



Agenda

for the Meeting of the Development Review Board

City Council Chambers, City Hall
Tuesday, September 3, 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 and approve meeting minutes of 8/19/19.
- 5) 9 Ewing St (Res 3000)
Owner: Andrea Proulx & Peter Sterling
Applicant: Steeplechase Design & Build LLC
Review two story addition on steep slopes.
- 6) 781 North St. (RL)
Owner/Applicant: Michael Howard
Review construction of 2 story addition on steep slopes.
- 7) Other business:

Next meeting 9/16.
- 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
August 20, 2018**

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 (arrived late), Clare Rock (alternate), Michael Lazorchak, 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 presented, Ryan seconded. The motion passed on a 6-0 vote (Dan, Kevin, Kate, Ryan, Clare, Michael). There were no nay votes or abstentions. Rob was not yet present.

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

Approval of minutes from July 22, 2019: Dan, Kate, Kevin, Clare, and Ryan were present. Clare made a motion to approve, Kevin seconded. The spelling of Marianne needs to be corrected. The corrected motion passed on a 5-0 vote (Dan, Kate, Kevin, Clare, and Ryan).

11 Baldwin Avenue (continued)

Owner: Ernest W. Gibson III by Margaret McCoy, POA and Charlotte H. Gibson

Applicant: Vermont Natural Resources Council

Change of use from residential to office.

Kate recused herself.

Brian Shupe from VNRC was present.

Some of the proposed parking spaces in the previous application didn't count toward the 5 total required for the application due to their location. Since then, the parking spaces have been reconfigured for a total for 6 spaces, two proposed for a new curb cut off of Terrace St. Applicant also asked for a waiver of the minimum parking requirement, to allow them the option of forgoing the Terrace Street parking area if it's not economically feasible.

Whether or not to approve the expansion of the conditional office use from 1,800 SF to the full, existing 2,660 SF of office space, largely depends on whether the proposed expansion of the conditional use has an undue, adverse effect on traffic – particularly if the Board allows Applicant the option of 4 off-street parking spaces by waiving one of the required minimum parking spots. Applicant reiterated that the proposal includes: secure bicycle storage within the building (to be built), showers for employees that bike or walk to work, nearby access to

public transportation, and other incentives for alternative transportation. Further, Applicant is exploring providing a VNRC vehicle for work-related trips to incentivize employees' leaving their vehicles at home.

There were no members of the public to speak to the application.

Kevin made a motion to close the record and decide in deliberative session, Ryan seconded. The motion passed on a 5-0 vote with Dan, Kevin, Ryan, Clare, and Michael voting aye, there were no nays, Kate was a recusal, Rob was not yet present.

29 College Street

Owner/Applicant: Keith Schumacher

Review change of use to duplex and addition of a second driveway.

The applicant and Don Marsh from Grenier Engineering were in attendance.

The second driveway will provide for more than the minimum of off-street parking required.

DPW hasn't expressed concern with the spacing of the driveways, however, they have requested clarity regarding drainage of snow melt and stormwater. They have requested that the undergrowth be removed or trimmed back to provide for safe sight lines. The access will also require a construction and access permit from DPW. Per Applicant and Mr. Marsh, the neighbor does not want the shrubs trimmed back on her property.

Jose Aguilo from One Kemp, which is right across from the proposed driveway spoke. Per Mr. Aquilo, that side of the street is used daily going to the college and by people taking children to school – as it has a sidewalk. He requested that if the driveway is approved, to not allow parking there. He also had concerns about snow removal.

The Board reviewed the Design Review Committee's review of the design aspects (new exterior door and options for external lighting).

Kate made a motion to approve the application, with the applicant providing cut sheets for the lights approved by the Design Review Committee to the Zoning Administrator prior to permit issuance, Kevin seconded. The motion passed on a 7-0 vote. Those voting in favor were Dan, Kevin, Ryan, Robert, Michael, Clare, and Kate. There were no nays and no abstentions.

Other Business: Elect Chair and Vice Chair:

Kevin nominated Dan as Chair, Kate seconded. The motion passed on a 6-0 vote. Kevin, Ryan, Robert, Clare, Michael, and Kate voted aye. There were no nays and Dan abstained.

Rob nominated Kate as Vice Chair, seconded by Kevin. The motion passed on a 6-0 vote. Kevin, Ryan, Robert, Clare, Michael, and Kevin voted aye. There were no nays and Kate abstained.

The next regular meeting will be Tuesday, September 3, 2019. Ryan will not be in attendance at that meeting. Michael is now a full member of the Board and not an alternate.

Adjournment: Ryan made a motion to close the public portion of the meeting and move into deliberative session. Kevin seconded. Approved 7-0, no nays and no abstentions.

Respectfully submitted,

Tami Furry
Recording Secretary

MONTPELIER DEVELOPMENT REVIEW BOARD REPORT

Prepared by Meredith Strobridge Crandall, Planning and Zoning Administrator

Date: August 29, 2019

For the meeting of September 3, 2019

STEEP SLOPES

Applicant: Steeplechase Design + Build, LLC

Owner: Andrea Proulx & Peter Sterling

Address: 9 Ewing Street

Application # Z-2019-0109

Zone: Residential 3000



Guiding Ordinance Sections

Chapter 200. General Provisions

Chapter 210. Base Zoning Districts & Neighborhoods

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

Chapter 300. General Standards

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

Chapter 430. Development Review Procedures

Materials Submitted:

- a) Development Application, dated August 12, 2019;
- b) Zoning Permit Attachment, dated August 9, 2019;
- c) Letter from Don Marsh, PE at Grenier Engineering, P.C. ("Grenier"), to Meredith Strobridge Crandall, Planning and Zoning Administrator, re: development on slopes, dated August 7, 2019;
- d) Sterling/Proulx Project, Project Context, Sheet A.01, by Steeplechase Design + Build, LLC ("Steeplechase"), dated 8/7/19;
- e) Sterling/Proulx Project, Slope Map, Sheet A.02, by Steeplechase, incorporating slope

analysis by Grenier, dated 8/7/19;

- f) Sterling/Proulx Project, Site Plan Existing, Sheet A.03, by Steeplechase, dated 8/7/19;
- g) Sterling/Proulx Project, Site Plan Proposed, Sheet A.04, by Steeplechase, dated 8/7/19;
- h) 9 Ewing Street Site & EPSC Plan & Details, by Grenier, dated 8/7/19 (the “Grading and EPSC Plan”);
- i) Sterling/Proulx Project, Foundation Perspective, Sheet A.05, by Steeplechase, dated 8/7/19;
- j) Sterling/Proulx Project, Foundation Plan Elevations, Sheet A.06, by Steeplechase, dated 8/7/19;
- k) Sterling/Proulx Project, Perspectives, Sheet A.07, by Steeplechase, dated 8/7/19;
- l) Sterling/Proulx Project, Elevations, Sheet A.08, by Steeplechase, dated 8/7/19;
- m) Sterling/Proulx Project, Foundation Plan, Drawing No. S1.1, by DeWolfe Engineering Associates, P.C. (“DeWolfe”), dated 8/6/19;
- n) Sterling/Proulx Project, Sections and Details – Frost Wall and Typical Retaining Wall, Drawing No. S1.2, by DeWolfe, dated 8/6/19;
- o) Sterling/Proulx Project, Sections and Details – Interior Retaining Wall, etc., Drawing No. S1.3, by DeWolfe, dated 8/6/19;
- p) Sterling/Proulx Project, Sections and Details – Corner, Joints, and Intersection Details, Drawing No. S1.4, by DeWolfe, dated 8/6/19;
- q) Sterling/Proulx Project, Sections and Details – Stepped Wall Footing, Drawing No. S1.5, by DeWolfe, dated 8/6/19;
- r) Sterling/Proulx Project, General Engineering Foundation Notes, pp.1–6, by DeWolfe, received by Planning and Economic Development Office on August 13, 2019;

Materials Supplied by Staff:

- s) Email correspondence between Kurt Motyka, Assistant Director of Public Works Department, Zach Blodgett, DPW Staff Engineer, and Ms. Crandall, re: Applications for DPW Review for 9/3 DRB Meeting, dated August 13, 26, and 28, 2019 (the “DPW Comments”); and
- t) Email correspondence between Ms. Crandall and Ms. Proulx re: 9 Ewing Questions, dated August 28, 2019.

Project Scope & Applicant Request

Applicant seeks approval to remove a 400 SF deck from an existing 768 SF single-family home, and build a new two-story addition (460 SF), as well as a new, 350 SF rear deck.

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

STAFF REVIEW & COMMENTS

1. Existing Conditions: 9 Ewing Street is an existing 22,215 SF (0.51 acres) parcel that currently contains a single-family home with a deck, as well as a stone patio, an approximately 80 SF shed, a parking area, and a driveway for access to Ewing Street.

The parcel has grades in the proposed disturbance site ranging from 0% to $\geq 30\%$. The parcel is serviced by municipal water and sewer.

2. Location: The subject parcel is in the Main Street - East Neighborhood in the RES 3 Zoning District. Ewing Street is a short connector between North Street and Lincoln Ave., and contains a mix of roughly quarter to half-acre lots.



3. Permit/Parcel History: The permit to build the home at 9 Ewing was granted to James Ewing 1997 (Z2674). The current owners purchased it in 2010, and this will be the first major renovation work since. The shed doesn't have a permit. See permit history below.

Case #	Site Address	Primary Contact	Department	Type	Project	Project Description	Status	Submitted	Issued	Closed
Z-2019-0109	9 EWING ST	Steeple Chase Design Build	ZONING	ZONING PERMIT - CONDITIONAL USE	Two story addition for master suite and mudroom to be constructed on steep slopes.	Two story addition for master suite and mudroom to be constructed on steep slopes.	COMPLETE	08/13/2019		
D-2019-0203	9 EWING ST	Steeple Chase Design Build	MONTPELIER DEVELOPMENT	DEVELOPMENT PERMIT	Two story addition for master suite and mudroom to be constructed on steep slopes.	Two story addition for master suite and mudroom to be constructed on steep slopes.	PENDING	08/09/2019		
B883	9 EWING ST	PROULX ANDREA	BUILDING	BUILDING PERMIT - SINGLE FAMILY		REMOVE 8' WALL SECTION	READY	12/10/2010	03/08/2013	
Z2674	9 EWING ST	JAMES EWING	ZONING	LEGACY - ZONING PERMIT		SINGLE FAMILY DWELLING	COMPLETE	11/05/1997		

4. Procedural Status: Steep slopes are the only reason that the application was referred to the Board, as the permit is otherwise for an addition to a single-family home that would be dealt with administratively. As the proposal deals with only one dwelling unit, site plan review is not triggered.

CHAPTER 300 GENERAL STANDARDS

5. Section 3001. Use Standards

- A. Applicability. The land development shall conform to the use standards for the applicable zoning district. Per the Use Table at Figure 2-15:
 - i. One, two, three, and four dwelling units are “permitted” uses in the RES 3 District.
- B. Mixed uses. *Not applicable, only one use on the parcel.*

- C. Prohibited uses. *Not applicable.*
- D. Materially similar uses. *Not applicable.*

Staff Findings: Single-family homes are allowed in the RES 3 District on this parcel, and no change in use is proposed. Therefore, this application meets the requirements of Section 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 2-09 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. The parcel is 22,215 SF (0.51 acres), with 152 feet of frontage on Ewing Street, and 3,030 SF of coverage (13.6%).

Staff Comment: See Zoning Permit Attachment, Project Context, and Existing Site Plan for data sources.

- ii. Regarding setbacks, the only encroachment into the principal building setbacks in both the Existing and Proposed Site Plans are the existing driveway, parking area, and front-yard shed. Per § 3003 and Fig. 3-07, the driveway may be up to the property line, but both the parking area and shed should be at least 10 feet from the front property boundary.

Staff Comment: As neither the parking area, driveway, nor shed are being altered, and have been in existence since before the current owners purchased the property, Staff suggests viewing these as nonconformities that may remain unchanged per § 1203. See August 28th correspondence with Ms. Proulx. Strictly speaking the shed is not a nonconformity, as Staff has checked the City’s zoning regulations back to 1994, and the front yard setback for accessory structures on this property has been 10 feet for the entire span. However, given the scope of the project, and the limits on resources available to the Department of Planning, Staff suggests considering the shed a pre-existing non-conformity that may remain unchanged at this time.

- D. Principal building: § 3002.B. Allows more than one principal building on a parcel. *Not applicable.*

E. Height. The proposed addition will be 23 feet, 6 inches high. See Elevations.

Staff Findings: The proposed renovations comply with the RES 3 coverage, setback, and height requirements. The lot size, frontage, and density requirements are not applicable, as no relevant changes are proposed.

Further, although the parking area conflicts with the current front-yard setback minimums, Staff suggests finding that these are existing nonconformities that may remain unchanged at this time. However, the Board appears to have discretion here.

7. Section 3003. Accessory Structures and Uses: *See above.*
8. Section 3004. Demolition – Provision provides for basic standards for demolition of structures, as well as special requirements when demolishing part or all of a structure listed as contributing on the Vermont Historic Sites and Structures Survey and the National Register for Historic Resources.
 - A. Subsection 3004.B requires Applicant to include “a demolition and site remediation plan which at a minimum describes the intended use of the site and the manner in which the site shall be returned to grade, surfaced, landscaped and /or screened to minimize adverse visual impacts, and secured to prevent hazards to public safety and adjoining properties.”
 - B. Subsection 3004.C requires that all demolition be completed within 60 days of commencement, and that completion include: (1) removal of all structural materials and debris from the site; (2) site being restored to natural grade; and (3) ground cover being re-established to prevent erosion, unless otherwise specified as a condition of approval.
 - i. Applicant proposes demolishing the current deck, and replacing it with a new deck to the southeast, and a two-story addition to the northeast.
 - ii. The subject property is not listed as a contributing structure.
 - iii. The application package includes a grading plan and details on the structure replacing the demolished deck.

Staff Findings: The proposal includes sufficient information regarding the structure that’s replacing the demolished deck, as well as the regrading and erosion prevention plans, to demonstrate compliance with § 3004.

9. Section 3005. Riparian Areas – *Not applicable. No regulated water bodies or water setbacks on property, or within roughly 1,000 feet of the property boundary (the nearest being the North Branch of the Winooski River.*
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 more than 1,000 feet of the parcel through a visual inspection of the Map.
11. Section 3007. Steep Slopes – **Section 3007 applies to land development that proposes to disturb or clear land on steep slopes that exceeds the threshold amounts specified in Figure 3-08, all of which are 15% or greater.**

- A. The purposes of § 3007 are to: (1) Protect public safety and property; (2) Minimize the potential for erosion, runoff, flooding and degradation of water quality; and (3) Avoid the increased cost of providing services to remote or difficult to access land. § 3007.A.
- B. Per §§ 3007.E & F, any development of land with $\geq 30\%$ slopes requires a grading plan that's signed and sealed by a licensed engineer and a hearing. See also Figures 3-08 and 3-09. [Staff Note – Figure 3-09 is titled “Engineered Plan Required” – so the “engineering plan” language quoted here appears to be a typo.]
- C. The hearing requirement detailed in § 3007.E specifies that the hearing must be “in accordance with the process for conditional use review outlined in Chapter 450.”

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

- i. As seen on the Slope Map and the Proposed Site Plan, the proposed addition will disturb slopes of 30% or greater, both by being built on top of them and due to the surrounding slopes that will need to be graded or otherwise disturbed by equipment during the construction process.

DPW Comments: Kurt Motyka, Assistant Director of Public Works, has requested the following information and changes/additions to the design documents prior to approval:

- 1) Fill quantity estimates need to be provided. When disturbing earth to flatten a knoll specify the amount of earth to be altered. The fill areas shall be compacted from the bottom and worked towards the top. Where slopes of greater than 30% will be created or altered, they shall be inspected and approved by a professional engineer.
- 2) Additional silt fence is needed along the western property line.
- 3) Additional details / design are needed for grading the runoff to the roadway. Based on site conditions, it does not appear grading to the roadway can be achieved without significant alterations.

Several of these requirements relate to the stormwater and erosion control issues, but are also relevant here.

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

- i. Limit the amount of disturbance, clearing of existing natural vegetation and impervious surface in order to minimize potential for erosion, stormwater runoff, flooding and water quality impairment.
 - a. The application materials generally show minimal clearing or addition of impervious surface in relation to the proposed project (a roughly 14% increase in coverage). However, the purpose of the leveling at the back of the property and its relation to the rest of the project is unclear.

- ii. Not create slopes steeper than 30%.
 - a. No slopes steeper than 30% appear to be created. However, Staff has requested more information regarding what degree of grading will be needed to direct runoff to the driveway given the slope down from Ewing Street to the subject parcel. See below, as well as comments above from DPW.



- iii. Preserve distinctive natural features, the general topography of the site and existing natural vegetation.
 - a. Per the application materials, the general nature of the site appears to have been preserved, if modified consistent with the requirements of of § 3007. However, as noted above, the purpose of flattening the area behind the proposed addition is unclear.
- iv. Maintain or reduce the pre-existing rate, and retain the pattern, of stormwater runoff leaving the property.
 - a. Stormwater measures are included in the application materials to address this factor, but per comments from DPW, the details regarding how flows will be directed to the driveway do not yet appear to be satisfactorily developed.
 - b. Further, the proposal will clearly increase the degree of impervious surface on the parcel, without any structures in place to capture the new flows – merely a statement that they will be directed to the driveway and into the City’s stormwater system.

Staff Comment: Given the increase in flows, and the natural terrain involved, perhaps Applicant could consider a french drain and rain garden combination, or other system to encourage infiltration in the front yard that also connects directly to the stormwater line on Ewing Street. See embedded image. Staff’s understanding is that DPW is working with other property owners on similar installations in other parts of the City.



- v. Produce a final grade that is compatible with surrounding natural terrain.
 - a. This appears to be the case. Though again, some of the proposed regrading hasn't been explained.
- vi. Create a harmonious transition between graded slopes and the natural terrain.
 - a. This appears to be the case.
- vii. Avoid creating continuous unbroken slopes or linear slopes.
 - a. This appears to be the case.
- viii. Contour graded slopes by varying the slope increment to produce a final grade that undulates both vertically and horizontally.
 - a. This appears to be the case.
- ix. Vary cut-and-fill banks and terraces to produce a final grade that has visual interest and allows for naturalistic landscaping.
 - a. This appears to be the case.
- x. Consider use of retaining walls and terracing rather than cut-and-fill banks.
 - a. This appears to be the case.

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

- xi. Vary the pad elevations on sites with multiple structures to follow the natural terrain.
 - Not applicable. Single structure involved.
- xii. Provide roads and drives that follow existing contours.
 - a. No new roads or drives created.
- xiii. Use compact building forms and or multi-story buildings to minimize building footprint.
 - a. Proposed addition is multi-story.
- xiv. Use split- or multi-level building forms that step up or down the slope.
 - a. The addition alone is not a split-level form that steps up or down the slope on a large scale, but when compared to the original structure, it appears that the addition will be at a different level than the original. See Perspectives and Elevations.

Staff Findings: Applicant's proposal appears to meet many of the § 3007.H Design Standards, but the Board must make the final determination regarding approval of the engineered grading plan and compliance with the steep slope design standards.

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

- A. Per Figure 3-08, erosion control plans are required for development disturbing any amount of soil on slopes steeper than 25%.
- B. Per § 3008.C, the erosion control plan must be “professionally prepared ... in accordance with the *Vermont Standards and Specifications for Erosion Prevention and Sediment Control*.”
 - i. Applicant has provided a proposed grading and erosion control plan, incorporated into the Grading and EPSC Plan, with erosion control details and stabilization notes.

Staff and DPW Comments: Per the Department of Public Works, there are still various questions regarding fill quantities, the need to have slopes of 30% or greater inspected prior to completion of the project, additional silt fencing, and issues with the grading proposed near the driveway. See complete comments in #11 above and the enclosed DPW comments.

Staff suggests that the Board should wait to approve the project until the Department of Public Works is satisfied with the erosion and stormwater implications from the grading near the driveway. See further analysis below.

Given DPW’s concerns Staff suggests that the Board include the following as conditions of any approval:

- a. Applicant shall obtain a Section 4207 Certificate of Compliance from the Administrative Officer prior to occupying or using the addition to 9 Ewing Street.
- b. Fill areas shall be compacted from the bottom and worked towards the top.
- c. Slopes of 30% or greater in fill areas shall be inspected and approved by a professional engineer prior to the Administrative Office issuing a final Certification of Compliance.

13. Section 3009. Stormwater Management – Section 3009 outlines the requirements for stormwater management and requires that storm sewer system and other drainage improvements shall be in accordance with plans approved by the Director of Public Works.

In no case shall stormwater discharge into a city sewer system if a separate system exists.

- A. Applicant’s Grading and EPSC Plan includes minimal regarding how long term stormwater flows will be drained.

DPW Comments: As detailed above, the Department of Public Works has concerns regarding the long-term stormwater flows on the subject parcel, and has requested additional details from Applicant.

Staff Comment: Staff suggests withholding approval until DPW is satisfied that the increased stormwater flows will be dealt with adequately.

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, as no access or circulation changes proposed by Applicant.*

15. Section 3011. Parking and Loading Areas – *Not applicable, no relevant changes proposed.*

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

Staff Suggested Motion Options:

- ❖ Motion to table the request for approval of construction of an two-story addition impacting slopes of $\geq 30\%$ at 9 Ewing Street, until [next available meeting date is September 16, 2019], to provide Applicant with additional time to address the concerns of the Department of Public Works.

OR

- ❖ Motion to approve the request for approval of construction of an two-story addition impacting slopes of $\geq 30\%$ at 9 Ewing Street, as presented in the application dated 8/12/2019 and supporting materials, **subject to the following conditions of approval:**

[Board to add any conditions.]

Conditions to Consider:

- I. Applicant shall obtain a Section 4207 Certificate of Compliance from the Administrative Officer prior to occupying or using the addition to 9 Ewing Street.
- II. Fill areas shall be compacted from the bottom and worked towards the top.
- III. Slopes of 30% or greater in fill areas shall be inspected and approved by a professional engineer prior to the Administrative Office issuing a final Certification of Compliance.

MONTPELIER DEVELOPMENT REVIEW BOARD REPORT

Prepared by Meredith Strobridge Crandall, Planning and Zoning Administrator

Date: August 29, 2019

For the meeting of September 3, 2019

STEEP SLOPES

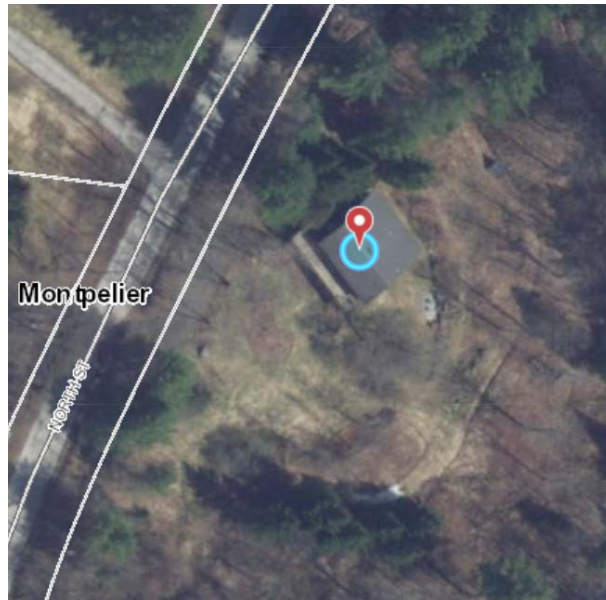
Applicant: Michael Howard

Owner: same

Address: 781 North Street

Application # Z-2019-0110

Zone: Rural



Guiding Ordinance Sections

Chapter 200. General Provisions

Chapter 210. Base Zoning Districts & Neighborhoods

- o Section 2113. Rural (RL) 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 430. Development Review Procedures

Materials Submitted:

- a) Development Application, dated August 9, 2019;
- b) Zoning Permit Attachment, dated August 9, 2019;
- c) Letter from Don Marsh, PE at Grenier Engineering, P.C., to Meredith Strobridge Crandall, Planning and Zoning Administrator, re: development on slopes, dated August 8, 2019;

- d) Mike Howard and Colleen Horan, 781 North Street, Site Grading Plan Rev. No. 1, by Grenier Engineering, PC (“Grenier”), dated 8/6/19 (“Site, Grading, and EPSC Plan”);
- e) Mike Howard and Colleen Horan, 781 North Street, Overall Site Plan, by Grenier, dated 8/6/19;
- f) Addition and Renovations to 781 North Street, North and South Building Elevations, Sheet No. A3, by Applicant, dated Aug. 9, 2019 [Staff Note: Dates on Applicant supplied drawings are European style, and elevation labels are backwards] (“Sheet A3”);
- g) Addition and Renovations to 781 North Street, East and West Building Elevations, Sheet No. A4, by Applicant, dated Aug. 9, 2019 (“Sheet A4”);
- h) Addition and Renovations to 781 North Street, Foundation Plan and Sections, Drawing No. S1, by Knight Consulting Engineers, Inc. (“Knight”), dated 8/9/19;
- i) Addition and Renovations to 781 North Street, 1st Floor Framing Plan and Sections, Drawing No. S2, by Knight, dated 8/9/19;

Materials Supplied by Staff:

- j) Email correspondence between Applicant and Ms. Crandall re: 781 North Street, dated August 13–19, 2019;
- k) Email correspondence between Kurt Motyka, Assistant Director of Public Works Department, Zach Blodgett, Staff Engineer, and Ms. Crandall, re: Applications for DPW Review for 9/3 DRB Meeting, dated August 13, 26, and 28 2019 (the “DPW Comments”).

Project Scope & Applicant Request

Applicant seeks approval to build a 750 SF addition on the single-family home at 781 North Street, to include a ground level, 2-car garage and a second floor master bedroom suite. The building site includes slopes of $\geq 30\%$, and therefore requires approval by the Development Review Board (the “Board”). Per the August 15th email from Applicant, the proposed driveway and access changes shown on the Site, Grading, and EPSC Plan are not actually proposed at this time, but were discussion points with the engineers for future plans.

The subject parcel is located in the Rural (“RL”) Zoning District. The Application will first be reviewed by the Board on September 3, 2019.

STAFF REVIEW & COMMENTS

1. Existing Conditions: 781 North Street is an existing 21.2-acre parcel that currently contains a 1,404 SF single-family home, with a wraparound deck and a driveway for access to North Street.

The parcel is generally wooded beyond the immediate area of the house and yard, with grades in the proposed disturbance site ranging from 15% to $\geq 30\%$.

The parcel is not serviced by municipal water and sewer.

2. Location: The subject parcel is in the Highland Neighborhood in the RL Zoning District. 781 North Street is the first parcel on the eastern side of North Street within this District,

and is surrounded by several other large parcels near the City's boundary.



3. Permit/Parcel History: There have been minor zoning and construction permits issued for the subject parcel over the last several years, including two accessory sheds and a ground-mounted solar hot water system, but no substantial permits. Applicants purchased the property within the last 12 months.
4. Procedural Status: Steep slopes are the only reason that the application was referred to the Board, as the permit is otherwise for an addition to a single-family home that would be dealt with administratively. As the proposal deals with only one dwelling unit, site plan review is not triggered.

CHAPTER 300 GENERAL STANDARDS

5. Section 3001. Use Standards

- A. Applicability. The land development shall conform to the use standards for the applicable zoning district. Per the Use Table at Figure 2-15:
 - i. One and two dwelling units are “permitted” uses in the RL District
- B. Mixed uses. *Not applicable, only one use on the parcel.*
- C. Prohibited uses. *Not applicable.*
- D. Materially similar uses. *Not applicable.*

Staff Findings: Single-family homes are allowed in the RL District on this parcel, and no change in use is proposed. Therefore, this application meets the requirements of Section 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 2-13 establishes the dimensional standards for development in the RL District as follows:

Figure 2-13. Rural District Dimensional Standards

LOTS	SETBACKS	DENSITY	BUILDINGS
Lot size: 2 ac min Frontage: 120 ft min Coverage: 20% max	Front: 20 ft min Side: 20 ft min Rear: 40 ft min Water: 50 ft min	Residential: 1 du/2 ac max Floor Area Ratio: 0.2 FAR 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 over 21 acres, with 840+/- feet of frontage on North Street, and a tiny portion of the 20% coverage maximum available. [Staff estimates that the 1,404 SF home, deck, driveway, shed, and solar panel account for roughly 4,500 SF of coverage on the parcel – or 0.49% of the parcel’s 914,760+ SF.]
- ii. Regarding setback distances, neither the current structures nor the proposed structural changes encroach into the 20-foot front yard setback, or approach the side or rear-yard setback lines. See Overall Site Plan.
 - a. Driveways are allowed to be up to the setback, per § 3003, but parking areas must be setback at least 10 feet from side and rear yard property lines, per Fig. 3-07. See Site, Grading, and EPSC Plan
- B. Principal building:§ 3002.B. Allows more than one principal building on a parcel.
Not applicable.
- C. Height. The proposed addition will be 23 feet, 6 inches high. See Elevations.

Staff Findings: The proposal complies with the RL coverage, setback, and height requirements. The lot size, frontage, and density requirements are not applicable, as no relevant changes are proposed. Therefore, this application complies with the requirements of §§ 3002 and 3003 as applicable.

7. Section 3003. Accessory Structures and Uses: *See above.*
8. Section 3004. Demolition – Provision provides for basic standards for demolition of structures, as well as special requirements when demolishing part or all of a structures listed as contributing on the Vermont Historic Sites and Structures Survey and the National Register for Historic Resources.
 - A. Subsection 3004.B requires Applicant to include “a demolition and site remediation plan which at a minimum describes the intended use of the site and the manner in which the site shall be returned to grade, surfaced, landscaped and /or screened to minimize adverse visual impacts, and secured to prevent hazards to public safety and adjoining properties.”
 - B. Subsection 3004.C requires that all demolition be completed within 60 days of commencement, and that completion include: (1) removal or all structural materials and debris from the site; (2) site being restored to natural grade; and (3) ground cover being re-established to prevent erosion, unless otherwise specified as a condition of approval.
 - i. Applicant proposes demolishing the current wrap-around deck, and replacing it with a new deck and stairway to the southeast, and the two-story addition to the southwest.
 - ii. The subject property is not listed as a contributing structure.

- iii. The application package includes a grading plan and details on the structure replacing the demolished deck.

Staff Findings: The proposal includes sufficient information regarding the structure that's replacing the demolished deck, as well as the regrading and erosion prevention plans to demonstrate compliance with § 3004.

- 9. Section 3005. Riparian Areas – *Not applicable. No regulated water bodies or water setbacks on property, or within more than 100 feet of the property boundary.*



Staff Comment: The red-hatched area shown is a functioning M1 or M2 Natural Community, which is not protected under §§ 3005 or 3006, but relates to open-land protections and conservation planned unit developments.

- 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 more than 100 feet of the parcel through a visual inspection of the Map. See above.
- 11. Section 3007. Steep Slopes – **Section 3007 applies to land development that proposes to disturb or clear land on steep slopes that exceeds the threshold amounts specified in Figure 3-08, all of which are 15% or greater.**
 - A. The purposes of § 3007 are to: (1) Protect public safety and property; (2) Minimize the potential for erosion, runoff, flooding and degradation of water quality; and (3) Avoid the increased cost of providing services to remote or difficult to access land. § 3007.A.
 - B. Per §§ 3007.E & F, any development of land with $\geq 30\%$ slopes requires a grading plan that's signed and sealed by a licensed engineer and a hearing. See also Figures 3-08 and 3-09. [Staff Note – Figure 3-09 is titled “Engineered Plan Required” – so the “engineering plan” language quoted here appears to be a typo.]

- C. The hearing requirement detailed in § 3007.E specifies that the hearing must be “in accordance with the process for conditional use review outlined in Chapter 450.”

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

- i. Applicant provided a grading plan that’s been signed and sealed by a licensed engineer, as well as a letter from Engineer Marsh stating that despite the steep slopes on the project site, “earthwork is limited” and “with proper construction, the site can be developed without causing adverse impacts on public health, safety or the environment.”

DPW Comments: The Department of Public Works staff reviewing this proposal raised no concerns regarding the engineered designs or slope-specific matters. However, see concerns regarding stormwater below.

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

- i. Limit the amount of disturbance, clearing of existing natural vegetation and impervious surface in order to minimize potential for erosion, stormwater runoff, flooding and water quality impairment.
 - a. The application materials appear to show minimal clearing or addition of impervious surface in relation to the proposed project.
- ii. Not create slopes steeper than 30%.
 - a. No slopes steeper than 30% appear to be created.
- iii. Preserve distinctive natural features, the general topography of the site and existing natural vegetation.
 - a. Per the application materials, the general nature of the site appears to have been preserved, if modified consistent with the requirements of of § 3007.
- iv. Maintain or reduce the pre-existing rate, and retain the pattern, of stormwater runoff leaving the property.
 - a. Stormwater measures are included in the application materials to address this factor.
- v. Produce a final grade that is compatible with surrounding natural terrain.
 - a. This appears to be the case.
- vi. Create a harmonious transition between graded slopes and the natural terrain.
 - a. This appears to be the case.

- vii. Avoid creating continuous unbroken slopes or linear slopes.
 - a. This appears to be the case.
- viii. Contour graded slopes by varying the slope increment to produce a final grade that undulates both vertically and horizontally.
 - a. This appears to be the case.
- ix. Vary cut-and-fill banks and terraces to produce a final grade that has visual interest and allows for naturalistic landscaping.
 - a. This appears to be the case.
- x. Consider use of retaining walls and terracing rather than cut-and-fill banks.
 - a. This appears to be the case.

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

- xi. Vary the pad elevations on sites with multiple structures to follow the natural terrain.
 - a. Applicant’s design appears to follow the natural terrain.
- xii. Provide roads and drives that follow existing contours.
 - a. No new roads or drives created.
- xiii. Use compact building forms and or multi-story buildings to minimize building footprint.
 - a. Proposed addition is multi-story, and with less impact on the terrain than building a separate garage would be.
- xiv. Use split- or multi-level building forms that step up or down the slope.
 - a. Not directly applicable. Slope impact is more from area grading than where the expanded footprint will be.

Staff Findings: Applicant’s proposal appears to meet many of the § 3007.H Design Standards, and the Department of Public Works raised no concerns with the engineered designs provided.

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

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

- A. Per Figure 3-08, erosion control plans are required for development disturbing any amount of soil on slopes steeper than 25%.

- B. Per § 3008.C, the erosion control plan must be “professionally prepared ... in accordance with the *Vermont Standards and Specifications for Erosion Prevention and Sediment Control*.”
- i. Applicant has provided a proposed grading and erosion control plan, incorporated into the Site, Grading, and EPSC Plan, prepared by Grenier, with erosion control details and stabilization notes.
 - ii. Per the DPW Comments, the Department of Public Works engineers raised no concerns with the erosion control plan (per se). However, see comments below regarding stormwater concerns.

Staff Findings: Applicant provided the necessary, professionally prepared erosion control plan as part of the Site, Grading, and EPSC Plan, which has been reviewed by the Department of Public Works and found acceptable. In reliance on the expertise of the engineers in the Department of Public Works, Staff suggests that the Board find that this application meets the requirements of Section 3008.

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

- A. Applicant’s Site, Grading, and EPSC Plan includes a footing drain from the western corner of the addition running to the North Street road ditch. Stormwater flows would then drain downhill, through the culvert that runs under the driveway and towards Montpelier until eventually being captured by a swale to divert the flows away from the road.

DPW Comments: The existing culvert doesn’t meet current size requirements and cannot be extended. If the culvert is to be longer, than it will need to be replaced. In addition, we have seen a lot of failures recently in culverts with this existing material type and with the proposed increased in flows created by this project consideration should be given to culvert replacement regardless.

Due to the added impervious surface associated with the development and the steep slope of the roadway ditch, DPW recommends Type II Rip Rap be installed along the ditch for a minimum 10ft upstream of the driveway culvert.

Staff Comment: Staff suggests including both upgrades to the driveway culvert and the rip rap installation as conditions of approval. With those conditions, Staff suggests a finding that this application complies with the requirements of § 3009.

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 generally applicable, as no access changes proposed by Applicant at this time.*

DPW Comment: Modifications to the curb cut must conform to the VTrans B-71 standard.

Staff Comment: The curb cut widening would likely need to occur simultaneously with any culvert upgrade given that the culvert would need to be lengthened. Although Applicant has affirmed in correspondence with Staff that there are no plans to upgrade the driveway and access at this time, the Board should ask Applicant if the work would be possible within the next two years (the life span of a zoning permit), as it would only make sense to revise the access point if the culvert has to be replaced to meet another condition of approval.

15. Section 3011. Parking and Loading Areas – *Not applicable, no relevant changes proposed other than providing internal (garage) parking.*

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

Staff Suggested Motion Options:

- ❖ Motion to approve the request for approval of construction of an two-story addition impacting slopes of $\geq 30\%$ at 781 North Street, as presented in the application dated 8/9/2019 and supporting materials, [**subject to the following conditions of approval**]:

[Board to add any conditions.]

Conditions to Consider:

- I. After obtaining all necessary permits for such work from the Department of Public Works, Applicant shall:
 - Upgrade the driveway culvert to meet the current culvert standards, as approved by the Department of Public Works; and
 - Install Type II Rip rap along the roadside ditch for a minimum of 10 feet upstream of the driveway culvert.