel, and applicant proposes 4. However, the two-marked spaces in the driveway don't appear to be able to be counted towards the minimum – see locational standards discussion below.
            a. UPDATE: The Aug. 12th Site Plan shows four on-site parking spaces accessible from Baldwin St, including the one in the garage, and three accessible from Terrace Street – for a total of 7 proposed.
        iii. No specific measurements of parking spaces have been provided, but per the scale on the Site Plan, Staff estimates that the in-driveway parking spaces are ~16 feet long and 8.5 feet wide. It doesn't appear that the area for parking within the garage could be much larger.
            a. The parking spaces on the Aug. 16th Site Plan appear to meet the § 3011.H(1) dimensional requirements. However, as noted above, the Terrace Street parking area is too close to the side boundaries, and therefore likely needs to be reduced to only two parking spaces to meet the MUR setback requirements.
        iv. The ~~aisle beside the in-driveway parking spaces is less than 20 feet wide.~~

v. There is on-street parking on Baldwin Street, but as indicated in the DPW Comments, this parking can be limited at times – particularly when the State Legislature is in session. See additional detail below.
vi. There is a regular GMTA bus stop at the corner of State and Bailey, as well as the seasonal Capital Shuttle which stops at the State House.

DPW Comments: "There is only a limited amount of available on-street parking in this area with demand typically exceeding supply especially during the Legislative session. Additional office use without adequate parking accommodation will create additional demand for on-street parking in the surrounding neighborhoods which currently stresses municipal services to manage. Considering that walking and biking are largely weather and proximity dependent, alternative transportation with secure off-site parking should be considered for the life of the permit."

D. Shared Parking, § 3011.E. No shared parking proposed in this application, though proposing a shared parking plan could resolve the issues noted above with the lack of on-site parking.
   i. To be approved, Applicant would need to demonstrate that the proposed shared parking plan: (1) Met the minimum parking requirements for each use as determined per the requirements of Figures 3-13 and 3-14, with the highest requirement used as the minimum use; and (2) is located within a 1,000 foot walk of the associated use(s). Further, Applicant would have to: (3) provide a written shared parking agreement between "owners and lessees" executed for a minimum of 20 years; and (4) supply plans showing "the locations of the use(s) or structure(s) for which shared or off-site parking shall be provided, the location of the parking, and the schedule of times used by those sharing the parking."
E. 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.
   i. *Not applicable.* Applicant's business doesn't require regular truck deliveries.
F. 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. Both in-driveway parking spaces appear to be at least partly in front of the primary building, and therefore cannot be counted towards the minimum required parking spaces.~~
   ii. All parking spaces proposed on the Aug. 16th Site Plan are on the subject parcel, and behind the frontline of the building, with the majority being "behind" the building.

Staff Comment: The driveway – whether or not it was behind the frontline of the building – was an allowable place to park vehicles when this was a residence. However, with the conversion to a commercial use, the residential driveway exemption is nullified.

G. Design, Construction, and Maintenance Standards. Per § 3011.I, parking areas should provide firm, level surfaces; 90-degree parking is encouraged, and angled parking should be avoided; run-off and eroded surface materials shouldn't flow onto

adjacent streets or properties; snow storage areas should be clearly marked and stored on site; and parking areas need to be maintained. The marking and edging, and electric vehicle charging requirements don't apply to a parking area with 10 or fewer spaces.

i. The current driveway is paved, and the new parking area will be paved.
ii. Snow storage isn't marked on the Site Plan.
iii. There are no good alternatives to the current stormwater flows from the existing driveway given the slopes and existing municipal stormwater infrastructure.
iv. Given the elevations noted on the Terrace Street parking area, it appears that stormwater would flow onto the property of the neighbor to the West or into Terrace Street.

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."

Staff Comments: Based on the materials presented to date, it appears that Applicant can claim up to ~~three~~ six compliant, off-street parking spaces available on the subject parcel: (i) one within the garage; (ii) one beside the garage; (iii) one in front of the garage; (iv) one in the driveway; and (v) at least two off of Terrace Street – and meet the dimensional and locational requirements. ~~Although Applicant will need to confirm this with a more detailed Site Plan.~~

~~The Board could approve the application with three off-street parking spaces on the subject parcel – provided: (A) it is convinced that Applicant has met the "reduced minimum parking" criteria; and/or (B) with the condition that Applicant uses no more than 1,800 SF of the building as office space unless Applicant returns to either the Board or the Zoning Administrator with a plan for additional, compliant off-street parking on the site or as part of a shared parking plan, as well as confirmation regarding compliant snow storage.~~

Provided that Applicant can present a revised Terrace Street parking area plan that meets the setback and stormwater requirements, and satisfies the Department of Public Works regarding safety, Staff recommends finding that this application meets the § 3011 requirements.

17. Section 3012. Signs – *Not applicable. No signs being proposed in this application.*

Chapter 310 Special Use Standards

18. Section 3101. Fences and Walls – Provides design and location standards for fences and walls.
    A. Per subsection E., fences in a "side or rear yard shall not exceed a height of 6 feet except: (1) Where a higher fence is approved by the [Board] or required under these regulations for buffer, screening or security purposes."
        i. The proposed retaining wall appears to be roughly 9 feet tall at its highest point.

Staff Comments: The Board should ask Applicant to detail why the 9-foot tall retaining wall is required at this location. Staff believes that it is necessary to build a parking area that otherwise meets the zoning regulations. Applicant was directed to explore parking options during the July 22nd meeting, including that presented in the Aug. 6th Site Plan. If the current proposal doesn't meet the zoning requirements, there are other options for Applicant to explore – such as shared parking on another parcel.

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

19. Section 3201. Major/Minor Site Plan Determination: Section 3201 classifies site plans as follows:
    (1) The following shall require major site plan review:
        (a) Construction of new principal buildings.
        (b) Major renovations of existing principal buildings.
        (c) Construction of more than 10 new parking spaces or 2,000 square feet of impervious surface.
        (d) Construction of an accessory structure with a footprint of more than 2,000 square feet or a height of more than 24 feet.
        (e) Construction of an addition of more than 2,000 square feet to an existing building.
    (2) All other applications shall require minor site plan review.
        i. No structures are being constructed, less than 2,000 SF of impervious surface will be added, and only one additional parking space is proposed.

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

20. Section 3202. Access and Circulation
    A. Bicycle access. Bicycle access and storage may be required by the Board.
        i. No information on bicycle storage provided, though Applicant acknowledges that they encourage employees to walk and bike to work, and many do already.
    B. Pedestrian access. All development [must] provide safe and convenient pedestrian access including (1) public sidewalks; (2) continuous internal pedestrian walkways are required as follows… (3) walkways be provided between the parking area(s) and building entrance(s); and (4) the proposed development enables energy efficient modes of transportation such as walking, biking, transit, electric vehicles, carpooling, car sharing as feasible given the location and use.
        i. Applicant is not proposing changes to any of the current pedestrian access routes within the property. Employees that park in the Terrace Street area will be able to use City sidewalks to connect from Terrace, to Bailey, and then back up Baldwin without crossing any streets.
        ii. Both sides of Baldwin Street contain public sidewalks. No additional public sidewalk is required for this proposal. § 3202.B(1).
        iii. Granite steps connect the front door to the sidewalk, while the driveway provides a paved path to the rear entrance of the building.

Staff Comment: Suggest the Board ask Applicant where visitors will be directed, the front door or the rear. And whether or not handicapped parking will be provided – if so where, as it's not on the Site Plan. **During the July 22nd hearing, Applicant indicated that an ADA space would be near the rear entrance, however this isn't reflected on the Aug. 6th Site Plan.**

Per the 2010 ADA Standards for Accessible Design, if the parking spaces will be striped ("painted"), then the facility must have at least one accessible space, and if there's only one then it must be van accessible. See the U.S. DOJ, Civil Rights Division's ADA Compliance Brief: Restriping Parking Spaces for more information, available here as of July 18, 2019: https://www.ada.gov/restriping_parking/restriping2015.html

C. Alternative Transportation. § 3202.C requires a demonstration that the proposal enables energy-efficient modes of transportation such as walking, biking, transit, electric vehicles, and carpooling or car sharing as feasible and appropriate given the location and use.
    i. Per the application materials, Applicant encourages various modes of alternative transportation, and the project is situated in a location that is compatible with various options.
    ii. ~~Applicant hasn't given specific examples of how the new facilities will support employee transportation choices (e.g., availability of bike racks or shower facilities).~~ **During the July 22nd hearing, Applicant attested to plans to offer employees secure, covered bike storage, as well as shower facilities.**

Staff Findings: Pedestrian facilities are fully developed, with sufficient sidewalks and internal walkways, as well as a nearby bus stop.

Before making a final determination, Staff suggests that the Board gather additional information regarding ADA accessible parking ~~and bicycle storage (or other methods of supporting alternative transportation) particularly given that the number of available off-street parking spaces is less than the minimum typically required by § 3011.~~

21. Section 3203. Landscaping and Screening – The purpose of this section is to protect quality of life and community character by: (1) Enhancing the appearance of the built environment as viewed from public vantage points; (2) Creating shade along sidewalks and walkways, and within parking lots; (3) Providing a landscaped buffer between residential and nonresidential land uses; and (4) Screening land uses and development that create visual clutter and distraction.
    A. Section 3203.B. Applicability: Requires a landscaping and screening plan for all site plan applications except for "changes of use where sites have previously been developed in accordance with an approved site plan and where the proposed development will not change, or be required to change, any landscaping or screening."
        i. As the subject parcel is currently a single-family home, it has never had an approved site plan.

B. Subsections E and F. Planting Specifications and Landscaping and Screening General Standards: Specifies minimum planting areas and sizes, and application of ANSI A300 standards, prohibits use of invasive species, and encourages native plants and diverse tree species. Also encourages retention of existing plants. Development is also not allowed to reduce the minimum planting areas or dimension of existing plantings, and planting areas for existing plants used for minimum landscaping or screening must be protected during the construction process.

C. Subsection G. Street Trees: *Not applicable to minor site plans.*

D. Subection I. Screening: Among other scenarios, applies to changes to parking areas, utilities, services areas, or building mounted equipment, and where the Board requires screening as a condition of approval for another provision. Parking lots and aboveground utilities are required to be screened from view from the street and abutting properties. § 3203.I(3) & (4). Refuse areas and mechanical equipment must also be screened from street and abutters. § 3203.I(5). Building-mounted equipment has distinct screening requirements in subsection I(6).

E. Section 3203.J. Total Site Landscaping: Requires the total area of site landscaping to be equal to the SF of total impervious cover, multiplied by 0.033. Provided, that, for existing natural woody vegetation to be counted towards the total site landscaping, it must be on a 2:1 basis.

   i. Section 3203.J(3) provides guidelines for where new plantings should be placed, while Figure 3-20 specifies the minimum planting area for each tree or shrub (e.g., a "large" tree needs at least 100 SF of planting area, the minimum width of which is 5 feet).

F. Subsection J(4). Nonconformities: Should the cost of bringing a noncomplying site into compliance exceed 5% of the project cost, Applicant is only required to add landscaping in an amount not to exceed 5% of the total project cost.

G. Subsection J(5). Waivers. The Board may waive the amount and placement standards where an applicant demonstrates that the waiver requested creates the minimum variance from the standard and either: (a) compliance with the total landscaping requirements would diminish the appearance of the built environment from public vantage points; or (b) existing natural features (e.g., streams, ledge and wetlands) would make compliance with such standards undesirable or impossible.

   i. ~~The application provides no information on landscaping.~~ During the July 22nd hearing, Applicant provided the Landscaping Plan, detailing current plantings and natural vegetation, as well as proposing the planting of two red oaks between the frontline of the building and Bailey Avenue. These new trees would create shade for the front walkway and the municipal sidewalk, as well as enhance the property as seen from the street.

   ii. Further, Applicant indicated during the July 22nd hearing that no new utilities or mechanical equipment would be added on the property at this time.

   iii. Some vegetation may need to be removed from the Terrace Street frontage to achieve necessary sight lines.

   iv. Based on the proposed coverage (4,182 SF), the total minimum planting area required on the parcel is 138.006 SF = equivalent to 1 large tree and 1 medium, or 3 medium trees, or 4 large shrubs and 1 large tree, etc.

v. Based on the Landscaping Plan and views of the parcel – see below, there are a variety of trees and shrubs on the site currently.

Staff Findings: ~~Applicant has been asked to provide a landscaping plan to confirm what trees and shrubs are on the property currently. However, given the views above, it appears that~~ **The parcel complies with the Total Landscaping minimums, and doesn't appear to require any additional screening**. ~~The key determination here for the Board appears to be whether or not any additional plantings should be required for screening purposes, or whether other screening might be required due to utility/service/mechanical/refuse changes.~~

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

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

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

25. Section 3207. Design and Compatibility – Section 3207 requires architectural standards for all projects requiring major site plan approval.
    A. *As a minor site plan, the provisions do not apply. Further inapplicable, as no structures being built.*

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

26. 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. Applicant will be shifting staff to the propose location from down the street.
B. This is a change in office space, with no impact on residential choices – so no anticipated impact on local schools or parks and recreation facilities.
C. As noted on the Request for Conditional Use Review, "conversion of the existing house to office will have negligible impact on emergency services." Further, Applicant anticipates adding sprinklers in the building.
D. Applicant doesn't anticipate an increase in street infrastructure or maintenance. DPW's comments regarding "Traffic" – below – also do not anticipate street infrastructure changes even if there is some resulting increase in traffic due to the increased availability of office space off of Baldwin St.
E. Per the DPW Comments, with regard to water supply and sewage disposal capacity, "**There is sufficient reserve capacity available to allow approval of the request.**" However, "applicant will need to conduct an analysis of existing vs proposed water supply & waste water disposal demands. Assuming an increased use is projected, a state permit may be needed and a request for an allocation of reserve capacity to serve must be submitted to our office for approval consideration."
F. Stormwater – The increase in impermeable surface will place higher demand on the stormwater infrastructure, but at this stage that increase appears negligible, and the scale of proposed work doesn't appear to lend itself to on-site stormwater improvements.

Staff Finding: Applicant's requested change of use from residential to office use not cause a disproportionate or unreasonable burden on the city's ability to provide community facilities and utilities.

27. 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. Except for 15 Baldwin, the remaining uses on the property are offices, mainly State offices.

ii. Per Applicant, the new office space will serve up to 14 staff – shifted from their current facility at 9 Bailey Avenue – on the corner of Bailey and Baldwin, with parking lot access from Baldwin.
iii. Baldwin Street is a Class 3 road.
iv. Regarding mitigation, Applicant has agreed to encourage alternative transportation use by employees, including walking, biking, carpool, etc. Further, Applicant doesn't receive a large number of visitors.

DPW Comments: "There is only a limited amount of available on-street parking in this area with demand typically exceeding supply especially during the Legislative session. Additional office use without adequate parking accommodation will create additional demand for on-street parking in the surrounding neighborhoods which currently stresses municipal services to manage. Considering that walking and biking are largely weather and proximity dependent, alternative transportation with secure off-site parking should be considered for the life of the permit."

Staff Comments: Staff suggests that the Board consider the traffic impacts from this shifted use in light of two things: (A) the off-street parking requirements detailed in relation to § 3011 above and highlighted by DPW's comments; and (B) that the proposed use is a shift in destination for the traffic to 11 Baldwin – but also will likely result in a net increase in traffic to the Baldwin Street area if the 9 Bailey property continues as an Office Use for a new tenant.

28. 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 Redstone Neighborhood, described as an: "historic neighborhood, which extends up the hill west of the Capitol Complex and along Route 2, is primarily developed with residential structures, a number of which have been converted to offices. These regulations are intended to protect the residential scale and character of the neighborhood while allowing conversion of buildings to compatible nonresidential uses as appropriate for their location as a gateway to downtown."
    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. As noted in the Request for Conditional Use Review, Applicant is not proposing any exterior changes to the historic building.
    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. No change to the building proposed, but Applicant is decreasing the greenspace by widening the section of the driveway between the frontline of

the primary structure and the street.

~~Staff Comment: Applicant has been asked to provide a landscaping plan. Staff suggests that the Board ask about additional landscaping in front of the building to help balance the increased impervious surface and "enhance" the character of the neighborhood.~~

DPW Comments: "An application for a DPW 'construction & access permit' will be required to modify the driveway curb-cut which must be accompanied by a site plan of sufficient detail to assess the existing & proposed condition including construction materials. Note that the intent of driveway curb cuts is to provide access to a public street which may be designed to accommodate one-way or two directional traffic flow. A curb cut is intended as a means to achieve additional parking that may be positioned within the throat of the curb cut."

Staff Findings: Notwithstanding the landscaping/greenspace sub-issue, Staff suggests finding that the proposed change of use to an office does not have an undue adverse effect on the character of the Redstone Neighborhood, as the impact of additional landscaping on the front of the parcel would act to enhance the neighborhood character.

29. Section 3305. Conditions of Approval (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. Applicant proposes no changes to exterior lighting and doesn't anticipate increased noise from the changed use.
    ii. With the conversion to office space, the noise, light, odor, and other potential performance standards in play will be more in character with the immediate neighborhood (the street) than the current use.

Staff Findings: Given the other uses in the immediate neighborhood, and that the office use will be concentrated in the daytime (and therefore less likely to conflict with the residential uses within the greater Redstone Neighborhood), Staff finds that the proposal does not require additional performance standards as conditions of approval.

Staff Suggested Action: Before any Motion to Approve the expanded Conditional Use and Minor Site Plan portions of Application #Z-2019-0088, the following issues must be resolved (as detailed above):

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

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

(iii) Does the proposal meet the access requirements of § 3202, particularly regarding ADA accessibility?

(iv) Does the proposed expansion of the conditional use have an undue adverse effect on traffic?

Staff Suggested Motion Options:

- Motion to approve the expansion of the Conditional Office Use at 11 Baldwin Street from 1,800 SF to the full, existing 2,660 SF of office space, as presented in Application #Z-2019-0088 dated 6/9/2019, and supporting and supplemental materials, subject to the following conditions of approval:

  I. [Additional conditions pending Board's determinations noted above.]

  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: August 14, 2019
For the meeting of August 19, 2019

REQUEST FOR DECREASED ACCESS SPACING
Applicant: Keith Schumacher
Owner: Same
Address: 29 College St.
Application # Z-2019-0094
Zone: Mixed Use Residential/Design Control District

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

Chapter 220. Overlay Zoning Districts
- Section 2201. Design Control Overlay District

Chapter 300. General Standards
- Section 3001. Use Standards
- Section 3002. Dimensional Standards
- Section 3003. Accessory Structures and Uses
- Section 3004. Demolition
- Section 3005. Riparian Areas
- Section 3006. Wetlands and Vernal Pools
- Section 3007. Steep Slopes
- Section 3008. Erosion Control
- Section 3009. Stormwater Management
- Section 3010. Access and Circulation

- Section 3011. Parking and Loading Areas
- Section 3012. Signs

Chapter 430. Development Review Procedures

Materials Submitted:

a) Development Application, dated 7/11/19;
b) Zoning Permit Attachment, dated 7/3/19;
c) Site Plan (not to scale) including nearest driveways and distance to intersection, received by Department of Planning and Economic Development 7/11/19;
d) Three photographs of current Kemp Avenue configuration, received by Department of Planning and Economic Development 7/11/19:
    a. Image 7517 – Looking East on Kemp Ave, Area for new driveway bordered by traffic cones
    b. Image 7521 – Looking South onto Kemp Avenue from proposed new curb cut location
    c. Image 7513 – Looking west towards Kemp Ave. and College St. intersection, subject parcel to the viewers right, with cones marking proposed driveway location;
e) New door cutsheets;
f) External photograph from parking area towards back of property;
g) Proposed Site Plan by Applicant, received by Department of Planning and Economic Development 8/7/19 ("Proposed Site Plan");
h) Alternative exterior stairway and first floor access plan for design control review, by Watershed Construction, Architect Ward Joyce, dated 7/19/19 ("Rear Access Option B");

Materials Provided By Staff:

i) Email correspondence between Tom McArdle, Director of Public Works Dept., Kurt Motyka, Assistant Director of Public Works Dept., Zach Blodgett, and Ms. Crandall re: Application for DPW Comments: 29 College St 2nd Driveway, dated 7/15/19, commenting on an initial site plan with still applicable comments highlighted in yellow ("Initial DPW Comments");
j) Final subdivision plat from the 2019 Subdivision, as recorded in the Montpelier City Clerk's office (the "Final Plat");
k) Applicant's request to table application until August 19th meeting;
l) Design Review Committee Recommendation Form, dated August 5, 2019;
m) Email correspondence from Roger Kellogg, abutter at 3 Kemp Ave., opposing the second driveway due to traffic concerns, dated August 7, 2019, and responsive comments from Mr. Motyka, dated August 12, 2019; and
n) Correspondence between Mr. Motyka and Applicant re: drainage and sight line concerns, dated August 12-13, 2019.

Project Scope & Applicant Request

Applicant seeks the Board's approval to install a second driveway at 29 College Street that is less than the generally allowed distance from nearby driveways. Applicant is also proposing a new exterior access to the first floor apartment, which requires review by the Design Review Committee. The renovations are part of changing the use from housing for college faculty to a two-dwelling residence.

The subject parcel is located in the Mixed Use Residential ("MUR") Zoning District, and is serviced by municipal water and sewer. The Application will first be reviewed by the Board on August 19, 2019.

STAFF REVIEW & COMMENTS

1. Existing Conditions: 29 College Street is a recently subdivided 6,345 SF parcel that contains the "Frail House" – formerly used as VCFA faculty housing. Applicant is proposing to renovate the primary structure on this corner lot into two, two-bedroom apartments.

   There is currently one driveway that exits onto College Street, and is intended to be the primary parking area for the second-floor apartment. Applicant is requesting authorization to install a second driveway on the Kemp Avenue frontage for access to the first floor apartment. The parcel is serviced by municipal water and sewer.

2. Location: The subject parcel is in the College Hill- East State Street Neighborhood in the MUR Zoning District. The parcel is located on the corner of College Street and Kemp Avenue.

   The proposed additional driveway would be directly across the street from the divided driveway for accessing 1 and 3 Kemp Avenues (image below), and therefore requires the Board's approval. See further analysis below at #15.

3. Permit/Parcel History
   The Board approved the subdivision of 29 College Street from the neighboring 31 College Street (VCFA's Crowley Building) in May of 2019. The final plat associated with that subdivision required that the existing driveway be extended to a length of 36 feet as measured from the back edge of the sidewalk, such that it would extend 1 foot beyond the end of the carport.

4. Procedural Status: As Applicant is converting the primary structure to two-units, none of the Chapter 320 Site Plan provisions apply here. A second curb cut for a two-dwelling unit corner parcel would normally be only an administrative zoning permit and a construction

and access permit from the Department of Public Works. However, the Board is the only entity authorized to grant permission for a reduction in the residential access spacing requirements of § 3010.B(4). **See ##14, 15, & 16 below for full analysis.**

As 29 College Street lies within the Design Control Overlay District (the "DCD"), the Board is also charged with reviewing the recommendations made by the Design Review Committee with regard to changes to the exterior of the structure related to ingress and egress from the first-floor apartment and access to the parking areas.

CHAPTER 220 OVERLAY ZONING DISTRICTS

5. Section 2201. Design Control Overlay District
    A. 29 College Street falls within the DCD, and therefore is subject to review by the Design Review Committee (the "DRC").
        i. As discussed during the August 5th DRC meeting, Applicant is proposing a new exterior door from the first floor apartment that exits onto the existing porch. As shown on the Rear Access Option B by Mr. Joyce, Applicant's alternative proposal is a new stairway off of the existing patio on the northeast corner of the building (between 29 and 31 College Street) for access to the Kemp Ave. driveway. The railing would match the existing panel railings for the patio.
        ii. On a 3-0 vote, the DRC approved either of Applicant's proposals, including the type and finish of the new doors, and gave Applicant options of bronze or black external lights adjacent to or over the porch door(s), as well as a similarly colored motion sensor light to illuminate the rear walkway and parking area. See DRC Recommendation Form.

Staff Comment: Recommend condition that Applicant provide Zoning Administrator with a lighting fixture cut sheet prior to permit issuance.

CHAPTER 300 GENERAL STANDARDS

6. 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. Two-dwelling units is a "permitted" use in the MUR District.
    B. Mixed uses. *Not applicable.*

Staff Findings: As two-unit parcels are allowed at this address, the proposal complies with § 3001.

7. 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	**Front:** 5 ft min	**Residential:** 1 du/1,500 sf max	**Footprint:** 3,000 sf max

LOTS	SETBACKS	DENSITY	BUILDINGS
Frontage: 45 ft min **Coverage:** 70% max	**Side:** 5 ft min **Rear:** 10 ft min **Water:** 25 ft min	**Floor Area Ratio:** 1.0 FAR 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. For setback purposes, corner lots have two fronts and two sides. § 3002.G(1).
   i. The parcel is 6,345 SF, with approximately 66 feet of frontage on College Street, and approx. 97 feet of frontage on Kemp Avenue. The building footprint is 1,166 SF and will not change.
   ii. Per the Zoning Attachment:
      a. Coverage total is proposed to be 23%.
      b. Primary building setbacks are and will be:
         1) College St. – 24 feet
         2) Kemp Ave. – 17 feet
         3) North Side – 7 feet
         4) Eastern Side/Rear – 17 feet
      c. Entry stairs are allowed up to any property line. § 3003, Fig. 3-07.
      d. Driveways may also be up to any property line. Id.

Staff Comments: During the 2019 Subdivision, current coverage was calculated as 33%, per the dimensions and impermeable surfaces shown on the Final Plat. Staff finds that with the proposed ~435 SF second driveway and 132 SF walkway, coverage will still be less than 70%, so this is not a crucial issue.

Regarding the setbacks, there are minor discrepancies between Applicant's measurements and those represented in the 2019 Subdivision, but all of them still comply with the minimum requirements:

a. College Street front: 21.3 feet;
b. Kemp Avenue front: 14.7 feet;
c. Right side: 5.1 feet;
d. Left side: 27.4 feet.

C. Principal building:§ 3002.B. *Only one building. Not applicable.*
D. Calculating Density: § 3002.D.
   i. A 6,345 SF parcel in the MUR District is allowed up to 4 dwelling units.
   ii. Applicant proposes two dwelling units.
E. Height. *No changes in height proposed, not applicable.*

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

8. Section 3003. Accessory Structures and Uses: See notes re: accessory structure setbacks above.
9. Section 3004. Demolition – *Not applicable. No demolition is proposed.*
10. Section 3005. Riparian Areas – *Not applicable. No riparian areas within over 200 feet of the parcels in question.*

11. 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.
12. Section 3007. Steep Slopes – *Not applicable, no slopes impacted.*
13. 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.*

14. 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. Per subsection B, "[w]here required by the Director of Public Works, a stormwater management plan shall be submitted for review and approval by the Development Review Board. Stormwater control facilities shall be designed to accommodate the 25-year storm event frequency or as required."
    B. Per subsection C, "[t]he best available technology shall be used to minimize stormwater runoff, increase on-site infiltration, encourage natural filtration functions, simulate natural drainage systems, and minimize discharge of pollutants to ground and surface water. Best available technology may include measures such as retention basins, recharge trenches, swales and minimal use of impervious surfaces."
    C. Melting snow is a major stormwater source of concern for DPW. See further comments re: Section 3011 and DPW Comments.
        i. The Proposed Site Plan indicates a swale between the new driveway/parking area and the adjacent 4 Kemp Ave., "as needed."
        ii. Applicant has been asked to provide additional details regarding the stormwater system.

Staff Comment: The Board should ask Applicant if there have been additional design changes for the stormwater system.

Given that Section 3009 requires approval of stormwater systems from the Director of the Department of Public Works, the Board should likely either wait to approve the application until Applicant receives such or make approval conditional, such that DPW sign-off on the stormwater system is necessary prior to issuance of the permit.

15. 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. College Street and Kemp Avenue are Class 3 roads.*
iii. Number. Per Subsection 3010.B(3), "A lot may be served by only one access point except … 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*." Emphasis added.
iv. Spacing. Per Subsection 3010.B(4), access points shall be spaced as specified in figure 3-11, which for MUR is a minimum of 50 feet to any intersection and 30 feet between driveways.
However, the Board "may: (a) Reduce the spacing for residential driveways based on the site and street conditions."
    a. The proposed Kemp Ave. curb cut will be directly across the street from the driveways for 1 and 3 Kemp Avenue – approximately 25 feet apart.
    b. Distances to intersections are not at issue, as it is more than 70 feet to the intersection with College Street.
    c. The City's Department of Public Works has reviewed the application, and hasn't expressed concerns with the spacing. However, DPW has requested clarity regarding drainage of snow melt and stormwater, and requested that undergrowth be removed or trimmed back to provide for safe sight lines. See DPW Comments.
    d. The access will also require a construction and access permit from DPW.
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, as it's wide enough to provide parking for two vehicles side-by-side.
    b. Current driveway/parking area has no queuing issues for the cars that park in it.
vii. Emergency access. *Not an issue with a corner parcel in this neighborhood.*
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 determine:

1. **Whether Applicant has provided sufficient evidence for the Board to find that the site and street conditions at 29 College Street warrant a reduction in the typical spacing minimums under Subsection 3010.B(3)?**

Staff Comment: Given the conversion of the parcel to two dwelling units, and that the existing driveway is long enough for two cars, it's not essential for zoning compliance that Applicant install a 2nd driveway. However, the proposed second driveway will be on the less heavily traveled road, and allow Applicant to provide more than the minimum number of off-street parking spaces required – allowing greater flexibility for the configuration of families that may rent the proposed two-bedroom apartments.

Further, given the extreme proximity to the VCFA campus, there are times that on-street parking will be at a premium.

However, as of the date of this Report, Applicant has not gotten approval to remove undergrowth from the adjacent property such that DPW is satisfied with the available sight lines for exiting the proposed new driveway. See August 13th DPW Comments.

16. Section 3011. Parking and Loading Areas
    A. Residential uses in MUR 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."
    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. Further, "[u]se of low impact development techniques to filter and infiltrate snowmelt is strongly encouraged."
        i. Applicant's proposed new driveway is: (a) roughly 19 feet deep, as measured from the adjacent survey pin; and (b) 18 feet wide.
        ii. As this is a residential driveway, personal vehicles may park in it between the Kemp Avenue "frontline" of the building and the street.
        iii. Snow storage for the new driveway will be off the end. See stormwater concerns above.
        iv. The application doesn't detail the driveway surface.

Staff Comments: The parking area generally meets the Section 3011 requirements. The only questions are with regard to snow storage issues as they relate to stormwater, and exactly what surface is proposed for the new parking area.

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

18. Miscellaneous – None of the Regulations applicable to a curb cut request for a two-dwelling unit parcel contain landscaping or screening requirements through which the Landscaping and Screening provisions of Section 3203 can be applied to this application. Applicant has only included landscaping information as part of the response to requests from the Department of Public Works regarding sight lines.

Staff Suggested Motion Options:

Prior to any Motion, the Board needs to make determinations regarding:

A. Sight Lines, and whether they are sufficient to approve the second driveway given site conditions (i.e., nearness to other driveways).

B. Whether the stormwater system is sufficient (and has it been approved by DPW).

- Motion to approve the request for to install a second driveway at 29 College Street that is less than the generally allowed distance from nearby driveways, as presented in the application dated 7/11/2019 and supporting materials, subject to the following conditions of approval:
  [Options for the Board's consideration]
  I. Applicant to provide Zoning Administrator with cut sheets for all new external lights, as recommended by the Design Review Committee, prior to permit issuance.