



Agenda

for the Meeting of the Development Review Board

City Council Chambers, City Hall
Monday, October 21, 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 10/7/19.
- 5) 18 Marvin St. (Res. 6000)
Owner: Brett Proctor
Applicant: Robert Proctor
Final review of a two lot subdivision.
- 6) Other Business:

Next meeting date is 11/4/19.
- 7) 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
October 7, 2019**

Subject to review and approval

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

Present: Daniel Richardson, Kevin O'Connell, Kate McCarthy, Ryan Kane, Robert Goodwin, Meredith Crandall – staff.

Absent: Clare Rock (alternate), Michael Lazorchak.

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

Comments from the Chair: There were only five board members in attendance instead of seven. If an Applicant wishes to present to the full board, they may ask to continue their hearing to a future meeting.

Approval of minutes from September 16, 2019: Ryan made a motion to approve the minutes as presented, Rob seconded. The motion passed on a 4-0 vote. Dan, Kate, Ryan, and Rob were in attendance and able to vote.

242 Elm Street

Owner/Applicant: Matt and Olga Benoit

Review conditional use, minor site plan, and demolition of part of a historic structure, rear wall, to create an additional dwelling unit.

Matt Benoit was present for the application.

The parcel is an existing .47 acre parcel containing four dwelling units within an approximately 4,500 SF historic structure. The parcel also contains a five bay garage and a driveway that extends from the southeast corner of the parcel to the rear of the primary building, opening into a parking area between the garage and residence.

The applicant has already removed the floor of the covered porch and built a deck.

The application is to convert 900 SF of unfinished space in the rear of the main building into a two story fifth dwelling unit. Proposed changes to the main building include: demolition of the rear wall on the first floor and building a new solid wall; a new first floor entrance to the fifth unit where a window is now; addition of an approximately fourteen foot long dormer and

enlargement of a window. The builder didn't like the original plan for a cantilevered rear wall, so the plan has changed from the original Application, and Applicant handed out new drawings.

The rear façade of the building has doors that will be replaced with a wall with traditional siding. The sides of the building have metal siding now, he will probably use a vinyl siding for the rear wall.

Eric Gilbertson conducted a site visit, and Eric provided a letter in support of the project, and opining that this was more a repair or rehabilitation project versus demolition.

Kevin made a motion to approve the request for conditional use approval and minor site plan, and—varying from the warning—approval of the rehabilitation of 242 Elm Street. Rob seconded. The motion passed on a 5-0 vote with no recusals.

5 West Street

Owner: Johnathan Herz Applicant: Seán Sheehan

Addition of a second driveway, for the creation of an ADU that doesn't meet the minimum distance requirements.

The applicants, Seán and Jenny Sheehan are now the owners.

The workshop above the garage is going to be converted to an accessory dwelling unit. The parking space in the garage will go with that unit, so a driveway is needed for the Applicants to use.

When the application was reviewed earlier in the evening by the DRC, Applicants decided to move the driveway to a location that now complies with the zoning regulation requirements for Access Spacing. Therefore, the Application no longer requires DRB review, and can be approved administratively.

Kate made a motion to remand the application to the Zoning Administrator for review. Kevin seconded. The motion passed on a 5-0 vote with no recusals.

60 Main Street

Owner: 60 Main Street Associates, LLC Applicant: Tolya Stonorov, Stonorov Workshop

§ 4301 Referral of DRC Recommendation of sign lettering size.

Dan is recusing himself from the vote on this application, but he will continue to chair the review of the application. The Applicant did not have an issue with that.

Bill Kaplan, Tolya Stonorov, and Jacqueline Rieke were in attendance to discuss the appeal.

The sign went through the DRC process and the recommendation was to reduce the 24" high letters to 18". Applicant's disagree with the recommendation. This is referred to in § 4301 as an appeal, but it's actually a de novo review of the Application. The DRC approved a prior sign application for the same location (but different sign) with 24" letters.

The applicant noted that the previous sign on the building for One More Time had 31" wooden letters. The proposed sign has 24" aluminum letters. Cool Jewels has 31" high letters. There are other businesses downtown with the same or larger letters. The previously approved sign had different content and a different font vs the new sign.

The specific sign design that the DRB reviewed had not been seen by the DRC (the font has been changed to a slimmer design). Applicant provided a nighttime mock-up of the sign, as well as a view distance analysis at the beginning of the hearing. Kate noted that she would prefer to see a daytime mock-up of the sign as well.

Applicant was given the choice of: (1) closing the evidence and leaving it before the four people on the board, who will probably take it into deliberative session; or (2) to continue the hearing to a date certain with the chance of additional Board members being in attendance and able to vote.

A ten minute break was taken and no *ex parte* conversations occurred. During that time, Applicant obtained a mock-up of the daytime requested information. After discussion of that additional submission, Applicant opted to close the evidence.

Ryan made a motion to close the evidentiary hearing for the application for 60 Main Street and adjourn into deliberative session after the adjournment of the rest of the meeting. The motion passed on a 4-0 vote, with Dan recusing.

Other Business: The next regular meeting will be Monday, October 21, 2018.

Adjournment: Ryan 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: October 16, 2019

For the meeting of October 21, 2019

FINAL SUBDIVISION REVIEW

Applicant: Robert and Maria Proctor

Owner: Brett Proctor

Address: 18 Marvin Street

Application # Z-2019-0134

Zone: Residential 6000



Guiding Ordinance Sections: **(I)** Montpelier Unified Development Regulations, Adopted by Montpelier City Council January 3, 2018, As Amended March 27, 2019 (the “March 2019 Regulations”); and (II) Montpelier Unified Development Regulations, Adopted by Montpelier City Council January 3, 2018, As Amended September 25, 2019 (the “Adopted Regulations” – effective October 16, 2019).¹

Chapter 200. General Provisions

Chapter 210. Base Zoning Districts & Neighborhoods

- Section 2110. Residential 6000 (RES 6) Zoning District & Neighborhoods

Chapter 300. General Standards

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

Chapter 350. Subdivision Standards

- Section 3501. Applicability
- Section 3502. Capacity of Community Facilities and Utilities
- Section 3503. Suitability of Land

¹ The ZA must review Development Applications submitted within 150 days after the August 24, 2019, public notice for first public hearing of the Adopted Regulations under both the March 2019 Regulations and the Adopted Regulations. See 24 V.S.A. § 4449(d).

- Section 3504. Traffic
- Section 3505. Design and Configuration of Parcel Boundaries
- Section 3506. Design and Layout of Necessary Improvements
- Section 3507. Character of the Neighborhood and Settlement Pattern
- Section 3508. Renewable Energy and Conservation
- Section 3509. Natural Resource Protection
- Section 3510. Lot Line Adjustment and Lot Merger

Chapter 440. Subdivision and PUD Review Procedures

Materials Submitted:

- a) Development Application, dated 9/20/2019;
- b) Subdivision Attachment, Final Plan Review, dated 9/20/2019; and
- c) Email from Applicants to Ms. Crandall re: 18 Marvin Street Subdivision Application with Chapter 350 subdivision criteria responses, dated September 20, 2019 (the “Chapter 350 Narrative”);
- d) Email from Lauren Kelley at Green Mountain Power to Applicants re: costs overhead vs underground, dated July 30, 2019, with attachments:
 - (i) Overhead Power Estimate;
 - (ii) Underground Power Estimate;
- e) Subdivision of Lands of Brett Proctor, Marvin Street, by Richard W. Bell Land Surveying, Inc., Drawing #S-1188, dated Sept. 11, 2019 (the “Final Plan”);
- f) Proposed Site Plan with potential curb cut and driveway, fencing, and landscaping, received by Planning and Economic Development Department September 20, 2019 (the “Access and Screening Plan”);

Materials Provided by Applicant:

- g) Emails from John R. and Shirley Turner to Ms. Crandall re: 15 [sic] Marvin Street Subdivision review, dated October 7–8, 2019;
- h) Emails from Tom McArdle, Project Manager for Department of Public Works to Kurt Motyka, Donna Barlow Casey, and Ms. Crandall re: Application for Review for 10/21 DRB Meeting, dated October 15, 2019 (the “DPW Comments”);
- i) Recorded Easement from Richard L. and Jacqueline C. Provost to City of Montpelier, recorded at Book 142, Page 457, dated May 7, 1975; and
- j) City of Montpelier, Permanent Easement Storm and Sewer Line Plan, DF-127, Department of Public Works files, dated April 1979.

Project Scope & Applicant Request

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

The current parcel is located in the Residential 6,000 (“RES 6”) Zoning District. This final subdivision application will first be reviewed by the Board on October 21, 2019.

STAFF REVIEW & COMMENTS

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



3. Permit/Parcel History: During the July 8th Sketch Plan hearing, the Board asked that as part of the Final Application Applicants provide:
 - Compliant possibilities for: (i) screening and/or landscaping; and (ii) access;
 - Data regarding feasibility of underground utility lines; and
 - A response to the stormwater and drainage concerns raised by neighbors.

CHAPTER 300 GENERAL STANDARDS

4. Section 3001. Use Standards
 - A. Applicability. The land development shall conform to the use standards for the applicable zoning district ...
 - i. One, two, three, and four dwelling uses are all “permitted” uses within the RES 6 District.
 - B. Mixed uses. Any combination of permitted or conditional uses allowed on a single lot.
 - C. Prohibited uses. *Not applicable.*
 - D. Materially similar uses. *Not applicable.*
 - i. The subject parcel contains one single-family home.
 - ii. No new uses are proposed in this application.

Staff Findings: The use on the current parcel is permitted under §§ 3001.A, 2110.C and Fig. 2-15. No new uses are proposed at this time. This application therefore complies with § 3001.

5. Sections 3002 and 3003. Dimensional Standards and Accessory Structures

A. Applicability. Land development shall conform to the dimensional standards for the applicable zoning district, as set in Chapter 200. Figure 2-10 establishes the dimensional standards for development in the RES 6 District as follows:

Figure 2-10. Residential 6000 District Dimensional Standards

LOTS	SETBACKS	DENSITY	BUILDINGS
Lot size: 6,000 sf min Frontage: 60 ft min Coverage: 50% max	Front: 15 ft min Side: 10 ft min Rear: 20 ft min Water: 25 ft min	Residential: 1 du/6,000 sf max Floor Area Ratio: 0.5 FAR max	Footprint: 2,500 sf max Height: 35 ft max

Note 1 See Section 3002 for specific information and any exceptions regarding dimensional standards. Accessory structures may have reduced dimensional standards (see Section 3003 for specific details regarding accessory structures).

B. Per § 3003, driveways are accessory structures/uses that are allowed to encroach into the standard setbacks on any side, up to the property line. Further, fences may be within 0 feet of the property line.

i. The existing parcel:

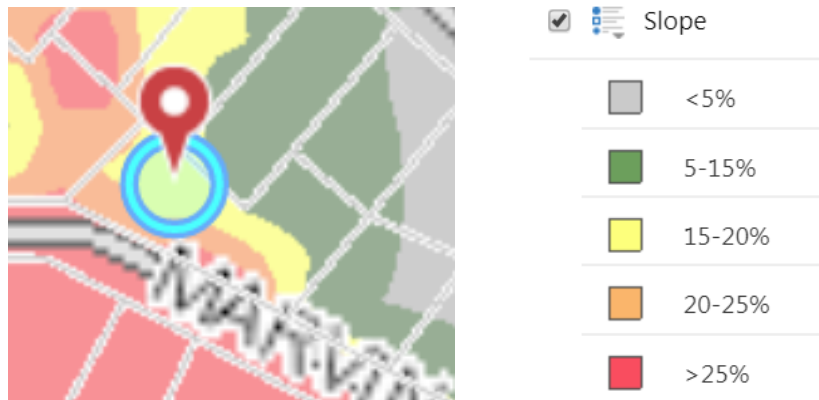
- a. Is 15,822 SF (0.36 acre) and has frontage of 192 feet on Marvin St.
- b. Has 1,100 SF of coverage, significantly less than 50%.
- c. Contains a single family home set back from the property boundaries as follows (based on the Final Plan scale):
 - (1) Front: 11 feet – to the existing covered front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

ii. After the subdivision:

- a. Proposed Lot 1 will be 8,167 SF, with 132.59 feet of frontage on Marvin St., significantly less than 50% coverage, and the following approximate setbacks (based on the Sketch Plan scale):
 - (1) Front: 11 feet – to the existing covered front porch
 - (2) Side Right (east): <30 feet to the covered wraparound porch.
 - (3) Side Left (west): 30+ feet
 - (4) Rear: approx. 10 feet to the rear covered porch.
- b. Proposed Lot 2 will be 7,655 SF, with 60 feet of frontage on Marvin St., and minimal coverage (just a staircase in the bank on the western side). The setbacks for the RES 6 District are shown on the Sketch Plan.
- c. The shared curb cut is proposed to be 24 feet wide, and encompass the beginning of separate driveways for the parcels – each of which runs along the property line at the beginning. See further discussion, including redesign requests, in the DPW Comments discussed at #12 below.
- d. *Again, building footprints not applicable here, where the Application proposes no changes to existing buildings and no new buildings.*

C. Principal buildings. Not applicable for subdivisions.

- D. Calculating Density: § 3002.D. In RES 6, the residential density allowance is 1 dwelling unit per each 6,000 SF of parcel area. §§ 2110 & 3002.C. Per the March 2019 Regulations, land with grades of 30% or more (steep slopes) are excluded from buildable area used to calculate maximum density. March 2019 Regulations, § 3002.C(2). This reduction for “buildable area” has been deleted from § 3002 in the Adopted Regulations.
- i. As seen on the excerpt below from the ANR Atlas, the parcel may contain a *de minimis* area of greater than 25% slopes. The area involved doesn’t appear to be enough to reduce the Lot 2 buildable area by more than 1,600 SF, so the proposal results in two parcels – each of which may contain at least one dwelling unit.



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

Staff Findings: Applicant’s proposal complies with the §§ 3002 and 3002 dimensional requirements, as any setback noncompliance is a nonconformity that will remain the same

(i.e., not increasing in intensity or noncompliance) following the subdivision. Further, the current parcel and the proposed parcels comply with the density, lot size, and coverage standards.

6. Section 3004. Demolition – *Not applicable. No demolition is proposed.*
7. Section 3005. Riparian Areas – *Not applicable, no riparian areas within over 200 feet.*
8. 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.
9. Section 3007. Steep Slopes – Section 3007 applies to land development that proposes to disturb or clear land on steep slopes that exceeds the threshold amounts specified in Figure 3-08, all of which are 15% or greater.
 - A. *Not applicable. Although some slopes of greater than 25% are present per the ANR Atlas, none will be disturbed by the subdivision, and there appears to be sufficient area on Lot 2 for development without disturbing the steep slopes.*
10. Section 3008. Erosion Control – The provisions of this section apply to land development that proposes to disturb or clear land on steep slopes that exceed the threshold amounts specified in Figure 3-08. *Not applicable, the act of subdivision will not disturb any soil, so this provision is not applicable here.*

Staff Comment: Appropriate Erosion control practices will need to be followed during future development of Lot 2 given the natural terrain.

11. 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. The Final Plan includes a proposed easement for “sewer and drainage” extending over the property of John R. and Shirley C. Turner, but an actual easement agreement has not been reached. *See email correspondence from the Turners.*
 - B. Per Mr. McArdle, a stormwater plan isn’t necessary now, but “Care will need to be taken to ensure storm water from new impervious surfaces and site grading alterations do not adversely impact the neighboring properties. A municipal storm water system is located near the back (north east) of the property which is capable of collecting and has the capacity to transport stormwater from the property. A properly designed grading and storm water control plan should prevent any adverse impacts.”



Staff Comment: Even though stormwater issues were flagged during the Sketch Plan hearing as a concern of other neighbors, there is no requirement that a stormwater plan be finalized at the subdivision stage. Particularly where the Department of Public Works opines that this is an issue that can be dealt with at the next stage – and the exact design will depend on what’s actually proposed for Lot 2. Applicants have demonstrated that an easement over the rear, Liberty Street, neighbor’s property for access to the municipal stormwater and sewer lines is possible. Yes, it might be prudent for the Applicants to obtain that easement now – but it’s not necessary, and is more a stormwater design and transactional decision, not an issue for zoning compliance once the Board has enough information to determine whether or not Lot 2 is developable.

In conclusion, Staff recommends that the Board find that the proposal complies with § 3009, provided that: “Any application for a zoning permit for future development of Lot 2 shall include a stormwater plan.”

12. Section 3010. Access and Circulation – The purpose of this section is to promote safe and efficient access to and circulation within a property for vehicular, bicycle, and pedestrian traffic.

A. Vehicular access. Section 3010(B) requires that all lots being developed or redeveloped to provide vehicular access from the street in accordance with any city public works specifications, VTrans’ B-71 Standard, and the standards listed in § 3010. Those standards include:

- i. General. All proposed land development shall be designed with adequate access and circulation to prevent traffic congestion on the street and traffic conflicts (including service vehicles, passenger vehicles, parking, drive through lanes, bicyclists and pedestrians) within the site.
- ii. State or Class 1 highways. *Not applicable. Marvin Street is a Class 3 town highway.*
- iii. Number. Shared access is strongly encouraged.
- iv. Spacing. Access points shall be spaced as specified in figure 3-11, which for RES 6 requires a minimum of: (1) 100 feet between curb cuts and intersections; and (2) 45 feet between driveways.
- v. Cross access. § 3010.B(5). *Not applicable to residential development.*
- vi. Length. New driveway for Lot 2 will have to be of sufficient length to avoid queuing.
- vii. Emergency access. *Not applicable to subdivision without further details of proposed new development.* Further, the proposed parcels will be small enough that access from the adjacent streets should be sufficient for emergency purposes.
- viii. Street improvements. *Not applicable, no new streets created.*
- ix. Non-conformities. Any noncompliance with requirements for spacing of current access points is a nonconformity that may remain, unchanged.
 - a. Applicant proposes expanding the current curb cut width to 24 feet, allowing for a shared access point, and two side-by-side driveways.
 - b. The current curb cut on Marvin Street appears to be:
 - (1) <30 feet from each of the closest driveways on the opposite side of Marvin St.

- (2) 200+ feet to the intersection with Bingham St., and more from Hubbard St.



DPW Comments: “A shared driveway connection to Marvin St is an acceptable alternative means of access considering the topography of the property. Concerns from our perspective pertain to drainage control, winter maintenance and the proposed curb cut dimension.

- Regarding drainage, water travels down the side of the street along an asphalt curb line (gutter) and a low profile berm crossing the driveway. **These devices prevent water from entering the property which must be retained with the widening and relocation of the driveway.**
- As to the winter maintenance, plows leave a windrow of snow across driveway curb cuts which is a necessary result of street plowing. Wide driveways require sufficient larger area for snow which will not infringe on the street. The applicant is proposing a driveway curb cut of 24’ which is considered excessive for residential use and felt to be unnecessarily wide in this case. However, the existing curb cut is approximately 22’ wide. Considering drainage and winter maintenance, as well as the access management guideline of designing for single lane driveways in residential settings, **we recommend narrowing the curb cut to 20’.** At this width as centered on the 24’ wide driveway should provide sufficient space (18’ will probably work) to meet the turning dimensions for passenger cars and pickup trucks. We note the new driveway and curb cut will be shifted easterly (downhill) where earth fill will likely be added to widen the driveway. This construction activity provides an opportunity to develop the needed radii for ingress and egress.
- Prior to construction, a final driveway design will need to be prepared and submitted to our office with the Construction & Access permit application (with the associated fee).”
[Emphasis added.]

Staff Comment: Given the DPW Comments, Staff suggests that the Board find that the application complies with § 3010, provided that:

- **The curb cut be reduced to 20 feet wide; and**
- **The asphalt curb line (gutter) and low profile berm crossing the current driveway be maintained as design features of the new, expanded curb cut.**

Further, Applicant should note that: (1) a zoning permit; and (2) a Construction & Access permit from the Department of Public Works, will have to be obtained prior to construction. If the

driveway expansion increases the spacing noncompliance, then the zoning permit may require approval of the Board.

13. Section 3011. Parking and Loading Areas

- A. Residential uses in RES 6 are required to have a minimum of 1 off-street parking space for each unit. § 3011.C and Figure 3-11.
- B. The Board may waive some off-street parking requirements, if (among other options) there is an existing transit stop within ¼ mile of the proposed development. § 3011.C(3)(d).
- C. Off-street parking shall be behind the front line of the building (inclusive of vehicle overhang) – except that personal vehicles may be parked within any lawful residential driveway. § 3011.G(2).
- D. Parking spaces must be 8.5 feet wide by 18 feet deep, except for compact car spaces approved by the DRB. § 3011.H(1).
- E. Parking spaces must be accessible from a driveway or access aisle, except for “tandem parking (a double-depth parking space with one vehicle parking the other in) for residential or employee parking.” § 3011.H(1)(b).
- F. Off-street parking must have a “firm, level surface appropriate for the anticipated level of use in all seasons.” § 3011.I(1).
 - i. The parking available for Lot 1 complies with the Section 3011 requirements, and will not change due to the subdivision.
 - ii. The Access and Screening Plan indicates that Lot 1 could be served by a simple driveway, roughly 30 feet deep (sufficient for one standard, 18-foot deep parking space).

Staff Findings: The Access and Screening Plan show a possible access/driveway plan for Lot 2 that allows for off-street parking for at least 1 vehicle, as well as an area for a home. Further, DPW’s requested revisions to the curb cut do not impact the § 3011 compliance. Therefore, this Application meets the requirements of § 3011.

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

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

15. Section 3502. Capacity of Community Facilities and Utilities: The applicant shall demonstrate that the proposed subdivision shall not cause a disproportionate or unreasonable burden on the city’s ability to provide community facilities and utilities including: (1) local schools; (2) police, fire protection, and ambulance service; (3) street infrastructure and maintenance; (4) parks and recreation facilities; (5) water supply, sewage disposal and stormwater systems and infrastructure; (6) Solid waste disposal services and facilities.
- A. With the acreage on Lot 2, in RES 6, the most likely future use is a single family home or possibly 2 dwelling units.
 - B. Applicants attest in the Chapter 350 Narrative that the subdivision won’t cause any unreasonable burden on community facilities and utilities. *[Staff Note – the Narrative has a typo, with the word “not” left out.]*

- C. The DPW Comments note that “A water supply connection can be made to the municipal water main located on Marvin Street. For the wastewater service connection, the applicant has a choice of either connecting [to] the sewer main on Marvin Street or installing a service line to the back (north east) of the property and connecting to the municipal sewer main which is located within a permanent easement located near the common property line.” Further, prior to connecting “[a] water and waste water connection permit application (with associated fees) must be submitted to DPW for review and approval consideration. A water supply and waste water disposal permit administered by the state department of environmental conservation will also be required.”

Staff Findings: Staff suggests that the Board find that adding one new residential parcel – with either one or two dwelling units – in this area will not cause a disproportionate or unreasonable burden on the city’s ability to provide community facilities or utilities. Therefore, this application complies with the requirements of § 3502.

16. Section 3503. Suitability of Land

- A. Section 3503.A. “The land to be subdivided shall be suitable for use without endangering public health or safety, and causing undue adverse impacts on the environment, neighboring properties or the character of the area.”
- B. Subsection B. “Land subject to periodic flooding, poor drainage, inadequate capability to support development or other hazardous conditions shall not be subdivided unless the applicant can demonstrate that appropriate measures shall be taken to overcome the physical limitations.”
- i. The parcel is located on a slope, such that accessing the municipal sewer and stormwater lines may require pumping up slope to the Marvin Street lines, or obtaining an easement to access the lines running through the downslope Liberty Street neighbor’s back yard.



Staff Findings: There are no apparent issues with complying with the requirements of § 3503 other than the additional steps for future development discussed in more detail above related to Stormwater. Staff suggests finding that the application meets the requirements of § 3503, provided that all other conditions herein are met.

17. Section 3504. Traffic – The applicant shall demonstrate that the proposed subdivision will not have an undue adverse effect upon the traffic in the area including:

- A. Per Applicant, adding one new parcel will not cause an adverse effect on the traffic in the area.

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

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

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

- i. (1) To follow and extend the planned settlement pattern (including lot size, lot configuration, street layout and building location) as defined by the purpose and standards of the applicable zoning district to the maximum extent feasible given the site's topography and natural features;
 - a. The purpose of the RES 6 District "is to encourage infill development and a range of housing choices while preserving neighborhood character and quality." § 2110.A.
 - b. The College Hill – North Neighborhood is described as: "primarily residential with historic homes located on parcels of varying size. Proposed development should protect the historic character and appeal of this neighborhood while accommodating modest increases in density through compatible infill development and conversion of existing buildings to multi-unit occupancy."
- ii. (2) To connect to and extend existing street, sidewalk, path, trail, utility, greenway, and open space corridors to the maximum extent feasible given the site's topography and natural features.
- iii. (3) So that there shall be no foreseeable difficulties in obtaining zoning permits to build on all lots not intended for conservation purposes in accordance with the standards of these regulations;
- iv. (4) So that there shall be no foreseeable difficulties in providing access to buildings on lots not intended for conservation purposes from an approved street.
- v. (5) To avoid direct access from arterial streets or state or Class 1 highways. The Development Review Board may require shared access or other means to minimize new access points along arterial streets or highways.
- vi. (6) To allow further subdivision on any remaining undivided land and adjoining undeveloped parcels in a manner that would result in a logical and coordinated development pattern.
- vii. (7) So that there shall be positive drainage away from building sites and a coordinated stormwater drainage pattern for the subdivision that does not concentrate stormwater drainage from each lot to adjacent lots.

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

- i. (1) So that all lots front on a street;
- ii. (2) So that lot dimensions meet the minimum standards for the zoning district;
- iii. (3) So that generally side lot lines are at right angles to straight street lines or radial to curved street lines with recognition that some variability may be

- desirable to respond to the site's topography and natural features.
- iv. (4) So that generally rear lot lines are parallel to street lines with recognition that some variability may be desirable to respond to the site's topography and natural features.
 - v. (5) To avoid flag and other irregularly shaped lots except when desirable to respond to the site's topography and natural features.
 - a. See Final Plan.

Staff Findings: The infill parcel design and configuration shown on the Final Plan satisfies the § 3505 requirements, provided that future development incorporates appropriate stormwater and access designs.

19. Section 3506. Design and Layout of Necessary Improvements:

- A. Streets. *Not applicable. No new streets proposed with this subdivision.*
- B. Pedestrian and bike facilities. *Not applicable to this two-lot subdivision with no new streets, no changes to internal pedestrian flows, and no changes in use.*
- C. Water and Wastewater facilities.
 - i. Lot 1 is currently connected to City water and sewer, and there are no foreseeable difficulties with connecting Lot 2, though State and DPW permits will be required, as well as potential easements for access to sewer.
- D. Firefighting facilities. The applicant shall design the subdivision to provide water for fire protection in accordance with the following:
 - i. There is a fire hydrant near the corner of Marvin and Bingham Streets, less than 300 feet away.
- E. Public and private utilities. The applicant shall design the subdivision to provide utility service to each lot not intended for conservation purposes. Per subsection E(1), "utilities shall be located underground *unless prevented by ledge or other physical conditions.*"
 - i. In this developed neighborhood, all powerlines are currently above-ground, with the line along Marvin Street running up the south side – across the street from the subject parcel (see image below).
 - ii. In the Chapter 350 Narrative, Applicant notes that "all public and private utilities can be located underground." However, to run underground would require digging up Marvin Street.
 - iii. Additionally, the estimated bill from Green Mountain Power for: (1) above-ground connection = \$107; and (2) underground connection = \$546. The underground estimate does not include the costs for excavation, conduit, cable, risers, etc.



- F. Landscaping. The applicant shall design the subdivision to maximize the preservation of existing mature vegetation and provide additional landscaping (which may be installed when lots are subsequently developed) as necessary to:
- i. Maintain and provide privacy both for adjoining property owners and between lots within the subdivision;
 - ii. Enhance the appearance of street frontages and shade streets and sidewalks;
 - iii. Maintain or establish vegetated buffers along waterways and other natural areas;
 - iv. Utilize green stormwater infrastructure practices.

a. The Proposed Site Plan shows potential privacy fence and lilac bush locations along Lot 2's property boundaries, for screening from immediate neighbors as well as the road.

- b. Applicant proposes replacing the fence that currently exists between proposed Lot 2 and the neighbor to the east.
- c. Applicant should note that installation of any new fencing will require a zoning permit.





- G. Erosion Control. *Not applicable, as no construction or soil disturbance proposed.* However, given the topography, Applicant should be aware that such could be triggered depending on the extent of disturbance planned for future development.
- H. Stormwater Management. Subsection H requires Applicant to design the subdivision with adequate drainage and stormwater infrastructure in accordance with § 3009 and City specification. *See analysis at § 3009 above.*
- I. Parks and recreation areas. *Not applicable when no common recreation areas or facilities planned, and 10 or fewer dwelling units planned.*
- J. Monuments and lot corner markers. The applicant shall install:
- i. Permanent right-of-way monuments at all street intersections and other critical points in street lines in accordance with state statute.
 - ii. Lot corner markers at corners and angle points of all lots in accordance with state statute.
 - a. Sketch Plan includes relevant rod and pipe notations.
- K. Construction and Maintenance of Necessary Improvements. Applicant shall construct the necessary improvements in accordance with all conditions of approval and city specifications before the Administrative Officer may issue any zoning permits for further land development within the subdivision
- i. *Not an issue currently, as a two-lot subdivision application.* However, Applicant will need to obtain additional zoning and DPW permits for any future development.

Staff Findings: Applicant has demonstrated compliance with the Firefighting facilities, Water and Wastewater Facilities, Landscaping, Stormwater management, and Monuments and Lot Corner Markers requirements of § 3506, **provided that a landscaping and screening, and stormwater**

management plans meeting the requirements of §§ 3009 and 3506.F(1)(2) and (4), respectively, are included in any future application for development on Lot 2.

Before making a conclusion regarding subsection E, the Board will need to determine whether or not utility lines must run underground to Lot 2, or if there are “physical conditions” that prevent this (i.e., crossing under Marvin Street).

Sections 3506.A, B, G. and I do not apply to this application.

20. Section 3507. Character of the Neighborhood and Settlement Pattern – The applicant shall demonstrate that the proposed subdivision shall:
- A. Be compatible with or extend the city’s traditional settlement pattern as a compact urban center;
 - B. Not contribute to a pattern of strip development;
 - C. Be compatible with the character of the neighborhood.
 - i. Section 2110.B(2), describes the College Hill -North Neighborhood as “primarily residential with historic homes located on lots of varying size. Proposed land development should protect the historic character and appeal of this neighborhood while accommodating modest increases in density through compatible infill development and conversion of existing buildings to multi-family occupancy.”
 - a. The proposal extends the City’s traditional settlement patterns, and is not strip development.
 - b. This is an infill subdivision, where the future intended use is likely to be a single-family home built on what is now a large side-yard. Although there are larger parcels within the Neighborhood, this particular parcel appears to be suitable for an infill subdivision – given the terrain.

Staff Comment: The Board will need to determine whether or not the proposal is compatible with the character of the neighborhood.

21. Section 3508. Renewable Energy and Energy Conservation – The general standards of this section apply to all subdivisions. The remaining provisions of this section apply to any subdivision with more than 10 lots.
- A. General Standards. To the maximum extent feasible given topography, orientation and vegetation, the applicant shall design the subdivision:
 - i. So that the maximum number of lots shall receive direct sunlight sufficient for using solar energy systems.
 - ii. With streets and lot lines that shall accommodate buildings oriented with their long axis oriented within 30 degrees of true east west.
 - iii. With the highest densities sited on south-facing slopes and the lowest densities sited on the north facing slopes.
 - iv. With appropriate protections for each lot’s solar access.

Staff Comments: Given the topography in the area (the land slopes up to the South and West), and

the existing house on Lot 1, solar access on Lot 2 will not be ideal. However, the requirements of § 3508 apply “to the maximum extent feasible given topography, orientation and vegetation”

22. Section 3509. Natural Resource Protection - The applicant shall demonstrate that the proposed subdivision has been designed and located to avoid, or if avoidance is not feasible then to minimize and mitigate, adverse impacts to any natural resource areas identified on the Montpelier Natural Resources Inventory Map in accordance with the following...
 - i. *Not applicable. No natural resource areas identified on the subject parcel or within 500 feet.*
23. Section 3510. Lot Line Adjustment and Lot Merger – *Not applicable. This does not involve either a boundary line adjustment or a merger.*

Staff Recommended Proposed Motion(s), provided that the Board resolves the issues requiring determinations detailed above (i.e., stormwater, utilities, landscaping, and character of the neighborhood):

- ❖ Motion to approve Application # Z-2019-0134 for a two-lot subdivision of 18 Marvin Street, as presented in the application dated September 20, 2019, and supporting materials, subject to the following conditions of approval:
 - I. Any application for a zoning permit for further development on Lot 2 shall include:
 - a. A stormwater management plan meeting the requirements of § 3009;
 - b. A landscaping and screening proposal that meets the requirements of § 3506.F(1)(2) and (4)
 - II. Further, any future zoning or Department of Public Works permit application for the proposed shared curb cut shall:
 - a. Reduce the curb cut width to no more than 20 feet; and
 - b. Retain the asphalt curb line (gutter) and low profile berm crossing the driveway.
 - III. Within 180 days of this Decision Applicant shall record the final survey plat in the Montpelier land records office, per the procedures detailed in § 4405 of the Zoning Regulations, including the locations of all applicable survey rods and markers.