



## Memorandum

**TO:** Development Review Board

**FROM:** Eric Vorwald, AICP  
Planning & Zoning Manager

**RE:** **262 North Street – Preliminary/Final Subdivision Plan Review Standards**

**DATE:** September 15, 2022

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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/final plan submission for this project. The DRB should use this information to deliberate on the proposed subdivision.

## 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 A (R-A) Zoning District. The R-A Zoning District requires each lot to have a minimum of 10,000 square feet of area and be no less than 75 feet wide at the street and 100 feet deep. The subdivision proposes one new lot with 119 feet of frontage and over 200 feet of depth with 18,340 feet of land area. The remaining parcel will include 102 feet of road*

*frontage, over 200 feet of depth with 19,810 square feet of land area. Both lots would meet the minimum dimensional standards for the R-A 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 undeveloped and has typical vegetative cover. There is a steep embankment between North Street and the proposed area for the new lot, however the property is generally flat and provides sufficient lot area for development. No natural, historic, or scenic resources are identified in this location based on the Vermont Agency of Natural Resources (ANR) BioFinder or the ANR Atlas.*

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 could be developed with a single unit dwelling.*

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, which can be developed with a single unit dwelling and, depending on the ownership, one accessory dwelling. The new dwelling would be permitted as a use by right in the Residential A Zoning District. The property is currently developed with a pre-existing non-conforming use, which includes a five-unit dwelling. No changes to the*

*existing use are proposed and would require separate application. The properties surrounding 262 North Street are all zoned R-A and developed with single unit dwellings with the exception of Landry Park, which is zoned "Public". Development on the proposed lot would be consistent with the settlement pattern in the rest of the district.*

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 a slightly 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, neither lot should be limited by the boundaries that are proposed.*

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 buildable areas for each proposed lot are included on the plans and the existing building envelop is shown. Since this proposal is for a subdivision only, no proposed building footprint is included on the proposed new lot, however the overall buildable area is identified as approximately 9,000 square feet. The buildable area should provide more than enough space to accommodate a new dwelling, consistent with the uses identified in the use table (Table 2.4).*

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 are included on the preliminary/final plan as required by governing regulations and will be recorded as part of the project if approved by the DRB.*

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-A Zoning District has a maximum density of two units per lot, therefore the proposed properties would be exempt from the landscaping and screening requirements of Section 4.7. While the existing lot is developed with a five-unit building, it is a pre-existing non-conforming use and therefore would be exempt from Section 4.7 as well.*

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 proposal includes a subdivision for two total lots. The property is developed with a pre-existing non-conforming use and therefore cannot be developed any further. The proposed new lot can only be developed with one dwelling unit and a possible accessory dwelling. With limited development potential of this subdivision, clustering of buildings is not possible. Additionally, there is a steep slope where the property fronts the street, but the rest of the land is generally flat and wooded around the western and southern boundaries.*

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

*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 undeveloped. The proposed development will need to incorporate stormwater management for any new structures or areas of impervious coverage on the property. There should be sufficient land to accommodate any on-site stormwater facilities that may be needed for development of the new lot.*

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 proposed lot will have frontage on North Street, which will be where the property is accessed. While the exact location for the future access has not been identified, there is approximately 120 feet of frontage along North Street to locate a driveway. The existing development has a driveway onto North Street that will be maintained. Any new driveway or access will need to meet the minimum standards for driveways and curb-cuts as identified by the Department of Public Works.*

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

*It is presumed that any proposed development would be served through a new driveway from North Street, however one is not included on the preliminary/final subdivision plan. 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.*

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 and the City and should be completed prior to the subdivision being recorded in City's Land Records if approved by the DRB.*

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.*