



Memorandum

TO: Development Review Board

FROM: Eric Vorwald, AICP
Planning & Zoning Manager

RE: **165 East Spring Street Minor Subdivision – Preliminary Plan Review**

DATE: June 16, 2022

The purpose of this memo is to provide the Development Review Board (DRB) with information related to the general standards of the Section 6.2 regarding Subdivisions.

Overview

As part of the City's Unified Land Use and Development Regulations, the City classifies subdivisions as either minor (three or fewer lots created) or major (more than three lots created). As such, the standards identified in Section 6.2 – Subdivision, Part H outline the general requirements to be followed for this submission. Below is a summary of those standards with staff's perspective on how the each is being met. Additionally, the applicant has provided a narrative with their submission outlining the project. This information is provided as part of the preliminary plan submission for this project. The DRB should use this information to provide comments to the applicant for the submission of the final plans.

SECTION 6.2 SUBDIVISIONS

H. General Standards.

All land to be subdivided shall be suitable for the intended use and proposed density of development. The subdivision shall not result in undue adverse impacts to public health and safety, the natural environment, neighboring properties and uses, or the character of the area in which it is located. Subdivision applications shall be reviewed for compliance with the following standards:

1. **Development Density.** The allowed density of development within a subdivision shall be calculated by dividing the total land area to be subdivided, excluding existing and proposed road rights-of-way, by the minimum lot size specified for the zoning district(s) in which the subdivision is located (see Article II), except as modified for planned unit developments under Section 6.3.

Relationship to Standard

The property is located in the Residential C (R-C) Zoning District. The R-C Zoning District requires each lot to have a minimum of 7,500 square feet of area and be no less than 50 feet wide at the street and 60 feet deep. The subdivision proposes one new lot with 66 feet of frontage and approximately 85 feet of depth with 7,517 square feet of land area. The remaining parcel will include

117 feet of road frontage, approximately 200 feet of depth with 11,284 square feet of land area. Both lots would meet the minimum dimensional standards for the R-C Zoning District as outlined in Section 2.5.

2. **Existing Site Conditions.** Subdivision layout and design, to the extent physically feasible, shall incorporate and avoid undue adverse impacts to significant natural, historic and scenic resources identified from the Winooski Municipal Development Plan, maps and related inventories, or through site investigation in accordance with Section 4.8, the Historic Structure Section of Design Review in Section 4.4, and other relevant sections of these regulations.

Relationship to Standard

The area proposed for the subdivision is primarily undeveloped, however the driveway that serves the existing two-unit structure located at 165 East Spring Street extends onto the proposed area to be subdivided. The plans indicate that this driveway would be removed and restored, presumably to a natural state, however the plans do not indicate the level of restoration that is proposed. No natural, historic, or scenic resources are identified in this location.

3. **Winooski Municipal Development Plan & Regulations.** Subdivisions shall conform to clearly stated policies and objectives in the Winooski Municipal Development Plan as most recently amended, other provisions of these regulations, adopted capital improvement programs, and other city bylaws, ordinances and regulations in effect at the time of application.

Relationship to Standard

The City of Winooski adopted the current Master Plan in 2019. The master plan includes goals and policies to promote affordable home ownership, redevelopment of properties to maximize existing infrastructure, and redevelopment of underutilized properties along the gateways. This proposal would support these goals by creating a new building lot in the City that can increase housing opportunities.

4. **District Settlement Patterns.** A subdivision shall be designed and configured to reflect the desired settlement pattern for the zoning district(s) in which it is located, as defined under Article II and the Winooski Municipal Development Plan. To this end, the following standards shall apply to subdivisions within respective zoning districts:
 - a. **Residential Zoning Districts.** Subdivision within this district shall be designed and configured to reinforce a compact residential, pedestrian scale and pattern of development. Lots and building envelopes shall be sized and located to maintain a consistent building line and streetscape along roads, and to maintain privacy in the rear. Subdivisions in this district also shall be designed to incorporate, extend, or connect to existing roads, sidewalks and utility corridors. Sidewalks and other pedestrian facilities shall be provided where physically feasible; new roads in these districts shall be designed to maximize pedestrian and bicycle safety and circulation.

Relationship to Standard

The subdivision, as proposed, will create one new building lot. The applicant has shown the new lot with the development of a two-unit structure, however this is for conceptual purposes only. The application is for the subdivision and does not include the two-unit dwelling; which would be reviewed

under a separate application. The property is located in the Residential C (R-C) Zoning District which is intended for residential uses at a density of three dwellings per lot.

5. **Lot Layout.** Lots and lot layouts shall be configured to:
- a. be suitable for their intended use, for subsequent development (building lots) or for public use or common open space areas;
 - b. conform to desired district settlement patterns, as required under Subsection H.4;
 - c. meet minimum lot size and density requirements under Article II, except as modified for planned unit developments under Section 6.3;
 - d. avoid irregularly shaped lots (e.g., with curves, jogs, dog-legs, etc.), unless warranted due to topographic or other physical site constraints, or to minimize the fragmentation of natural, scenic or cultural resources under Section 4.8.

Relationship to Standard

The subdivision proposes an irregular shaped lot; however, it does not appear to include any dimensional boundaries that would impede or limit development of the property. The parent parcel will also not be a uniform dimension, but given the overall size and the fact that it is currently developed, both lots will meet the minimum dimensional standards and neither lot should be limited by the boundaries that are proposed. The applicant also includes a speculative development on the new lot which fits within the proposed boundaries, including setbacks. As noted previously, proposed development on new lot is not included in this application and not under review at this time.

6. **Building Envelopes.** The designation of building envelopes to limit the location of structures, parking areas, and associated site improvements to one or more portions of a lot shall be required for all subdivided lots, as shown on the subdivision plat. The location, size and shape of each building envelope shall be established in accordance with these regulations, including zoning district requirements under Article II, and resource protection standards under Section 4.8. The DRB also may require the identification of specific building locations (footprints) if, in its judgment, such information is needed to determine conformance with these regulations.

Relationship to Standard

The setbacks for each proposed lot are included on the plans. Additionally, building footprints are identified to show future development potential on the new property. As noted previously, this is only speculative and any future development on either lot will require a formal submission at a future date.

7. **Survey Monuments.** The locations of all proposed permanent surveying monuments and corner markers, as required under the Rules of the Board of Land Surveyors, shall be identified on the final subdivision plat. The DRB may also require that the corner points of designated building envelopes be marked on the ground with iron pins and identified on the final subdivision plat.

Relationship to Standard

Specific survey monuments or markers will be included on the final plan as required by governing regulations and will be recorded as part of the final subdivision and the locations are shown on the preliminary subdivision plan.

8. **Landscaping & Screening.** Landscaping and screening shall be provided, in accordance with Section 4.7.

Relationship to Standard

Projects that include three or fewer dwelling units are exempt from Section 4.7. The R-C Zoning District has a maximum density of three units per lot, therefore the proposed properties would be exempt from the landscaping and screening requirements of Section 4.7.

9. **Energy Conservation.** Subdivision design and layout, to the extent physically feasible, should encourage energy efficient design by:
- a. Locating and orienting sites (e.g., building lots, envelopes) to maximize southern exposures where available, and solar access for solar energy and heating systems.
 - b. Clustering development (e.g., building lots, envelopes) to minimize road and utility line extensions and to allow for group net-metering.
 - c. Incorporating existing topography, natural vegetation and landscaping to provide wind breaks, seasonal shade and solar access, and to reduce building heating and cooling needs.

Relationship to Standard

The proposed subdivision includes the creation of one new building lot. The existing property would remain with a two-unit dwelling. The new building lot does provide a footprint for a potential two-unit structure, however this application is only for the subdivision. To the extent possible, any development on the newly created lot would need to meet the State of Vermont's Residential Building Energy Standards, including methods for energy conservation.

10. **Common Open Space Areas.** The location, size and shape of lands set aside to be preserved and managed as common open space areas shall be suitable for their intended purpose and use and approved by the DRB, in accordance with Section 4.8.

Relationship to Standard

Aside from slopes, there are no significant natural resources on the property to be protected or conserved. Additional information regarding the specific slope percentages may be needed to ensure consistency with Section 4.8. Otherwise, no other natural resources have been identified on the properties.

11. **Stormwater Management and Erosion Control.** Temporary and permanent stormwater management and erosion control measures shall be used during all phases of subdivision development as necessary to limit surface runoff and erosion, protect water quality and to

avoid damage to downstream properties in conformance with Section 4.15. In addition, building envelopes, driveways, road and utility corridors shall be located to minimize site disturbance on steep slopes (15% or more) and, to the greatest extent feasible, avoid site disturbance on very steep slopes (25% or more) in accordance with Section 4.8.

Relationship to Standard

The area of the subdivision is currently wooded and partially paved. Any proposed development will need to incorporate stormwater management for any new structures or areas of impervious coverage on the property.

12. **Access & Driveways.** Access to the subdivision and to individual lots within the subdivision shall at minimum meet the requirements of Section 4.2 (Access) and the relevant sub-parts of Section 4.12 (Parking), and the following:
- a. All lots created after the effective date of these regulations that are intended for development must meet minimum applicable frontage requirements along public road rights-of-way for the district(s) in which they are located unless modified or waived by the DRB for planned unit development under Article IX. The DRB may also reduce or waive district lot frontage requirements for:
 - i. minor (up to three lot) subdivisions accessed by a shared driveway; or
 - ii. lots that will be maintained in perpetuity as undeveloped open land to be used only for passive outdoor recreation or resource conservation.
 - b. Access permits, as required under Section 4.2, are required prior to filing an application for final subdivision review.
 - c. Access to a subdivision shall conform to adopted state or municipal access management plans and capital improvement plans. Planned highway and access improvements, including proposed rights-of-way, shall be incorporated in subdivision design. Right-of-way reservations may be required as necessary to accommodate planned improvements.

Relationship to Standard

The applicant proposes access to the new lot from East Spring Street. The existing two-unit dwelling would continue to be accessed from Normand Court at the rear of the property. For reference, Normand Court is a minimally improved private access that serves the properties at 165, 159, and 157 East Spring Street.

13. **Driveways.** Driveways serving minor subdivisions of three or fewer lots shall meet the requirements of Section 4.2 and the Winooski Public Works Specifications in effect at the time of application. For the purposes of these regulations, driveways serving four or more lots shall be considered development roads subject to the requirements of Subsection H.14.

Relationship to Standard

The proposed property would be served through a new driveway from East Spring Street. This driveway would need to be reviewed and permitted through the Department of Public Works. This review would occur in conjunction with an application for land development, which is not included with this request.

14. **Development Roads.** The following road standards shall apply to all rights-of-way serving or accessing four or more lots. Roads shall be considered private roads until such time as they are accepted by the City of Winooski as a public road in accordance with adopted city road policies, ordinances and state statutes.
- a. Layout. To promote safety, to facilitate traffic flow and emergency vehicle access, and to protect significant resources, roads shall, to the extent physically feasible, be laid out to:
 - i. Provide a right-of-way for access to adjacent lots for future development.
 - ii. Follow existing linear features where physically feasible (e.g., utility corridors, tree and fence lines), and meet other requirements for the protection of identified resource and hazard areas under Section 4.8.
 - iii. Logically relate to topography, following contour elevations, to minimize the amount of cut and fill required and to maintain reasonable finished grades and safe intersections.
 - iv. Extend or connect to existing or planned roads adjoining the subdivision, under joint agreement or in common or public ownership.

Relationship to Standard

No new roads are proposed with this subdivision.

15. **Improvements.** The proposed subdivision shall not unduly burden town or state highways, including roads and intersections in the vicinity of the project. Any highway access, drainage, lane, or other infrastructure or traffic control improvements necessitated by the proposed subdivision shall be paid for and installed by the applicant, unless otherwise approved by the DRB in consultation with the City Council or state highway officials. The DRB also may require as conditions of approval, as necessary to ensure compliance with these regulations:
- a. Performance bonding or other form of surety acceptable to the City Council to ensure that required road, intersection and related infrastructure improvements are installed as approved by the DRB.
 - b. The phasing of development in relation to planned state or municipal transportation infrastructure improvements included in adopted capital improvement programs.
 - c. A development agreement approved by the City Council governing the timing, installation and any agreed upon cost-sharing arrangements between the subdivider and the city or other affected property owners.

Relationship to Standard

The subdivision does not propose any new roads or other specific improvements that would be dedicated to the City.

16. **Names, Signs and 911 Locator Numbers.** Road names shall be approved by the Winooski City Council as part of the subdivision process. Approved road names and assigned 911 locator numbers for each parcel shall be clearly depicted on the final plat, and identified on signs approved by the ZA.

Relationship to Standard

Addressing will be done in coordination with the State E911 Coordinator. It is expected that the proposed property will be addressed from East Spring Street. Addressing should be reviewed by the State E911 Coordinator and be included with a final plan submission.

17. **Transit Facilities.** The DRB may require that subdivisions located on existing or planned transit routes, including school bus routes, incorporate a sheltered transit or bus stop in subdivision design.

Relationship to Standard

There are no transit facilities proposed with this subdivision.

18. **Public Facilities & Utilities.** The DRB shall find that the proposed subdivision does not create an undue burden on existing and planned public facilities in accordance with Section 4.16. The applicant and DRB may consult with appropriate municipal and school officials and emergency service providers to determine whether adequate capacity exists to serve the subdivision.

Relationship to Standard

The City has adequate capacity to serve the proposed property with water and wastewater. While not a requirement of land use approval, the applicant should consult with the Winooski School District to ensure the proposal will not adversely impact the redevelopment project that is currently underway at the school campus. Otherwise, no adverse impacts are expected on the City's existing facilities. Any specific impacts would be addressed during the design and review for the zoning permitting of any future development project.

19. **Legal Requirements.**
 - a. Common open space areas may be held in common ownership or in separate individual ownership from contiguous parcels. At minimum, land designated as common open space areas shall be indicated with appropriate notation on the final subdivision plat. In addition, the DRB may consider, as required for long-term protection:
 - i. A restriction prohibiting the further subdivision of a conserved lot or other protected open space area, as noted on the final plat and in accompanying legal documentation.

- ii. The dedication of such land, either in fee or through a conservation easement approved by the DRB, to the municipality, an owners' association comprised of all present or future owners of subdivided lots, the applicant, and/or a nonprofit conservation organization with the demonstrated capacity and qualifications to manage conservation easements.

- b. The applicant shall provide documentation and assurances that all required improvements, associated rights-of-way and easements, and other common lands or facilities will be adequately maintained in accordance with an approved management plan, either by the applicant, an owners' association, or through other legal means acceptable to the DRB. Draft management plans and documentation must be submitted with the application for final subdivision review, for approval by the DRB. The DRB may forward submitted documentation to the City Council and City attorney for review. All legal documents, as approved by the DRB, shall be filed in the land records of the City in association with recording the final subdivision plat.

- c. All required improvements shall be constructed to approved specifications in accordance with a construction schedule approved by the DRB. The DRB may require the issuance of a Certificate of Compliance to ensure that all such improvements are completed prior to the issuance of zoning permits for the subsequent development of subdivided lots.

Relationship to Standard

No shared elements are identified between the parent property and the subdivided property therefore legal agreements between the properties should not be required.