

**DEVELOPMENT REVIEW BOARD HEARING DATE:** June 23, 2016

**REPORT PREPARATION DATE:** June 14, 2016

**APPLICATION TYPE:** Sketch Plan Review: development of 2 duplexes on a 1.01 acre parcel

**APPLICATION/OWNER:** Joe Bissonette

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**DESCRIPTION:** The applicant proposes two duplexes in a 2-lot subdivision on a  $\pm 1.1$  acre parcel in the CD-3 district of Riverside Character Based Zoning District (CBZ) and the Village Center Zoning District.

**IDENTIFYING INFORMATION:**

LOCATION: 329 VT Route 15

PARCEL NO: VT329

TOTAL ACREAGE:  $\pm 1.01$  acres; to be subdivided in to 2 lot lots.

ZONING DISTRICT: Riverside Character Based Zoning District and Village Center Zoning District

EXISTING USE: vacant

PROPOSED USE: Residential

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**NOTICE OF PUBLIC WARNING/ ABUTTERS:**

Notice of Public Warning published in the Mountain Gazette on: *Not required for Sketch Review*

Notice of Public Warning posted on: *Not required for Sketch Review*

Notice of Public Warning sent to abutters on: *Not required for Sketch Review*

Notice of Public Warning sent to the applicants on: *Not required for Sketch Review*

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**Location Map:**



**PROJECT OVERVIEW**

This project is proposed by the applicant as a 2-duplex (4 units total) in the Village Center Zoning District and Character Based Zoning District. An existing 30 foot access easement on adjacent property VT309b provides access to this parcel.

**PREVIOUS ACTIVITY**

A single family home occupied the lot until recently.

**DEPARTMENTAL REVIEW AND COMMENTS**

This application is for a sketch plan for review under the Character Based Zoning District standards (§13), Subdivision Review (§10.12), Site Plan Review (§10.10), and §11.0 (General Development Standards). §13.1.3.3 states that the §13 shall take precedence overall other applicable provisions of the Town’s land use regulations and §13.1.3.4 states that all other sections of the Land Use Regulations and Public Work Specifications shall be applicable to matters not covered by §13.

**§13 Character Based Zoning District Standards**

**§13.2 Regulating Plan and §13.3 Character Districts and Civic Zones**

The subject lot is located within the Character District 3 (CD3), “Rural Neighborhood.” This District consists of a low density area that has a mix residential house types; there are shallow to medium front Setbacks and shallow to medium to side Setbacks; it has variable private landscaping; and it has Streets with or without curbs and/or sidewalks.

The applicant will be required to develop a Development Plan, with standards pursuant to §13.4, with the specific requirements of §13.4.4.2. as follows:

- 1) **§13.4.4.2.1 Building Placement, including without limitation Setbacks and Lot Layers (See § 13.4.8 and the following table);**

<b>BUILDING PLACEMENT – PRINCIPAL BLDG (Table 13.3.3.1A)</b>	
Front Setback, Principal	15 ft min – 25 ft
Front Setback, Secondary Frontage	15 ft min – 25 ft
Side Setback	5 ft min – 25 ft max
Rear Setback	Greater of 3 ft min or 15 ft from center line of rear line
Frontage Buildout	50 % max at front setback

At this time, the applicant has not developed full building plans, but the footprints shown on the sketch plan illustrate where the buildings are proposed. The “front setback” is determined from the road frontage. The sketch plan shows 2 lots with a new “thoroughfare”, as required by §13.4.18. A thoroughfare is defined as “a way for use by vehicular and pedestrian traffic and to provide access to Lots and Open Spaces, consisting of Vehicular Lanes and the Public Frontage.” More discussion on thoroughfares will follow in this report. §13.4.18.2.8. states that each lot shall enfront a vehicular thoroughfare. As shown on the sketch plan, the two lots are essentially split by the proposed alley and the wastewater mound system. Staff’s interpretation of the CBZ is that the lots as proposed are not in conformance with the requirements to enfront a thoroughfare. The applicant has stated that they cannot relocate the septic area to the rear of the parcel. This issue remains on how to make the lots conforming. One suggestion would be to keep the alley as generally designed and create a third lot that would be the area to the south as a septic lot. The septic lot would not be conforming in the lot width (see discussion on that below), but would allow the appropriate setback for the two development lots. The general dimensional waiver of §10.11 is available for the lots. The DRB will need to discuss alternatives to make the parcels more conforming.

The applicant will also need address the building locations in regard to lot layers in the Development Plan. For example, one principal building may be built on each lot at the Frontage. A Backbuilding/Outbuilding may be built on each lot to

the rear of the principal building. Any outbuilding shall be subject to the imitations of §5.9.3 (dimensional standards for small accessory buildings).

**2) §13.4.4.2.2 Yard Type (See § 13.4.8 and the following table);**

<b>YARD TYPES (Table 13.3.3.1A)</b>	
Edgeyard (bldg. occupies center of the lot)	Permitted
Sideyard (bldg. occupies one side of the lot (0 lot line))	Permitted
Rearyard	Not Permitted

The applicant has shown building footprints which are illustrative of what could be built at this time. § 13.4.8. further addresses the placement of the buildings. The development will need to comply with either the edgeward or sideyard standards as illustrated in §13.4.8. The proposal seems be developed with “edgeward” requirement in mind.

**3) §13.4.4.2.3 Building Form & Building Type (See §13.4.9);**

<b>BUILDING FORM – PRINCIPAL BUILDING (Table 13.3.3.1A)</b>	
Building Height	2 stories max
Ground Floor Height	10 ft min
Upper Floor Height	9 ft min
Façade Glazing	25% min-40% max
Roof Type	gable, hip, gambrel
Roof Pitch	gable: 6:12 min, 12:12 , max; hip 3:12 min; gambrel: 6:12 min 30:12 max

The applicant has submitted proposed elevations of the two structures. Further architectural details will need to be provided showing that the proposal meets the above standards in the Development Plan at the next level of review.

**4) §13.4.4.2.4 Building and Lot Use (See § 13.4.11);**

Duplexes are proposed and permitted. Additional outbuildings are also allowed with their own specific regulations and if they are considered, staff recommends including them in Development Plan if they are planned in the future.

**5) §13.4.4.2.5 Parking and Loading Locations (See § 13.4.13) and 13.4.4.2.6 Parking Requirements (See §13.4.12);**

The plan shows parking spaces more to the rear of the parcel. Parking is allowed in the second or third lot layer. 2 parking spaces per dwelling are required for residential use. The Plan shows 2 spaces per unit, for a total of 8 spaces. Driveways shall be no wider than 24 feet in the first lot layer. The proposal seems to comply with this requirement. The proposed driveway is shared by the two units. Any legal documents for the shared parking and drive should be addressed in the Development Plan.

**6) §13.4.4.2.7 Architectural Standards (See § 13.4.9 and § 13.5) and Signage (See §7.8);**

The applicant will be required to comply with these requirements, which include the allowed types of private frontages, building and ceiling heights, roof pitch, façade glazing, (see item #3 above), and additional architectural standards of §13.5. Any signage will be required to comply with §13.4.14 and §7.8.

**7) §13.4.4.2.8 Any applicable Special Requirements (See §13.2.6);**

A Development Plan may designate any for the following special requirements: shopfront frontage, terminated vistas and passages. The applicant will need to provide these if applicable.

- 8) **§13.4.4.2.9 Existing and any proposed Thoroughfares and other roadways including without limitation, if the Development Plan area exceeds 20 gross acres or if the Development Plan requires or includes any new Thoroughfares and other roadways or extension or change to any existing streets, the proposed new Thoroughfares and other roadways or extension or change to any existing Thoroughfares and other roadways in compliance with applicable Town standards; §13.4.4.2.10 Thoroughfare Types and Standards and Thoroughfare Sections**

Four thoroughfare types are permitted, ranging from the largest, a “Neighborhood Street” to the smallest “Alley”. Because this is a back lot, with no existing frontage on a road/thoroughfare, the Alley standard seems most applicable. The plan shows a 25 foot right-of-way and a paved/gravel width of 12 feet. These widths meet the required standards. The alley will need to comply with the other standards in Table 13.4.18.2E, such curb standards and landscaping type. “Naturalistic tree clusters” are required and these are not defined in the CBZ. This will need to be further discussed in the Development Plan. The alley will be subject to any applicable Jericho Public Works Standards and applicable review in §11.1.

**§13.4.18.2.7 Thoroughfares shall terminate at other Thoroughfares, forming a network, with internal Thoroughfares connecting wherever possible to those on Adjacent sites and cul-de-sacs not being allowed unless approved by Variance as being necessary to accommodate specific site conditions.**

The proposed alley terminates at the property line, which is not in compliance with this regulation. The sketch plan shows a possible ROW over the Jolley Associates property to the east. A possibility would be to continue the alley through to that property to connect to RT 15. That property is under different ownership and while the continuation of the alley could satisfy the regulation, it may not be a good place to connect out to RT 15 as the ROW is near the corner and intersection with River Road. The applicant should discuss their options, including applying for a variance based on “specific site conditions.”

- 9) **§13.4.4.2.11 If the Development Plan area exceeds 20 gross acres, Pedestrian Sheds and their respective Common Destinations (See §13.4.15);**

Not applicable.

- 10) **§13.4.4.2.12 Existing and any required or proposed Civic Zones, Civic Spaces and Civic Buildings (See §13.4.17);**

The sketch plan does not address are civic spaces. The applicant may want to explore the use of the septic area as potential civic space, such as a green or pocket park.

- 11) **§13.4.4.2.13 Existing and any proposed Character Districts (See §13.3.1-3);**

A discussion of the project’s location in the CD3 district will need to be included in the Development Plan.

- 12) **§13.4.4.2.14 If the Development Plan area exceeds 10 gross acres, Block Perimeter (See §13.4.16);**

Not applicable.

- 13) **§13.4.4.2.15 If the Development Plan contains any element or use that would require Site Plan Review under the Town Development Regulations, all requirements for Site Plans thereunder;**

This application is subject to Site Plan review as structures larger than 1,000 square feet are proposed as well as more than 5 parking spaces are also proposed. §10.10 addresses site plan, which includes all of the General Development Standards in §11. See further discussion of this review below.

14) §13.4.4.2.16 One or more maps of the Development Plan site and all Adjacent property reflecting the existing Character Districts, Civic Zones, Thoroughfares and other roadways, and Special Requirements and any proposed changes to the Character Districts, Civic Zones and Special Requirements; and

The Development Plan must include these elements.

15) §13.4.4.2.17 Letters from the Chittenden East School District, Underhill-Jericho Fire Department and Jericho-Underhill Water District, stating their ability to serve the proposed Development.

The Development Plan must include these elements.

**§13.4.7, Lots**

§13.4.7.2 Lot Dimensions. Newly platted Lots within each Character District shall be dimensioned according to Table 13.3.3.1A.

§13.4.7.3 Lot Coverage. Lot Coverage by Building within each Character District shall not exceed that recorded in Table 13.3.3.1A.

<b>LOT OCCUPATION</b> (Table 13.3.3.1A)	
Lot Width	40 ft min, 120 ft max
Lot Coverage	60% max

The under the above “lot width” requirement, any lots must be between 40 feet and 120 feet. The existing parcel is 221 feet on the side facing RT15 and 225 feet along the “back”. The sketch proposal submitted shows two lots, one at ±107 feet of frontage and the second at ±115 feet of frontage on the RT 15 side. The CBZ does not address “lot depth” directly, but instead looks at “lot coverage” and setbacks. The proposed building footprints appear to be well under the 60% lot coverage requirement. The proposal does not seem to comply with the lot requirements under the building placement standards (setbacks) discussed above in item #1.

This information should be addressed during the in the Development Plan.

**§10.10 Site Plan Review**

This application is subject to Site Plan review as structures larger than 1,000 square feet are proposed as well as more than 5 parking spaces are also proposed.

The development is subject to the review standards of §10.10.3, which is covered below in the General Development standards of §11 as well as the following:

**§10.10.4 Performance Guarantee, for all landscaping and plantings.**

The DRB may wish to apply a performance guarantee on any landscaping or plantings.

**§10.12 Subdivision Review**

This application is subject to the minor subdivision standards, requiring final review approval subject to §10.12.9.

The development is subject to the review standards of §10.12.5, including the General Development standards of §11 as well as the following.

**§10.12.9.4. Legal Documents.**

This information should be provided at final review.

**§10.12.10 Recording of Final Plat and other Documents**

This subdivision will require the recording of a final plat and related legal documents as required in §10.12.9.4.

**§10.12.11 Performance Guarantee:** The Development Review Board may attach reasonable conditions to ensure the proper installation of required improvements (such as landscaping).

The DRB may wish to apply a performance guarantee on any landscaping or other required improvements.

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**§11 General Development Standards**

The DRB may determine which standards are applicable for the proposed development. Some are not applicable as the project is first subject to the requirements of §13, the Character Based Zoning.

**11.1 Access**

The proposed development is subject to the standards of §13 for access as well as the applicable standards below.

§11.1.5. Traffic Study/Off Site Improvements: A traffic study will be required when:

- (g) The Development Review Board determines a traffic study is warranted in its judgment based on the specifics of the project and the area in which it is located.

The DRB should discuss the need for a traffic study at Sketch Plan review.

§11.5.2. If, in the Development Review Board’s judgment, there will be an adverse impact from the proposed development on existing access roads, the Development Review Board may require the applicant to improve the access road(s).

DRB should determine if this is necessary.

§11.1.6.2. At road and driveway access points, the Development Review Board may require measures such as striping, contrasting or textured paving, and/or mountable curbs to define narrower car lanes while maintaining sufficient pavement width for safe turning of larger vehicles.

DRB should determine if this is necessary.

§11.1.7. Street Names: Street names shall be developed with the Planning & Zoning Office and submitted to the Development Review Board for approval. Proposed streets that are in obvious alignment with others already existing and named, shall bear the names of those existing streets. The applicant shall furnish a plan detailing approved street names and proposed address numbers to the E-911 Coordinator who will certify its conformity with emergency management protocol and update appropriate Town records. All street signs and posts shall be provided and installed by the Town at the expense of the applicant.

The applicant will be subject to this standard to name the new alley.

11.1.8.7. Dead-End and Single Access Streets:

The proposed development is subject to the standards of §13.4.18.2.6. for the review of the dead-end street proposed.

**§11.2. Parking/Loading/Circulation:**

The proposed development is subject to the standards of §13.4.12 for parking. The loading and circulation standards of §11.2 apply and should be addressed by the applicant at the next stage of review.

**§11.3. Pedestrian Facilities**

The proposed development is subject to the standards of §13.4.8. for pedestrian facilities.

**§11.4. Lot Layout**

The proposed development is subject to the standards of §13.4.7. for lot layout and subdivision standards of §10.12.10 for the submission of a property plat.

**§11.5. Grading/Slope/Ridgeline**

§11.5.1. All land development and subdivision shall be planned to retain, as much as possible, the natural contours and to conserve the natural cover and soil. The landscape shall be preserved in its natural state, as much as practical, by minimizing tree and soil removal and nonessential grading. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas.

§11.5.2. Development and disturbance of steep slopes should be minimized.

The proposed development is subject to these standards.

**§11.6. Recreation/Open Space/Common Land**

The proposed development is subject to the standards of §13 for recreation.

**§11.7.3. Water Supply:**

The proposed development is subject to the standards of §13 for water supply and any applicable standards in this section, (such as approvals from the State for the water supply).

§11.7.4. **Sewage Disposal:** 11.7.4.1. All wastewater disposal systems shall conform with the Environmental Protection Rules, Chapter 1, Waste Water and Potable Water Supply Rules published by the Agency of Natural Resources, as most recently amended.

The applicant has shown a mound system on the project site. This system must be approved by ANR and the applicant should provide a wastewater permit at the time of Final Review.

**§11.8. Landscaping**

The proposed development is subject to the standards of §13.4.18 for landscaping along the thoroughfare. The additional standards of this section, such as preservation of landscape, screening and buffering requirements will need to be met and included in the Final Review.

**§11.9. Site Layout and Design**

The proposed development is subject to the standards of §13 for site layout and design.

**§11.10. Outdoor Storage/Display**

The proposed development is subject to the standards of §13 for outdoor storage/display.

**§11.11. Outdoor Lighting:** Lighting shall be kept to a minimum consistent with the requirements of pedestrian and vehicular safety and convenience in accordance with the Public Works Specifications.

The proposed development is subject to these standards.

**§11.12. Utilities** 11.12.1: All existing and proposed utilities and utility Rights-Of-Way/easements, including but not limited to electric, telephone, gas, fiber optic and cable television, shall be shown on the final plat.

The proposed development is subject to these standards.

**§11.13. Storm Water**

§11.13.1. Post-Construction Stormwater Management: The applicant shall install a storm water management system along all new streets and at other required locations. This system shall meet the following standards:

§11.13.2. Erosion and Sediment Control During Construction

The proposed development is subject to these standards.

**§11.14. Performance Standards** §11.14.1. No land or structure in any zoning district shall be used or occupied in any manner that creates dangerous, injurious, noxious or otherwise objectionable conditions which adversely affect the reasonable use of adjoining or nearby properties). In accordance with the ACT [§§4414(5)], the following performance standards, as measured at the property line, must be met and maintained in all districts for all uses, except for agriculture and forestry.

The proposed development is subject to these standards.