1. Call To Order By The Chair


3. Approval Of The Agenda

4. Comments From The Chair

5. Approve Of Minutes: May 7th And 21st, 2018
   Documents:
   DEVELOPMENT_REVIEW_BOARD_05_21_18.PDF
   DEVELOPMENT_REVIEW_BOARD_05_07_18_002.PDF

6. 3 Whitter Street (RES 3000)
   Owner/Applicant: Joseph and Lucy Ferrada
   Sketch Plan Review of a two lot subdivision.
   Documents:
   3_WHITTIER_STREET_SKETCH_PLAN_REPORT_06_15_18.PDF

7. Other Business
   7.1. Next Regular Meeting Monday, July 16, 2018

8. Adjournment
Montpelier Development Review Board Meeting
May 21, 2018

Subject to review and approval

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

Present: Daniel Richardson, Kevin O’Connell, Kate McCarthy, Will Schebaum (alternate), Ryan Kane (alternate), Meredith Crandall - staff, Mike Miller - staff,

Call to order: The meeting was called to order by the Vice Chair, Dan Richardson.

Roll call: identification of 5 voting members participating in the decisions: All five members in attendance will be voting. Will abstains from the one item in which he is the applicant.

Approval of the agenda: Kate made a motion to approve the agenda as printed, Kevin seconded. The motion passed on a 5-0 vote.

Comments from the Chair: Dan warmly welcomed the new Zoning Administrator, Meredith Crandall.

Review of minutes of May 7, 2018: There wasn’t a quorum in attendance to approve the minutes, the item was tabled.

170 Spring Hollow Lane
Owner/Applicant: Amanda Kitchen
Final plan review for a two lot subdivision.

Richard Rubin and Don Marsh were sworn in for this application. This was previously reviewed as a sketch plan. Since then, changes have been made to the application. The building envelope has been changed to avoid the 30% slopes, the frontage has been widened, and the driveway has been narrowed. Some drainage will need to be relocated.

The septic system is intended to be installed but testing hasn’t been done yet. Dan requested that a state waste water permit be obtained before the actual subdivision happens, but that requirement doesn’t preclude putting in a driveway. Within issuance of the permit, Don will provide a letter within 180 days that the land will perc.

Ryan made a motion to approve the application as presented, with the condition that prior to signing the final plat, the application shall submit a letter or other document demonstrating that the ability to comply with the state waste water and potable water supply rules and a further condition that the agreed upon suggestions by DPW for the swale along the new driveway and the cleaning out of the existing drainage on lot 1 be completed. Kevin seconded the motion. The motion passed on a vote of 5-0.
213 Main Street
Owner/Applicant: Robert & Angela Gowans
Sketch plan review for a two lot subdivision.

Robert Gowans was present. The current lot is approximately 17,400 square feet or about ½ acre. He would like to divide it with lot 1, where his house is currently to be 10,042 square feet and lot 2 would be 7,380 square feet. Some redesign of the sidewalk to allow for the lot 2 driveway. There was no one in the audience to be heard on the proposal.

The next time around, Dan requested that a drawing be provided showing the proposed driveway and building envelope to better envision the project.

Murray Hill
Owner: Murray Hill Home Owners Association Applicant: Joan and Ken Senecal
Amend previously approved PUD to remove conditions on “Lot 1” and a boundary line adjustment to move lot line to create a conforming new lot.

This application has been withdrawn and will be refiled after a discussion with the Planning Department.

184 Elm Street
Owner: Gregory Guyette Applicant: Will Schebaum
Site plan, conditional use, and demolition of a contributing structure. Review for removing an attached shed and converting a barn into two dwelling units, converting use from a four dwelling use to a multi-family use.

Will stepped down from the Board to represent his application. Zachary Hunter and Will Schebaum were sworn in. The application is to convert a horse barn into more living space by two more units in addition to the current four unit dwelling. This will require the removal of the carriage barn. There was a sketch plan review last fall that Will was not a part.

The parking requirement for that district is one per dwelling. There is an agreement with 182 Elm Street for additional parking. There is also free street side parking.

The shed doesn’t have a foundation. It is on the Historic Register as a contributing structure. There are clapboards on the inside of the shed, which leads the applicant to think it was added after the carriage house. Removal of the shed would reduce the cost to repair the foundation of the carriage house.

Hooks could be added and there is storage for bicycles

The landscaping will be concentrated around the new parking area. Two trees will be removed, some cedar trees will be added for screening, juniper bushes and lilacs. A condition would be that any plantings are non-invasive and are maintained.

There’s only plans for two sets of lights, to illuminate the stairs and the doors. They will be downcast.

The conditional use criteria were reviewed.
A neighbor was off mic discussing the screening of the parking lot in various points.

Kevin made a motion to grant site plan approval with the conditions of screening between 182 and 184 Elm as detailed by the board. Ryan seconded the motion. The motion passed on a 5-0 vote.

Ryan made a motion to approve the demolition of the contributing historic structure as presented in the application. Kate seconded the motion. The motion passed on a 5-0 vote.

Ryan made a motion to approve the conditional use application as presented with the conditions 1-7 as were discussed prior. Kevin seconded the motion. The motion passed on a 5-0 vote. The conditions will be written up and given to the applicant.

**Other Business:** The next meeting will be Monday, June 18, 2018, unless something comes up that needs to be addressed at the next regular meeting on June 4.

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

Respectfully submitted,

Tami Furry
Recording Secretary
Montpelier Development Review Board Meeting
May 7, 2018

Subject to review and approval

**Present:** Daniel Richardson, Jack Lindley, Roger Cranse, James LaMonda, Kate McCarthy, Sarah McShane – staff.

**Call to order:** The meeting was called to order by the Vice Chair, Dan Richardson.

**Roll call: identification of 5 voting members participating in the decisions:** There are five members present, so all may participate in the voting process.

**Approval of the agenda:** Jack made a motion to approve the agenda as presented, James seconded, the motion passed on a 5-0 vote.

**Comments from the Chair:** Dan noted that the 100 State Street application has been approved by the DRC and the entire project is to be heard tonight by the DRB.

**Review of minutes of April 16, 2018:** Present at the meeting and eligible to vote are Dan, Jack, Roger, and Kate. Jack made a motion to approve the minutes as printed, Kate seconded. The motion passed on a 4-0 vote.

**100 State Street**
**Owner:** Capitol Plaza Corp. **Applicant:** Capitol Plaza Corp. c/o Rabideau Architects
**Site plan, design review, and conditional use review to construct a hotel and parking garage.**

Present at the table were Greg Rabideau (architect) and Fred Bashara (owner of Capitol Plaza). Also attending were James Findley-Shirras from Wagner Hodgson (landscape architect) and Ron Lyon from Dubois & King (project civil engineer).

When they were last in front of the Board, the subject of retaining walls came up as the final issue to be resolved. There were four retaining walls that needed to be approved by the DRC, which happened earlier in the evening. Two are on the west end of the site, one is attached to the end of the Hampton Inn building, and the final one is enveloping the work yard – the dumpster area attached to the Capitol Plaza building. They provided cut sheets of the materials to be used for the walls.

Mike Miller joined the meeting and reviewed the DRC approval. There were no conditions.

Nate Stearns, an attorney for the Christ Church, appreciates how the Capitol Plaza has worked with the church and the church has no objection to the project moving forward.
[The Chair, Phil Zalinger arrived 24 minutes in but asked Dan to continue as Chair]

They want to start on the project in November, depending on how the TIF works out.

One off space loading space per 10,000 square feet, this site has one and it should have five. Mr. Rabideau stated that it’s not a full service hotel, it doesn’t have a restaurant. There’s not a lot of space to facilitate five spaces. He would like to request a waiver to that requirement. Laundry will be done at the Capitol Plaza.

Jack made a motion to end the testimony and enter into deliberative session Roger seconded. Mr. Rabideau thanked Sarah McShane for staying on to help work through this project. The motion passed on a 5-0 vote.

**Other Business:** 4 Spring Street, site plan to add a 9 car parking lot, withdrawn by applicant.

213 Main Street, sketch plan for a 2 lot subdivision, tabled by the applicant to the 05/21/18 meeting. Roger made a motion to table the application to 05/21/18, James seconded. The motion passed on a 5-0 vote.

James will be hearing his last application with the finalization of the Capitol Plaza project.

Jack mentioned that the people of Montpelier should thank the Chair, Phil Zalinger, for his guidance on the revitalization of the city.

The next meeting will be May 21, 2018.

**Adjournment:** Jack made a motion to adjourn into deliberative session, Roger seconded.

Respectfully submitted,

Tami Furry
Recording Secretary
SKETCH PLAN REVIEW
Applicant: Joseph and Lucy Ferrada
Owner(s): Same as above
Address: 3 Whittier Street
Application #Z-2018-0061
Zone: Residential 3,000

Guiding Ordinance Sections

Chapter 210. Base Zoning Districts & Neighborhoods
  - Section 2109 Residential 3000 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
Materials Submitted:

1. Development application (dated May 22, 2018) (hereinafter “Application”);
2. Slopes Plan of 3 Whitter Street, prepared by Grenier Engineering, PC (dated May 23, 2018) (hereinafter “Site Plan”);
3. Photograph of Driveway Facing West, by Applicant (hereinafter, “Photo A”);
4. Photograph of Current Parking Option X in Front of Garage, by Applicant (hereinafter, “Photo B”);
5. Photograph of Current Parking Option Y in Front of Garage, by Applicant (hereinafter, “Photo C”);

Project Scope & Applicant Request

The Applicant seeks sketch plan approval for the following:

1. Subdivision of an existing 6,969.6 square foot (0.16 acre) parcel into two parcels measuring 3,495± square feet (hereinafter, Lot #1) and 3,577± square feet (hereinafter, Lot #2); and

2. Demolition of a garage located on what will be Lot #2.

The parcel is located at 3 Whittier Street on a 0.16-acre lot in the Residential 3,000 District. Lot #1 would contain the current two-unit home. Applicant intends to demolish the garage that is located on what would become Lot #2, and build a single family home that would use the
currently existing driveway from Whittier Street for access. The Development Review Board (the “Board”) will first review the application on June 18, 2018.

STAFF REVIEW & COMMENTS

1. **Existing Conditions:** The subject parcel is an existing 0.16-acre parcel fronting on Main Street and Whittier Street, with 84 feet of frontage on Whittier Street per the Application, and 90 feet of frontage on Main Street (see Site Plan). The parcel is currently developed with a 2 unit home with three porches (two on the second floor) and an attached four bay, single story garage (see Existing Site Plan and Photo C). As detailed on the Site Plan and in the Application, the current primary structure extends over the Eastern (Whittier Street) lot line.

   The parcel is serviced by both municipal water and sewer, both connected on Whittier Street.

2. **Location:** The subject parcel is located within the Main Street - East Neighborhood of the Residential 3,000 (RES 3) zoning district.

CHAPTER 200 DISTRICT STANDARDS

3. **Dimensional Standards:** Figure 2-09 establishes the dimensional standards for development in the RES 3 district as follows:

<table>
<thead>
<tr>
<th>LOTS</th>
<th>SETBACKS</th>
<th>DENSITY</th>
<th>BUILDINGS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot size: 3,000 sf</td>
<td>Front: 10 ft min</td>
<td>Residential: 1 du/3,000 sf max</td>
<td>Footprint: 2,500 sf max</td>
</tr>
<tr>
<td>Coverage: 45 ft min</td>
<td>Side: 5 ft min</td>
<td>Floor Area Ratio: 1.0 FAR max</td>
<td>Height: 35 ft max</td>
</tr>
<tr>
<td>Coverage: 60% max</td>
<td>Rear: 10 ft min</td>
<td></td>
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<tr>
<td></td>
<td>Water: 25 ft min</td>
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</tr>
</tbody>
</table>

**Lot Size and Frontage**

a. The existing lot is 0.16 acres (6,969+ SF) and has frontage on: (i) Whittier Street of approximately 84 feet; and (ii) Main Street of approximately 90 feet. See Application and Site Plan.

b. Proposed Lot #1 would be approximately 3,495± SF and have a frontage of 84 feet on Whittier Street, and 45 feet on Main Street. See Application and Site Plan.

c. Proposed Lot #2 would be approximately 3,577± SF and have a frontage of 45 feet on Main Street. See Application and Site Plan.

**Staff Findings:** The current parcel, well as both lots after the subdivision, meet the 3,000 SF minimum lot size for RES 3 per Figure 2-09. Frontage amounts for the current parcel (84 feet on Whittier), and the proposed new lots (45 feet each on Main Street), comport with the minimum frontage requirements in RES 3 per Figure 2-09.

**Coverage**
d. Per the Application, the existing parcel’s coverage is 1,890 SF. However, this calculation appears to have failed to include the driveway as an impermeable surface. Based on Staff’s estimates of the size of the driveway using ArcGIS measurement tools and the scale on the Site Plan, the coverage of the existing lot, including the driveway, appears to be at least 3,000 SF.

e. 3,000 SF of coverage, out of a total area of 6,969.6 SF equals roughly 43%.

f. After the subdivision (including demolition of the garage):

i. Based on the Application and Staff’s estimate of the size of the driveway, coverage of the proposed Lot #1 will be approximately 1,440 SF (see Application), or approximately 41.2%.

ii. Lot coverage on Lot #2 (existing driveway area only) is estimated by Staff to be roughly 1,000 SF, or approximately 28%.

Staff Finding: Coverage percentages on the current parcel (43%), and the proposed lots (41.2% and 28%, respectively), are all less than the maximum 60% coverage allowed in RES 3 under Figure 2-09.

Setbacks

g. Per § 3002.G (1) “[l]ots with frontage on more than one street shall meet front setback requirements on each street, and shall meet side setback requirements on the remaining sides.”

h. Per § 3002.G(2) “[a]ccessory structures [ ] may encroach into a required setback as specified in Section 3003.” Per Figure 3-07 in Section 3003, a garage may encroach to within 10 feet of a side or rear lot line.

i. The current duplex sits upon the eastern property boundary, encroaching onto City property along Whittier Street by approximately 10 feet, mostly with a two-story porch. The front-yard setback requirement in Fig. 2-09 is 10 feet or more. See Site Plan.

j. The southern side of the house appears to be 7 feet from the southern side lot line, while the garage appears to be less than 5 feet from it. The setback requirement per Fig. 2-09, as modified by § 3002.G (1), is 5 feet.

k. As stated in the Narrative, the Site Plan includes a potential building envelope that meets all of the RES 3 setback requirements.

l. Per § 1203, structural “nonconformities” are structures that:

i. “Legally existed on [January 3, 2018];”

ii. “Do not comply or conform to the provisions of these regulations; and”

iii. “Did comply or conform to any and all applicable laws, ordinances and regulations in place at the time they were created, constructed or commenced.”

m. “A nonconformity may continue to exist unchanged indefinitely.” § 1203.B.

n. After the proposed subdivision, the garage will no longer exist.

o. The house on Lot #1 was built prior to 1900 per the property record card on file, and will continue to encroach on the setback minimum for the Whittier Street lot line. See Site Plan. The current application does not propose expanding or enlarging the existing house in any way.

p. The application states that the new lot line will be 5 feet from the rear (western side) of the current house. The Site Plan does not show this clearly.
Density

q. Per Section 3002.C(2) the “residential density” calculation of “buildable … acreage” does not include: (i) land with 30% or greater slopes; or (ii) Wetlands and their required buffers.

r. Figure 2-09 limits density in RES 3 to 1 dwelling unit per 3,000 SF.

s. Per the Site Plan, the subject parcel has roughly 6,568 SF of buildable area.

t. Per the Site Plan, after the subdivision:
   i. Lot #1 will have roughly 3,245 SF of buildable area; and
   ii. Lot #2 will have roughly 3,395 SF of buildable area.

u. See #9 below for discussion of wetlands and vernal pools.

v. Further, per § 3002.C(4)(b), “any single-family dwelling on a conforming lot served by city water and sewer may be converted to a two-family dwelling irrespective of the district density standard provided that all other applicable standards of these regulations are met.”

w. The current home contains two dwelling units, and Applicant plans to build a single-family home on Lot #2.

Staff Comments: The Board has one key finding to make here:

1. The Board must decide whether the exception to density requirements for duplexes in § 3002.C(4)(b) allows for the decrease in area of proposed Lot #1 to less than 6,000 SF given that there are two dwelling units on the subject lot already.
   a) The exact language of § 3002.C(4)(b) is “any single-family dwelling on a conforming lot served by city water and sewer may be converted to a two-family dwelling irrespective of the district density standard provided that all other applicable standards of these regulations are met.”
   b) As noted above, the subject parcel is conforming.
   c) For proposed Lot #1 to be strictly conforming to the RES 3 density requirement of 1 dwelling unit per 3,000 SF after the subdivision, the structure on Lot #1 would have to be reduced from its current state as a duplex to a single-family home. Meaning that one set of tenants would have to move out.
   d) Theoretically, Applicant could do this, and then “convert” the now single-family home on less than 6,000 SF back into a duplex under § 3002.C(4)(b), then move the tenants back in.
   e) However, given that the building on proposed Lot #1 is already a duplex, this seems an unreasonable requirement, and not what was intended for the practical application of the subsection in question. This is particularly the case given the purpose of the RES 3 district to “encourage infill residential development with a range of housing choices while preserving each neighborhood’s distinct character and quality.”

Staff findings: Staff finds that the current parcel’s lot size and frontage amount conform to the minimum requirements of Figure 2-09, as do the side and Main Street setbacks. Further, the 43% coverage on the current parcel is less than the 60% allowed. The Whittier Street front setback does not conform to Figure 2-09,
but this appears to be a nonconformity under § 1203 and the current house will not be altered with this subdivision. Therefore, the nonconformity appears to be a non-issue. The current home, with two dwelling units, sits on roughly 6,568 SF of buildable area, and therefore conforms to the one dwelling unit per 3,000 SF of buildable area requirement of Figure 2-09.

Staff finds that the subdivision will not create new nonconformities under the dimensional requirements of Figure 2-09 on Lot #1. Further, Lot #2’s lot size, setbacks, frontage amount, and coverage percentages comport with Figure 2-09. Lot #2 will have buildable area (roughly 3,395 SF) sufficient to build a single family home under the density requirements of Figure 2-09 (3,000 SF per dwelling unit).

Further, the exception to density requirements under § 3002.C(4)(b) appears to allow Lot #1 to be reduced to 3,495 SF in area, despite the general one dwelling unit per 3,000 SF density requirement in RES 3, and still be a conforming lot.

CHAPTER 300 GENERAL STANDARDS

4. Section 3001. Use Standards – Land development shall conform to the use standards for the applicable zoning district …
   a. One or two dwelling uses are permitted in RES 3 per Figure 2-15.
   b. According to the application, the only use existing on the existing lot is a two-family dwelling. No new uses are proposed on the existing lot.
   c. The only use being proposed for Lot #2 is a one or two unit dwelling.
   d. Per the Narrative, “[t]he lot is in conformance with the district standards, is not a mixed use, is not a prohibited use and [is] similar to the uses of nearby lots.”

   B Mixed uses. Not applicable.
   C Prohibited uses. Not applicable.
   D Materially similar uses. Not applicable.

Staff findings: Staff finds that the existing two unit dwelling use is a conforming use, and only conforming uses are being proposed for Lot #2.

5. Section 3002. Dimensional Standards
   A Applicability. Land development shall conform to the dimensional standards for the applicable zoning district …;
   a. See discussion above at #3.

   B Principal buildings. Not applicable for subdivisions.

   C Residential Densities. Residential densities shall be regulated in accordance with the following:
   a. (2) In [RES 3] maximum residential density shall be based on a lot’s buildable rather than total acreage or square footage, which does not include: (a) Any land with a slope of 30% or more…; and (b) Wetlands and their required buffers …
   b. See analysis of density requirements in RES # above at #3.
c. See #9 below for discussion of wetlands and vernal pools.

D Calculating Density. Not applicable.

E Lot Size. Lot sizes shall be regulated in accordance with the following: (1) Any lot created under these regulations shall meet the minimum lot size requirement for the district in which it is located …
   a. See discussion above at #3.

F Street Frontage. All lots shall front on a public or private street as specified in each zoning district.
   a. See discussion above at #3.

G Setbacks. See above at #3 for setbacks analysis.

H Height. Not applicable, as no construction is proposed in this subdivision application.

6. Section 3003. Accessory Structures and Uses – Not applicable for the subdivision, as no accessory structures will remain on either parcel after the garage is demolished.

7. Section 3004. Demolition

Applicability. Section 3004.A. A zoning permit is required to demolish a structure or part of a structure except demolition of minor structures meeting the exemption under Chapter 110.
   a. The garage does not qualify as an exempt structure under Chapter 110, which limits the exemption to accessory structures ancillary to a residential use that: (a) are less than 100 square feet in floor area; (b) are less than 10 feet in height if it has a flat roof or less than 12 feet in height if it has a pitched roof; and (c) conform to setback and lot coverage requirements.
   b. The one-story garage is more than 100 square feet in floor area.

Requirements for Demolition Permit. Per Section 3004.B, in addition to basic application requirements, an application for demolition must include “a demolition and site remediation plan which at a minimum describes the intended use of the site and the manner in which the site shall be returned to grade, surfaced, landscaped and /or screened to minimize adverse visual impacts, and secured to prevent hazards to public safety and adjoining properties.”
   c. Applicant has provided no demolition or site remediation plan.

Further, § 3004.C provides specifics regarding the demolition, allowing 60 days from commencement for completion, and specifying the minimum requirement for completion, including, as applicable here, that: (3) All structural materials and debris shall be removed from the site; (4) “The site shall be restored to a natural grade; and
(5) Groundcover shall be re-established to prevent erosion unless otherwise specified as a condition of approval.”

Under subsection 3004.D “The demolition or replacement of any structure, or portion thereof, listed as a contributing structure of the Vermont Historic Sites and Structures Survey or the National Register for Historic Resources, or any application for development that involves the demolition of such structures, shall be reviewed by the Development Review Board.

d. The garage is not on the Vermont Historic Sites and Structures Survey or the National Register for Historic Resources.

Staff Comments: The Board should require Applicant to provide a demolition and site remediation plan consistent with the requirements of § 3004.B in the Application for Final Review, as the estimated 950± SF garage is not exempt from obtaining a demolition permit.

However, as the garage is not on the Vermont Historic Sites and Structures Survey or the National Register for Historic Resources, the additional requirements of § 3004.D do not apply here.

8. Section 3005. Riparian Areas – Not applicable. No regulated streams on property.

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. The project summary states there are no wetlands or vernal pools on the above Map. Staff confirmed with a visual inspection of the Map.

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.

<table>
<thead>
<tr>
<th>SLOPE</th>
<th>HEARING THRESHOLD</th>
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<tbody>
<tr>
<td>&gt;15%</td>
<td>Disturbing 4,000 sf or more of land in this slope category on the lot shall require a hearing.</td>
</tr>
<tr>
<td>&gt;20%</td>
<td>Disturbing 3,000 sf or more of land in this slope category on the lot shall require a hearing.</td>
</tr>
<tr>
<td>&gt;25%</td>
<td>Disturbing 2,000 sf or more of land in this slope category on the lot shall require a hearing.</td>
</tr>
<tr>
<td>&gt;30%</td>
<td>All development, disturbance or clearing of land in this slope category on the lot is prohibited.</td>
</tr>
</tbody>
</table>

Subsection D discusses measuring slope and applicants may “(4) Exclude isolated areas with slopes in excess of 15% that are less than 500 square feet in area, including any continuous areas of slope in excess of 15% on adjacent properties.”

a. The Slope Plan shows slopes.

b. No slopes will be disturbed on Lot #1.
c. Some slopes might be disturbed by the demolition of the garage, but the total slopes greater than 15% on Lot #2 is less than 1,000 SF. However, there are slopes of more than 30% adjacent to the garage.

**Staff comments:** Technically the act of subdivision does not disturb or clear any slopes. That disturbance would normally occur when a future developer moved forward to develop the lot and would be reviewed in a future zoning application to construct the driveway or build the house. In subdivision standards (discussed later in §§ 3503 and 3505) the applicant is be required to demonstrate that the new lot(s) are buildable and that there is sufficient buildable area to meet the minimum density (discussed later in § 3505).

*Therefore, the Board would usually review slopes with an eye to those later requirements, but not the specific rules that apply here because subdivisions themselves typically will not disturb slopes.*

*In this case, however, there is the possibility of slopes of greater than 30% being disturbed through the demolition of the garage. Given this, Staff recommends that the Board require that the Applicant’s demolition and site remediation plan (required under § 3004.B) outline how Applicant will avoid such disturbance.*

11. **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 3-10.
   a. Per the Narrative, “The new lot will be developed in accordance with the Agency of Natural Resources Low Risk Handbook for erosion control. The details of this section will be addressed in the Zoning Permit application.”

**Staff Comment:** Technically the act of subdivision will not disturb any soil, so this provision is not applicable here.

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. Per the Narrative, “Stormwater management, if needed, will be addressed as part of the Zoning Permit.”

**DPW Comment:** Final application should address how stormwater will be managed.

**Staff Comment:** Technically the act of subdivision will not create any impervious surfaces, so this provision is not applicable here. However, future development considerations should be taken into account. For example, site development will need to consider the limited size of the lot within which to manage and control storm water flow resulting from altered flows from new impervious surfaces (roof lines, altered
underground drainage flows due to the new house, possible new pavement for additional parking, etc.).

13. **Section 3010, Access and Circulation** – All lots being developed or redeveloped shall provide vehicular access from the street in accordance with the city public works specifications, V-Trans B-71 Standards for Residential and Commercial Drives and the standards below.

**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.

a. Per the Narrative, “The common drive will be designed per B 71 standards as part of the Zoning Permit. A shared drive is preferred as the slopes on the main street side of lot 2 have slopes which exceed 30% and a new curb cut on Main Street would not meet B-71 Standards and would disrupt the existing sidewalk on Main Street.”

**State or Class 1 Highways.** *Not applicable*, neither Whittier Street nor the stretch of Main Street in question are State or Class 1 highways.

**Number.** “Shared access between adjacent properties is strongly encouraged.”

**Spacing.** Access points shall be spaced as specified in figure 3-11.

a. Spacing for the RES 3 district is a minimum of 100 feet to any intersection and 45 feet between other driveways.

b. The current driveway is less than 30 feet from the intersection between Whittier Street and Main Street.

**Cross access.** *Not applicable to strictly residential property.*

**Length.** Driveway length and internal circulation patterns shall be adequate to prevent vehicles entering and exiting the site from causing queuing on the street.

a. Taking measurements from the scale on the Site Plan, the current driveway extends for over 40 feet before it reaches proposed Lot #2.

**Emergency access.** *Not applicable to this subdivision.*

**Street improvements.** *Not applicable, no street improvement needed.*

**Non-conformities.** Previously developed sites with nonconforming access shall come into conformance with the provisions of this section when changes are proposed to the site layout, access, or circulation. § 3010.B(9).

a. The current access does not conform to the distance from intersections requirement. However, moving the current access is not possible given the limitations of the property.
DPW Comments. Although the current access is less than 100 feet from the intersection with Main Street, increasing the use of this nonconforming driveway on a secondary road is preferred over creating a new curb cut on Main Street.

Staff findings: Staff finds that the proposal has adequate access and circulation to prevent traffic congestion. Staff finds the proposal meets the requirements for state and class 1 highways as none of the requirements are applicable to this project. Staff finds that the proposal meets the number of access points as the proposal has a single shared access. Staff finds that the existing access does not meet the spacing requirements, but accepts the Director of DPW’s recommendation that the current, shared access is preferred over attempting to create a new access to Main Street for proposed Lot #2. Staff finds that the proposed driveway length is sufficient to prevent queuing on the street. Staff finds that the proposal is adequate for emergency vehicles. Staff finds the cross access, street improvement, and nonconformities are not applicable.

14. Section 3011. Parking and Loading Areas – “Except within the Urban Center 1, Urban Center 2, Urban Center 3 and Residential 1500 districts, all development shall provide off-street parking in accordance with this section.” § 3011.B.

Amount of Parking. All development shall provide off-street parking in accordance with the following: Minimum number of spaces based upon Figure 3-13. The creation of more than twice the amount of parking as calculated on 3-13 shall be approved by the Board. § 3011.C.

a. Figure 3-13 requires one parking space per dwelling unit.
b. The current two-dwelling unit residence requires two parking spaces.
c. When the new home is built on proposed Lot #2, at least one more parking space is required. If the home is converted to a two-family dwelling under § 3002.C(4)(b), at least four off-street parking spaces would be required between the two lots.
d. Per the Narrative, and as shown on the Site Plan, Applicant proposes four parking spaces to be shared by the two lots.

Shared Parking. § 3011.E. A shared parking plan may be approved to allow parking to be shared by two or more uses or to be provided off site.

- Applicant’s proposal is for shared parking, but the plan does not conform to the Regulations, currently. See Location of Parking, below.

f. Further,

Loading. All non-residential or mixed use development shall provide loading areas in accordance with this section.

- Not applicable, as proposal is for residential development.

Location of Parking. Section 3011(G) outlines the locational standards for parking and loading areas including: parking should be located on the same lot unless a shared parking plan is approved… parking shall be located behind the front line of the building
(irrespective parking may be located in any residential driveway)... .

h. The shared parking spaces proposed by applicant are along Main Street, in the front yard of proposed Lot #2, as well as the secondary front yard of Lot #1. See Site Plan.

i. Applicant has not provided draft or proposed parking plan or driveway easement documents.

Staff Comment: Although the parking plan proposed by applicant does not comport with § 3011(G), other options are available on the site. In particular, Staff recommends that Applicant consider including parking for at least two cars as part of a garage or carport underneath any house designed for proposed Lot #2.

In addition to revising the proposed parking plan, Staff suggests that the Board request a draft shared parking plan and/or driveway easement as part of the Final Application for review.

Dimensional standards. Under § 3011.H(1): (i) parking spaces must be at least 8 ½ feet wide by 18 feet deep, unless the Board grants approval for compact car spaces; (ii) in a driveway serving not more than 4 dwelling units, spaces may be stacked; and (iii) residential parking may be tandem “(a double-depth parking space with one vehicle parking the other in).” The remainder of subsection H, regarding access aisles, loading areas, and turnarounds is not applicable here, where parking is in relation to a maximum four dwelling unit residential driveway.

j. Scaling dimensions off the Site Plan, the proposed parking spaces are at least 8 ½ feet wide by 18 feet deep. However, their location does not comport with these Regulations.

Design, Construction, and Maintenance Standards. § 3011.I, outlines the design, construction, and maintenance standards applying to all parking and loading areas. Pavement shall be firm level surface appropriate for the use; layout of parking should be perpendicular; Erosion and drainage should conform to 3009; snow storage should be on site without obstructing vehicles or pedestrian visibility and circulation; Markings and edging for lots with more than 10 spaces; Electric vehicle changing for lots with more than 40 spaces; Maintenance required:

k. Current pavement materials are not specified, but are assumed to be asphalt.

l. Current layout has four parallel parking spaces. Language in requirement is suggestive (should be).

m. Erosion and drainage have not been addressed fully by Applicant.

n. Snow storage locations are not specified.

o. Only four parking spaces are proposed, therefore markings and electric vehicle charging stations are not required.

DPW Comments: Should the Board approve the applicant’s proposed parking location, details should be obtained and shown on the next site plan regarding maintaining the integrity of the slope from the subject parcel and Main Street, such as adding a retaining wall or the proposed grading plan.
No matter where the parking is located, the design engineer’s plans should accept that snow will be stored in a 3 to 6 foot wide area along the City sidewalk in the winter.

**Staff Findings:** Staff finds that the current parking plan does not meet the requirements of § 3011, as subsection G(2) requires that parking “shall be located behind the front line of the building” and this plan puts parking in front of any potential new home on Lot #2. Applicant should revise the parking plan to comply with the locational requirements of § 3011.G. Further, Staff finds that a draft shared parking agreement complying with § 3011.E should be included with the Final Application for Review.

One possible way to increase the parking on site would be to include parking underneath the new house. Further, the final parking solution does not need to be presented during this subdivision application. Applicant must merely provide a proposed site plan demonstrating that the subdivision, with a single-family home on Lot #2, and parking for a minimum of three cars shared between the two lots, is possible under the Regulations.

15. **Section 3012. Signs** – Not applicable, no signs are proposed other than a real estate sign.

**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; (5) water supply, sewage disposal and stormwater systems and infrastructure; (6) Solid waste disposal services and facilities.

   a. Per the Narrative, “[t]he creation of one new lot for residential uses should not have any noticeable impact on the city’s ability to provide municipal services. The lot will be served city water and sewer connection. There is a fire hydrant on Main Street just above the Whittier street intersection.”

**Staff Comments:** See discussion at #20, below regarding access to water and waste water supply.

**Staff Findings:** Staff finds that this application meets the requirements of § 3502, as a one-lot subdivision will not cause a disproportionate or unreasonable burden on local schools, police, fire protection, ambulance services, street infrastructure and maintenance, parks and recreation facilities, water supply, sewage disposal, stormwater systems and infrastructure, or solid waste disposal services and facilities.
17. **Section 3503. Suitability of Land** – 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. § 3503.A. Further:

- 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. § 3503.B.
- Buildings and building envelopes on recorded plat shall be representative only and be placed only to demonstrate a suitable area for development. § 3503.C.

a. Per the Narrative:
   i. “The proposed lots have gentle slopes with only limited slopes in excess of 30% are contiguous to existing lots and have no features which would cause their development to endanger public health or safety or cause an adverse impact on the environment.”
   ii. “These lots are not near the floodplain, have well drained soils and have no known hazardous conditions which would impact development.”
   iii. “The [Site Plan] shows a potential building envelope for lot 2 subject to a future zoning permit.”

**Staff Comment:** As mentioned above in #10, this provision is where the Board would ensure that Lot #2 is suitable for use. Is there suitable location to develop on the property (e.g., build a house), get access to that location (e.g., build a driveway to that house location), and provide services to that location?

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. That the traffic generated by the proposed subdivision shall not unreasonably and disproportionately contribute to a reduced level of service for affected streets, intersections, and for all modes of travel.
   B. The Board may also factor the results of the traffic impact study when one is required.
   C. That reasonable measures have been taken to minimize or mitigate the amount of vehicular traffic generated by the proposed subdivision.

a. Per the Narrative, “One new lot will not generate traffic which will impact the City’s streets.”

**Staff Findings:** Staff finds that this one-lot subdivision is unlikely to impact traffic significantly.

19. **Section 3505. Design and Configuration of Parcel Boundaries.**

   **Lot arrangement.** § 3505.A – The applicant shall design the subdivision:
   
   (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;

…

(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;

(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;

(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.

…

(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.

**Lot dimensions.** § 3505.B – The applicant shall design the subdivision:

(1) So that all lots front on a street;

(2) So that lot dimensions meet the minimum standards for the zoning district;

(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;

…

(8) All new lots shall contain sufficient buildable area to meet minimum density requirements of Subsection 3002.C.

a. Lot dimensions are shown on the Slopes Plan. See #4 for further discussion.

b. Per the Narrative, “[t]he new Lot 2 will have frontage on Main Street, but will have shared access from Whittier Street.” Further, “[t]he lot meets the minimum dimensions required in this District.”

c. See #13 for discussion regarding potential issues with drainage.

d. Per the Narrative, “Runoff from the lot will flow overland to adjoining lots as is currently the condition.”

**Staff Comments:** As above in suitability of land, there appears to be ample space for a single family home. Further, the shared access from Whittier Street avoids creating a new, direct access from Main Street (an arterial street).

However, the Board may have questions regarding drainage per DPW’s comments at #13, as maintaining a condition of having runoff flow to adjoining lots does not appear to comport with the purpose of § 3505.A(7).

**Staff Findings:** Staff finds that the proposed lot line adjustment results in two lots that conform with § 3505, except for the fact that having runoff “flow overland to adjoining lots” appears to be the opposite of what is desired in § 3505.A(7), even if it is “currently the condition.”
20. **Section 3506. Design and Layout of Necessary Improvements:**

**Streets.** *Not applicable. No new streets proposed.*

**Pedestrian and bike facilities.** *Not applicable. Lot accesses directly onto existing streets and no new streets are proposed.*

a. Per the Narrative, “[b]icycle access will be from Whittier Street. There are no sidewalks in the immediate neighborhood.”

**Water and Wastewater Facilities.** The applicant shall design the subdivision to provide potable water and wastewater facilities in accordance with the following:

1. Any subdivision within the city’s water service area shall be connected to the municipal system. The applicant shall provide water service to each lot not intended for conservation purposes in accordance with the city’s Public Works Specifications;

2. Any subdivision not within the city’s water or sewer service areas shall demonstrate compliance with the state’s wastewater system and potable water supply rules.

b. Per the Narrative, “[t]he lot will use City water and sewer services from Whittier Street. The lots will obtain an Agency of Natural Resources Water Supply and Wastewater Disposal Permit for its water and sewer connections.”

**Firefighting Facilities.** The applicant shall design the subdivision to provide water for fire protection such that within any subdivision that will be connected to the city’s water system, the applicant shall install fire hydrants in accordance with the city’s Public Works Specifications.

c. The Narrative states, “A new lot should have no adverse impact on the City’s firefighting abilities.”

**Public and Private Utilities.** The applicant shall design the subdivision to provide utility service to each lot not intended for conservation purposes such that:

1. All utilities shall be located underground unless prevented by ledge or other physical conditions;

2. Utilities shall be located within street rights-of-way to the maximum extent feasible. The applicant shall provide the city with a maintenance and access easement for any utilities not located within a street right-of-way.

d. The Narrative states, “The lots’ utilities will be underground.”
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:

(1) Maintain and provide privacy both for adjoining property owners and between lots within the subdivision;
(2) Enhance the appearance of street frontages and shade streets and sidewalks;
(3) Maintain or establish vegetated buffers along waterways and other natural areas;
(4) Utilize green stormwater infrastructure practices.

e. The Narrative states “Tree clearing will be addressed in the zoning permit application.”

Staff Comment: There appear to be some small trees and shrubs on the parcel currently.

Erosion Control. The applicant shall design and undertake construction within the subdivision in accordance with the standards of Section 3008.

f. The Narrative states, “The lot will be developed in accordance with the Agency of Natural Resources Low Risk Handbook for erosion control.”

Stormwater Management. Addressed above in section 3009 (#13).

g. Per the Narrative, “No specific stormwater management plan is needed for the one lot. As the development of the lot will not create more than an acre of impervious surfaces no Agency of Natural Resources Stormwater Permit is needed.”

Parks and Recreation Areas. Not applicable as recreation areas or facilities are not required for single family residential subdivisions with a density of one home per acre or lower.

Monuments and Lot Corner Markers. The applicant shall install:

(1) Permanent right-of-way monuments at all street intersections and other critical points in street lines in accordance with state statute.
(2) Lot corner markers at corners and angle points of all lots in accordance with state statute.

h. Per the Narrative, “The lot corners will be identified with survey pins.”


DPW Comments: According to the DPW Director, new direct connections will need to be installed for the new Lot to gain access to municipal water supply and wastewater disposal. The water supply connection appears to be able to run parallel to that for the
current residence, starting on Whittier and running parallel to or under the current driveway. The best location for the waste water line may be to the south of the current residence, again, running over the Lot #1 property.

The applicant will need to pay the applicable fee to obtain the DPW connection permit. A state permit is also likely required. To secure the permit, the applicant will need to have a professional engineer or licensed designer determine the new demands and submit a request to DPW for the allocation of reserve capacity to serve.

Staff comments: The Board should request additional information regarding conformance with § 3506 for Final Plan review, at a minimum: (I) an outline of anticipated stormwater impacts and plans for managing such (as also noted regarding § 3009); (II) proposed draft easements or other agreements to reserve for the benefit of Lot #2: (A) ingress and egress access rights, and (B) installation and maintenance access and responsibilities for services (especially water and waste water); and (III) some minimal description regarding what trees and shrubs may need to be removed, if any, as part of the demolition of the garage.

Staff Findings: Staff finds that §§ 3506.A, B, I, & K do not apply to this two-lot subdivision. Staff finds that Applicant should provide further information regarding subsections C (Water and Wastewater Facilities), F (Landscaping), and H (Stormwater) prior to the Final Application Review. Finally, Staff finds that Applicant has demonstrated that this project meets the requirements of §§ 3506 D (Firefighting Facilities), E (Public and Private Utilities), G (Erosion Control), and J (Monuments and Lot Corner Markers).

21. Section 3507. Character of the Neighborhood and Settlement Pattern – Subsection B states that the Applicant shall demonstrate that the proposed subdivision shall:
   (1) Be compatible with or extend the city’s traditional settlement pattern as a compact urban center;
   (2) Not contribute to a pattern of strip development; and
   (3) Be compatible with the character of the neighborhood.
      i. Main Street - East. Most of this residential neighborhood along Main Street east of North Street to Lincoln Avenue is densely built with small lots and narrow setbacks. The terrain has influenced the development pattern, with narrow lots and homes set into the hillside above street level on the north side of Main Street and wider lots with larger yards on the south side. The neighborhood is currently developed with a mix of single-family and multi-family residences. Proposed land development should protect the residential character of this neighborhood while creating opportunities for small-scale infill development and incremental division of residential buildings to add additional dwelling units.

      a. The Narrative states, “The proposed lot is an in-fill lot consistent with most lots in the immediate neighborhood.”
**Staff comments:** The Board will need to determine if this lot fits with the character of the neighborhood.

**Staff Findings:** Staff finds that this proposed subdivision: (x) will be compatible with the city’s traditional settlement pattern as a compact urban center, as it is providing further infill development close to downtown; (y) does not contribute to a pattern of strip development; and (z) is compatible with the Main Street – East Neighborhood, as it continues the pattern of densely built, small lots, with the addition of at least one dwelling unit on a small lot.

22. **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.

**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.

   a. The Narrative states that “Subject to tree clearing approval the lot orientation and its contours make it very suitable for solar power.”

   b. Both lots are situated on a south-facing slope, and neither lot appears to be situated in a manner that would block the other’s solar access. See Site Plan.

**Staff Findings:** Staff finds that given the small size of the subject parcel, and that it is located on a generally south-facing slope, the subdivision has been designed to maximize each lot’s solar energy production to a reasonable extent.

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…

   a. Per the Narrative, “[t]he lot contains no resources identified on the City’s Natural Resources Inventory Map dated 1/3/18.”

   b. Further, Staff’s review the Montpelier Natural Resources Inventory Map dated 1/3/18 does not indicate any such resources within either Lot.

**Staff Findings:** Staff finds that the project does not need to meet the requirements of § 3509 as there are no resources identified on the Natural Resources map on the subject parcels.
Staff Recommended Proposed Motion(s):

- Following the sketch plan meeting, the Development Review Board shall:
  - Make recommendations to guide the applicant in preparation of more detailed plans. Specifically:
    1. The updated Site Plan should include:
       a. Clarity on how far the new lot line will be from the remaining structures;
       b. Snow storage areas; and
       c. A 6-foot snow storage right of way for the City along the Main Street boundary.
    2. Buildings and building envelopes on recorded plats shall be representative only and be placed only to demonstrate a suitable area for development.
  - Request any additional application materials deemed necessary to determine compliance with these regulations. Specifically, the Final Application Package should include:
    c. A demolition and site remediation plan per Section 3004.B;
    d. At least some description regarding plans for alleviating stormwater flows onto adjoining properties, or clarity regarding why increased flows will not be harmful;
    e. A proposed shared parking agreement and/or driveway easement;
    f. Proposed draft easements of other agreements to ensure access and maintenance responsibilities for utility services; and
    g. At least a minimal description regarding which trees and shrubs may need to be removed, if any, as part of the demolition of the garage.
  - Request that advisory committees review and make recommendations on the application, as appropriate.

- The Development Review Board’s determinations and recommendations shall be recorded in the minutes and provided to the applicant, but those actions shall not constitute a formal decision on the subdivision plan.
- After the Development Review Board has concluded its meeting on sketch plan and provided comments to the applicant, the applicant shall have one year to file the materials required for final plan review.