



# *Agenda*

## *for the Meeting of the Development Review Board*

City Council Chambers, City Hall  
Monday, September 16, 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 9/3/19.
- 5) 260 Elm St. (MUR/HD)  
Owner: West Little  
Applicant: Sarah Hoffmeier, Ecolibrium LLC  
Applicant seeks a variance from the 4.5 foot maximum height limit for front yard fences.
- 6) Other Business:  
  
Next meeting, October 7th, 2019.
- 7) Adjournment

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**Montpelier Development Review Board Meeting  
September 3, 2019**

*Subject to review and approval*

This public meeting was recorded, and the video will be available for viewing at this link:

<https://www.montpelier-vt.org/1094/CivicClerk>

**Present:** Daniel Richardson, Kevin O'Connell, Kate McCarthy, Robert Goodwin, Michael Lazorchak, Meredith Crandall – staff.

**Absent:** Ryan Kane and Clare Rock (alternate).

**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, Kate seconded. The motion passed on a 5-0 vote, with no nays and no abstentions.

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

**Approval of minutes from August 19, 2019:** Kate made a motion approve the minutes, with the date corrected from the 20<sup>th</sup> of 2018 to the 19<sup>th</sup> of 2019. Rob seconded. The motion passed on a 5-0 vote, with no nays and no abstentions.

**9 Ewing Street**

**Owner: Andrea Proulx and Peter Sterling Applicant: Steeplechase Design & Build, LLC**

**Review two-story addition on steep slopes.**

Will Schebaum from Steeplechase was present and sworn in.

The application is to remove a 400 SF deck from an existing 768 SF single family home, and to build a new two story addition (460 SF) and a new 350 SF rear deck. There are slopes of 30% or greater being disturbed – which is the only reason it is being heard by the Board.

Notes from DPW – the preference would be that a small yard drain and connection be made to the storm system running along the edge of the road. DPW will conduct a site visit in the months of April or May after completion of construction to determine if additional measures should be made. The applicant will need to apply for a construction and access permit prior to performing the work in the public right of way. DPW recommends that the occupancy permit be held until the reviews are done.

Board confirmed that a condition will be that an engineer will sign off on the stability of any disturbed earth. In some cases, the slopes will be leveled off or made less steep. Any fill that is brought in will need to be compacted from the bottom up. At any point, a rain garden could be installed if the drainage isn't sufficient. Board members agreed that the drainage condition will not be tied into a Certificate of Completion, but DPW will determine satisfaction with the drainage.

Kate made a motion to approve construction on steep slopes at 9 Ewing Street, as proposed, with the following conditions:

1. Fill to be compacted from the bottom and work toward the top.
2. Slopes of 30% or greater shall be inspected and approved by a professional engineer.
3. A silt fence shall be installed on the western side of the property and anywhere else deemed appropriate as recommended by DPW.
4. That DPW inspect the storm water runoff after completion of construction to assure that it is being handled to DPW's satisfaction, whether that is through onsite infiltration or other methods elected by the applicant. DPW will need to sign off on the handling of stormwater prior to expiration of the zoning permit, in order for the applicant to be in compliance.

Kevin seconded. The motion passed on a 5-0 vote, with no nays and no abstentions.

### **781 North Street**

**Owner/Applicant: Michael Howard**

**Review construction of a two-story addition on steep slopes.**

The applicant was present and sworn in.

The application is to build a 750 SF addition to the single family home, to include a ground level, two-car garage and a second floor master bedroom suite. The building site includes slopes of 30%, which is the only reason it is before the Board.

Notes from DPW – the driveway alterations and culvert/ditching requirement would be very difficult to achieve compliance, so they will be waived, but some trees/foliage should be removed to improve the sight line in both directions. There is evidence of some erosion on the northern side of the driveway, which causes driveway material to wash out into the road. This can be fixed by redirecting the surface flow to enter the ditch approximately 20' north of the driveway culvert inlet. A construction and access permit would be needed for any future work to expand the existing width of the access point.

The applicant has no issue with any of the DPW suggestions.

It was determined the steep slope requirements are met in this application.

Kevin made a motion to approve the application as presented. Rob seconded. The motion passed on a 5-0 vote, with no nays and no abstentions.

**Other Business:** The next regular meeting will be Monday, September 16, 2019.

**Adjournment:** Kevin made a motion to adjourn, Rob seconded.

Respectfully submitted,

Tami Furry  
Recording Secretary

## **MONTPELIER DEVELOPMENT REVIEW BOARD REPORT**

**Prepared by Meredith Strobridge Crandall, Planning and Zoning Administrator**

**Date: September 11, 2019**

**For the meeting of September 16, 2019**

### **FENCE HEIGHT WAIVER/VARIANCE REQUEST**

**Applicant: Sarah Hoffmeier; Ecolibrium LLC**

**Owner: West Little**

**Address: 260 Elm Street**

**Application # Z-2019-0212**

**Zone: Mixed Use Residential**

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

Chapter 200. General Provisions

Chapter 210. Base Zoning Districts & Neighborhoods

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

Chapter 300. General Standards

- o Section 3001. Use Standards
- o Section 3002. Dimensional Standards
- o Section 3003. Accessory Structures and Uses
- o Section 3004. Demolition
- o Section 3005. Riparian Areas
- o Section 3006. Wetlands and Vernal Pools
- o Section 3007. Steep Slopes
- o Section 3008. Erosion Control
- o Section 3009. Stormwater Management
- o Section 3010. Access and Circulation
- o Section 3011. Parking and Loading Areas
- o Section 3012. Signs

Chapter 310. Special Use Standards

- o Section 3101. Fences and Walls

Chapter 430. Development Review Procedures

Chapter 460. Appeal Procedures

- o Section 4602. Waivers
- o Section 4603. Variance

### **Materials Submitted:**

- a) Development Application, dated 8/21/19;
- b) Zoning Permit Attachment, dated 8/21/19;
- c) Attachment to request a Waiver or Variance, dated 8/21/19;
- d) Project description and narrative for 260 Elm Street, Montpelier (“Project Narrative”);
- e) Fence Plan, by Sarah Hoffmeier, VT Certified Horticulturist at Ecolibrium, dated 06/17/19;

- f) Sketch showing proposed plantings in color and proposed fence approximate heights (“Elevation A”);
- g) Photograph of Actual 260 Elm Street from Fall 2017 (“Photograph of Elevation A”);
- h) Five photographs providing context and views of Elm Street and corner of Elm and Vine at 260 Elm;
- i) Overview of Planting Beds 260 Elm St., by Ecolibrium, dated 05/06/19;
- j) Transition at Corner of Vine and Elm Streets Fence Detail;
- k) Fence Cut sheets, Sheets A.1 and A.2 from Middlebury Fence Co.;
- l) Example of Elm St. High Fence Style, Sheet A.3;
- m) Example of Style Fencing to be used on Vine St. at 4’ high, Sheet A.4;
- n) 260 Elm Street, Outer Fence Planting Plan (with property line detail), by Ecolibrium, dated 05/31/19; and

#### **Materials Provided by Staff:**

- o) Email correspondence from Kurt Motyka, Dept. of Public Works Assistant Director, to Meredith Crandall, Planning and Zoning Administrator, and Donna Barlow Casey, Acting Director of Public Works, re: Application to Review for 9/16 DRB Meeting, dated 09/09/19.

#### **Project Scope & Applicant Request**

Applicant seeks a waiver or variance from the 4.5-foot maximum height limit for front-yard fences, to allow the construction of a 6-foot tall fence along the Elm Street boundary line at 260 Elm Street.

The subject parcel is located in the Mixed Use Residential (“MUR”) Zoning District. The Application will first be reviewed by the Development Review Board (the “Board”) on September 16, 2019.

#### **STAFF REVIEW & COMMENTS**

1. Existing Conditions: 260 Elm Street is an existing 0.29-acre (12,632.4 SF) parcel that currently contains a single-family home, carport, and driveway. The subject parcel is similar in size to others along Elm Street in this Neighborhood (see embedded map), and is serviced by municipal water and sewer.



260 Elm St. is listed on the National Register of Historic Places as a contributing historic structure, circa. 1855. Described as: “Wood frame, clapboarded and shingled, 1 ½ stories, gabled roof, sheathed in polychrome slate. This Gothic Revival style house is visually decorative in its use of clapboard and shingle bands. The house has a three-bay gable front

orientation with Tudor label surrounds. The walls of the house are articulated in four distinct bands; the lower (or first) band is of vertical board and batten panels; the second band (or window band) is clapboarded; the third band is of shingles cut in a double loop design which flairs out slightly from the main plane of the house; the fourth band is an entablature of shingles in a large saw-tooth design. The house has cross gables which are clad in looped shingles and ornate turned gable screens. The front gable has a small decorative balcony supported on brackets and suspended from the gable screen within which is an attic window. There is a two-story gable pavilion on the north façade. The windows have six-over-six light sash. The door with Tudor label surround is centered on the gable façade and sheltered by a later porch with simple square columns, plain entablature, paneled balustrade and lattice skirt.”

2. Location: The subject parcel is in the Meadow – Elm Street Neighborhood in the MUR Zoning District, on the corner of Vine and Elm Streets. 260 Elm Street is adjacent to the Meadow Mart parking lot and kitty corner from Birchgrove Baking, at 279 Elm Street.
3. Permit/Parcel History: Applicant obtained the building permit (# 2017-0210) to convert the southeastern porch into a sunroom in November of 2017. No zoning permit was necessary, as the coverage amount did not change, and the zoning requirements in effect at that time didn’t govern building footprint as defined under the Regulations. See the City of Montpelier Zoning and Subdivision Regulations, adopted August 30, 2006, as amended January 26, 2011 (“the 2011 Regulations”). Further, the 2011 Regulations contained no maximum fence heights. Section 709 of the 2011 Regulations reads, in part “Fences and walls are not subject to setbacks or other dimensional requirements ...”

See complete zoning and building permit history since 2017 below:

| Case #       | Site Address | Primary Contact             | Department             | Type                            | Project                              | Project Description                  | Status   | Submitted  | Issued     | Closed     |
|--------------|--------------|-----------------------------|------------------------|---------------------------------|--------------------------------------|--------------------------------------|----------|------------|------------|------------|
| D-2019-0212  | 260 ELM ST   | ECOLIBRIUM, LLC             | MONTPELIER DEVELOPMENT | DEVELOPMENT PERMIT              | Variance to front yard fence height. | Variance to front yard fence height. | PENDING  | 08/22/2019 |            |            |
| Z-2019-0114  | 260 ELM ST   | ECOLIBRIUM, LLC             | ZONING                 | ZONING PERMIT - VARIANCE        | Variance to front yard fence height. | Variance to front yard fence height. | COMPLETE | 08/22/2019 |            |            |
| D-2019-0111  | 260 ELM ST   | CATAMOUNT SOLAR             | MONTPELIER DEVELOPMENT | DEVELOPMENT PERMIT              | 3.36 kW Roofmounted solar array.     | 3.36 kW Roofmounted solar array.     | PENDING  | 05/16/2019 |            |            |
| B-2019-0077  | 260 ELM ST   | CATAMOUNT SOLAR             | BUILDING               | BUILDING PERMIT - SINGLE FAMILY | 3.36 kW Roofmounted solar array.     | 3.36 kW Roofmounted solar array.     | ISSUED   | 05/16/2019 | 06/20/2019 |            |
| PW-0007-2019 | 260 Elm St   | West Little & Alison Panzer | PUBLIC WORKS           | PUBLIC WORKS PERMIT             | 260 ELM ST LANDSCAPING               | LANDSCAPING                          | CC       | 04/15/2019 | 05/02/2019 | 05/02/2019 |

|              |            |                             |                        |                                 |                                                                                                                                                            |                                                                                                                                                            |               |            |            |
|--------------|------------|-----------------------------|------------------------|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|------------|------------|
| Z-2018-0130  | 260 ELM ST | West Little & Alison Panzer | ZONING                 | ZONING PERMIT - ADMINISTRATIVE  | New carport.                                                                                                                                               | New carport.                                                                                                                                               | APPEAL PERIOD | 10/30/2018 | 10/30/2018 |
| D-2018-0295  | 260 ELM ST | West Little & Alison Panzer | MONTPELIER DEVELOPMENT | DEVELOPMENT PERMIT              | New carport.                                                                                                                                               | New carport.                                                                                                                                               | PENDING       | 10/24/2018 |            |
| B-2018-0214  | 260 ELM ST | West Little & Alison Panzer | BUILDING               | BUILDING PERMIT - SINGLE FAMILY | New carport.                                                                                                                                               | New carport.                                                                                                                                               | ISSUED        | 10/24/2018 | 11/15/2018 |
| D-2018-0290  | 260 ELM ST | MUELLER JAN                 | MONTPELIER DEVELOPMENT | DEVELOPMENT PERMIT              | 260 Elm St. Storm                                                                                                                                          | Stormwater Connection                                                                                                                                      | PENDING       | 10/22/2018 |            |
| PW-0036-2018 | 260 ELM ST | MUELLER JAN                 | PUBLIC WORKS           | PUBLIC WORKS PERMIT             | 260 Elm St. Storm                                                                                                                                          | Stormwater Connection                                                                                                                                      | ISSUED        | 10/22/2018 | 10/22/2018 |
| B-2017-0210  | 260 ELM ST | West Little & Alison Panzer | BUILDING               | BUILDING PERMIT - SINGLE FAMILY | Extensive interior and exterior renovations.                                                                                                               | Extensive interior and exterior renovations.                                                                                                               | ISSUED        | 11/30/2017 | 01/04/2018 |
| Z-2017-0123  | 260 ELM ST | West Little & Alison Panzer | ZONING                 | ZONING PERMIT - ADMINISTRATIVE  | Construct a 198ft2 shed, add cupola to roof for light and ventilation, remove stairs and storage closet, enlarge east porch and enlarge front porch steps. | Construct a 198ft2 shed, add cupola to roof for light and ventilation, remove stairs and storage closet, enlarge east porch and enlarge front porch steps. | APPEAL PERIOD | 09/19/2017 | 09/19/2017 |

4. Procedural Status: As the subject parcel contains a single-family home, the Site Plan provisions of the Regulations do not apply here. The addition of a fence at a single-family home would normally be an administrative permit, but the waiver or variance request is beyond the scope of the Zoning Administrator's authority.

## CHAPTER 300 GENERAL STANDARDS

### 5. Section 3001. Use Standards

- A. Applicability. The land development shall conform to the use standards for the applicable zoning district. Per the Use Table at Figure 2-15:
- Single-family homes are "permitted" uses in the MUR District, and no change of use is requested.
- B. Mixed uses. *Not applicable*.

**Staff Findings: Single-family homes are allowed in the MUR District on this parcel, and 260 Elm Street currently contains only a single-family home.**

### 6. Section 3002. Dimensional Standards

- A. Applicability. Land development shall conform to the dimensional standards for the applicable zoning district, as set in Chapter 200 of the Regulations. 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                                                             |
|-----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| <b>Lot size:</b> 3,000 sf min<br><b>Frontage:</b> 45 ft min<br><b>Coverage:</b> 70% max | <b>Front:</b> 5 ft min<br><b>Side:</b> 5 ft min<br><b>Rear:</b> 10 ft min<br><b>Water:</b> 25 ft min | <b>Residential:</b> 1 du/1,500 sf max<br><b>Floor Area Ratio:</b> 1.0 FAR max | <b>Footprint:</b> 3,000 sf max<br><b>Height:</b> 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).

- i. The parcel is 12,632.4 SF, with approximately 90 feet of frontage on Elm St., and 138+ feet of frontage on Vine Street.
  - ii. Coverage and buildings footprints are not applicable to constructing a fence.
  - iii. Further, per § 3003 and Fig. 3-07 governing accessory structures, fences are allowed up to the property line, so setbacks are not applicable.
- B. Principal building: § 3002.B. *Only one building. Not applicable.*
- C. Calculating Density: § 3002.D. *Only a single-family home on parcel. No new units proposed. Not applicable.*
- D. Height.
  - i. Per § 3002.H, accessory structures shall not exceed the height requirements in § 3003.
  - ii. Figure 3-07 of § 3003 directs the Board to § 3101, and puts the maximum height of fences, generally at 8 feet.
  - iii. *Per § 3101.D, Fences and Walls, fences in the “front yard shall not exceed a height of 4 ½ feet and the applicant shall demonstrate that the fence will not interfere with line of sight of pedestrians, bicycles, or vehicles in the right-of-way.”* Front yard is defined as “the yard that is located between the street and the nearest line of the principal building on the lot and extends across the full width of the lot. *A corner lot shall be considered to have two front yards.”* § 5101.Y(2) [emphasis added].
  - iv. *Per § 3002.J and Fig. 3-06, Applicant may request a waiver of the fence height maximum of “not more than 10%.” [Staff Comment: The “building height” waiver maximum is 5 feet. There is no height-specific waiver applicable to accessory structures that aren’t “buildings.”]*
  - v. “Unroofed garden structures (ex. arbor, trellis, pergola)” no more than 10 feet in height and conforming to setback requirements do not require zoning permits, and Staff’s interpretation of Figure 3-07 is that a trellis is exempt from setback standards. See §§ 1101.A and 3003, and Fig. 3-07 re: arbors.
    - a. 260 Elm Street is a corner lot.
    - b. Applicant requests a waiver/variance to allow a 6-foot fence along the Elm Street frontage (a front yard). A gate will provide one lower section along Elm Street, and a 5-foot tall step-down section is proposed along the corner between the Elm Street and Vine Street lengths of fence.
    - c. A 10% waiver of the § 3101 4.5 foot fence height maximum = 0.45 feet (5 13/32 inches), or just shy of 5 feet.
    - d. Applicant attests that the waiver or variance is necessary for privacy, to shield the glassed in sunroom/conservatory on the Elm St. side of the residence from Birchgrove Baking customers and pedestrian traffic generally, as well as the vehicular impacts from Elm Street traffic. See Project Narrative and Elevations for additional details and considerations (including aesthetics).
    - e. Applicant has designed the Elm Street and corner stretches of fence with sight lines and pedestrian concerns in mind, setting the fence back from the sidewalk, reducing the height on the corner, and

choosing property line vegetation to reduce encroachment into the public right of way.

- f. The periodic breaks in the fence will also continue to allow pedestrian views of the historic building.

DPW Comments: The Public Works Department has reviewed the proposal, and has no concerns with sight lines. Specifically:

- “Fence layout and associated heights appear to provide adequate sight lines for the intersection.”
- “The proposed plantings along the corner of Vine St. and Elm St. should be located adjacent to fence in order to avoid plow damage and maintain sight lines.”
- “DPW takes no responsibility for plantings in the ROW damaged during winter operations. Plantings should be a minimum of two feet from back of walk and not infringe on the sidewalk upon maturity.”

**Staff Findings:** The parcel complies with the minimum lot size, frontage, and density requirements of § 3002. The coverage and footprint requirements of § 3002 aren’t applicable to this application. The fence proposal complies with the setback requirements of § 3002 and 3003.

**The proposed fence doesn’t comply with the front yard height maximum limits of § 3101. The waiver allowed by reading §§ 3002, 3003, and 3101 together allows for a fence of just under 5 feet – but Applicant is requesting a maximum height of 6 feet.**

**Staff suggests the Board consider both the variance and waiver criteria, as this is the first time the Board has dealt with this particular fence height issue. Staff has outlined the analysis for each set of criteria below, but neither provides a clear path for approval.**

- I. **Variance Analysis:** Per § 4603, the Board may “approve variances that authorize more substantial adjustments to the standards of these regulations under the specific circumstances described” therein. **Per Fig. 4-02, to grant a variance under § 4603, the Board must find that:**

- (i) “There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions, and not the circumstances or conditions generally created by the provisions of the bylaw in the neighborhood or district in which the property is located.”
  - Staff Comment: There doesn’t appear to be a unique physical circumstance or condition with this property, other than the nearness of Elm Street and nearby commercial development. Other residential properties have similar issues in this neighborhood.
- (ii) “Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the bylaw, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.”
  - Staff Comment: The Board will need to make a determination here.

(iii) “Unnecessary hardship has not been created by the appellant.”

- Staff Comment: The property owner opted to construct a sunroom on the Elm Street side of the building, so there’s a weakness to any argument that unnecessary hardship wasn’t created by the owners. However, the timing of Owners’ project and the permit history strengthens the argument in favor of a variance. As outlined at #3, the Owners originally obtained permits for the sunroom under the 2011 Regulations, which did not restrict fence heights. The final landscaping and fence design for the project has taken time, but not unreasonably so given that this is an owner-occupied single-family home, not a large development.

(iv) “The variance, if authorized shall not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the lawful use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.”

- The Meadow – Elm Street Neighborhood is described as a “traditional residential neighborhood along Elm Street is densely developed with historic homes close to the sidewalk on tree-lined streets. While many large homes have been converted to multi-family buildings, the neighborhood continues to have historic appeal. These regulations are intended to protect the residential scale and character of the neighborhood created by the primarily residential use, historic building stock, front yards, porches and walkable, tree-lined streets.”
- Staff Comment: Applicant’s proposal appears to meet this criterion. The proposed fencing is consistent with a residential neighborhood, and will not hide the historic building from view. The privacy fence style is softened with the top 12” being latticework – so only 5 feet of the fence would be privacy fence. Further, as noted above, it appears that the Regulations allow unroofed trellis up to 10 feet tall on property boundaries – though this involves applying the accessory structure setback change for “arbors” to all unroofed garden structures.

(v) “The applicant is proposing the least deviation possible from these regulations that shall afford relief.”

- Staff Comment: As detailed in the Project Narrative, the fencing and landscaping proposal appears to consider a variety of needs, the property owners’ as well as the Neighborhoods’.

**II. Waiver Analysis:** Per § 4602, “where authorized” in the Regulations, the Board may “approve waivers that authorize adjustments to the standards of these regulations as specified” in the Regulation. **Per Fig. 4-02, to grant a waiver, the Board must find that:**

- (i) The [waiver], if authorized shall not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the lawful use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.
  - See discussion of this criterion above, re: variance analysis.

- (ii) The proposed land development is beneficial or necessary for the continued reasonable use of the property.
- *Staff's opinion is that the higher fence would clearly be beneficial for the continued reasonable use of the property.*
  - **Staff Comment:** Staff's opinion is that both of the waiver criteria have been met for this project. The difficulty in approving a waiver comes more from the fact that the 10% waiver allowed by the Regulations is not enough to achieve Applicant's requested 6-foot tall front-yard fence.
  - **Should the Board wish to grant a waiver to allow the 6-foot tall fence,** Staff suggests finding that this property is unique (or unique enough) to grant a waiver greater than allowed by the Regulations – similar to the findings used to grant the diminished front-yard setback requested in the recent 29 Franklin Street decision.

7. Section 3003. Accessory Structures and Uses: *See above re: accessory structure setbacks.*
8. Section 3004. Demolition – *Not applicable. No demolition is proposed.*
9. Section 3005. Riparian Areas – *Not applicable. No regulated water bodies or water setbacks on property.*
10. Section 3006. Wetlands and Vernal Pools – *Not applicable.* The standards in § 3006 only apply to wetlands or vernal pools documented on the Montpelier Natural Resources Inventory Map. Staff confirmed that there are no such wetlands or vernal pools on or within 50 feet of the parcel through a visual inspection of the Map.
11. Section 3007. Steep Slopes – *Not applicable, no slopes on parcel.*
12. Section 3008. Erosion Control – *Not applicable. No relevant changes proposed.*
13. Section 3009. Stormwater Management – *Not applicable. No relevant changes proposed.*
14. Section 3010. Access and Circulation – *Not applicable. No relevant changes proposed.*
15. Section 3011. Parking and Loading Areas – *Not applicable. No relevant changes proposed.*
16. Section 3012. Signs – *Not applicable. No signs being proposed.*

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#### **Staff Suggested Motion Options:**

- ❖ Motion to approve the request for approval of a front-yard fence taller than 4.5 feet along the Elm Street frontage of 260 Elm Street, as presented in the application dated 8/21/2019 and supporting materials, subject to the following conditions of approval:
  - To maintain vehicular, pedestrian, and bicyclist sight lines, Applicant shall locate plantings along the corner of Vine St. and Elm St. adjacent to the proposed fence, and all plantings along road frontages shall be a minimum of two (2) feet from the back of the sidewalk and not infringe on the sidewalk upon maturity.