

**CITY OF SOUTH BURLINGTON
DEPARTMENT OF PLANNING AND ZONING**

**DORSET MEADOWS ASSOCIATES, LLC
1505 DORSET STREET
FINAL PLAT APPLICATION #SD-19-27
FINDINGS OF FACT AND DECISION**

Final plat application #SD-19-27 of Dorset Meadows Associates LLC for a planned unit development on two lots developed with one (1) single family dwelling. The planned unit development is to consist of 94 single family homes, 24 dwelling units in two-family homes, 35 dwelling units in multi-family homes, one existing single family home, conservation of 15.80 acres on-site and conservation of approximately 55 acres off-site through the purchase of 71¹ Transferable Development Rights, 1505 Dorset Street.

The Development Review Board held a public hearing on November 5, 2019. Following a Board action to re-open the hearing for additional testimony on December 17, 2019, the Board held an additional hearing on January 22, 2020. Board members John Wilking and Brian Sullivan recused themselves from the hearing and did not participate in this decision. Alternate Board member Jennifer Smith participated in the hearing. The applicant was represented by Peter Kahn, Bryan Currier, and Paul O'Leary.

Based on testimony provided at the above-mentioned public hearing and the plans and supporting materials contained in the document file for this application, the Development Review Board finds, concludes, and decides the following:

FINDINGS OF FACT

1. The project consists of final plat application #SD-19-27 of Dorset Meadows Associates LLC for a planned unit development on two lots developed with one (1) single family dwelling. The planned unit development is to consist of 94 single family homes, 24 dwelling units in two-family homes, 35 dwelling units in multi-family homes, one existing single family home, conservation of 15.80 acres on-site and conservation of approximately 55 acres off-site through the purchase of 71 Transferable Development Rights, 1505 Dorset Street.
2. The project is located in the Southeast Quadrant Neighborhood Residential, Southeast Quadrant Village Residential and Southeast Quadrant Natural Resource Protection sub-districts.
3. A portion of the project is contained within the Dorset Park Scenic View Protection Overlay District, Zone D.
4. The owners of record of the subject property is Dorset Meadows Associates, LLC.
5. The application was received on August 22, 2019.
6. The plans submitted consist of the following.

¹ It appears an error was made in calculation of TDR requirements at preliminary plat. All of the input data was correct (lot coverage and unit count) but the required number of TDRs was erroneously reported to be 68. The applicant needs 70.2 TDRs. Since TDRs can only be purchased in whole increments, the applicant needs 71 TDRs.

Sheet	Title	Last Revised	Sheet	Title	Last Revised
SH T	Title Sheet	7/17/2019	SH		
SH P	Phasing Plan	7/17/2019	L500	Lighting Details	9/26/2019
SH 1	Existing Conditions	7/17/2019	SH PL1	Overall Subdivision Plat	9/11/2018
SH 2	Overall Site Plan	9/26/2019	SH PL2	Subdivision Plat A	9/11/2018
SH 3	Site Plan (North)	9/26/2019	SH PL3	Subdivision Plat B	9/11/2018
SH 4	Site Plan (South)	9/26/2019	SH PL4	Subdivision Plat C	9/11/2018
SH 5	Site Plan 'A'	7/17/2019	SH PL5	Subdivision Plat D	9/11/2018
SH 6	Site Plan 'B'	7/17/2019	SH PL6	Subdivision Plat E	9/11/2018
			SH PL7	Subdivision Plat F	9/11/2018
SH 7	Site Plan 'C'	7/17/2019	SH S1	Overall Storm Management Plan	9/26/2019
SH 8	Site Plan 'D'	7/17/2019	SH S2	Stormwater Details	7/17/2019
SH 9	Roadway Profile Elderberry Lane	7/17/2019	SH DA1	Duplex Type A footprint	7/17/2019
SH 10	Roadway Profile Linnea Drive	7/17/2019	SH DA2	Duplex Type A Front	7/17/2019
SH 11	Roadway Profile Trillium Street	7/17/2019	SH DA3	Duplex Type A Rear	7/17/2019
SH 12	Roadway Profile Dewberry Ln-Bellflower Ct	7/17/2019	SH DB1	Duplex Type B Footprint	7/17/2019
SH 13	Roadway Sidwalk Details	7/17/2019	SH DB2	Duplex Type B Front	7/17/2019
SH 14	Water System Details	7/17/2019	SH DB3	Duplex Type B Rear	7/17/2019
SH 15	Sewer System Details	7/17/2019	SH DC1	Duplex Type C Footprint	7/17/2019
SH 16	Specifications	7/17/2019	SH DC2	Duplex Type C Front	7/17/2019
SH 17	Signage Plan	10/14/2019	SH DC3	Duplex Type C Rear	7/17/2019
SH 18	Addressing Plan (North)	7/17/2019	SH SF1	Single Family Type 1 (Small Lot)	7/17/2019
SH 19	Addressing Plan (South)	7/17/2019	SH SF2	Single Family Type 2 (Small Lot)	7/17/2019
SH E1	EPSC Construction Phasing Plan	7/17/2019	SH SF3	Single Family Type 3 (Small Lot)	7/17/2019
SH E2	EPSC Pre-Construction Plan	7/17/2019	SH SFA	Single Family Type A (Corner Lot)	7/17/2019
SH E3	EPSC Construction Plan (Phase I)	7/17/2019	SH SFB	Single Family Type B	7/17/2019
SH E4	EPSC Construction Plan (Phase II)	7/17/2019	SH SFC	Single Family Type C	7/17/2019
SH E5	EPSC Construction Plan (Phase II)	10/14/2019	SH SFD	Single Family Type D	7/17/2019
SH E6	EPSC Construction Plan (Phase IV)	10/14/2019	SH SFE	Single Family Type E	7/17/2019
SH E7	EPSC Construction Plan (Phase XX)	7/17/2019	SH SFF	Single Family Type F	7/17/2019
SH E8	EPSC Stabilization Plan	7/17/2019	SH SFG	Single Family Type G	7/17/2019

Sheet	Title	Last Revised	Sheet	Title	Last Revised
SH E9	EPSC Details & Specifications	7/17/2019	SH T1	Townhouse Type 1 Footprint	7/17/2019
SH L200	Landscape Key Plan	10/14/2019	SH T2	Townhouse Type 1 Front	7/17/2019
SH L201	Landscape Plan (North)	10/14/2019	SH TA1	Townhouse Type A (Corner) Footprint	7/17/2019
SH L202	Landscape Plan (South)	10/14/2019	SH TA1	Townhouse Type A Footprint	7/17/2019
SH L203	Landscape Details and Typical Lots	9/26/2019	SH TA2	Townhouse Type A (Corner) Front	7/17/2019
SH L204	Landscape Details and Typical Lots	9/26/2019	SH TA2	Townhouse Type A Front	7/17/2019
SH L205	Landscape Details and Typical Lots	10/14/2019	SH TA3	Townhouse Type A (Corner) Side	7/17/2019
SH L206	Open Space & Vegetation Management Plan	9/26/2019	SH TB1	Townhouse Type B Footprint	7/17/2019
SH L301	Lighting Plan	9/26/2019	SH TB2	Townhouse Type B Front	7/17/2019
SH L302	Lighting Plan	9/26/2019	SH TC1	Townhouse Type C Footprint	7/17/2019
SH L400	Landscape Details and Typical Lots	9/26/2019	SH TC2	Townhouse Type C Front	7/17/2019
SH L401	Tree Inventory Plan	7/17/2019	Exhibit 3	WB-40 Turning Movements	10/14/2019

7. The Project received preliminary plat and master plan approval on June 28, 2019.
8. The preliminary plat and master plan stipulated certain matters to be reviewed further and decided at Final Plat. In general, the project is consistent with the preliminary and master plan approvals, with changes as necessary to address outstanding items from those approvals.

LEGAL CONSIDERATIONS

The proposed project includes the purchase and use of Transferable Development Rights (TDR). In a separate case, *In re: Snyder Development Company*, the Vermont Supreme Court issued a decision on February 21, 2020 upholding the City's application of the City's Land Development Regulations pertaining the TDR provisions. This means that the Board's final plat decision in regards to Snyder Group's PUD will be upheld and the application of the same TDR bylaws in this application (Land Development Regulations Adopted May 12, 2003 with amendments effective August 6, 2018) is valid.

A. ZONING DISTRICT & DIMENSIONAL REQUIREMENTS

Density

The applicant has requested the boundary of the SEQ-NR sub-district be adjusted 50 feet to the west in the SEQ-NRP sub-district acceptable as allowed under LDR Section 15.03C, and replace the lands removed from the SEQ-NRP with conserved lands adjacent to the NRP within the SEQ-NR district. The Board finds this request acceptable. Including the area of the NRP where the regulations of the NR apply, the Board

finds the applicants proposal to construct 35 dwelling units within the 14.97-acre SEQ-VR sub-district, and 120 units, including the existing single family home, within the 38.89-acre SEQ-NR sub-district acceptable. The project proposes to use 71 TDRs. The Applicant has provided proof of an option to purchase sufficient TDRs as part of this application.

The Board finds that the zoning permit for the 83rd dwelling unit shall not be approved unless and until the applicant records the conservation easement and density transfer documents approved by the City Attorney for all 71 TDRs. The density transfer documents must include a plat of all TDRs pursuant to 24 VSA 4423.

Dimensional Standards

The Board finds the following dimensional standard waivers acceptable.

Standard	SEQ-NR Requirement	SEQ-VR Requirement	Requested Revised Standard
Min. Lot Size, Single Family	12,000 sq. ft.	12,000 sq. ft.	4,600 sq. ft. ¹
Max. Building Coverage, Single, Two and Multi-Family	15%	15%	30% ¹
Max. Overall Coverage, Single, Two and Multi-Family	30%	30%	45% ¹
Min. Front Setback, Single, Two and Multi-Family	20 ft.	20 ft.	15 ft.
Min. Side Setback, Single and Two Family	10 ft.	10 ft.	5 ft.
Min. Rear Setback, Units 88 to 91	30 ft.	N/A	10 ft.

1. Lot size and coverage waivers were approved in master plan MP-18-01.

No changes to the requested setback waivers approved at preliminary plat were presented in this application. Aside from units 88 to 91, no waivers are requested for rear setbacks or for side setbacks for the multi-family homes. As noted above, the applicant has requested a rear setback waiver from 30 feet to 10 feet for Units 88 to 91. The Board finds the front setback waiver request supports the goal of an activated street presence with open spaces interwoven throughout the development approves the front setback waiver request. The applicant has revised the plan to show how the 10-foot rear setback waiver could be met by units 88-91. The Board finds the requested rear setback waiver for units 88 to 91 to be acceptable.

Regarding side setbacks and as discussed at preliminary plat, the narrowest lots are located in the interior of the development and appear to have a minimum width of 46 feet. Based on the provided elevations, it appears that only two of the provided single family home types would fit within the remaining 36 feet on the interior lots. For the exterior lots, it appears the widest home types (the ranch-style single family homes) will use the entire available width within the requested setback but the other home types will not require a setback waiver. With these considerations regarding width, the applicant has incorporated into their design guidelines the limitation that no more than two homes of the same type be located adjacent to one another.

The Board finds the applicant must record the Unit Design Guidelines document prior to recording a mylar.

Preconstruction Grade

No changes to the requested adjusted preconstruction grade approved at preliminary plat have been presented in this application. The Board finds acceptable the applicant's request for an adjusted preconstruction grade as allowed under Section 3.12 to minimize the amount of fill while still allowing for sewer and drainage flows without the need for pumps.

Dorset Park View Protection Zone D

Much of the subject acreage is located within the Dorset Park View Protection Zone D. The maximum elevation is based on an equation taking into consideration the distance of the building from the baseline, located on Golf Course Road. Within the limits of the area proposed for development, the limiting maximum elevation is 433.6 feet. This maximum elevation is in the area where single family homes are proposed to have an adjusted preconstruction grade in the range of 397 feet, resulting in a maximum total height at the peak of the roof of 36.6 feet. Buildings meeting the allowable height of 28 feet at the midpoint of the roof will likely fall below the maximum allowable elevation.

The Board finds the applicant must demonstrate that each proposed structure is compliant with the View Protection Zone prior to the issuance of the zoning permit for each building.

B. PLANNED UNIT DEVELOPMENT STANDARDS

Pursuant to Section 15.18 of the South Burlington Land Development Regulations, PUDs shall comply with the following standards and conditions:

(A)(1) Sufficient water supply and wastewater disposal capacity is available to meet the needs of the project.

The Applicant obtained preliminary water allocation for 164 units on August 8, 2018. The Applicant is currently proposing 154 units.

The Applicant obtained preliminary wastewater allocation for 154 units on July 15, 2019. The Applicant has proposed to provide a \$350 per unit fee to cover their share of upgrades to the Vermont National pump station, with an inflation factor of 2.10% annually, to be paid as part of the zoning permit for each unit.

The Board finds the applicant must provide payment in accordance with schedule below, with Year 1 representing the calendar year during which the first zoning permit for a dwelling unit is approved. If the project extends beyond year 10, the inflation schedule shall be extended by 2.1% annually in the pattern established.

<i>Year</i>	<i>Per Unit Fee</i>	<i>Year</i>	<i>Per Unit Fee</i>
<i>1</i>	<i>\$350.00</i>	<i>6</i>	<i>\$387.98</i>
<i>2</i>	<i>\$357.35</i>	<i>7</i>	<i>\$403.84</i>
<i>3</i>	<i>\$364.50</i>	<i>8</i>	<i>\$411.63</i>
<i>4</i>	<i>\$372.67</i>	<i>9</i>	<i>\$419.42</i>
<i>5</i>	<i>\$380.83</i>	<i>10</i>	<i>\$427.21</i>

(A)(2) Sufficient grading and erosion controls will be utilized during and after construction to prevent soil erosion and runoff from creating unhealthy or dangerous conditions on the subject property and adjacent properties.

The Project will require either an individual or general State construction stormwater permit. The Applicant has submitted a detailed erosion control plan as part of this application, which appears to meet the

requirements of Article 16. There are soil stockpile areas proposed to be located in the open spaces for each phase.

The Board finds the location of the soil stockpiles to be acceptable, but finds the applicant must complete construction of the open spaces associated with each phase prior to the zoning permit issuance for the unit representing more than half of the units in that phase.

(A)(3) The project incorporates access, circulation, and traffic management strategies sufficient to prevent unreasonable congestion of adjacent roads.

The Fire Inspector reviewed the plans on September 19, 2019 and requested the applicant widen Bellflower Court to 20-feet. The applicant provided a revised plan set on October 4, 2019 reflecting this change. Other Fire Inspector comments are discussed below. The Board finds this criterion met.

(A)(4) The project's design respects and will provide suitable protection to wetlands, streams, wildlife habitat as identified in the Open Space Strategy, and any unique natural features on the site.

Compliance with this criterion is discussed in the findings for MP-18-01. The applicant has submitted field delineation of wetlands, streams and wildlife habitat. The Board finds this criterion met.

(A)(5) The project is designed to be visually compatible with the planned development patterns in the area, as specified in the Comprehensive Plan and the purpose of the zoning district(s) in which it is located.

Planned development patterns, identified on Map 11 of the 2016 comprehensive plan (Future Land Use), designates the Project area as a mixture of medium intensity residential to mixed use, lower intensity principally residential, and very low intensity principally open space land uses. The Board finds the Project is laid out consistently with the designated land uses on Map 11.

The purpose of the Southeast Quadrant zoning district is, in part, to encourage open space preservation, scenic view and natural resource protection, wildlife habitat preservation, continued agriculture, and well-planned residential use. The design and layout of buildings should be done in a manner to create neighborhoods and a related network of open spaces. Overall Project compliance with the comprehensive plan is considered in the findings for MP-18-01. The Applicant has provided an elevation for the multi-family home facing Dorset Street, demonstrating that the facades facing both Dorset Street and Trillium Street will present as fronts of the building. The Applicant has provided elevation drawings for this building showing entrances along Trillium Street and one entrance with a porch supported by columns on Dorset Street. The Board finds the elevations support this criterion, and finds this criterion met.

(A)(6) Open space areas on the site have been located in such a way as to maximize opportunities for creating contiguous open spaces between adjoining parcels and/or stream buffer areas.

The applicant has connected the open space areas to one another at the Board's request. Overall compliance with this criterion is discussed in the findings for MP-18-01. Compliance with specific elements of open spaces required in the Southeast Quadrant is discussed later in this document.

(A)(7) The layout of a subdivision or PUD has been reviewed by the Fire Chief or (designee) to ensure that adequate fire protection can be provided.

The Fire Inspector reviewed the plans on September 18, 2019, and the applicant addressed those comments on 10/4/2019. The Fire Inspector provided the following follow-up comment on 10/9/2019.

I took a look, just want to repeat the comment of having signs, trees, light poles or any other obstructions to be pushed back at all the intersections.

The Fire Chief has also requested signage indicating no parking between the designated parking areas on the driveway at the multifamily homes on Nowland Farm Road. The applicant has indicated that the driveway segments in front of each garage in this area are sufficiently large to allow parking of services vehicles to support service vehicles not ending up parked in the area needed for emergency vehicle movements. The no parking signage in the driveway at the multifamily homes on Nowland Farm Road is not in the location the Fire Chief indicated; the Fire Chief was asking for signage on the south side of the east-west segment of the driveway.

The Board finds the applicant must remove the no parking signage from the north-south segment of the driveway and provide no parking signage on the south side of the east-west segment.

(A)(8) Roads, recreation paths, stormwater facilities, sidewalks, landscaping, utility lines and lighting have been designed in a manner that is compatible with the extension of such services and infrastructure to adjacent landowners.

The Project provides for connections to the south as well as to existing roadways at Dorset Street and Nowland Farm Road. Roads, recreation paths/sidewalks and utilities are all proposed to connect at these points. Lighting plans show consistent proposed lighting layout throughout the development and the proposed fixtures are consistent with the approved fixtures for the City. Fixtures are proposed to be mounted on 13-foot poles.

The stormwater services division reviewed the plans on September 6, 2019 and considered their comments provided at preliminary plat addressed.

The Board finds this criterion met.

(A)(9) Roads, utilities, sidewalks, recreation paths, and lighting are designed in a manner that is consistent with City utility and roadway plans and maintenance standards, absent a specific agreement with the Applicant related to maintenance that has been approved by the City Council. For Transect Zone subdivisions, this standard shall only apply to the location and type of roads, recreation paths, and sidewalks.

The Board finds the provided layout elements consistent with City standards.

The Public Works Director reviewed the plans and indicated by email on 10/10/2019 he has no additional comments. They have addressed all earlier concerns.

(A)(10) The project is consistent with the goals and objectives of the Comprehensive Plan for the affected district(s).

The comprehensive plan is a guiding document which is intended to set the basis for additional processes, actions or tools, which includes but is specifically not limited to the LDRs.

The Goals of the comprehensive plan are

1. *Affordable & community Strong. Creating a robust sense of place and opportunity for our residents and visitors.*
2. *Walkable. Bicycle and pedestrian friendly with safe transportation infrastructure.*
3. *Green & clean. Emphasizing sustainability for long-term viability of a clean and green South Burlington.*
4. *Opportunity Oriented. Being a supportive and engaged member of the larger regional and statewide community.*

The objectives for the SEQ identified in the comprehensive plan are as follows.

Objective 60. Give priority to the conservation of contiguous and interconnected open space areas within this quadrant outside of those areas [districts, zones] specifically designated for development.

Objective 61. Maintain opportunities for traditional and emerging forms of agriculture that complement and help sustain a growing city, and maintain the productivity of South Burlington's remaining agricultural lands.

Objective 62. Enhance Dorset Street as the SEQ's "main street" with traffic calming techniques, streetscape improvements, safe interconnected pedestrian pathways and crossings, and a roadway profile suited to its intended local traffic function.

As discussed above, the Board finds these goals and objectives met.

C. SITE PLAN REVIEW STANDARDS

14.06 General Review Standards

Pursuant to Section 14.03(A)(6) of the South Burlington Land Development Regulations, any PUD shall require site plan approval. Excluded from site plan review are one and two family dwellings on a single lot. This means that the two family dwellings and the single family dwellings on shared lots within the Proposed development are subject to these standards, because they are not located on single lots. Section 14.06 of the South Burlington Land Development Regulations establishes the following general review standards for all site plan applications:

- A. *Relationship of Proposed Development to the City of South Burlington Comprehensive Plan. Due attention by the applicant should be given to the goals and objectives and the stated land use policies for the City of South Burlington as set forth in the Comprehensive Plan.***

Conformance with the Goals and Objectives of the Comprehensive Plan is described in conjunction with Planned Unit Development Standard (A)(10) above.

- B. *Relationship of Proposed Structures to the Site.***

(1) The site shall be planned to accomplish a desirable transition from structure to site, from structure to structure, and to provide for adequate planting, safe pedestrian movement, and adequate parking areas.

As discussed elsewhere in this decision, the Applicant has provided for a variety of home types with common elements creating a theme and variation approach. Provided landscaping exceeds the minimum requirement by approximately \$143,000, as discussed under criterion 14.07D below. Pedestrian movement is facilitated by a network of sidewalks and recreation paths along the proposed roadways as well as network of walking paths that are part of the provided parks.

Parking is provided in private garages and driveways, with parking along at least one side of the street in all locations where homes front onto the street. The Board finds this criterion met.

(2) Parking:

(a) Parking shall be located to the rear or sides of buildings. Any side of a building facing a public street shall be considered a front side of a building for the purposes of this subsection.

The proposed single and two-family homes are exempt from this standard. The multi-family homes have parking to the rear or side. The Board finds this criterion met.

(3) *Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing or anticipated adjoining buildings.*

The Board finds the provided home elevations and layout will result in a mixed but harmonious visual appearance.

See also section 9.08C and 9.09C for a discussion of SEQ housing styles.

(4) *Newly installed utility services and service modifications necessitated by exterior alterations or building expansion shall, to the extent feasible, be underground.*

At preliminary plat, the Board required the applicant to submit drawings showing the proposed layout of site utilities, including electric cabinets, as part of the final plat application. The applicant has done so, generally locating the utility cabinets to the rear of the sidewalk. Utilities are proposed to be underground. The Board finds this criterion met.

C. Relationship of Structures and Site to Adjoining Area.

(1) The Development Review Board shall encourage the use of a combination of common materials and architectural characteristics (e.g., rhythm, color, texture, form or detailing), landscaping, buffers, screens and visual interruptions to create attractive transitions between buildings of different architectural styles.

(2) Proposed structures shall be related harmoniously to themselves, the terrain and to existing buildings and roads in the vicinity that have a visual relationship to the proposed structures.

The Applicant has submitted a set of model home plans and elevations for each of the single family, duplex and multi-family dwellings. The Board has reviewed the provided elevations and finds each home type is harmoniously related to but sufficiently different from the others to create an attractive, coherent and yet diverse neighborhood. The applicant has proposed a Unit Design Guidelines document to ensure that the mixture of home models meet this standard.

In addition to internal harmony, the applicant has designed the home architecture and lot layout at the perimeter of the development to be transitional between existing homes along Nowland Farm Road and Dorset Street and the development.

The Board finds the applicant must record the Unit Design Guidelines document prior to recording a mylar.

14.07 Specific Review Standards

In addition to the above general review standards, site plan applications shall meet the following specific standards as set forth in Section 14.07 of the Land Development Regulations:

- A. Access to Abutting Properties.** *The reservation of land may be required on any lot for provision of access to abutting properties whenever such access is deemed necessary to reduce curb cuts onto an arterial or collector street, to provide additional access for emergency or other purposes, or to improve general access and circulation in the area.*

The applicant has proposed a street and recreation path connection to the south adjacent property for future connection and a pedestrian trail easement to the west. The easement is not intended to represent a fixed location in space; it's final configuration will depend on how things evolve with connectivity to the Underwood parcel over the next several years.

The Board finds the applicant must provide an irrevocable offer for the 10-foot wide pedestrian easement, with language similar to the following:

A 10-foot wide pedestrian easement, with substantially the same access and connectivity and in a similar location to the pedestrian easement shown on PL1, recorded at map & slide no ___. The easement shall extend to either the north or west property boundary.

The Board finds the applicant must complete clearing of this pedestrian trail easement to the west as part of the open space for Phase IV in coordination with the City of South Burlington Recreation and Parks Department, and prior to the City's acceptance of the irrevocable offer.

- B. Utility Services.** *Electric, telephone and other wire-served utility lines and service connections shall be underground. Any utility installations remaining above ground shall be located so as to have a harmonious relation to neighboring properties and to the site.*

See discussion under Site Plan General Review Standards above.

- C. Disposal of Wastes.** *All dumpsters and other facilities to handle solid waste, including compliance with any recycling or other requirements, shall be accessible, secure and properly screened with opaque fencing to ensure that trash and debris do not escape the enclosure(s).*

The applicant has proposed a dumpster location for the multifamily units. The applicant has provided a 6-foot tall enclosure constructed of wood privacy slats and matching gates. The Board finds this criterion met.

- D. Landscaping and Screening Requirements.** *(See Article 13, Section 13.06)*

Pursuant to Section 13.06(A) of the Land Development Regulations, landscaping and screening shall be required for all uses subject to planned unit development review. The applicant estimates the total minimum required landscape budget to be \$150,887 based on a total building cost of \$14,058,750 (excluding single family homes², which are exempt from minimum landscape budget standards). The applicants proposed landscaping consists of a total of \$293,990 in trees

² Duplexes on their own lot are also exempt from landscape budget standards, but none are proposed.

and shrubs, which includes plantings in the areas of the duplexes on shared lots, the multi-family homes, the greenspace and stormwater buffer areas, and in the wetland buffers.

The Board finds the applicant must bond for the full \$293,990 landscape value in accordance with the schedule in LDR 15.15, but may bond by project phase rather than overall, according to the following breakdown of landscaping value by phase. The zoning administrator may approve a different amount based on updated costs at the time of zoning permit application.

- Phase I: \$58,000
- Phase II: \$74,982
- Phase III: \$49,746
- Phase IV: \$35,454
- Phase XX: \$75,808

Additional landscaping bonding will be required for the street trees on a per phase basis.

The Board finds the applicant must provide a street tree bond in the amount below, or a different amount based on updated costs and approved by the zoning administrator, at the time of the first zoning permit for each phase

- Phase I \$75,192.50
- Phase II \$58,737.50
- Phase III \$51,875.00
- Phase IV \$37,997.50

There are no street trees in Phase XX

The City Arborist provided comments on the plans in an email dated September 3, 2019. The applicant addressed these comments in a submission on October 4, 2019. On October 15, 2019, the City Arborist indicated by email their comments have been addressed.

13.06C requires all utility improvements such as transformer(s) to be effectively screened. Such screening shall be a permanently maintained landscape of evergreen or a mix of evergreen and deciduous trees and shrubs, or a solid fence. The applicant has provided a revised landscaping plan which shows the transformers and secondary pedestals will be fully screened, though the applicant has indicated in a note on landscaping plan sheet L205 that Green Mountain Power standards dictate that trees and shrubs must be set back 5 feet from the sides and rear and 10 feet from the front of transformers. Only herbaceous plants are allowed within the setback. Given the purported feedback from Green Mountain Power and the ability of grasses to rebound from damage due to maintenance, the Board finds the provided landscaping meets the screening standard of 13.06C.

E. *Modification of Standards. Except within the City Center Form Based Code District, where the limitations of a site may cause unusual hardship in complying with any of the standards above and waiver therefrom will not endanger the public health, safety or welfare, the Development Review Board may modify such standards as long as the general objectives of Article 14 and the City's Comprehensive Plan are met. However, in no case shall the DRB permit the location of a new structure less than five (5) feet from any property boundary and in no case shall be the DRB allow land development creating a total site coverage exceeding the allowable limit for the applicable zoning district in the case of new development, or increasing the coverage on sites where the pre-existing condition exceeds the applicable limit.*

The Board finds the applicant's requested waivers do not detract from the general objectives of Article 14

or the City's Comprehensive Plan.

F. Low Impact Development. The use of low impact site design strategies that minimize site disturbance, and that integrate structures, landscaping, natural hydrologic functions, and various other techniques to minimize runoff from impervious surfaces and to infiltrate precipitation into underlying soils and groundwater as close as is reasonable practicable to where it hits the ground, is required pursuant to the standards contained within Article 12.

Stormwater infrastructure and compliance with the standards of Article 12 is discussed under PUD Standard (A)(8) above. The Board finds this criterion met.

G. Standards for Roadways, Parking and Circulation. Standards of Section 15.12 Standards for Roadways, Parking, and Circulation shall be met.

See discussion under PUD Standards (A)(8) and (A)(9) above.

E. SOUTHEAST QUADRANT

This proposed subdivision is located in the southeast quadrant district. Therefore, it is subject to the provisions of Section 9 of the SBLDR.

9.06 Dimensional and Design Requirements Applicable to All Sub-Districts. The following standards shall apply to development and improvements within the entire SEQ:

A. Height. See Article 3.07.

Article 3.07 states that the requirements of Table C-2, Dimensional Standards, apply for the maximum number of stories and the maximum height. Waivers are not available for structures within the SEQ zoning district.

The Project is located within the SEQ-NRP, SEQ-NR, and SEQ-VR sub-districts. Height has been discussed above as it pertains to alteration of existing grade and view protection districts. The Board finds this criterion met.

B. Open Space and Resource Protection.

(1) Open space areas on the site shall be located in such a way as to maximize opportunities for creating usable, contiguous open spaces between adjoining parcels, creating or enhancing stream buffer areas, or creating or enhancing buffers for primary or secondary natural communities.

The Applicant met with the Recreation and Parks committee on November 19, 2018. The applicant incorporated the comments of the committee by providing a variety of open space types throughout the development, shown most clearly on the Landscaping plans Sheet L201 and L202. Open space types specifically from the future PUD matrix include a neighborhood park to include a basketball court, a playground, an enhanced wooded area, and several pedestrian passes connecting the open spaces. In addition to the internal and perimeter open spaces, the property incorporates a large forested area to the west which creates a continuous open space with several adjoining properties. Emphasis has been placed on creating inviting open spaces that are well delineated as separate from the home lots. The Board finds this criterion met.

(2) Building lots, streets and other structures shall be located in a manner consistent with the Regulating Plan for the applicable sub-district allowing carefully planned development at

the average densities provided in this bylaw.

The building lots, streets and structures are located in a manner that is consistent with the Regulating Plan as discussed in connection with Sections 9.08 and 9.09, below. Moreover, the average density for the subject parcel allows no more than 275 units on the subject properties; the applicant is proposing 155 units. The Board finds this criterion met.

(3) A plan for the proposed open spaces and/or natural areas and their ongoing management shall be established by the applicant. Such plan shall describe the intended use and maintenance of each area. Continuance of agricultural uses or enhancement of wildlife habitat values in such plans for use and maintenance is encouraged. Existing natural resources on each site shall be protected through the development plan, including (but not limited to) primary natural communities, streams, wetlands, floodplains, conservation areas shown in the Comprehensive Plan, and special natural and/or geologic features such as mature forests, headwaters areas, and prominent ridges. In making this finding the Development Review Board shall use the provisions of Article 12 of this bylaw related to wetlands and stream buffers.

Implicit in this criterion is that resource areas must be identified before the Board can determine if the applicant's plan for open spaces, natural areas and their ongoing management is adequate and if existing natural resources on the site will be protected through the proposed development plan.

The applicant has provided field delineation of natural resources including existing trees, river corridors, wetlands, floodplains and rare, threatened and endangered species. In the case of river corridors, wetlands and floodplains, the field delineation has been confirmed by state and federal agencies with jurisdiction over those resources.

There are some existing trees located within the development. The applicant has prepared a tree inventory plan showing how the existing trees greater than 6 inches in caliper relate to the proposed development, and has provided a plan showing trees to be preserved. The Applicant is proposing to preserve approximately 3 maples and 9 pines. The Board finds the applicant must retain the "to be preserved" trees during development of the parcel but that the homeowners' association ("HOA") shall not be required to retain them should management become an issue in the future.

The applicant has provided an open space and tree management plan as part of proposed HOA documents which indicates that open spaces and trees shall be maintained as designed. The only information in those documents relevant to the DRB's decision is that relating to open space maintenance, including wetlands and wetland buffers. The Board finds the applicant may amend other elements of the HOA documents without City review or approval, and therefore finds the open space management plan must be the subject of a separate Notice of Conditions to be recorded.

In the wetland buffer area, the applicant is proposing the following maintenance plan:

Buffer areas are to be planted using a matrix of grassland/shrubland community plant species, as well as several native tree species. Upon establishment of plantings, buffer areas are to be left to vegetate naturally, except in height management area.

The wetland buffer occurs at the toe of a proposed slope which ranges in height from three to approximately eight feet. The applicant is proposing a moderately dense row of trees along the buffer, which will mark approximately 50% of the line. The Board finds wetland buffers adequately delineated and protected. Streams, stream buffers, and floodplains are contained within the wetland buffer and are also adequately delineated and protected.

Conservation areas in the Comprehensive Plan are described on page 2-103 and include primary and secondary conservation areas as shown on Maps 7 and 8. Comprehensive Plan Map 7 identifies the following primary conservation areas: riparian connectivity, 20-25% slope, 25%+ slope, rare natural communities, 100-year flood, Zone 1 Source Protection Areas, Rare Species, and Wetlands. The project parcels include areas identified on Map 7 as Riparian Connectivity and as Wetlands. The Comprehensive Plan does not define riparian connectivity, but notes that the 2014 Open Space Report identifies and describes the resource conservation areas which must be protected and is the source of Comprehensive Plan Map 7 (p 2-103). The 2014 Open Space Report is based in part on BioFinder, developed by the Vermont Agency of Natural Resources, and describes riparian connectivity as follows.

Riparian Connectivity (L8). Riparian connectivity refers to the land along streams, rivers, lakes and ponds occupied by plants and wildlife that also serve as “corridors” for wildlife movement. The connectivity layer consists of the undeveloped sections of mapped surface water and riparian areas (A1) shown on the Water Resources Map.

The parenthetical references within the 2014 Open Space Report refer to map components identified and described in the BioFinder Development Report – 2013³. Riparian connectivity (L8) is described in greater detail in BioFinder 2013, summarized as follows:

Riparian connectivity, in the context of BioFinder, includes all non-developed cover classes within the Surface Waters and Riparian Area (A1) dataset.

The Surface Waters and Riparian Area (A1) component was mapped by aggregating the Vermont Hydrographic Dataset and the Valley Bottom Land Type Associations, and adding a 50- or 100- foot riparian area to the outside of the aggregated layer, depending on stream order. In the case of the project area, the riparian area is 50-feet based on a stream order 2.

Both the 2014 Open Space Report and BioFinder are clear that the applicable maps provide notice that a conservation area may be located on a particular parcel, but need not replace site visits or site-specific data and analyses and should only be used to gain a general understanding of components likely to be at play. The applicant responded to the Board’s request for supplemental evidence on riparian connectivity by aggregating the field delineated elements which make up surface water and riparian areas, including the stream surface water, the wetland associated with the stream, and the floodplain associated with the stream. The applicant did not conduct a field investigation to identify and map or otherwise confirm a valley bottom functional equivalent, nor did applicant identify and include additional riparian area. Therefore, the applicant has not provided a complete site-specific delineation of riparian connectivity. Without a complete analysis of the extent and location of riparian connectivity within the subject property, applicant cannot demonstrate that it has established a plan for the ongoing management of open spaces and natural areas or that existing natural resources on the subject property are protected through the

³ Vermont Agency of Natural Resources Natural Resources Mapping Project, available https://anr.vermont.gov/sites/anr/files/maps/biofinder/BioFinderDevelopmentReport_2013.pdf

development plan. Therefore, the Board finds this criterion not met.

Compliance with other provisions of Article 12 is discussed elsewhere in this document.

(4) Sufficient grading and erosion controls shall be employed during construction and after construction to prevent soil erosion and runoff from creating unhealthy or dangerous conditions on the subject property and adjacent properties. In making this finding, the Development Review Board may rely on evidence that the project will be covered under the General Permit for Construction issued by the Vermont Department of Environmental Conservation.

See discussion under PUD Criteria A(2).

(5) Sufficient suitable landscaping and fencing shall be provided to protect wetland, stream, or primary or natural community areas and buffers in a manner that is aesthetically compatible with the surrounding landscape. Chain link fencing other than for agricultural purposes shall be prohibited within PUDs; the use of split rail or other fencing made of natural materials is encouraged.

The Board finds proposed landscaping and fencing adequate and suitable for protection of resource areas. Along the conservation areas of the NRP district, protection is provided in the form of landscape boulders, segments of split rail fence, and vegetation.

The Board finds the applicant must amend the location of the split rail fence to be located on NRP boundary (not 10-ft back).

C. Agriculture. The conservation of existing agricultural production values is encouraged through development planning that supports agricultural uses (including but not limited to development plans that create contiguous areas of agricultural use), provides buffer areas between existing agricultural operations and new development, roads, and infrastructure, or creates new opportunities for agricultural use (on any soil group) such as but not limited to community-supported agriculture.

The Applicant has indicated that the site contains prime agricultural soils and is subject to Act 250 review. Projects that meet both of these conditions must demonstrate to the State that the proposed impacts are warranted and must provide mitigation for impacted soils at a ratio of 2:1 within the same Act 250 District as the impacts. In addition to the required off-site mitigation, the Project will result in permanent conservation of 56 acres off-site within the Southeast Quadrant through the purchase of TDRs. The Board finds this criterion met.

D. Public Services and Facilities. In the absence of a specific finding by the Development Review Board that an alternative location and/or provision is approved for a specific development, the location of buildings, lots, streets and utilities shall conform with the location of planned public facilities as depicted on the Official Map, including but not limited to recreation paths, streets, park land, schools, and sewer and water facilities.

(1) Sufficient water supply and wastewater disposal capacity shall be available to meet the needs of the project in conformance with applicable State and City requirement, as evidenced by a City water allocation, City wastewater allocation, and/or Vermont Water and Wastewater Permit from the Department of Environmental Conservation.

The applicant has obtained preliminary water and wastewater allocation as discussed above. The Board finds this criterion met.

- (2) Recreation paths, storm water facilities, sidewalks, landscaping, utility lines, and lighting shall be designed in a manner that is compatible with the extension of such services and infrastructure to adjacent properties.***

See discussion under PUD Standard (A)(9) above.

- (3) Recreation paths, utilities, sidewalks, and lighting shall be designed in a manner that is consistent with City utility plans and maintenance standards, absent a specific agreement with the applicant related to maintenance that has been approved by the City Council.***

See discussion under PUD Standard (A)(9) above.

- (4) The plan shall be reviewed by the Fire Chief or his designee to insure that adequate fire protection can be provided, with the standards for evaluation including, but not limited to, minimum distance between structures, street width, vehicular access from two directions where possible, looping of water lines, water flow and pressure, and number and location of hydrants.***

See discussion under PUD Standard (A)(7) above.

- E. Circulation. The project shall incorporate access, circulation and traffic management strategies sufficient to prevent unsafe conditions on adjacent roads and sufficient to create connectivity for pedestrians, bicycles, vehicles, school transportation, and emergency service vehicles between neighborhoods. In making this finding the Development Review Board may rely on the findings of a traffic study submitted by the applicant, and the findings of any technical review by City staff or consultants.***

- (1) Roads shall be designed in a manner that is compatible with the extension of such services and infrastructure to adjacent properties.***

- (2) Roads shall be designed in a manner that is consistent with City roadway plans and maintenance standards, absent a specific agreement with the applicant related to maintenance that has been approved by the City Council.***

- (3) The provisions of Section 15.12(D)(4) related to connections between adjacent streets and neighborhoods shall apply.***

See discussion under PUD Standards (A)(8) and (A)(9) above.

9.07 Regulating Plans

A. ...

B. General Provisions

(1) ...

- (2) All residential lots created on or after the effective date of this bylaw in any SEQ sub-district shall conform to a standard minimum lot width to depth ratio of one to two (1:2), with ratios of 1:2.5 to 1:5 recommended***

There are a handful of lots that do not conform to this ratio, primarily corner lots, with the exception of Lot 36 which does not meet the standard because of opposing homes on a curve. The Master Plan application approves the applicant's request for meeting this criterion on average. The Board finds this criterion met.

C. ...

D. Parks Design and Development.

(1) General standards. The SEQ has an existing large community park, the Dorset Street Park Complex. Parks in the SEQ may be programmed as neighborhood parks or mini-parks as defined in the Comprehensive Plan. Mini parks in the SEQ should be a minimum of 10,000 square feet, with programming approved by the South Burlington Recreation Department. Such parks are to be located through the neighborhoods in order to provide a car-free destination for children and adults alike, and to enhance each neighborhood's quality of life. They shall be knitted into the neighborhood fabric as a focal point in the neighborhood, to add vitality and allow for greater surveillance by surrounding homes, local streets and visitors. Each park should be accessible by vehicle, foot, and bicycle and there should be a park within a quarter-mile of every home.

(2) Specific Standards. The following park development guidelines are applicable in the SEQ-NRT, SEQ-NR, SEQ-VR, and SEQ-VC districts:

a. Distribution and Amount of Parks:

- i. A range of parks and open space should be distributed through the SEQ to meet a variety of needs including children's play, passive enjoyment of the outdoors, and active recreation.**

See discussion under SEQ Criterion 9.06B above.

- ii. Parks should serve as the focus for neighborhoods and be located at the heart of residential areas, served by public streets and fronted by development.**

Neighborhood Park E is designed as the central recreation feature of the development with the alignment of Dewberry Lane specifically designed to facilitate views of Camels Hump. Other recreation features are well integrated into the development, are connected to one another and are fronted by development. The Board finds this criterion met.

- iii. Parks should be provided at a rate of 7.5 acres of developed parkland per 1,000 population per the South Burlington Capital Budget and Program.**

Parks are provided at a rate of 14.3 acres per 1,000 population, including 3.78 acres of developed parkland and 1.36 acres of open field. As discussed in the connection with Standard 9.06B above, the developed parkland falls into the categories of neighborhood park, playground, enhanced wooded area, and several pedestrian passes connecting the open spaces. In addition, the Project includes 33.8 acres of open space which is not proposed to be actively maintained. The Board finds this criterion met.

- iv. A neighborhood or mini park of 10,000 square feet or more should be provided within a one-quarter mile walk of every home not so served by an existing City park or other publicly-owned developed recreation area.***

All of the parks included in the above calculation are greater than 10,000 square feet. The Board finds this criterion met.

- b. Dedication of Parks and Open Space: Parks and protected open space must be approved by City Council for public ownership or management, or maintained permanently by a homeowners' association in a form acceptable to the City Attorney.***

The provided HOA documents state that the open space parcels are common elements which will be owned and shared by members of the HOA. It does not appear the pedestrian easement to be dedicated to the City within the NRP zoning district is explicitly excluded.

The Board finds the applicant must amend the HOA documents to exclude the pedestrian easement to be dedicated to the City from the common elements.

c. Design Guidelines

- i. Parks should be fronted by homes and/or retail development in order to make them sociable, safe and attractive places.***
- ii. Parks should be located along prominent pedestrian and bicycle connections.***
- iii. To the extent feasible, single-loaded roads should be utilized adjacent to natural open spaces to define a clear transition between the private and public realm, and to reinforce dedicated open space as a natural resource and not extended yard areas.***

The provided parks are located along homes and contain recreation paths. Open spaces are demarcated by a combination of landscaping, landscaping boulders and split rail fencing. The recreation and parks committee stated in their memorandum of November 19, 2018 to the Board they are satisfied with the proposed unpaved surface treatment of paths within the park areas. The Board finds this criterion met.

9.08 SEQ-NR Sub-District; Specific Standards

The SEQ-NR sub-district has additional dimensional and design requirements, as enumerated in this Section.

A. Street, Block and Lot Pattern

- (1) Development blocks. Development block lengths should range between 300 and 500 linear feet. If it is unavoidable, blocks 500 feet or longer must include mid-block public sidewalk or recreation path connections.***

The applicant has provided block lengths no greater than 500 feet except for two locations where the development connects to existing streets. In the first block off Nowland Farm Road, the applicant has provided a mid-block pedestrian crossing which accesses parklands on the west side of the crossing. In the first block off Dorset Street the applicant has provided a mid-block pedestrian crossing to allow residents of the multi-family buildings on

the south to access the recreation path on the north. The Board finds the designed functionality of these crossings exceeds the minimum of this criterion.

(2) Interconnection of Streets

(a) Average spacing between intersections shall be 300 to 500 feet.

See discussion immediately above.

(b) Dead end streets (e.g. culs de sac) that are not constructed to an adjacent parcel to allow for a future connection are strongly discouraged. Such dead end streets shall not exceed 200 feet in length.

The applicant has proposed a 100-foot dead end street at the south end of the development specifically to meet PUD criteria A(3) and A(8) above. The Board finds this criterion met.

(3) Lot ratios. Lots shall maintain a minimum lot width to depth ratio of 1:2, with a ratio of 1:2.5 to 1:5 recommended

See discussion under 9.07 above.

B. Street, Sidewalk & Parking Standards

(1) Street dimensions and cross sections. Neighborhood streets (collector and local) are intended to be low-speed streets for local use that discourage through movement and are safe for pedestrians and bicyclists.

The proposed streets are the minimum width necessary to allow two-way traffic and parking on one or both sides where necessary, except for Dewberry Lane and Bellflower Court are 20-feet wide instead of 18-feet at the request of the Fire Inspector to allow maneuvering of emergency vehicles during snow events.

Where pavement width only allows for parking on one side, the provided signage plan limits parking to just one side of the street. Recreation paths are located to the sides of streets with fewer driveway crossings.

The Bicycle and Pedestrian committee met with the Applicant on November 15, 2018 and provided recommendations in minutes dated November 15, 2018 which have been addressed.

The Board finds this criterion to be met.

(2) Sidewalks.

(a) Sidewalks must be a minimum of five feet (5') in width with an additional minimum five-foot planting strip (greenspace) separating the sidewalk from the street.

(b) Sidewalks are required on one side of the street.

Plans show that the sidewalks will be a minimum of five (5) feet in width, will occur on at least one side of the street, and will have a sufficient planting strip. Sidewalks are on the side of the street chosen based on street type and contiguity of dwelling

units. The Board finds this criterion met.

(3) Street Trees

- (a) Street trees are required along all streets in a planting strip a minimum of five feet wide.**
- (b) Street trees shall be large, deciduous shade trees with species satisfactory to the City Arborist. Street trees to be planted must have a minimum caliper size of 2.5 to 3 inches DBH, and shall be planted no greater than thirty feet (30') on center.**

As discussed above, the City Arborist provided comments on the final plat application which have been addressed. Street trees have been placed with consideration for views and for driveway locations at the required spacing. The Board finds this criterion met.

- (4) On-street parking. Sufficient space for one lane of on-street parking shall be provided on all streets except for arterials outside of the SEQ-VC and SEQ-VR sub-districts. This requirement may be waived within the SEQ-NRN sub-district provided the DRB finds sufficient off-street parking has been provided to accommodate the parking needs of the uses adjacent to the street.**

One lane of on-street parking has been provided on all streets which serve as the frontage for proposed homes. To require additional parking where no homes are proposed would detract from the provided open spaces and parklands and therefore the Board approves the parking layout as proposed.

- (5) Intersection Design. Intersections shall be designed to reduce pedestrian crossing distances and to slow traffic.**

At preliminary plat, the Board required the applicant to work with the fire department to assure emergency vehicle access while meeting this standard prior to final plat approval. The applicant has provided a vehicle turning movement plan using the City fire truck template. The Board finds this requirement satisfied.

The Board finds the applicant shall add a neck-down and crosswalk on Elderberry Lane at approximately station 7+75 where there is a walking trail on both sides of the road.

- (6) Street and sidewalk lighting. Pedestrian-scaled light fixtures (e.g., 12' to 14') shall be provided sufficient to ensure pedestrian safety traveling to and from public spaces. Overall illumination levels should be consistent with the lower-intensity development patterns and character of the SEQ, with lower, smoother levels of illumination (rather than hot-spots) and trespass minimized to the lowest level consistent with public safety.**

Proposed fixtures are mounted at a 13-foot pole height and concentrated around pedestrian crossings. The Board finds the overall illumination levels appropriate for the lower intensity development patterns and character of the SEQ with minimum trespass.

The Board finds the applicant must add lighting fixtures of type "M3" at the pedestrian crossing on Elderberry Lane at approximately station 7+75.

C. Residential Design

(1) Building Orientation. *Residential buildings must be oriented to the street. Primary entries for single family and multi-family buildings must face the street. Secondary building entries may open onto garages and/or parking areas. (Special design guidelines apply to arterial streets; see Section 9.11). A minimum of thirty-five percent (35%) of translucent windows and surfaces should be oriented to the south. In the SEQ-NRN sub-district, residential buildings should orient their rooflines to maximize solar gain potential, to the extent possible within the context of the overall standards of the regulating plan.*

The applicant has provided typical building elevations for each home type. Primary entries face the street. Building orientation varies through the development. The applicant requests that the 35% translucence standard shall only apply when a building is oriented with the front or back of the unit facing south. When the front or rear elevation of a building is oriented to the south, 35% of the translucent windows shall be located on the south facing wall.

The Board finds the applicant's request acceptable and finds that for buildings where the side is oriented to the south, only 20% of the translucent windows must be located on the south facing wall. The Board further finds the applicant must submit sufficient information to allow translucence criteria to be evaluated by the administrative officer at the time of zoning permit application.

(2) Building Façades. *Building facades are encouraged to employ a theme and variation approach. Buildings should include common elements to appear unified, but façades should be varied from one building to the next to avoid monotony. Front porches, stoops, and balconies that create semi-private space and are oriented to the street are encouraged.*

See discussion of building elevations under Site Plan Review standard above.

(3) Front Building Setbacks. *A close relationship between the building and the street is critical to the ambiance of the street environment.*

- (a)** *Buildings should be set back a maximum of twenty-five feet (25') from the back of sidewalk.*
- (b)** *Porches, stoops, and balconies may project up to eight feet (8') into the front setbacks.*

Buildings are proposed to be generally within 15 feet from the back of sidewalk. The design guidelines require that homes be located on the lots to meet this criterion. The Board finds this criterion met.

(4) Placement of Garages and Parking. *For garages with a vehicle entrance that faces a front lot line, the facade of the garage that includes the vehicle entrance must be set back a minimum of eight feet (8') behind the building line of the single or two-family dwelling.*

- (a)** *For the purposes of this subsection:*
 - (i)** *The building width of a single or two-family dwelling, not including the garage, shall be no less than twelve feet (12'), except for a duplex with side-by-side primary entries, in which case the building width of each dwelling unit in the duplex, not including a garage, shall be no less than eight feet (8')*
 - (ii)** *The portion of the single or two-family dwelling that is nearest the front lot line may be a covered, usable porch, so long as the porch is no less than eight feet (8')*

wide.

The applicant has provided floor plans demonstrating compliance with this criterion for all home types. The Board finds this criterion met.

(b) ...

(c) Rear alleys are encouraged for small lot single-family houses, duplexes and townhouses.

All multi-family homes are proposed to be served by alleys. The applicant is not proposing any alleys within areas where the single family and duplex homes are located. However duplex homes are proposed to have the appearance of a front on both sides of the building creating an appearance of rear-loaded buildings abutting parkland. The Board finds this criterion met.

(d) Mix of Housing Styles. A mix of housing styles (i.e. ranch, cape cod, colonial, etc.), sizes, and affordability is encouraged within neighborhoods and developments. These should be mixed within blocks, along the street and within neighborhoods rather than compartmentalized into sections of near-identical units.

The applicant is proposing to arrange the development such that single family homes exist throughout the development, with two areas of single family homes, and the multi family homes are grouped nearest to the existing roadways.

The proposed design standards ensure that within each grouping of homes that the home styles be mixed. The Board finds this criterion met. This comment also applies to the SEQ-VR sub-district.

9.09 SEQ-VR Sub-District; Specific Standards

The SEQ-VR sub-district has additional dimensional and design requirements, as enumerated in this Section.

A. Street, Block and Lot Pattern

(1) Development blocks. Development block lengths should range between 300 and 400 linear feet; see Figure 9-2 for example. If longer block lengths are unavoidable blocks 400 feet or longer must include mid-block public sidewalk or recreation path connections.

See comments under Section 9.08 SEQ-NR standards above. The Board finds this criterion met.

(2) Interconnection of Streets

(a) Average spacing between intersections shall be 300 to 500 feet.

See comments under Section 9.08 SEQ-NR standards above. The Board finds this criterion met.

(b) Dead end streets (e.g. cul de sac or hammer-head) that are not constructed to an adjacent parcel to allow for a future connection are strongly discouraged. Such dead end streets shall not exceed 200 feet in length.

There are no dead end streets proposed within the SEQ-VR. The Board finds this criterion met.

(3) Lot ratios. Lots shall maintain a minimum lot width to depth ratio of 1:2, with a ratio of 1:2.5 to 1:5 recommended.

Buildings in the SEQ-VR sub-district are proposed to be on one lot and therefore the Board finds the lot ratio described in this criterion, intended for single family home lots, to be not applicable.

B. Street, Sidewalk & Parking Standards

(1) Street dimensions and cross sections. Neighborhood streets (collector and local) in the VR sub-district are intended to be low-speed streets for local use that discourage through movement and are safe for pedestrians and bicyclists.

See comments under Section 9.08 SEQ-NR standards above. The Board finds this criterion met.

(2) Sidewalks

(a) Sidewalks must be a minimum of five feet (5') in width with an additional minimum five-foot planting strip (greenspace) separating the sidewalk from the street.

(b) Sidewalks are required on one side of the street, and must be connected in a pattern that promotes walkability throughout the development. The DRB may in its discretion require supplemental sidewalk segments to achieve this purpose.

See comments under Section 9.08 SEQ-NR standards above. The Board finds these criteria met.

(3) Street Trees; see Section 9.08(B)(3)

See comments under Section 9.08 SEQ-NR standards above.

(4) On-street parking; see Section 9.08(B)(4).

See comments under Section 9.08 SEQ-NR standards above.

(5) Intersection design. Intersections shall be designed to reduce pedestrian crossing distances and to slow traffic; see Figure 9-6 and Section 9.08(B)(5).

See comments under Section 9.08 SEQ-NR standards above.

(6) Street and sidewalk lighting. Pedestrian-scaled light fixtures (e.g., 12' to 14') shall be provided sufficient to ensure pedestrian safety traveling to and from public spaces. Overall illumination levels should be consistent with the lower-intensity development patterns and character of the SEQ, with lower, smoother levels of illumination (rather than hot-spots) and trespass minimized to the lowest level consistent with public safety.

See comments under Section 9.08 SEQ-NR standards above.

C. Residential Design

- (1) Building Orientation.** *Residential buildings must be oriented to the street. Primary entries for single family and multi-family buildings must face the street. Secondary building entries may open onto garages and/or parking areas. (Special design guidelines apply to arterial streets).*

See discussion under Site Plan Review standards above.

- (2) Building Façades.** *Building facades are encouraged to employ a theme and variation approach. Buildings should include common elements to appear unified, but façades should be varied from one building to the next to avoid monotony. Front porches, stoops, and balconies that create semi-private space and are oriented to the street are encouraged.*

See comments under Section 9.08 SEQ-NR standards above.

- (3) Front Building Setbacks.** *In pedestrian districts, a close relationship between the building and the street is critical to the ambiance of the street environment.*

- (a) Buildings should be set back fifteen feet (15') from the back of sidewalk.**

Except along Dorset Street and Nowland Farm Road where homes are proposed to be set back twenty feet from the future ROW, homes within the SEQ-VR are proposed to be located approximately fifteen feet from the back of the sidewalk. This configuration is supported by the applicant's requested waiver. The Board finds this criterion met.

- (b) Porches, stoops, and balconies may project up to eight feet (8') into the front setbacks. Porch, stoop and balcony areas within the front setback shall not be enclosed or weatherized with glazing or other solid materials.**

Within the SEQ-VR, porches are proposed to project into the setback by approximately 6-feet. The Board finds this criterion met.

- (4) Placement of Garages and Parking.** *See Section 9.08(C)(4) and Figure 9-7.*

Section 9.08C(4) does not apply to multi-family homes. Site Plan general review standard B addresses parking for multi-family buildings and is addressed above.

- (5) Mix of Housing Styles.** *A mix of housing styles (i.e. ranch, cape cod, colonial, etc.), sizes, and affordability is encouraged within neighborhoods and developments. These should be mixed within blocks, along the street and within neighborhoods rather than compartmentalized into sections of near-identical units.*

See comments under Section 9.08 SEQ-NR standards above.

E. SURFACE WATER PROTECTION STANDARDS

Section 12.02 Wetland Protection Standards apply to all lands within 50-feet of a wetland.

- (1) Consistent with the purposes of this Section, encroachment into wetlands and buffer areas is generally discouraged.**
- (2) Encroachment into Class II wetlands is permitted by the City only in conjunction with issuance of a Conditional Use Determination (CUD) by the Vermont Department of Environmental Conservation and positive findings by the DRB pursuant to the criteria in (3) below.**
- (3) Encroachment into Class II wetland buffers, Class III wetlands and Class III wetland buffers, may be permitted by the DRB upon finding that the proposed project's overall development, erosion control, stormwater treatment system, provisions for stream buffering, and landscaping plan achieve the following standards for wetland protection:**

The applicant is proposing one wetland crossing and has provided documentation of communication with the US Army Corps of Engineers and State Wetlands program indicating they are generally supportive of the applicant's proposed configuration as long as the existing driveway crossing is removed and the remaining wetlands and buffers are demarcated and set aside as no mow zones, which they are on the provided plans. The applicant is also proposing a small amount of encroachment into Class III wetland buffers which are not regulated by either the State or the US Army Corps of Engineers.

- (a) The encroachment(s) will not adversely affect the ability of the property to carry or store flood waters adequately;**

The Board finds the required stream alteration permit will result in compliance with this criterion.

The Applicant must demonstrate that they have obtained that permit prior to issuance of the first zoning permit for the Project.

- (b) The encroachment(s) will not adversely affect the ability of the proposed stormwater treatment system to reduce sedimentation according to state standards;**

The Stormwater Services Division has reviewed the proposed plans and has not expressed any concern about this criterion. The Board finds this criterion met.

- (c) The impact of the encroachment(s) on the specific wetland functions and values identified in the field delineation and wetland report is minimized and/or offset by appropriate landscaping, stormwater treatment, stream buffering, and/or other mitigation measures.**

The Board finds the State wetland permit which will be required for this project will confirm compliance with this criterion.

The Board finds the Applicant must obtain their State wetland permit prior to issuance of the first zoning permit for the Project.

Section 12.03 Stormwater Management Standards apply to projects generating greater than one-half acre of impervious surfaces are proposed.

Compliance with the City's Stormwater Management Standards is discussed under Planned Unit Development Standards above.

D. ENERGY STANDARDS

All new buildings are subject to the Stretch Energy Code pursuant to Section 3.15: Residential and Commercial Building Energy Standards of the LDRs.

F. PROJECT & INFRASTRUCTURE PHASING AND BONDING

The Applicant proposes to apply for a Phase I zoning permit within 1-year, following the issuance of all State and Local approvals, and all appeals have been exhausted. Following the start of the warranty period for the Phase I roadway, a zoning permit will be applied for within 5-years for the Phase II roadway. Following the start of the warranty period for the Phase II roadway, a zoning permit will be applied for within 5-years for the Phase III roadway. Following the start of the warranty period for the Phase III roadway, a zoning permit will be applied for within 5-years for the Phase IV roadway. A zoning permit for Phase XX may be applied for at any time during the 4 phases of the project, due to the lack of public infrastructure.

LDR 17.04 states that all site plans (an element of PUD review) expire one year from date of issuance unless the DRB has granted a longer period for a multi-phase development or for other projects that may reasonably require a longer period. The DRB or administrative officer may approve a 1 year extension of the initial timeline if the applicant makes the request prior to the initial timeline expiring. Further, the administrative officer may reapprove the site plan if the approval expired within the previous six months and no changes are proposed. The Board considers that the applicant's requested timeline, including issuance of State approvals and allowing for roadways to begin their warranty period, creates too much uncertainty in the schedule.

The Board therefore approves the following alternative schedule:

The applicant must apply for the first zoning permit for Phase I within one (1) year of final plat approval. The applicant must apply for the first zoning permit for Phase II within five (5) years of the first zoning permit for Phase I. They must apply for the first zoning permit for Phase III within five (5) years of the first zoning permit for Phase II. They must apply for the first zoning permit for Phase IV within five (5) years of the first zoning permit for Phase III. They must apply for the first zoning permit for Phase XX within one (1) year after the first zoning permit for Phase IV.

The proposed phasing results in a second entry point to the development prior to 50 units being constructed, and it precludes the construction of dead-end streets, so compliance with 15.12J is not a concern.

The applicant has requested that they be allowed to provide a detailed estimate of public infrastructure cost immediately prior to the construction of each proposed roadway segment in lieu of having bonding amounts set at final plat.

In order to reduce conflicts at time of zoning permit application, the Board establishes the following costs for each phase based on the applicant's estimate, and finds that the zoning administrator may adjust bonding amounts based on updated costs. The Board finds the applicant must provide infrastructure bonds equal to 100% of the estimated project cost plus a 15% contingency for each phase.

<i>Phase I</i>	<i>\$1,375,350</i>
<i>Phase II</i>	<i>\$869,000</i>
<i>Phase III</i>	<i>\$887,150</i>
<i>Phase IV</i>	<i>\$626,000</i>

DECISION

Motion by Matt Cota, seconded by Dawn Philibert, to approve final plat application #SD-19-27 of Dorset Meadows Associates LLC.

Mark Behr	Yea	<u>Nay</u>	Abstain	Not Present
Matt Cota	Yea	<u>Nay</u>	Abstain	Not Present
Jim Langan	Yea	<u>Nay</u>	Abstain	Not Present
Dawn Philibert	Yea	<u>Nay</u>	Abstain	Not Present
Jennifer Smith	Yea	<u>Nay</u>	Abstain	Not Present

Motion failed by a vote of 0 – 5 – 0. The application is denied.

Signed this 27 day of February, 2020, by


 Matt Cota, Chair

Please note: An appeal of this decision may be taken by filing, within 30 days of the date of this decision, a notice of appeal and the required fee by certified mail to the Superior Court, Environmental Division. See V.R.E.C.P. 5(b). A copy of the notice of appeal must also be mailed to the City of South Burlington Planning and Zoning Department at 575 Dorset Street, South Burlington, VT 05403. See V.R.E.C.P. 5(b) (4)(A). Please contact the Environmental Division at 802-828-1660 or <http://vermontjudiciary.org/GTC/environmental/default.aspx> for more information on filing requirements, deadlines, fees and mailing address.

The applicant or permittee retains the obligation to identify, apply for, and obtain relevant state permits for this project. Call 802.477.2241 to speak with the regional Permit Specialist.