

## 25 Pine Ridge Road

### 4-Unit Multifamily Dwelling Conditional Use



PR025 front yard panorama, May 03, 2018. Consistent with deed restrictions, mature trees have been retained, and new growth protected. Even when deciduous trees are dormant, the site is well screened. The three residences visible in this image are PR027, PR031, and PR037.



PR027, PR031 front yard panorama, May 03, 2018. Clearcutting and awkward siting make these residences at once highly visible and unapproachable.

This document, along with attached submissions, is a narrative response to staff reports, materials requests and public comments related to the Underhill Development Review Board's (DRB) consideration of DRB-2017-16, an application for a conditional use permit for a four unit multifamily dwelling at 25 Pine Ridge Road.

The existing building is a single family home with accessory apartment, constructed in 1986. Given the age of the building, now is a natural time to renovate and make improvements to the structure, while updating the organization of the building and modernizing its systems to make it more effectively serve current and future needs.

While there are distinguishing features and subtle aspects to the project, at the encouragement of the DRB, the submission has been simplified and reduced to align with regulations and the conditional use permit.

Changes as the result of comments by board members, staff and interested parties include elimination of decks and barn, elevation of front yard grade, additional screening. No home occupations, home industry, or commercial uses are proposed by this application. Some covered parking is not essential to this application and has been replaced with uncovered parking. Phasing and addition layout has been adjusted.

Project design flows from public policy expressed in state, regional and local planning documents, including objectives to modernize, increase and diversify housing stock, providing smaller units and using land more efficiently. Universal design principles will be applied to the site and building. Energy efficiency will also be improved. Phasing (six distinct phases) allows the project to adapt to changing needs and anticipates improving building technology.

## **Application History**

The conditional use application was filed November 2, 2017, with a site visit December 3, 2017 and evidentiary hearing December 4, 2017. The hearing was continued February 5, 2018, and further continued to May 7, 2018 in the Underhill Town Hall.

Staff reports were submitted November 20, 2017 and January 26, 2018. A materials request letter was issued February 15, 2018. A massing study — unprecedented in Underhill — was requested.

### **24 VSA 4449(d)**

On March 26, 2018, Zoning Administrator Andrew Strniste wrote a letter contemplating that Vermont Statute 24 VSA 4449(d) *might possibly* govern this application. Discussion and correspondence ensued.

At issue is whether the application was filed prior to a warning of a Selectboard hearing on zoning changes, which occurred on, or about, November 11, 2017. The March 26, 2018 letter, and perhaps confusion with another application (generated considerable confusion as it omitted key facts, including the November 2, 2017 application and the Zoning Administrator's own actions — that began the review process on November 2, 2017, well in advance of the November 11, 2017 warning. See additional submissions on this matter.

### **Continuance Requested**

In order to address the 24 VSA 4449(d) concern, and allow consultants additional time to develop the massing study, at both the April 9, 2018 and April 16, 2018 DRB meetings, the DRB was asked to continue the planned May 07, 2018 hearing. The DRB declined.

## **Submissions**

Included in this round of submissions:

1. Request for a stay of proceedings to resolve the question of 24VSA4449(d)
2. This written narrative, responding to requests and comments
3. Slide deck of the project presentation
4. Recording of the project presentation
5. Footprint study in a layered .pdf (Acrobat Reader will be needed to control the layers)
6. .pdf of sample layers in the footprint study
7. Sample walkthroughs of the massing study along Pine Ridge Rd.
8. Site Plan
9. Engineer's Memo



413 VT 15, Google Street View, 2012

## Review Context

As a conversion of one residential use to another, where the existing use and the proposed use fully conform to the regulations administered by the DRB, this an unremarkable application.

Compared to other, similar applications, this project has received considerable scrutiny. The request for a massing study has been difficult the project consultants to accommodate. To illustrate the disproportionate attention this project has received, consider a recent approval (Brewer) at 413 VT 15, offered by the Zoning Administrator as a good example. This nonconforming vacant building with nonexistent wastewater system sits on a nonconforming 0.29 acre lot between a state highway and a steep slope. Like the town hall, discussed at the May 07, 2018 hearing, the site has a nonconforming, completely paved front yard with nonconforming highway access across most of the frontage. 'Extremely challenged' would be a reasonable assessment of this site, yet an increase in intensity was approved, conditioned on the presumption that the usual technical permits and zoning administrator approvals would be achieved.

Scope creep is something that happens in many situations and land use regulation is no exception. The conditional use review is just a zoning review. It is not planning, and it is not design review. It is not a popularity contest.

See the project presentation for additional context.

# Design From Policy & Regulation

This project is designed to meet the needs of my family. But that design should also consider market and culture. This project follows from a careful reading of town, regional and state policy and regulations.

There are several sources of encouragement for this project, including: Underhill Town Profile, Underhill Town Plan, Underhill Unified Land Use and Development Regulations, Underhill Road Driveway Trail Ordinance, Chittenden County Regional Plan (ECOS).

The 2014 ULUDR regulations and 2015 Town Plan support fair housing by encouraging a diversification of housing stock across town. The staff reports identify several passages that reflect the intent to increase and diversify housing stock.

Underhill's policy is market-aware as indicated in the regional plan:

“Between 2010 and 2015, demand for additional owner homes is likely to be lower than prior levels of home building in the County. However, demand for renter homes is predicted to increase. Tools to ensure adequate housing supply for renters include renovation and conversion of existing buildings as well as new construction. “ ECOS 2.5.2, p.65

The challenge is to achieve high quality projects:

“promote better development practices that achieve a higher level of density with quality design. “ECOS 3.2.2 Action 3.c.iii, p.99

## Concerns

Concerns from submissions and comments are summarized in these tables. The tables group concerns as out of scope/limited scope, short response, and issues for review. Where appropriate, additional discussion follows the tables.

<b>Out-of-Scope/Limited DRB Review Scope</b>				
<b>CONCERN</b>	<b>MATERIALS REQUEST</b>	<b>SOURCE</b>	<b>RESPONSE</b>	<b>SUGGESTED CONDITION</b>
Wastewater	4.a, 4.b	DRB	The wastewater system is outside the scope of DRB review. The site of the wastewater system is indicated on the site plan. Soils are excellent as indicated by Gerald Adams test pit 21B. See Gunner McCain memo.	Wastewater permit shall be obtained.
Water Supply	9.a,9.b, John Koier	DRB Materials Request	The water system is outside the scope of DRB review. At 10gpm driller's yield, the existing well provides ample water. A 2000 gallon storage tank is anticipated to address instantaneous peak flow. Well and storage indicated on site plan. See Gunner McCain memo.	Potable water supply permit shall be obtained.
Dogs		John Koier	This is a nuisance issue that is in the purview of the animal control officer. Residential use, not kennel use is proposed. This is outside the scope of this DRB review.	None
Renters		Nancy Hall, John McNamara and others.	Ownership structure is outside the scope of the DRB review.	None

## Out-of-Scope/Limited DRB Review Scope

CONCERN	MATERIALS REQUEST	SOURCE	RESPONSE	SUGGESTED CONDITION
Home Value		Dave Demuynck, Diane Terry	This is outside the scope of DRB review. Schools, trees and noise pollution (the Range) are known to affect property values. Ownership structure and affordability (proxy term for rentals) does not. Pointers into the literature: <a href="https://ced.sog.unc.edu/does-affordable-housing-negatively-impact-nearby-property-values/">https://ced.sog.unc.edu/does-affordable-housing-negatively-impact-nearby-property-values/</a> Trees and proximity to parks increases home values. <a href="https://www.citylab.com/equity/2011/09/where-trees-rule-real-estate/223/">https://www.citylab.com/equity/2011/09/where-trees-rule-real-estate/223/</a> discusses how trees on adjacent lots increase value even more than owned trees — amplifying perception and value of walkability. Realtors agree: <a href="http://realtormag.realtor.org/daily-news/2017/04/28/how-trees-benefit-home-values">http://realtormag.realtor.org/daily-news/2017/04/28/how-trees-benefit-home-values</a> .	None
Single Family Subdivision		John McNamara, Steve Coddling and others.	Interested parties misread the state land use permit. The permit allows for use changes, only requiring amendments to cover new uses. Not in DRB review scope.	None
Crime		Cathy Leathersich	Crime is not within the scope of DRB review. No evidence has been presented.	None

## Short Response

CONCERN	MATERIALS REQUEST	SOURCE	RESPONSE	SUGGESTED CONDITION
Site Plan, Walkways	1.c	DRB Materials Request	Walkways are indicated on the site plan. Ramps are not required, but walkways will be designed to serve users of varied ability.	None
Site Plan, Trash & Recycling	1.d	DRB Materials Request	Trash and Recycling will be managed within the building. Mandatory compost separation is achieved onsite with a compost area adjacent to parking.	None
Site Plan, Snow Removal	1.e	DRB Materials Request, Nancy Hall	Snow storage area indicated on site plan.	None
Site Plan, Lighting	1.f	DRB Materials Request	None proposed at this time. Example full cutoff fixtures are in an attached submission. Dark Sky compliant lighting will be full-cutoff, down casting and low height, would be located at entrances and along walkways. Automatic lighting controls will be incorporated as appropriate to limit on-time.	Any future lighting to be section 3.11 compliant, lighting plan with building permits.
Site Plan, Bicycle Rack	1.g	DRB Materials Request	Bicycle rack indicated on site plan	None
Home Occupations	10	DRB Materials Request	No home occupations are proposed	None
Phasing Plan	11	DRB Materials Request	Six distinct phases are identified in the phasing plan.	None
Erosion Control	2	DRB Materials Request	Project engineers will ensure that the most current version of the appropriate VT Erosion Control Handbook will guide procedures during and after construction.	The appropriate Vermont Erosion Control Manual must be used, even if an erosion control permit is not required.

## Short Response

CONCERN	MATERIALS REQUEST	SOURCE	RESPONSE	SUGGESTED CONDITION
Footprint	5	DRB Materials Request	The building footprint is shown on the site plan and footprint study. Each of units 1-3 occupy a floor, with a similar foot print. As indicated on the Demising drawing. Unit 4 occupies the "silo" addition.	None

**Issues for Review**

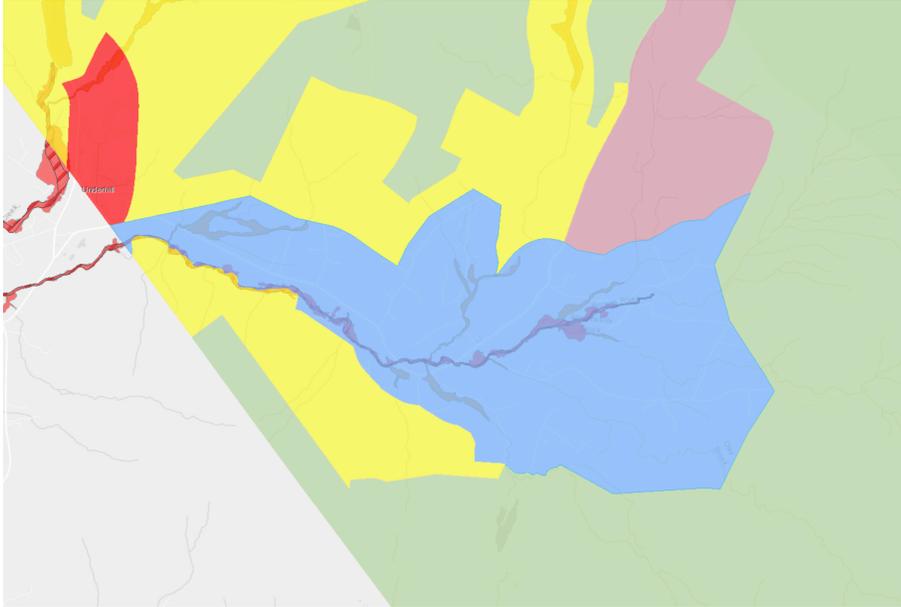
CONCERN	MATERIALS REQUEST	SOURCE	RESPONSE	SUGGESTED CONDITION
Landscaping and Screening	6	DRB Materials Request	A berm on the west side of the project area is indicated on the site plan. Grading in the front yard to screen parking and the building is also indicated on the site plan. The side yard and front yard will continue to be planted in a variety of conifers. A treed landscape will be maintained throughout the phases of construction.	Berm and front yard to remain wooded.
Massing	7.a	DRB Materials Request	See footprint study and Pine Ridge Road walkthrough.	None
Scale		Staff Reports	A study of Assessor's property cards for properties in the Water Conservation District shows that the scale of the project is similar, or smaller than other sites.	None
Character of the Area		Staff Reports, Petition (exhibit BB)	A massing study demonstrates that the proposed building will be less visible and less imposing than other buildings in the Water Conservation District.	None
Proximity to Center		Staff Reports	The building is 1100' from Town Hall. It is about as close to the center of the Center as a building can get and still be outside the environmentally sensitive areas of the Underhill Center interval.	None

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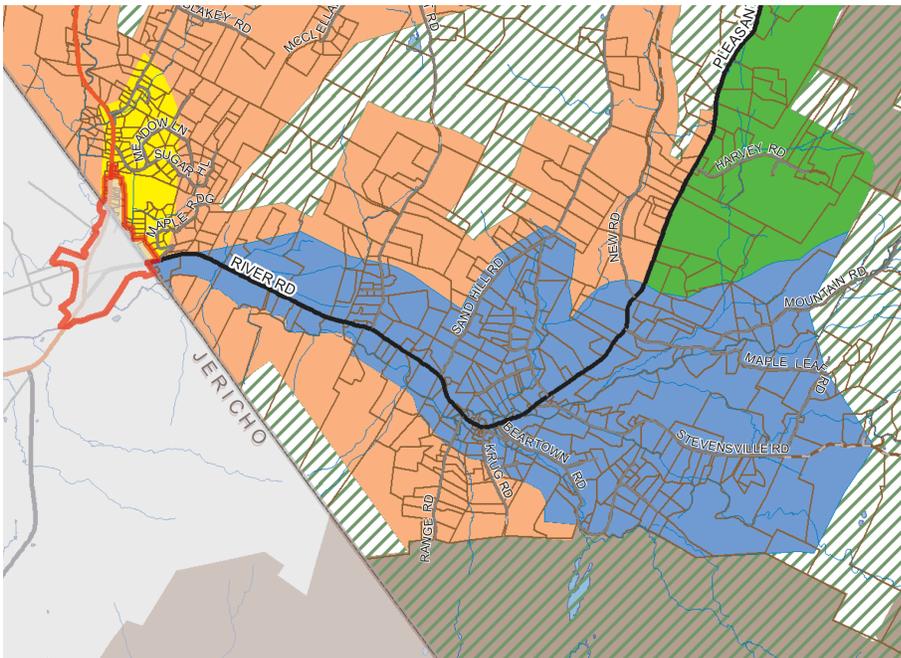
CONCERN	MATERIALS REQUEST	SOURCE	RESPONSE	SUGGESTED CONDITION
Footprint	5	DRB Materials Request	The building footprint is shown on the site plan and footprint study. Each of units 1-3 occupy a floor, with a similar foot print. As indicated on the Demising drawing. Unit 4 occupies the “silo” addition.	None
Trail, Screening		Cathy Leathersich	At closest approach, the proposed trail easement is approximately 150’ from the house at PR027. The location proposed trail easement is lined by yellow birch and cherry trees, with a dense canopy. The proposed easement option does not in itself create a trail. This concern is best addressed with the selectboard, when — and if — a trail is developed.	None

### Scale & Character

Scale and character are relative, requiring comparison to existing development. The proper context for character analysis is the Water Conservation Zone, which includes all of the Underhill Center intervale and much of the hillsides, following the tributaries of Browns River.

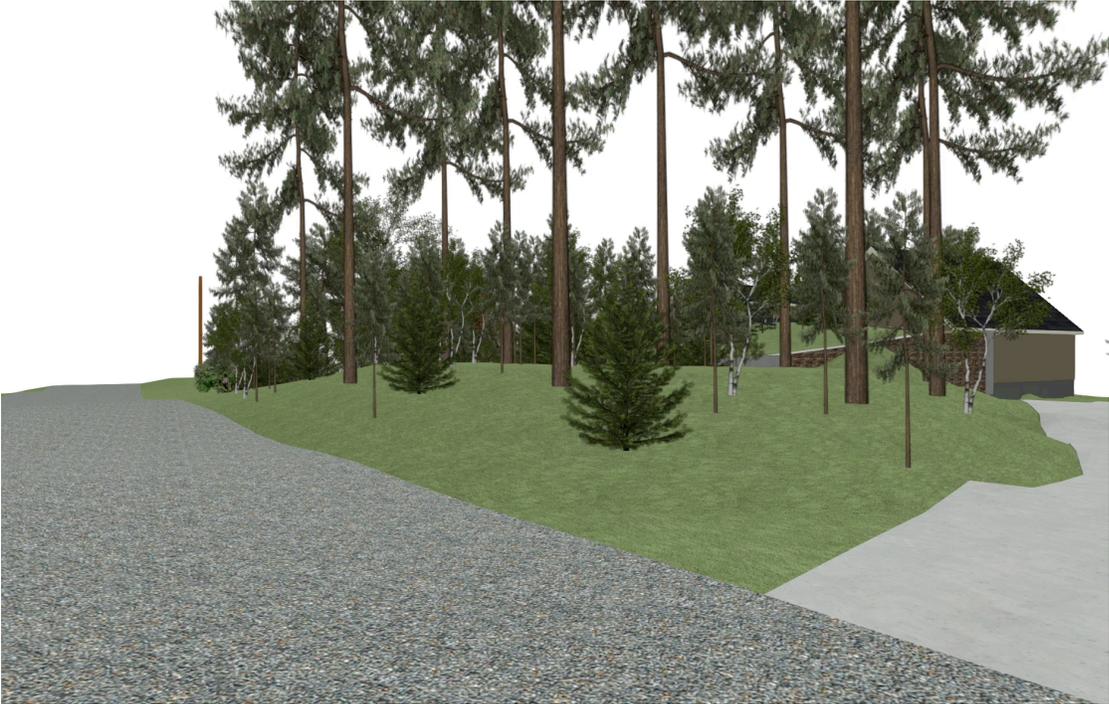


Water Conservation District, shown with streams layer.  
Source: CCRPC Underhill Map Viewer

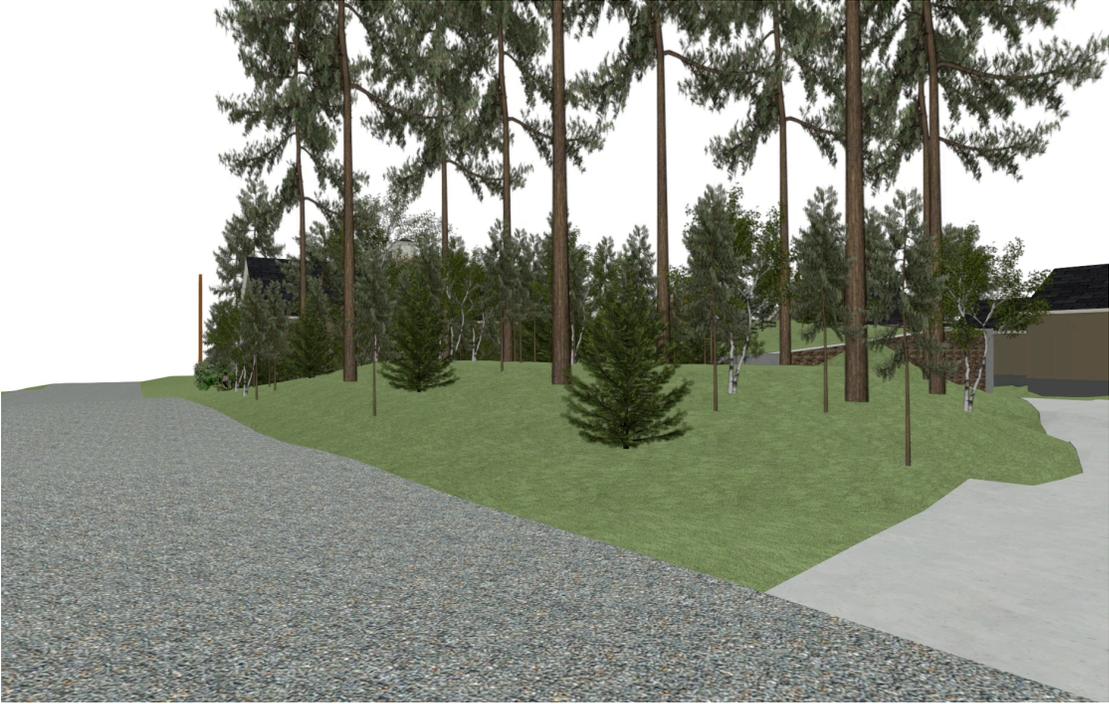


Water Conservation District, shown with roads and tax map.  
Source: 2015 Underhill Town Plan

**Massing Study**



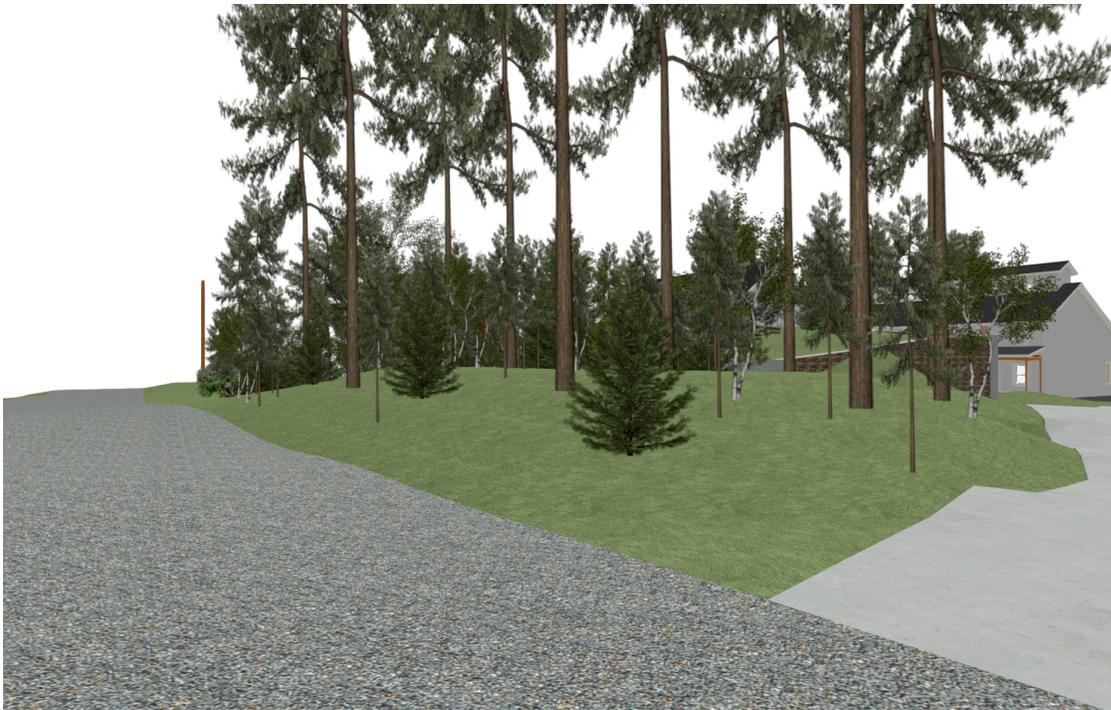
Massing study walkthrough, PR007



Massing study walkthrough, KR014

The massing study request has pushed the project's consultants to new areas of analysis. It has been quite an effort to produce the visuals that you will see. Property cards from the Assessor's office, air photos and roadside photos were used to create models of 26 buildings.

The massing study places 3D models of comparison properties in a model landscape at the project site. Walkthrough movies have been created for several of the models, demonstrating that the mass of the proposed project will be less visible than many existing properties in the area.



Massing study walkthrough, PR025

## Lot Coverage

As part of a stormwater permit renewal, the impermeable surface of the existing building and driveway was estimated by Roy Towlen to be 0.12 acres. At Phase 4, the building and driveway would still have a small impermeable surface of 0.25 acres, or 5% lot coverage, well below the Water Conservation District allowed lot coverage of 30%. This impermeable may be reduced with a smaller parking area and the use of permeable pavements.

## Footprint Study

A footprint study overlays the project site with air photos of comparison properties, demonstrating that the project is within the range of footprint sizes along Pine Ridge Road and in the Water Conservation District.



Phased Development Map  
Duval Property  
Pine Ridge Road, Underhill, VT  
1" = 90'



## Proximity to the center of Underhill Center

It is no trouble to walk to the school, or town pond. Indeed, almost within a 1/4 mile of our house there is a town office, a post office, an elementary school, a gas pump, playground, tennis courts, swimming pond, ball fields and ~~two~~ one stores. In Underhill, you can't get any more centrally located than the project site. It would be difficult to find another project site so close to the town office that fully conforms to the land use regulations while being outside environmentally sensitive areas and priority landscape.

# Trail

Shortcuts are a forgotten aspect of walkable communities. Crossing the steep slope barrier along the north side of the Crane Brook, a trail connecting Pine Ridge Road with Underhill Center's Browns River intervalle would provide a transition between high and low elevation. Close to many destinations, its interconnection to trails across or along Brown's River would diversify pedestrian routes and strengthen the long tradition of trail making in Underhill.

## Trail Dedication Option:

Consistent with town planning goals, expressed as a density bonus for PRD/PUD, this project includes a trail dedication option agreement with the town, with terms to stimulate Town action on trails.

## Proposed Terms:

1. Easement to connect Pine Ridge Road with Browns River, for pedestrians. Other uses may be permitted by the landowner.
2. Alignment may be colinear with driveways or other features, and the trail may pass through features, including gates, to contain or excluding animals.
3. Alignment may be adjusted to accommodate changing uses.
4. Landowner use of the land is not restricted by the easement.
5. Landowner improvements, or neglect, of the trail or driveways covered by the easement is not restricted.
6. The Town may clear a trail up to 8 feet wide using best practices, and may improve the trail with the agreement of the landowner.
7. Perambulation — annual, and publicly warned as a meeting of the town legislative body— including at least one member of the Selectboard, planning commission, development review board and conservation commission, is required to maintain easement. Perambulation Day should occur on or near Green Up Day.
8. At least one interconnection must be achieved within 5 years.
9. Properly documented in permanent land records, the agreement may be modified by agreement of both parties.

### **Landscape/Screening**

Consistent with the objectives of the no-cut and good forestry practice deed restrictions for the subdivision, mature trees have been retained to the greatest extent possible at the site. They provide shade, shelter new growth, and the forest floor helps absorb stormwater.

Many replacement trees are already 30 or more feet tall. Balsam fir were transplanted approximately 5 years ago. 40 mixed conifer seedlings were planted in 2017. Apple and tart cherry trees are bearing fruit. Pear trees have also been planted. Hand logging has allowed soil to remain intact and retain many species, including plenty of perennials that produce food for humans and wildlife.

This practice will continue throughout the project. With a berm/hugel along the west side of the project area, additional moisture will be retained for tree growth. The berm will be planted with conifers. A wooded front yard will be maintained and landscaping alterations completed in phases to allow for new growth to recover incrementally.

**“Purpose: The purpose of the Water Conservation District is to protect the important gravel aquifer recharge area in Underhill Center.” — ULUDR 2014, p. 15**

The character of the area is not quaint barns or lovely houses or cows at pasture. The character of the area is: site design to protect to the gravel aquifer recharge area. Buildings may be any distance from roads, have little or a lot of dialogue with public spaces.

PRD/PUD are allowed to “minimizes the amount of impervious surface and impacts to groundwater recharge areas, to protect other significant natural resources as identified in the Underhill Town Plan and maps... and to preserve open space” — ULUDR 2014, p. 17

Further emphasizing the environmental basis of zoning in Underhill, the justification for allowing PRD/PUD clustering is to address minimize impervious surface. The existing impervious area is the smallest of all the lots along Pine Ridge Rd. With modest increase in building footprint and courtyard size, the site will still have one of the smallest total impervious surfaces in the area, while dramatically reducing the per-unit impervious surface. The front yard woods and side yard berm/swale/hugel will ensure that runoff will be captured and be retained in the soil as much as possible.

## Conclusion

The project site is excellent. The project building is fully conforming now, and it will continue to conform to all dimensional standards.

- Existing solar-oriented site and building
- Existing ample parking (8 spaces)
- Existing level access to a level, access-oriented town highway • Existing ample water supply
- Existing wastewater system
- Excellent soil for additional wastewater system
- Excellent drainage, deep water table
- Proposed berm/swale for soil moisture retention

It meets and exceeds environmental objectives:

- Redevelopment of existing site
- Outside natural areas and setbacks
- Outside flood zones
- Outside priority landscape

It serves multiple planning goals:

- minimizing impervious surface
- walkable communities
- efficient land use
- housing supply increase and diversification

Meets and exceeds regulatory requirements:

- Dimensional Standards
- Stormwater
- Parking
- Wastewater

Just one waiver is requested:

Waive RDTO 20' driveway width requirement and reduce width to 12'.

This is an excellent project that deserves approval with limited conditions.