



Agenda

for the Meeting of the Development Review Board

City Council Chambers, City Hall
Monday, November 4, 2019 at 7:00 PM

Members: Daniel Richardson (Chair), Kate McCarthy (Vice Chair), Kevin O'Connell, Ryan Kane, Robert Goodwin, Michael Lazorchak (alternate), and Clare Rock (alternate).

Please note: Changes in the agenda may occur

- 1) Call to Order by the Chair
- 2) Approval of the Agenda
- 3) Comments from the Chair
- 4) Review and Approve meeting minutes from 10/21/2019
- 5) 81 North St. (Residential 3000)
Owner/Applicant: Eyrich Stauffer
Final plan review of a two lot subdivision.
- 6) Other Business:

November 18th DRB meeting Cancelled.

Next meeting December 2nd, 2019
- 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 21, 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, 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, Rob seconded. The motion passed on a 5-0 vote with no abstentions.

Comments from the Chair: The Chair mentioned that the Board is usually 7 members, but was at 5. It will still require a 4 vote to approve. The applicant may choose to continue until additional members are present.

Approval of minutes from October 7, 2019: Dan, Rob, Kevin, and Kate were in attendance at that meeting. Kate made a motion to approve the minutes as printed, Rob seconded. The motion passed on a 4-0 vote, with Michael abstaining.

18 Marvin Street

**Owner: Brett Proctor Applicant: Robert Proctor
Final review of a two lot subdivision.**

Robert Proctor was in attendance and put under oath.

The application is to subdivide a 15,822 SF (.36 acre) parcel containing a single-family home and driveway into two parcels. The main house and driveway will be on the 8,167 SF northwestern parcel (lot 1) and an exterior staircase and fence will be on the 7,665 SF southeastern parcel (lot 2).

During the Sketch Plan hearing, the Board recommended that an engineer should look at the stormwater. Applicant's had Don Marsh review it and he recommended that the drainage happen on the Turner property on Liberty Street, which would require an easement to tie into the catch basin on the Turner property. The exact drainage plan doesn't need to be dealt with until it is decided what is going to happen with lot 2.

A potential driveway to the new property would run adjacent to the current driveway, sharing a curb cut. The curb cut is now 22 feet wide. DPW's recommendation was that it be

narrowed to 20 feet wide, and that current drainage features be retained. The applicant has no objection to that.

The new zoning requires underground utilities for subdivision unless prevented by physical conditions. The applicant spoke to the electric company and they stated they hadn't done underground in Montpelier yet. The difference in price is about \$ 100-\$ 500 above ground and between \$ 5,000 to \$ 10,000 underground since a private contractor needs to be hired to dig the trenching (under the street) and install concrete for around the conduit.

When development happens, it will be required that mature vegetation be maintained. Applicant's plan is to put up a privacy fence along the eastern boundary and lilac bushes in the front of the lot. The applicant had no objection to adding a condition that a landscaping plan needs to be provided when Lot 2 is developed.

Martha Smyrski from 15 Marvin Street was sworn in. She has concerns about drainage and the driveway location. She said that lot 2 would require a lot of fill to build upon. She's not sure how the shared driveway would work, given storm water runoff in the neighborhood.

Michele Braun from 21 Marvin Street was sworn in. She feels that moving the driveway to the flatter part of the parcel would benefit her driveway (which would be directly across from the proposed location) and that there are current issues with people parking on the street and blocking the exit from her driveway. The Board confirmed that development of the new lot would require a new driveway be approved at that stage, but the current subdivision approval only requires that Applicant show a potential driveway that complies with the regulations.

Kevin made a motion to close the record and move into deliberative session. Kate seconded. The motion passed on a 5-0 vote with no abstentions.

Other Business: The next regular meeting will be Monday, November 4, 2019. Kate mentioned that the Board is looking for two members.

Adjournment: The Board moved into deliberative session.

Respectfully submitted,

Tami Furry
Recording Secretary

MONTPELIER DEVELOPMENT REVIEW BOARD REPORT

Prepared by Meredith Strobridge Crandall, Planning and Zoning Administrator

Date: October 31, 2019

For the meeting of November 4, 2019

FINAL SUBDIVISION REVIEW

Applicant: Eyrich Stauffer

Owner: Same

Address: 81 North Street

Application # Z-2019-0140

Zone: Residential 3000



Guiding Ordinance Sections: Montpelier Unified Development Regulations, Adopted by Montpelier City Council January 3, 2018, As Amended September 25, 2019 and effective October 16, 2019 (the “Regulations”)¹

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 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 Consistent with 24 V.S.A. § 4449(d), the zoning administrator initially reviewed this subdivision application both the Regulations that took effect on October 16, 2019 (5 days after receipt of the subject application) and the prior version of the City’s Unified Development Regulations. However, per § 4449, an application that is denied under those prior regulations would be allowed to re-apply under the newly adopted version, at no cost. Therefore, as the hearing on this application will occur after the effective date of the Regulations, this report applies only the Regulations, and not any prior versions.

- 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 10/7/2019, received by Department of Planning and Economic Development 10/11/2019;
- b) Subdivision Attachment, Final Review, dated 10/8/2019;
- c) Subdivision of 81 North Street, Owner and Applicant Responses re: Chapter 350: Subdivision Standards, dated 10/8/2019 (the “Narrative”);
- d) Subdivision of Lands of Stauffer and Foulkes, 81 North Street, by Richard W. Bell Land Surveying, Inc., dated October 2019 (the “Final Plan”);
- e) Annotated Final Plan with privacy landscaping, utility, access, and building envelope information (the “Potential Site Plan”); and

Materials Provided by Staff:

- f) Email correspondence between Corey B. Line, Department of Public Works Project Management Director, and Meredith Crandall, Planning and Zoning Administrator, re: Application for Review for 11/4 DRB Meeting, dated October 29–31, 2019 (“DPW Comments”).

Project Scope & Applicant Request

Applicant seeks final review for a proposal to subdivide a 16,626 SF (0.38 acre) parcel containing a single-family home and driveway into two parcels, such that: (i) all current structures and uses will be on the 6,386 SF westernmost parcel (“Lot 1”); and (ii) the easternmost parcel of 10,240 SF will be vacant except for a tiny sliver of the existing curb cut and driveway (“Lot 2”).

The current parcel is located in the Residential 3,000 (“RES 3”) Zoning District. This final subdivision application will first be reviewed by the Board on November 4, 2019.

STAFF REVIEW & COMMENTS

1. Existing Conditions: The parcel is an existing 0.38 acre parcel with 106+ feet of frontage on Ewing Street and 78+ feet on North Street. The current parcel contains a single-family home served by municipal water and sewer.
2. Location: The subject parcel is located on the corner of North and Ewing Streets, within the Franklin St.-Northeast Neighborhood of the RES 3 Zoning District.
3. Permit/Parcel History: During the June 17th Sketch Plan hearing, the Board asked that as part of the Final Application Applicant provide:
 - A. An access proposal and setbacks for the entire parcel (both proposed lots);
 - B. Where underground utilities could be located or, if not, why;

- C. A landscaping plan;
- D. A narrative of how the proposal fits into the character of the neighborhood; and
- E. A survey, with relevant survey notations.

The prior permit history includes the following:

D-2019-0020	81 NORTH ST	Eyrich Stauffer	MONTPELIER DEVELOPMENT	DEVELOPMENT PERMIT	Multiple interior renovations including plumbing, heating and electrical.	Multiple interior renovations including plumbing, heating and electrical.	PENDING	02/01/2019
B-2019-0013	81 NORTH ST	Eyrich Stauffer	BUILDING	BUILDING PERMIT - SINGLE FAMILY	Multiple interior renovations including plumbing, heating and electrical.	Multiple interior renovations including plumbing, heating and electrical.	ISSUED	01/30/2019 02/11/2019
Z1278	81 NORTH ST	JAMIE COPE	ZONING	LEGACY - ZONING PERMIT		ADDITION TO DWELLING	PENDING	01/01/1990
Z1279	81 NORTH ST	JAMIE COPE	ZONING	LEGACY - ZONING PERMIT		BED AND BREAKFAST (ONE ROOM)	PENDING	01/01/1990

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 3 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, 2109.C and Fig. 2-15. No new uses are proposed at this time.

5. Section 3002. Dimensional Standards

- A. Applicability. Land development shall conform to the dimensional standards for the applicable zoning district, as set in Chapter 200. Figure 2-09 establishes the dimensional standards for development in the RES 3 District as follows:

Figure 2-09. Residential 3000 District Dimensional Standards

PARCELS	SETBACKS	DENSITY	BUILDINGS
Parcel 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: 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 § 3002.G(1), corner parcels have two fronts and all remaining boundaries are sides for setback purposes.
 - i. The existing parcel:
 - a. Is 16,626 SF (0.38 acre) and has frontage of 106.15 feet on Ewing Street and 78.65 feet on North Street.
 - b. Has approximately 2,400 SF in coverage (14.4%) per the Subdivision

Attachment (confirmed by Staff's estimate).

- c. Contains a single family home on a corner lot set back from the property boundaries as follows:
 - (1) North St. Front: 20 feet
 - (2) Ewing Front: 15 feet
 - (3) Southwestern Boundary Side: 40 feet
 - (4) Eastern Side: 70 feet
 - (5) Southern Boundary Side: 100+ feet
- 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 6,386 SF, with 79 feet of frontage on North St. and 60 feet of frontage on Ewing St., 37.6% coverage, and the following approximate setbacks:
 - (1) North St. Front: 20 feet
 - (2) Ewing Front: 15 feet
 - (3) Southwestern Boundary Side: 40 feet
 - (4) Eastern Side: 20 feet
- b. Proposed Lot 2 will be 10,240 SF, with 46 feet of frontage on Ewing St., and de minimis coverage. An approximate house site is delineated on the Potential Site Plan, avoiding potential steep slopes and inside the shown setback limits.
- c. *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 3, the residential density allowance is 1 dwelling unit per each 3,000 SF of parcel area. §§ 2109 & 3002.C.

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

Staff Finding: The proposed subdivision would result in two parcels, each of which conform with the requirements of § 3002. Lot 1 will: (i) have enough square footage for up to two dwelling units, more than 45 feet of frontage on a city street, and less than 60% coverage; and (ii) contain a structure that complies with the building setbacks. Lot 2 will have: (a) enough square footage for up to three dwelling units; (b) at least 45 feet of frontage on Ewing Street; and (c) the ability to build a home and install a driveway without exceeding the 60% coverage maximum or encroaching on the setback areas.

6. Section 3003. Accessory Structures and Uses

A. Driveways are accessory structures/uses that are allowed to encroach into the standard setbacks on any side, up to the property line.

- i. The Potential Site Plan proposes a shared curb cut, with two side-by-side driveways, the property line dividing them roughly evenly.

Staff Finding: The proposed driveway changes comply with § 3003 requirements.

7. Section 3004. Demolition – *Not applicable. No demolition is proposed.*

8. Section 3005. Riparian Areas – *Not applicable, no riparian areas within over 200 feet.*

9. Section 3006. Wetlands and Vernal Pools – *Not applicable.* The standards in § 3006 only apply to wetlands or vernal pools documented on the Montpelier Natural Resources Inventory Map. Staff verified that no wetlands are vernal pools on or abutting the parcel involved, and no vernal pools within 500 feet of it.
10. Section 3007. Steep Slopes – Section 3007 applies to land development that proposes to disturb or clear land on steep slopes that exceeds the threshold amounts specified in Figure 3-08, all of which are 15% or greater.

A. *Not applicable. Although some steep slopes are present, none will be disturbed by the subdivision, and there is sufficient area on Lot 2 for development without disturbing the steep slopes.*



11. Section 3008. Erosion Control – Per subsection B, all construction activities that will disturb soil must “implement appropriate measures to prevent erosion and sedimentation from adversely impacting nearby properties, public infrastructure or downstream water bodies” through following the practices outlined in § 3008.D. Professionally prepared erosion control plans are required when land development proposes to disturb or clear land on steep slopes that exceeds the threshold amounts specified in Figure 3-08. *Not applicable, the act of subdivision will not disturb any soil, so this provision is not applicable here.*

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

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

A. *Not applicable. No changes to the current stormwater flows or grading proposed.*

Staff Comment: As part of any future development on Lot 2, Applicant will need to get DPW’s approval of a stormwater connection through a construction and access permit. There is a stormwater line that runs along Ewing Street, but it appears to be on the opposite side of the street from the Lot 2 frontage. See embedded image.



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

- A. Vehicular access. Section 3010(B) requires that all parcels being developed or redeveloped provide vehicular access from the street in accordance with any city public works specifications, VTrans' B-71 Standard, and the standards listed in § 3010. Those standards include:
- i. General. All proposed land development shall be designed with adequate access and circulation to prevent traffic congestion on the street and traffic conflicts (including service vehicles, passenger vehicles, parking, drive through lanes, bicyclists and pedestrians) within the site.
 - ii. State or Class 1 highways. *Not applicable. Ewing Street and North Street are Class 3 town highways.*
 - iii. **Number. Shared access is strongly encouraged.**
 - iv. **Spacing. Access points shall be spaced as specified in figure 3-11, which for RES 3 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. *Not applicable to subdivision where no new driveways actually created.*

Staff Comment: Note that there is ample room on Lot 2 for a driveway that provides for the minimum 18-foot long by 8.5 foot wide parking area for one car required by a single-family home.

- vii. Emergency access. *Not applicable to subdivision without further details of proposed new development.* Further, the proposed parcels will be small enough that access from the adjacent streets should be sufficient for emergency purposes.
- viii. Street improvements. *Not applicable, no new streets created.*
- ix. Non-conformities. Any non-compliances with requirements for spacing of current access points are non-conformities that may remain, unchanged.
 - a. The current curb cut on Ewing Street appears to be:
 - (1) Just short of 60 feet from the intersection of North and Ewing Streets an existing nonconformity.
 - (2) 70+ feet from the driveway for 3 Ewing Street (the neighbor to the East)
 - b. It appears possible for a new curb cut to be created for Lot 1 on North St that would meet the driveway spacing requirement (45 feet), and then create a new curb cut for Lot 2 that would be ≥ 45 feet from the 3 Ewing St. access. **However, neither would be likely to meet the 100 foot intersection spacing requirement.**



- c. Instead, Applicant proposes a shared access, wide enough for two, separately-owned driveways. Exact width of the curb cut has not been provided, but based on the Potential Site Plan scale, it is more than 24-feet wide.
- d. The Department of Public Works has no issues with a combined driveway, generally, as there's no way to meet all of the minimum spacing distance requirements with separate driveways. However, the Department has requested that the total curb cut width for a shared access not exceed 24 feet.

Staff Comments: Applicant's shared access proposal appears to be the best solution here, making use of an existing access point. However, Applicant needs to detail how he proposes complying with DPW's maximum curb-cut width request.

As part of secure the applicable construction and access permit that incorporates approvals for any expansion of the driveway curb cut, as well as the water, sewer, and storm water connections needed for development of Lot 2, Applicant will need to provide a detailed site plan (including utility services).

14. Section 3011. Parking and Loading Areas

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

- F. Off-street parking must have a “firm, level surface appropriate for the anticipated level of use in all seasons.” § 3011.I(1).
- G. Snow storage areas should be identified for compliance with § 3011.I(4) – requiring adequate space for snow storage on site without obstructing vehicle or pedestrian visibility or circulation to the maximum extent feasible given the physical characteristics of the property.
- H. Sites with nonconforming parking areas must come into conformance with § 3011 to the maximum extent feasible given the physical characteristics of the lot and the existing development when there is going to be an increase in the amount of parking, a change in the location of parking on the site, or a substantial change to the site layout, access and circulation.
 - i. No changes are proposed currently for the parking layout for Lot 1.
 - ii. As noted above, the access proposal for Lot 2 indicates ample room for at least 1 off-street parking space in a residential driveway, along with a building envelope.

Staff Findings: As indicated on the Potential Site Plan, the proposed subdivision will allow Lot 1 to retain the current, ample parking area, while providing for sufficient parking for development of Lot 2. Therefore, the proposal complies with § 3011.

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

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

16. Section 3502. Capacity of Community Facilities and Utilities: The applicant shall demonstrate that the proposed subdivision shall not cause a disproportionate or unreasonable burden on the city’s ability to provide community facilities and utilities including: (1) local schools; (2) police, fire protection, and ambulance service; (3) street infrastructure and maintenance; (4) parks and recreation facilities; and (5) water supply, sewage disposal and stormwater systems, and infrastructure.
- A. As supported by the Narrative, the creation of a single, infill parcel likely will not “cause an unreasonable burden on the City’s ability to provide community facilities and utilities.”
 - B. Potential Site Plan shows suggested water and sewer line routes.
 - C. As Lot 2 will have 10,000+ SF, in RES 3, up to three dwelling units could be built on the parcel. However, given the slopes to the rear of the parcel (see Slopes Map Excerpt at p. 5, above), one or two dwelling units is more likely.

Staff Findings: Adding one new residential parcel in this developed neighborhood will not cause a disproportionate or unreasonable burden on the city’s ability to provide community facilities or utilities.

17. Section 3503. Suitability of Land

- A. Section 3503.A. “The land to be subdivided shall be suitable for use without endangering public health or safety, and causing undue adverse impacts on the environment, neighboring properties or the character of the area.”

- B. Subsection B. “Land subject to periodic flooding, poor drainage, inadequate capability to support development or other hazardous conditions shall not be subdivided unless the applicant can demonstrate that appropriate measures shall be taken to overcome the physical limitations.”
 - i. As noted in the Narrative, the land is suitable for subdivision, will not endanger public health, and is not subject to flooding or other hazardous conditions.
 - ii. Lot 1 already contains a single-family home, and the area most-likely to be developed on Lot 2 is an extended side yard.

Staff Finding: The existing lot is already developed as a single-family residence, making it entirely suitable for subdividing and building a new residence on what has been a side-yard. No evidence has been provided that indicates the land would not be suitable for this development. Therefore, the proposal complies with § 3503.

- 18. Section 3504. Traffic – The applicant shall demonstrate that the proposed subdivision will not have an undue adverse effect upon the traffic in the area including:
 - A. Per Applicant, one new single-family parcel is proposed.
 - B. Department of Public Works raised no traffic concerns.

Staff Comment: The addition of one new parcel even should it be developed with 3 dwelling units, is unlikely to have an undue adverse effect upon the traffic in the area. Three-dwelling units are a permitted use in the RES 3 Zoning District.

- 19. Section 3505. Design and Configuration of Parcel Boundaries.
 - A. Parcel arrangement. The applicant shall design the subdivision:
 - i. (1) To follow and extend the planned settlement pattern (including parcel 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 3 District “is to encourage infill residential development with a range of housing choices while preserving each neighborhood’s distinct character and quality.” § 2109.A.
 - b. Section 2109.B(1), describes the Franklin St -Northeast Neighborhood as a “primarily single-family residential neighborhood with homes fit into the terrain, most with a compact development footprint. Proposed land development may feature a modest increase in residential density accomplished primarily through conversion of existing buildings to multi-family occupancy and **with a limited amount of infill on suitable sites.**”
 - 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 parcels 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 parcels 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.

Staff Comment: Proposal is for creation of an infill, residential parcel. The exact number of dwelling units is not yet decided, but the parcel in question appears to be suitable for at least two, possibly three dwelling units. Though any such proposal would require the requisite amount of off-street parking, which puts some restrictions on the development, as do the setbacks.

Staff suggests a finding that the proposal meets the requirements of § 3505.A, but leaves it to the Board to confirm given the “limited amount of infill on suitable sites” caveat in the Neighborhood description.

- B. Parcel dimensions. The applicant shall design the subdivision:
 - i. (1) So that all parcels front on a street;
 - ii. (2) So that parcel dimensions meet the minimum standards for the zoning district;
 - iii. (3) So that generally side parcel 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 parcel 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 parcels except when desirable to respond to the site’s topography and natural features.
 - a. See Final Plan, which demonstrates that the proposal includes feasible access from an approved street, a buildable parcel, and logical development pattern. Both parcels will front on a street, meet minimum dimensional requirements, and avoid irregular shapes.

Staff Comment: Applicant has met the § 3505.B requirements. **Board to confirm that this is also the case for the § 3505.A requirements.**

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

- A. Streets. *Not applicable. No new streets proposed with this subdivision.*
- B. Pedestrian and bike facilities. *Not applicable to this two-lot subdivision with no new streets, no changes to internal pedestrian flows, and no changes in use.*
- C. Water and Wastewater facilities. *Not applicable, Lot 1 is currently connected to City water and sewer, and there are no foreseeable difficulties with connecting Lot 2 though State and DPW permits will be required.*
- D. Firefighting facilities. The applicant shall design the subdivision to provide water for

fire protection in accordance with the following:

- i. Per Narrative, both buildings have sprinkler systems.
 - ii. Staff has determined that there are fire hydrants: (1) at the corner of West St. and East State St; and (2) slightly more than 100 feet to the east of the subject parcel, on the same side of East State Street.
- E. Public and private utilities. The applicant shall design the subdivision to provide utility service to each lot not intended for conservation purposes. Per subsection E(1), “utilities shall be located underground unless prevented by ledge or other physical conditions or where the subdivision is in a section of street with existing above ground utilities and burial would not be practicable.”
- i. In this developed neighborhood, all powerlines are currently above-ground, with the line along Ewing Street crossing over the road half-way down the Ewing St. frontage (see image below).



- ii. As detailed in the Narrative, Green Mountain Power would prefer to provide power from a new pole (installed at GMP’s cost) at the corner of Ewing and North Streets, overhead to the pole at the southwest corner of the subject property. The cost difference between overhead or underground power from that point to the potential new building location is >\$2,000.
- iii. Applicant proposes overhead power, given the cost differential and the “minimal to non-existent visual impact of overhead service from the guy pole.”

Staff Comment: Board to determine whether or not the cost difference involved here means that underground power from the guy pole “is not practicable.”

- 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. Applicant proposes a row of privacy landscaping along the new property boundary, beginning roughly 20 feet from the street edge, and extending 60 feet along the dividing boundary line.

Staff Comment: Given the nature of this proposed infill, should the Board approve this subdivision request at the final application stage, Staff suggests requiring a landscaping plan be included in the zoning permit application that meets the requirements of § 3506.F. This is particularly sensible where Applicant is planning to sell Lot 1, and the new owner may have preferences for what to plant along the boundary line.

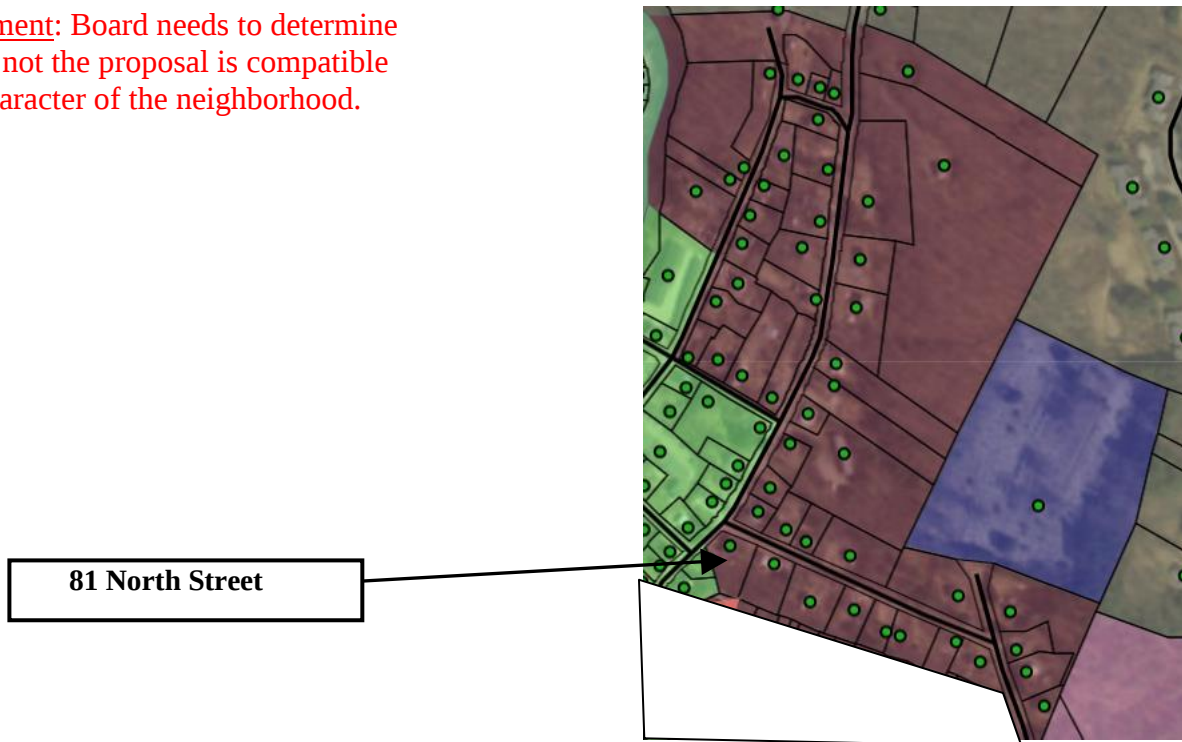
- G. Parks and recreation areas. *Not applicable when no common recreation areas or facilities planned, and 10 or fewer dwelling units planned.*
- H. Monuments and lot corner markers. The applicant shall install:
 - i. Permanent right-of-way monuments at all street intersections and other critical points 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. All relevant markers noted on Final Plan.
- I. 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 permits and complete improvements noted in the DPW Comments for any future development.

Staff Findings: **Except where the Board needs to make determinations regarding public utilities and landscaping—detailed above—the proposal meets the requirements of § 3506, as applicable.**

- 21. Section 3507. Character of the Neighborhood and Settlement Pattern – The applicant shall demonstrate that the proposed subdivision shall:
 - A. Be compatible with or extend the city’s traditional settlement pattern as a compact urban center;
 - B. Not contribute to a pattern of strip development;
 - C. Be compatible with the character of the neighborhood.
 - i. Section 2109.B(1), describes the Franklin St -Northeast Neighborhood as a “primarily single-family residential neighborhood with homes fit into the terrain, most with a compact development footprint. Proposed land development may feature a modest increase in residential density accomplished primarily through conversion of existing buildings to multi-family occupancy and with a limited amount of infill on suitable sites.”
 - 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 residential (up to three units) 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. See image below – parcels shaded maroon are in the subject Neighborhood.

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



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

Staff Findings: Given the topography in the area (the land slopes up to the North, East and South of the house on 81 North Street), and the existing house on Lot 1, solar access on Lot 2 is going to be minimal. However, the requirements of § 3508 apply “to the maximum extent feasible given topography, orientation and vegetation.” Therefore, Staff suggests a finding that the proposal complies with the requirements of § 3508.

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

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

- ❖ Motion to approve Application # Z-2019-0140 for a two-lot subdivision of 81 North Street, as presented in the application dated October 7, 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 landscaping and screening proposal that meets the requirements of § 3506.F.
 - II. 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.