

TOWN OF NORWICH
DEVELOPMENT REVIEW BOARD
SPECIAL MEETING AGENDA
Thursday, October 3, 2024
7:00 PM

Via Zoom and in Person at Tracy Hall:

Topic: Development Review Board

Time: October 3, 2024 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/89931976970>

Meeting ID: 899 3197 6970

888 475 4499 US Toll-free

-
- 1. Call to Order, Roll Call**
 - 2. Approve Agenda**
 - 3. Approve Minutes**
 - a. July 11, 2024
 - b. September 12, 2024
 - 4. Public Comments**
 - 5. Announcements and Correspondence**
 - 6. Public Hearing – 7:00 PM**

#28BCU24: Conditional Use Review of an application by the Norwich Community Collaborative Inc., Applicant and Landowner, at 344 Main ST; Tax Map 20-211.000. Project proposes to add an addition to the rear of structure including ADA and accessibility related improvements. Application to be reviewed under the Norwich Zoning Regulations.

7. Other Business

8. Adjournment

Future Meeting: TBD

DRB Minutes available at: <http://norwich.vt.us/development-review-board/>

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TOWN OF NORWICH
DEVELOPMENT REVIEW BOARD

Draft Minutes

Thursday, July 11, 2024

Members present: Patrick Bradley (chair), Don McCabe, Alec Orenstein, Sue Pitiger, Matthew Stuart

Members absent: Emily Myers, Linda Gray

Alternates absent: Barry Rotman

Staff present: Kyle Katz, Interim Zoning Administrator

Minutes taken: Sue Pitiger

Public present: Jeff Goodrich, Jamie Teague

Call to Order: by Chair Bradley at 7:03 PM. Roll call of board members.

Approve Agenda: Pitiger moved, Orenstein seconded a motion to approve the agenda. Motion carried unanimously.

Approve Minutes: McCabe moved, Orenstein seconded with the correction of spelling his first name Alex and not Alec. Motion carried unanimously.

Public Comment: None.

Announcements and Correspondence: None.

Public Hearing:

#26BCU24: Conditional Use Review of an application by the Norwich School District, Applicant and Landowner, at 22 Church St.; Tax Map 20-238.000. Project proposes to upgrade and install small pieces of playground equipment along with the installation of formal walking paths on the existing playground behind the Marion Cross School. Application to be reviewed under the Norwich Zoning Regulations.

Orenstein moved and McCabe seconded a motion to accept into evidence exhibits ZA 1-4 and A 1-4. Motion carried unanimously.

Jamie Teague presented the narrative for the application. The project was approved by the voters of Norwich in 2022. It was delayed because of the urgent work on the MCS septic system. A committee comprised of interested parties in the school and district met over time to come up with a plan for the new playground. From the beginning it was agreed that this new area should be ADA compliant. A large wood play structure was removed because of rot, and a half basketball was removed as well. Community members were brought in to comment on the plan devised by Pathways Consulting and make further suggestions. There were no objections to the project at that time. One abutter {name not available} called the Principal with questions, which were satisfied.

The new play area will have six new play structures spread out to encourage movement and to maximize space, and will be connected by pathways. The structures as well as the poured-in-place paths will be neutral in tone to blend with the environment. Three of the pieces will be installed before school starts, the last three in September. Teague pointed out that the total square footage of the paths is just a little more than the footage obtained by removing the half basketball court.

Katz pointed out that this Conditional Use Review was taking place because of state requirements, but that all requirements were met. Orenstein moved and Bradley seconded a motion to waive all items in Table 5 1-A and B. Motion carried unanimously.

McCabe moved and Orenstein seconded a motion to close the hearing at 7:29 PM. Motion carried unanimously.

Orenstein moved and McCabe seconded a motion to enter into deliberative session at 7:30PM. Motion carried unanimously

Other Business: There was a brief discussion of the value of and standards for site visits. Stuart suggested a statement of standards be developed and announced at the beginning of all future site visits. Bradley will follow up on this.

Meeting Adjournment: McCabe moved and Orenstein seconded a motion to adjourn. Motion carried unanimously and meeting adjourned at 7:41 PM.

Respectfully submitted,

Sue Pitiger

**TOWN OF NORWICH
DEVELOPMENT REVIEW BOARD
Draft Minutes
Thursday, September 12, 2024
Tracy Hall and Zoom**

Members present: Patrick Bradley (chair), Linda Gray [Zoom], Don McCabe, Emily Myers, Alec Orenstein, Matthew Stuart

Alternates present: Barry Rotman

Members absent: Sue Pitiger

Staff: Kyle Katz, Interim Zoning Administrator

Minute Taker: Linda Gray

Applicants: Jess Phelps; Thomas Otterman, Steven Erwin [Zoom] Alison Valtin [Zoom]

Public: Toy Storey, 348 Main Street; Bram Litvinoff, 348 Main Street; Deborah Hannam, 15 Powers Road; Alicia Lindgren, 451 Bradley Hill Road; Erica Carpenter, 398 Bradley Hill Road

- 1. Call to Order:** by Chair Bradley at 7:03 pm. Roll call of Board members.
- 2. Approve Agenda:** McCabe moved, Myers seconded a motion to approve the agenda. Motion carried unanimously.
- 3. Minutes:** McCabe moved, Rotman seconded a motion to approve the July 11, 2024, minutes. Motion carried unanimously, with Gray and Myers abstaining because they had not been present.
- 4. Public Comment:** none.
- 5. Announcements and Correspondence:** none.

6. Public Hearing:

- a. #28BCU24: Conditional Use Review of an application by the Norwich Community Collaborative Inc., Applicant and Landowner, at 344 Main ST; Tax Map 20-211.000. Project proposes to add an addition to the rear of structure including ADA and accessibility related improvements. Application to be reviewed under the Norwich Zoning Regulations.

Myers recused herself for this application, given her position on the board of the Norwich Community Collaborative.

Stuart moved and Orenstein seconded a motion to accept into evidence exhibits ZA 1-5 and A 1-6. Motion carried unanimously.

Jess Phelps presented the narrative for the application, for a modest addition to make the building ADA accessible while minimizing impact on the historic main block of the Norwich Grange Hall. To bring the building up to code, a limited use/limited application (LULA) elevator is needed to provide access to the second floor and ADA accessible bathrooms must be installed. The architect, the Preservation Trust of Vermont, and the Vermont Division of Historic Preservation, identified a modest addition in the rear of the building as the least impactful way to make these changes. The addition itself does not expand the footprint of the building, but expands it to a second story to allow for the ADA access to reach the second story.

Katz noted that the Grange building is a Cultural Facility. Because it doesn't meet setback requirements, it is an existing nonconformity. Section 3.08 of the NZR allows for nonconforming structures to be structurally enlarged, provided that doesn't increase the degree of nonconformity and that the enlarged, portion of the structure is less than 25% of the existing structure. The expansion is occurring within the existing footprint. The architect has indicated that the addition would constitute an expansion of 11%, well below the 25% threshold. As the expansion does not increase the degree of nonconformity (i.e. the structure is not expanding further into the setback than it already is), this expansion is allowed per Section 3.08.

There was discussion of septic issues (in the jurisdiction of the State, not the DRB), and parking.

Bradley moved and McCabe seconded a motion to approve the request for waivers listed in Exhibit A-2. Motion carried 5-1. For: Bradley, McCabe, Gray, Orenstein, Rotman. Against: Stuart, Recused: Myers.

Stuart moved and Rotman seconded a motion to close the hearing on the NCC application; approved unanimously.

- b. #34DE24: Development Envelope Review Application by Alison E. Valtin and Steven C. Erwin, Applicants and Landowners of an undeveloped lot on Bradley Hill RD, Tax Map #11-037.100. Project proposes to relocate Development Envelope site established in Zoning Permit #77BSUB03(2-lot subdivision). Application to be reviewed under the Norwich Zoning Regulations.

Stuart moved and Myers seconded a motion to accept into evidence exhibits ZA 1-6 and A 1-5. Motion carried unanimously.

Thomas Otterman, Otterman Surveying & Septic Design, presented the narrative for the application, noting that after the boundary line adjustment last winter, the property has more frontage on Bradley Hill Road, and the septic system could be located on the property, rather than across the road. With this change, the owners also seek to move the previously approved building envelope. No construction is currently proposed.

Parts of the property are in the Ridgeline Protection Overlay, the mapped scenic resources area, and the secondary protection area of the Aquifer Protection Overlay.

There was discussion of slopes, the various protection areas, screening, and maintaining trees along the road. Neighbors on Bradley Hill Road and Powers Road spoke about options for the location of the development envelope and screening.

There was consensus by the DRB to schedule a site visit.

Myers moved and Orenstein seconded a motion to continue the hearing on this application to a date to be determined; approved unanimously.

Myers moved and Bradley seconded a motion to enter into deliberative session at 8:36 pm.

7. Other Business: none.

8. Meeting Adjournment: Myers moved, McCabe seconded a motion to adjourn. Motion carried unanimously; meeting adjourned at 9:00 pm.

Respectfully submitted,
Linda Gray

The DRB hearing for Zoning Permit #28BCU24 is being re-warned due to an error in the recording of the Public Hearing on September 12, 2024.

**NORWICH
DEVELOPMENT REVIEW BOARD**

Notice is hereby given that a public hearing will be held on Thursday, October 3, 2024 at 7:00 PM via Zoom <https://us02web.zoom.us/j/89931976970> 888 475 4499 US Toll-free and in person at Tracy Hall to hear the following application:

#28BCU24: Conditional Use Review of an application by the Norwich Community Collaborative Inc., Applicant and Landowner, at 344 Main ST; Tax Map 20-211.000. Project proposes to add an addition to the rear of structure including ADA and accessibility related improvements. Application to be reviewed under the Norwich Zoning Regulations.

The hearing information and documents submitted by applicant can be obtained by emailing a request to planner@norwich.vt.us. Persons wishing to be heard may do so in person by appearing at the meeting (in person or zoom) or in writing.

Kyle Katz, Interim Zoning Administrator
PO Box 376
Norwich, VT 05055
September 18, 2024

**TOWN OF NORWICH, VERMONT
DEVELOPMENT REVIEW BOARD**

DOCUMENTS AND INTERESTED PARTIES

Application Number: #28BCU24

Lot: 20-211.000

344 Main ST

Site Visit:

Public Hearing Date: September 12, 2024; October 3, 2024

Applicants/Landowners: Norwich Community Collaborative Inc.
PO Box 625
Norwich, VT 05055

Interested Parties:

NATURE OF APPLICATION - #28BCU24: Conditional Use Review of an application by the Norwich Community Collaborative Inc., Applicant and Landowner, at 344 Main ST; Tax Map 20-211.000. Project proposes to add an addition to the rear of structure including ADA and accessibility related improvements. Application to be reviewed under the Norwich Zoning Regulations.

The record in this case includes the following documents:

Submitted by Applicant

- A-1 Application #28BCU24, (07-15-2024)
- A-2 Narrative and Waivers by Applicant (Jess Phelps, President) (08-16-2024)
- A-3 Site Plans by Studio Nexus (08-16-2024)
 - a. EX-0 Basement Existing
 - b. EX-1 First Floor Existing
 - c. EX-2 Second Floor Existing
 - d. EX-3 Exterior Elevations (North/West)
 - e. EX-4 Exterior Elevations (South/East)
 - f. SD-0 Main Entry Perspective
 - g. SD-1 First Floor (showing addition)
 - h. SD-2 Second Floor (showing addition)
 - i. SD-3 East and West Elevations (showing changes)
 - j. SD-4 South Elevation (showing changes)
 - k. SD-5 North Elevation (showing changes)
- A-4 New exterior lighting design (08-16-2024)
- A-5 Setbacks and addition footprint email, Applicant (07-22-2024)
- A-6 Nexus Studio, email re: Volume of Addition in Setbacks (08-26-2024)

Submitted by Zoning Administrator

- ZA-1 Documents and Interested Parties list, (09-23-2024)
- ZA-2 Easement Deed, Amended, Upper Valley Community Grange #581 to Town of Norwich (06-26-17)
- ZA-3 Conditional Use Review Criteria Zoning Regulations (07-01-2009)
- ZA-4 Nonconformity language Zoning Regulations (07-01-2009)
- ZA-5 Zoning Administrator Memorandum (08-29-2024)

TOWN OF NORWICH, VERMONT
APPLICATION FOR ZONING PERMIT

Owner(s): NORWICH COMMUNITY COLLABORATIVE INC.

Mail Address: P.O. Box 625 Town Norwich ST VT Zip 05655

Day Phone: 603.643.3300 x.116 Eve Phone: Email: admin@norwichcommunitycollaborative.org

Applicant (If Different):

Mail Address: Town ST Zip

Day Phone: Eve Phone: Email:

Description of Proposed Development: Addition to rear of structure - no expansion of building's footprint. This will accommodate ADA accessibility - related improvements - ADA bathrooms and elevator. Zoning District: RR (VR I) VR II VB C/I AQ

Street Address: 344 Main St. Tax Map Lot # 20 - 211-000 Lot Size: .170 ac.

Building Setbacks- Road Right-of-way: 37' +/- Right Boundary: *Between 7.6' & 15.8' 1' Rear 48'+/-

Size of Building(s)/Additions: Structure A: Width 14.7 Length 23'4.4" Height 28'4"

Structure B: Width N/A Length N/A Height N/A Area: Footprint of Structure A 344sf

Additional Footprint of Structure B (if any) N/A Total 344sf # of Parking Spaces N/A

Estimated Date of Completion: 05/25 Estimated Value \$ 500,000 # of Bedrooms 0

Please Attach: Site Plan with building locations, well & septic locations, roads, driveways, and streams. Drawing of footprint of new construction and outlines of additional floors. Elevation Drawing of multi-story buildings.

The undersigned hereby agrees that the proposed development shall be built in accordance with the foregoing statements, attached plans, and in accordance with the zoning and subdivision regulations of the Town of Norwich, and certifies that the above is true, correct, and complete. The owner consents to inspections of the real estate that is the subject of the application by the Zoning Administrator at reasonable times.

Signature of Landowner (or Authorized Agent) [Signature] Date 7/15/24

Table with 3 columns: Zoning Office Checklist, Additional Permits Required, Fees, and Action Dates. Includes items like Flood Hazard Area, Subdivision, Base Fee, and Action Received/Complete/Granted/Refused/Posted at Site/Appeal By/Effective/Expires.

Signature of Zoning Administrator Date

8/11 Application/Permit # 28BCU24

Public Hearing 09-12-2024 and October 3, 2024

*See Exhibit A-4



To: Norwich Development Review Board

From: Norwich Grange Hall

Date: August 16, 2024

Re: Request for Addition Approval

The purpose of the Norwich Community Collaborative's ("NCC") request for a modest addition is to enable the building to be ADA accessible while minimizing impact on the historic main block of the Norwich Grange Hall.

Specifically, to bring the building up to code, we need to install a limited use/limited application (LULA) elevator to provide access to the second floor and to install ADA accessible bathrooms. In discussions with our architect, the Preservation Trust of Vermont, and the Vermont Division of Historic Preservation, a modest addition in the rear of the building was identified as the least impactful way to make these changes. Importantly, the addition itself does not expand the footprint of the building, but expands it to a second story to allow for the ADA access to reach the second story.

Requests to Waivers from Site Plan/Conditional Use Requirements:

The NCC requests waivers of the following requirements:

5.03(C)(1) Maximum Safety of Vehicular Circulation Between Site and Street Network.

This criterion is not applicable. The vehicular circulation pattern will remain unchanged as a result of the development and the current vehicle access is pre-existing.

5.03(C)(2) Adequacy of Circulation, Parking and Loading Facilities.

This criteria is not applicable. The parking will remain unchanged as a result of the development and the current parking configuration is pre-existing.

5.03(C)(3) Landscaping.

This criteria is not applicable. The landscaping will remain unchanged as a result of the development and the current landscape is pre-existing.

5.03(C)(4) Screening.

This criterion is not applicable. There is no need for screening based on the scope of the proposed addition.

5.03(C)(5) Bicycle/Pedestrian Access.

This criterion is not applicable. The pedestrian and bicycle access to the building will remain unchanged as a result of the development and the current access is pre-existing.

5.03(C)(9). Stormwater Management

This criterion is not applicable as the amount of impervious surface is not being changed by this development.

5.03(C)(10). Protection of Natural Resources.

This criterion is not applicable as there is no impact on natural resources from this development.

5.03(C)(12) Fire and Public Safety.

This criterion is not applicable as the footprint of the building is not expanding/nor is there any impact on fire hydrants or other public safety apparatus.

5.03(C)(13). Underground Utilities.

This criterion is not applicable as there are no changes being made to the current utility configuration due to this project.

Responses to Applicable Criteria:

5.03(C)(6) Outdoor Storage and Display.

Trash receptacles will be stored at the rear of the building, i.e. not visible in front of the public way. We will also screen these (as provided in our submittals).

5.03(C)(7) Building Design.

The building design is intended to be consistent with the architectural history of Norwich. Specifically, we are proposing to continue the roofline from the existing building to mirror that historic detail. This design has been vetted with our preservation partners (the Preservation Trust of Vermont and the Vermont Division of Historic Preservation, etc.).

5.03(C)(8). Lighting.

Existing lighting will remain, with the addition of two fixtures at the rear façade as provided on our attached submittals.

5.03(C)(11) Historic Structures.

The historic character of the Grange Hall will be maintained through this addition. The Vermont Housing and Conservation Board recently awarded us a \$100,000 historic preservation grant (indicating that it is a building of statewide historic significance) and the Preservation Trust of Vermont will hold a preservation easement (requiring that all work on the building be performed in light of its historic status). The addition will use similar materials to the current building and will be compatible with the Secretary of Interior's Standards for the Rehabilitation of Historic Structures. The principal purpose of the addition is to avoid impacts on the historic main block of the building – which makes this addition desirable for historic preservation purposes.

Requirements Specific to Village Residential District.

The following Village Residential District District Standards are addressed as follow:

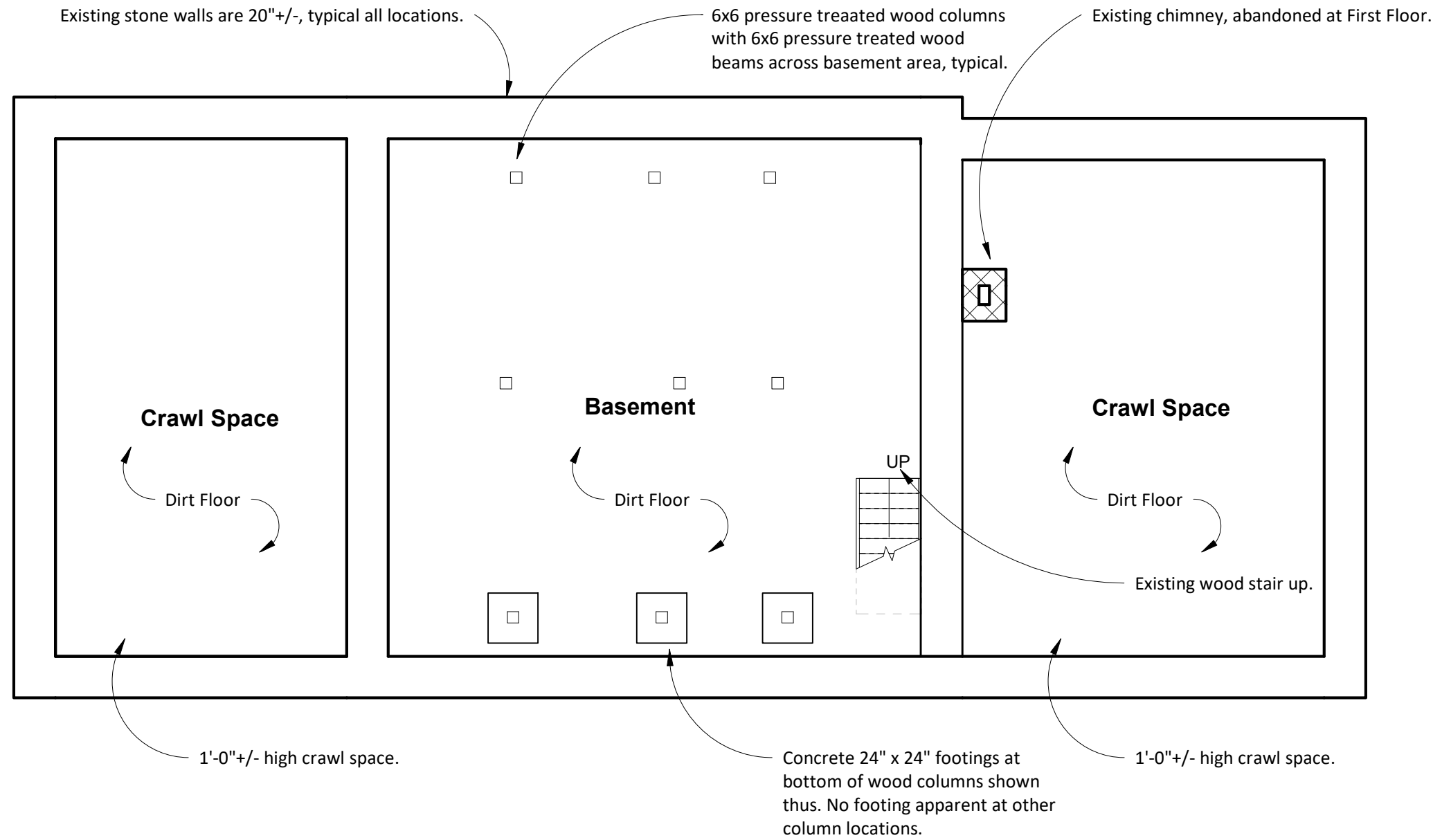
- a. (a) is not applicable as there is no use of the front yard being proposed with this addition.
- b. (b) is not applicable as the orientation of the building nor its footprint are being altered.
- c. (c) is not applicable as no new building is being proposed. To the extent that the addition qualifies under this section, the scale of the addition is modest in scope and is in alignment with the existing building profile.

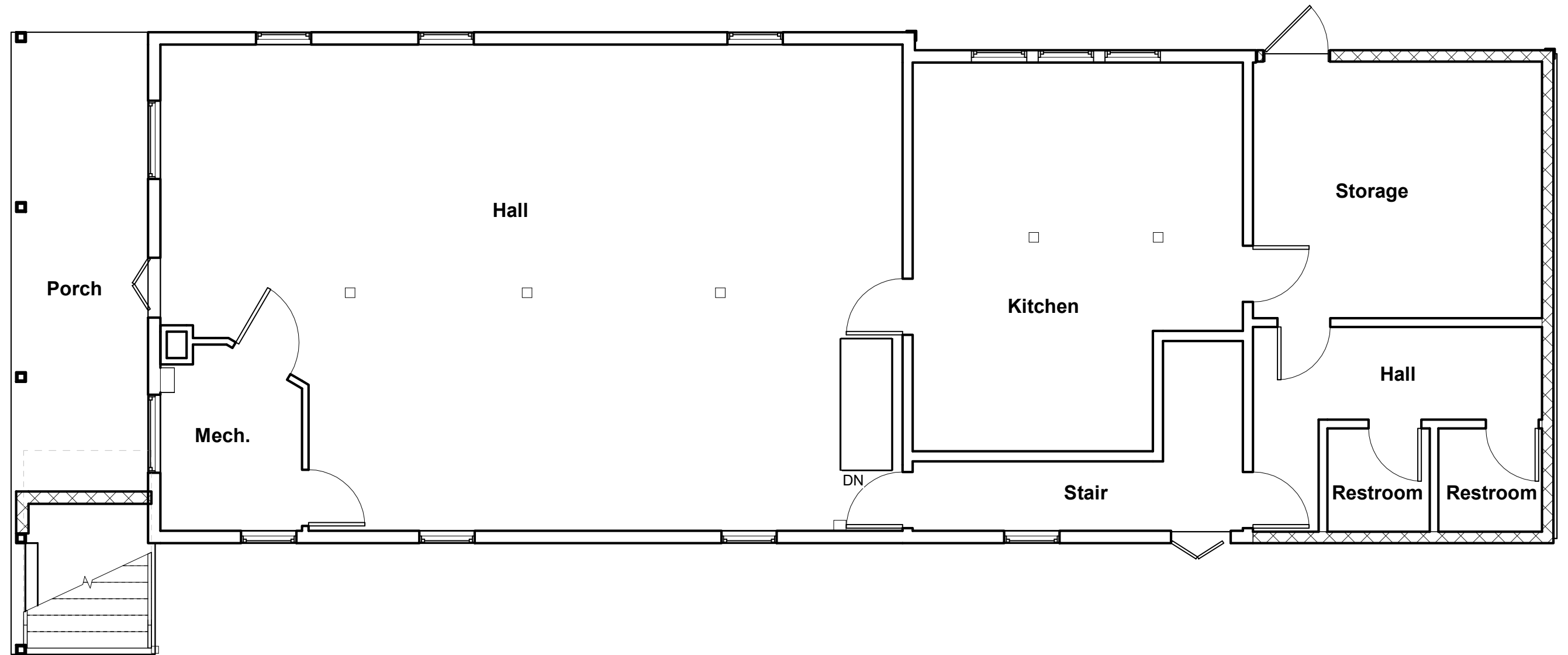
Thank you for your review of this proposal.

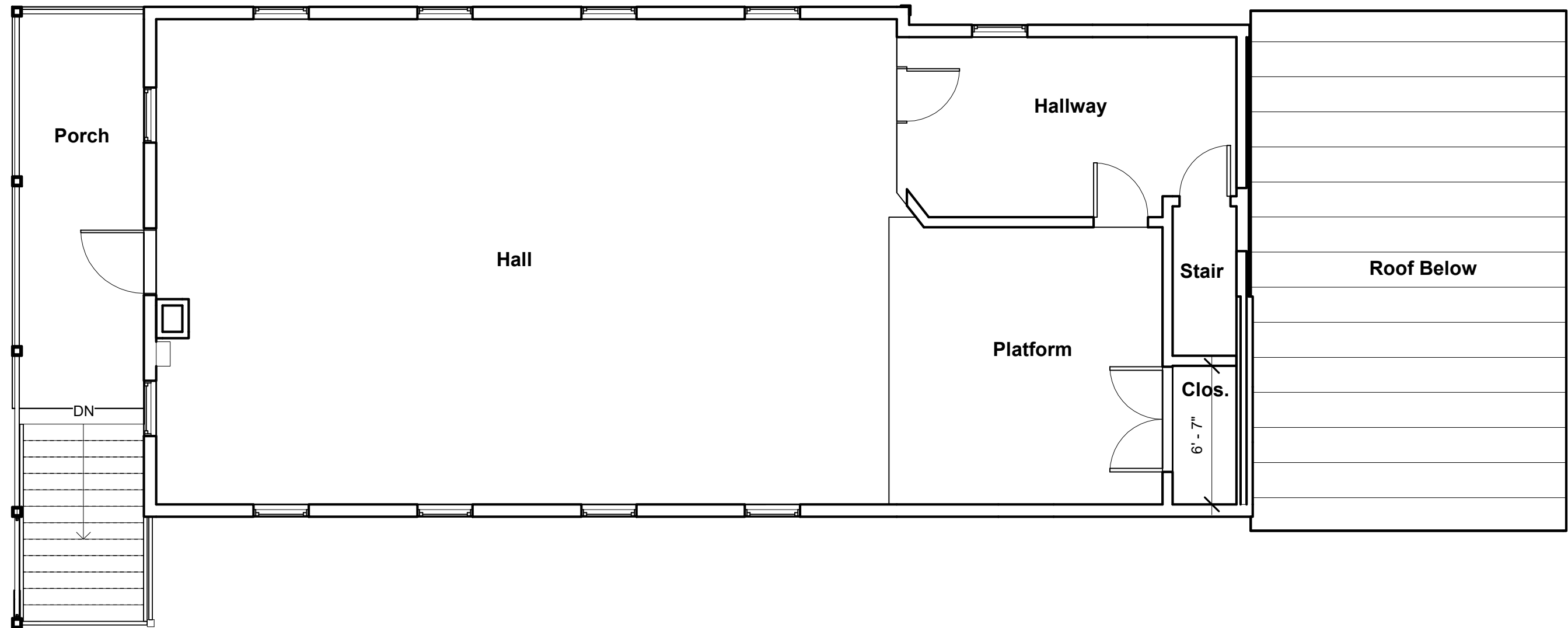
Sincerely,

A handwritten signature in cursive script that reads "Jess Phelps". The signature is written in black ink and is positioned to the left of the typed name below.

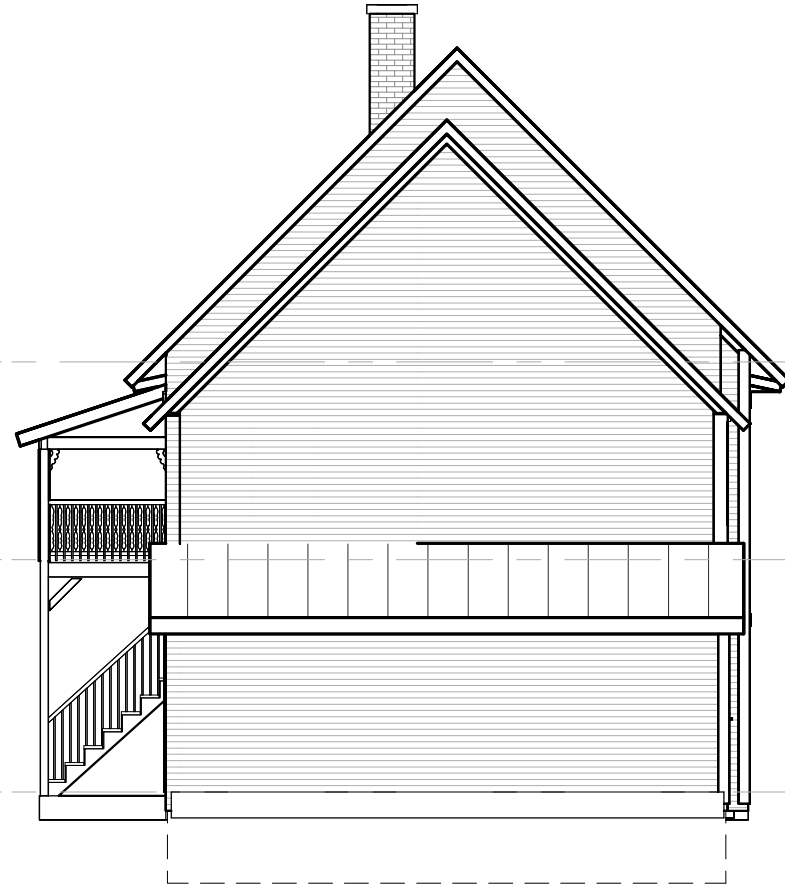
Jess Phelps, President











ATTIC
17' - 10 3/4"

SECOND FLOOR
9' - 8"

FIRST FLOOR
0' - 0"

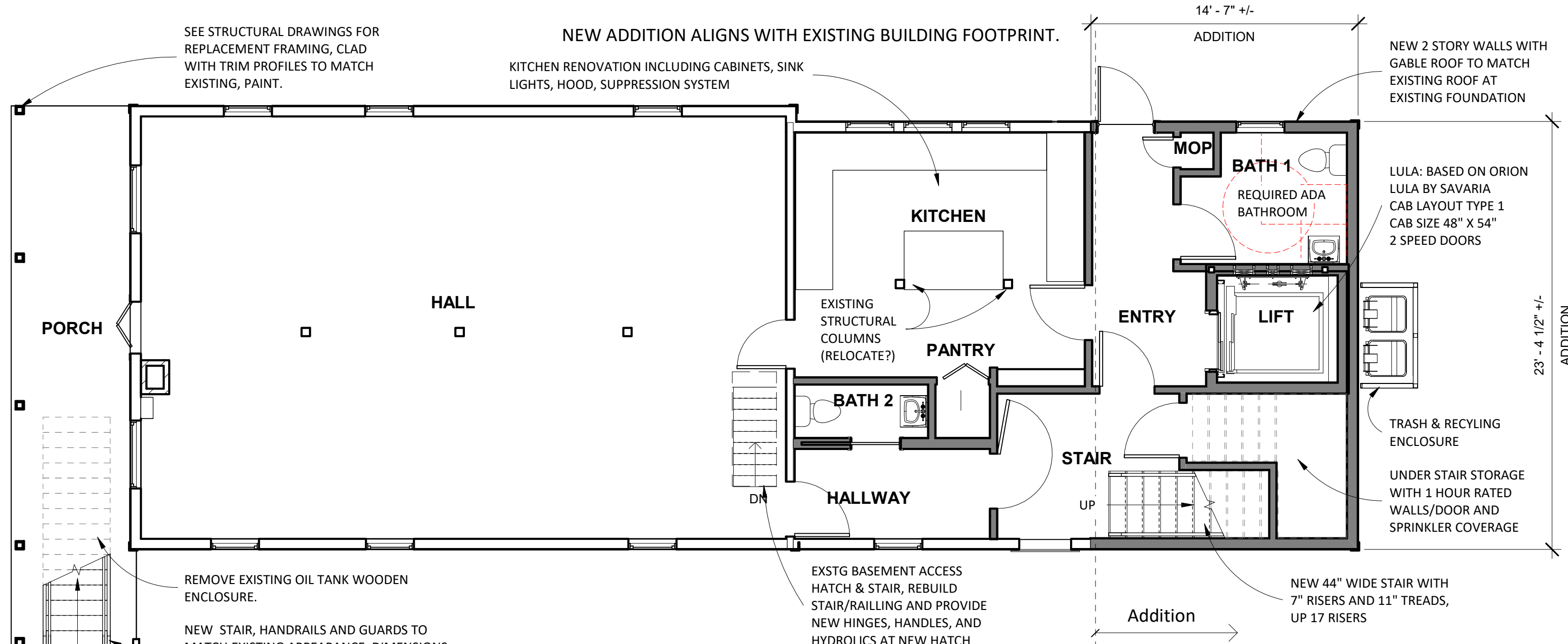
BASEMENT
-7' - 2"

② EXISTING SOUTH ELEVATION
1/8" = 1'-0"

① EXISTING EAST ELEVATION
1/8" = 1'-0"



EXISTING PORCH RAILING AND JIG SAWN BALUSTERS TO REMAIN



SEE STRUCTURAL DRAWINGS FOR REPLACEMENT FRAMING, CLAD WITH TRIM PROFILES TO MATCH EXISTING, PAINT.

NEW ADDITION ALIGNS WITH EXISTING BUILDING FOOTPRINT.

KITCHEN RENOVATION INCLUDING CABINETS, SINK LIGHTS, HOOD, SUPPRESSION SYSTEM

NEW 2 STORY WALLS WITH GABLE ROOF TO MATCH EXISTING ROOF AT EXISTING FOUNDATION

LULA: BASED ON ORION LULA BY SAVARIA CAB LAYOUT TYPE 1 CAB SIZE 48" X 54" 2 SPEED DOORS

TRASH & RECYCLING ENCLOSURE

UNDER STAIR STORAGE WITH 1 HOUR RATED WALLS/DOOR AND SPRINKLER COVERAGE

PORCH

HALL

KITCHEN

MOP

BATH 1

REQUIRED ADA BATHROOM

ENTRY

LIFT

PANTRY

BATH 2

STAIR

HALLWAY

DN

UP

EXSTG BASEMENT ACCESS HATCH & STAIR, REBUILD STAIR/RAILLING AND PROVIDE NEW HINGES, HANDLES, AND HYDROLICS AT NEW HATCH

NEW 44" WIDE STAIR WITH 7" RISERS AND 11" TREADS, UP 17 RISERS

REMOVE EXISTING OIL TANK WOODEN ENCLOSURE.

NEW STAIR, HANDRAILS AND GUARDS TO MATCH EXISTING APPEARANCE, DIMENSIONS ARE ALTERED TO MEET THE EXISTING BUILDING CODE

NEW ASPHALT OR GRAVEL PATH MAINTAINED TO SIDEWALK

PORCH SCOPE:

Exterior Stairs and Porch: The exterior stairs and porch are currently not accessible for those with mobility impairments. The risers & treads are too tall and too narrow for acceptable use compared to existing building codes. Access to the porch is via an asphalt slightly inclined sidewalk from the street and appears inadequate in width and transition to the concrete porch slab.

Recommendations:

- Rebuild exterior stair and portions of upper porch per structural engineering and architectural design
- Provide a new asphalt walkway leading from the porch stair to the public sidewalk to align with the height of the existing concrete slab.
- Obtaining a waiver is unlikely for meeting these basic egress requirements.

Systems Scope:

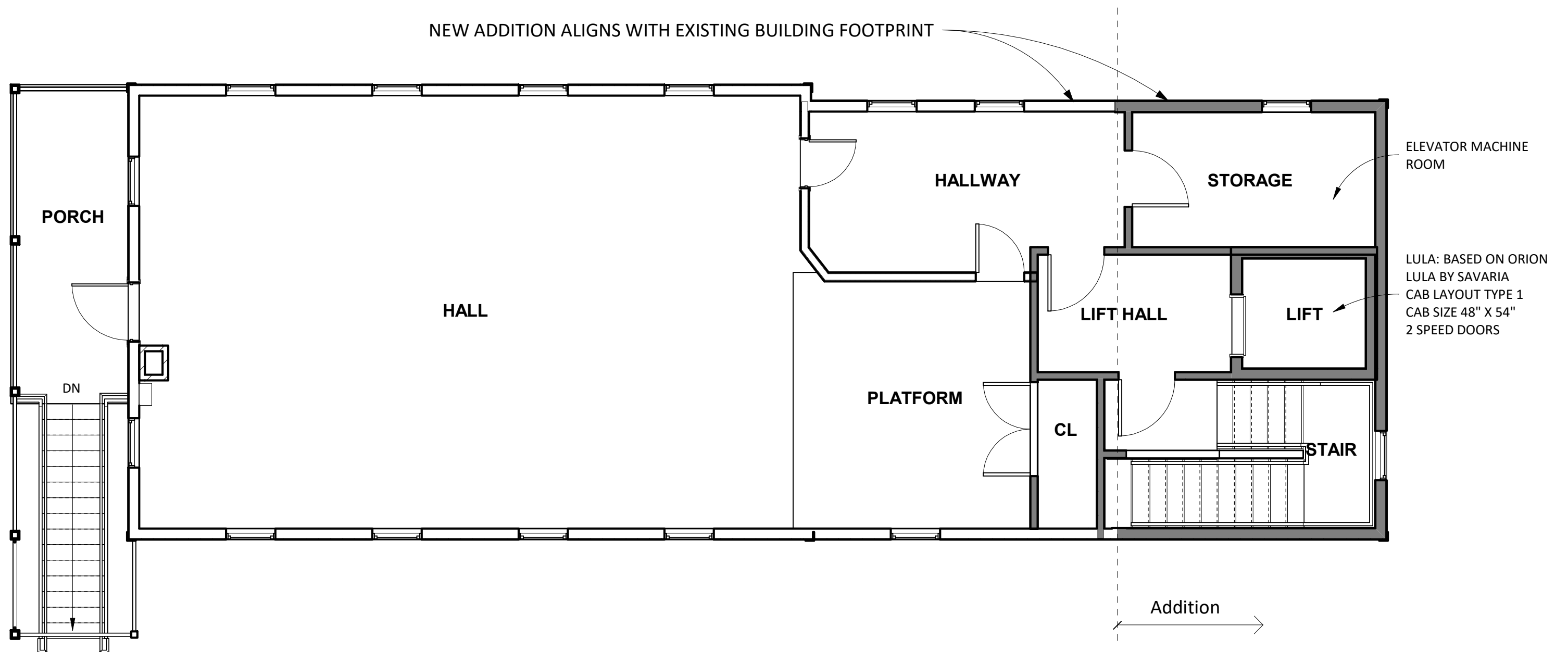
- Electrical service upgrade
- Water supply upgrade
- Sprinkler system throughout
- HVAC System: heatpumps, ERV, electrical backup
- Septic system upgrade - includes leach field replacement

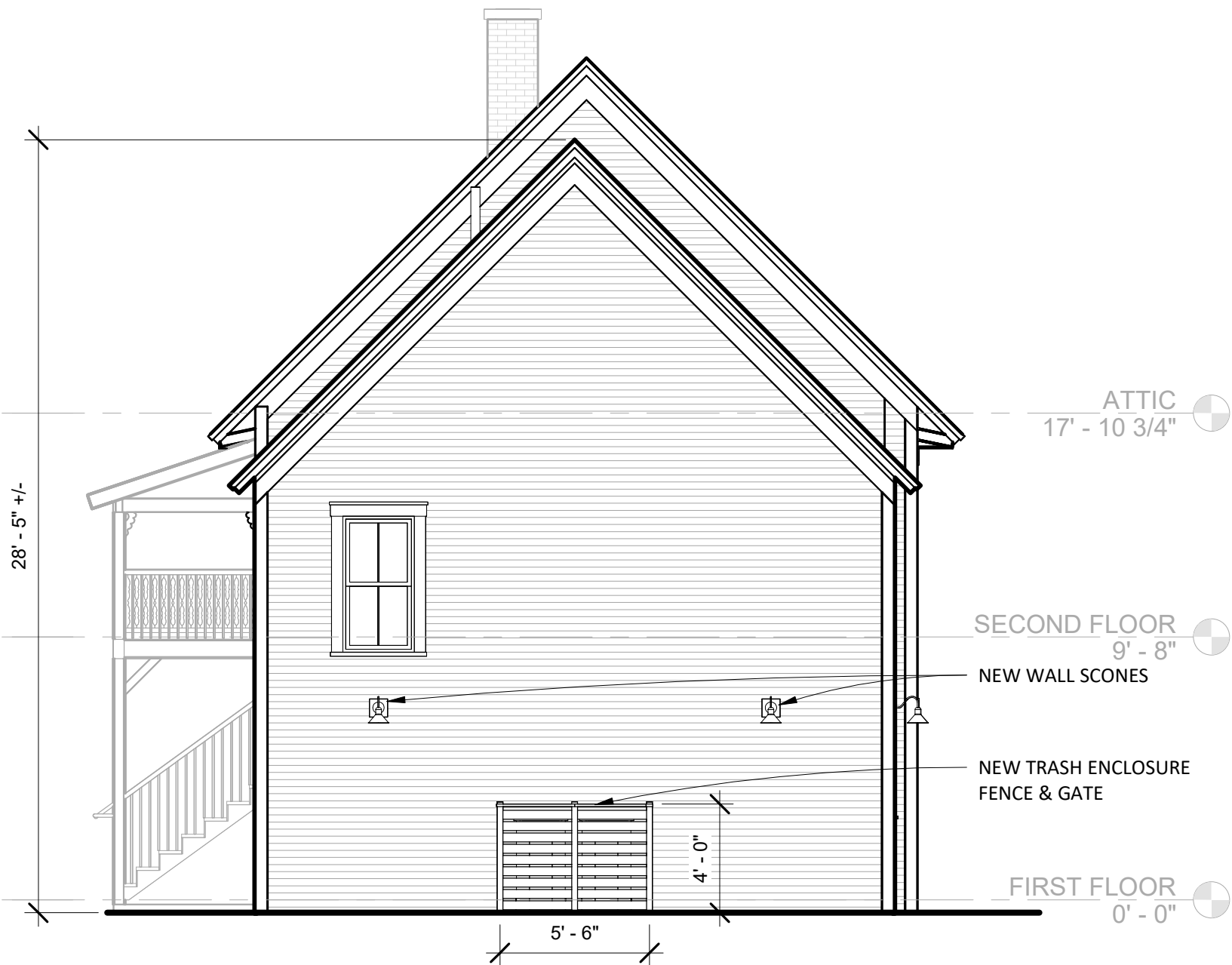
Interior Scope:

- Kitchen renovation including cabinets, sink, lights, hood, suppression system
- Accessibility items: platform, door hardware, ramps to doors
- Restore flooring 1st and 2nd floors
- Restore wainscot and plaster wall surfaces
- Paint interior space after all restoration work is completed
- Air sealing, insulation, and vapor barriers (basement)

PORCH DEMOLITION NOTES:

1. CAREFULLY SALVAGE (IF REMOVED) AND PROTECT IN PLACE ALL TRIM, BRACKETS, BALUSTERS, SIGNS, LIGHTS, CEILING FOR REINSTALLATION TO ACCOMMODATE THE NEW WORK. IF ENTIRE SECTIONS ARE ROTTED, SALVAGE A PORTION SO THE ELEMENT CAN BE REPLICATED



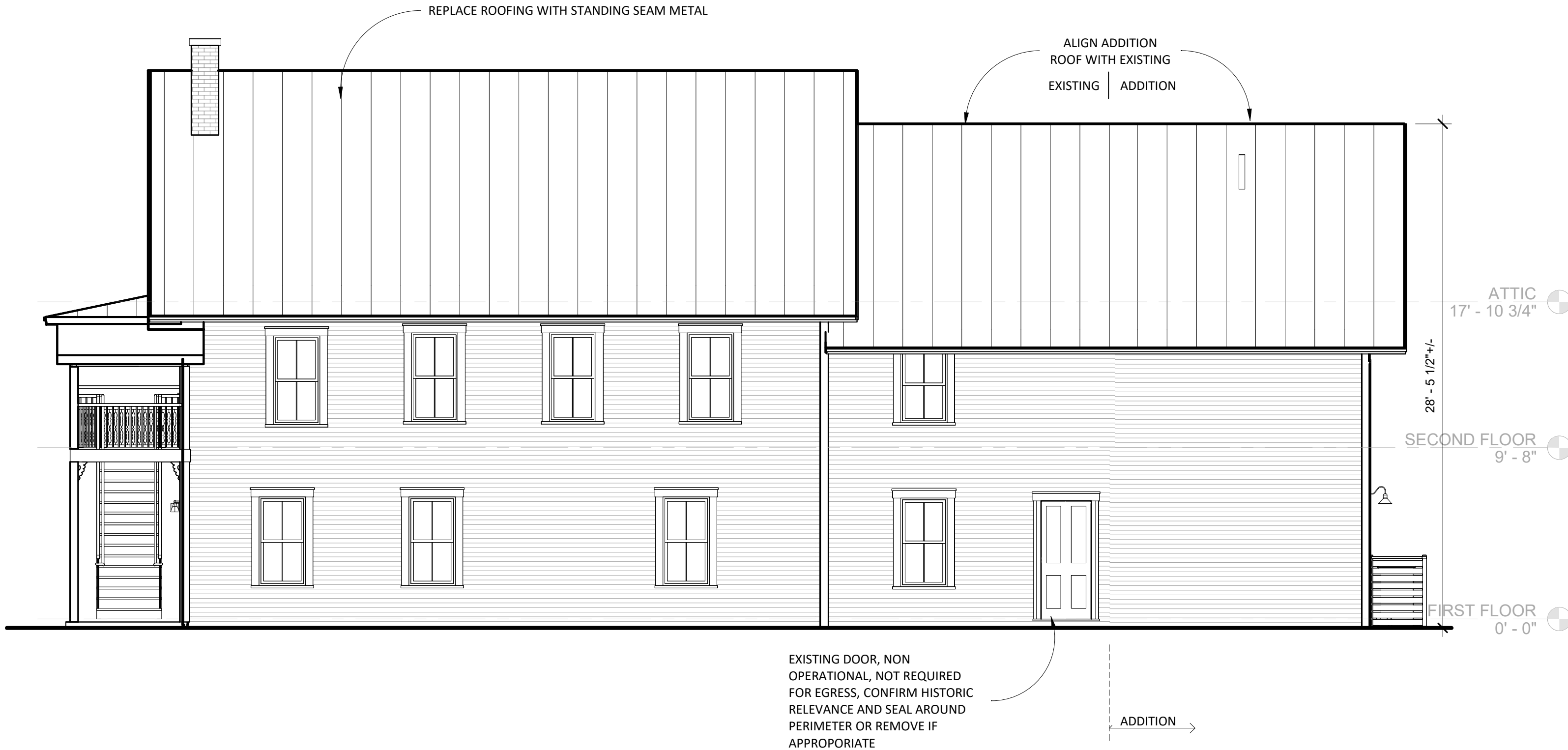


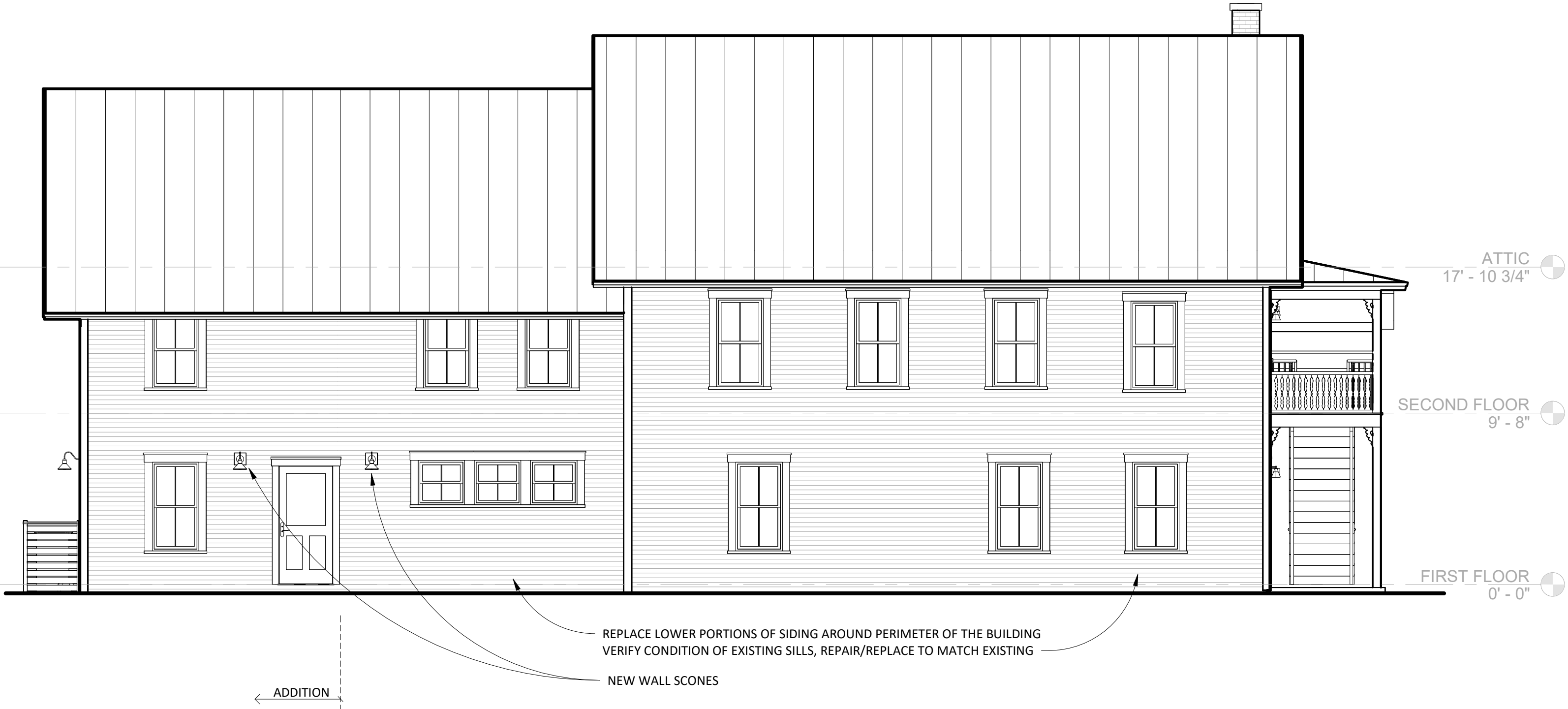
SHORT TERM PRIORITIES & SCOPE:

- Roof, check annually and repair any leaks
- Repair the membrane roof using ice and water shield - temporary repair
- Check storm windows for replace missing or loose fasteners, seal top/sides
- Remove non-historic materials on first floor (nonhazardous)
- Accessibility parking space: Coord. with Fire Dept. and provide sign striping
- Align walkway with front porch slab using fine crushed stone or wooden ramp
- Provide a vapor barrier to the basement floor and a dehumidifier - temporary
- Remove oil tank and furnace
- New smoke alarms, exit signs and emergency lighting - for 1st floor occupancy

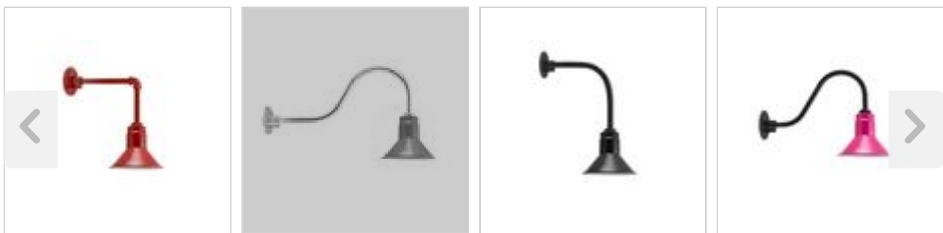
① West Elevation
3/16" = 1'-0"

② East Elevation
3/16" = 1'-0"





U. V. COMMUNITY GRANGE #581
NORWICH COMMUNITY COLLABORATIVE



CANAL GOOSENECK LIGHT

SHARE PRODUCT

[Write a review](#)

[Show Generated Product Code](#)

\$296.00

Starting at \$27/mo or 0% APR with **affirm**. [See if you qualify](#)

FINISHES ▶

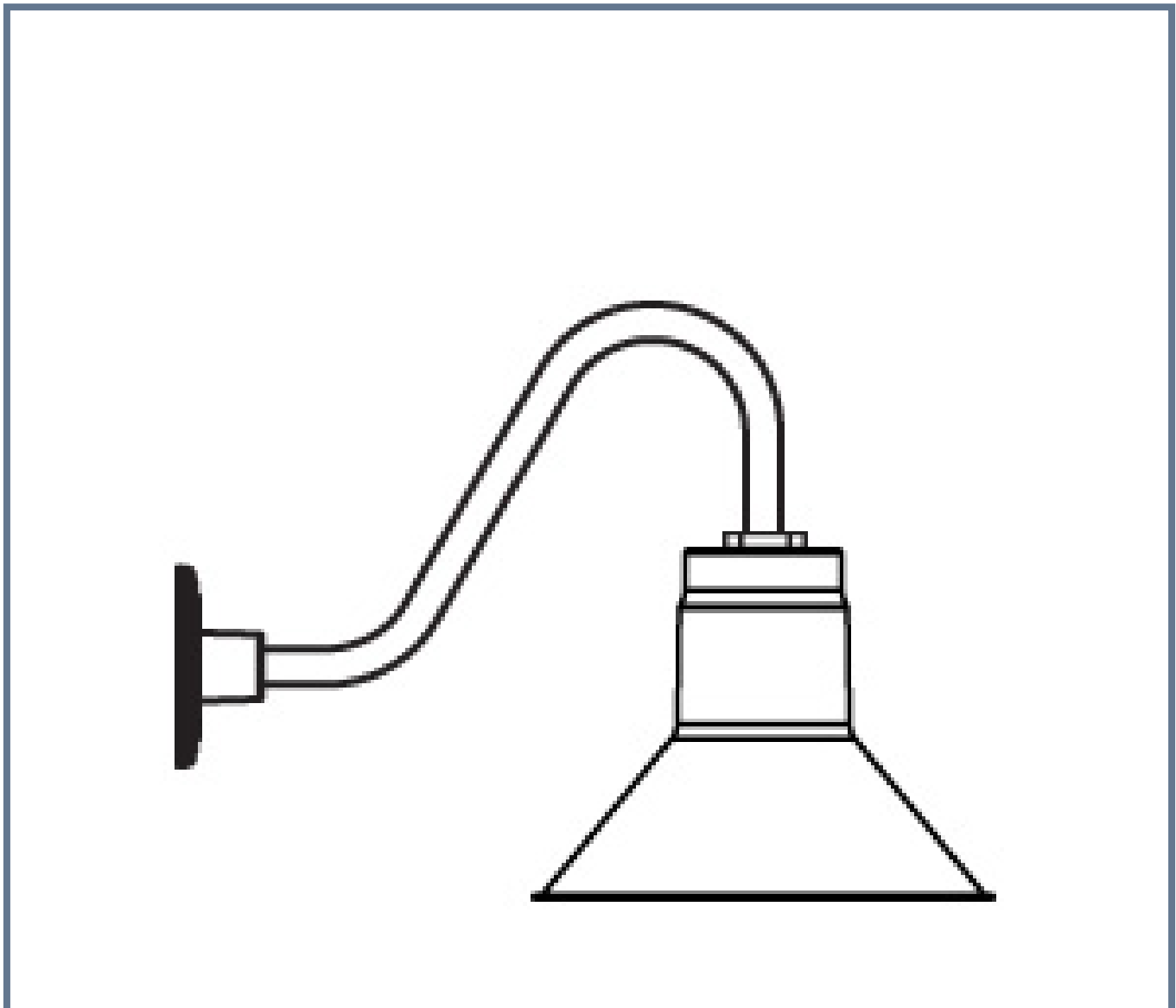
BLACK

GOOSENECK ARMS ▼

G26

View Design File

1/2" NPT | 13 3/4" Projection



GOOSENECK ARM FINISH ▶

SAME AS SHADE

MOUNTING ACCESSORY ▶

NONE

SOCKET TYPE ▶

STANDARD BULB/E26

QTY:

affirm Pay over time

[Learn more](#)

Our Bonsai Gooseneck Light features a unique flared dome shade to add plenty of character to your home exterior or commercial space! The industrial look of warehouse lighting brings modern, rustic styles to homes or businesses. The deep bowl warehouse shade illuminates outdoor spaces while remaining stylish enough to bring inside your home. With plenty of finish options to choose from, this American made, industrial outdoor gooseneck light can be customized to suit any decor or brand. Mounted to a traditional gooseneck arm for durability!

- Manufactured in the U.S.A.
- This light fixture is made-to-order to suit your custom specifications. Learn more about the process [here!](#)

CSA Listed Wet Location

Number of Sockets 1

DIMENSIONS +

MAX WATTAGE PER SOCKET +

LEAD TIMES & RETURNS +

FINISH CARE & MAINTENANCE +

Pam Mullen

From: Jess Phelps <jphelps@lymetimber.com>
Sent: Monday, July 22, 2024 2:18 PM
To: Kyle Katz
Cc: Pam Mullen
Subject: RE: Norwich Grange permit application

Hi Kyle,

For setbacks, we went out and measured on the ground:

- To fence along neighbor's property on the south side: 15'6" from back of building, 13' from front of building, 7'6" from bottom porch step. (This one moves the most given orientation of the building).
- To 8x8 railroad tie on far side of driveway on north side: 19'6" from back of building, 20' from front of building.
- Front porch is 35'6" to near sidewalk edge, 50' edge of street, 62' to centerline of street.
- From back of building to back boundary: 48'

For addition dimensions (**again, this conforms to the current footprint**, but we got the architect to measure the current footprint and get us the height (which lines up with the current building)).

- It will be 28' 4" tall.
- It will be 14' 7" wide (running from kitchen to exterior wall).
- It will be 23' 4.4" long (running along exterior wall).

Thanks again/let us know if you have any additional questions/need more information:

Jess

From: Kyle Katz <KKatz@norwich.vt.us>
Sent: Thursday, July 18, 2024 10:54 AM
To: Jess Phelps <jphelps@lymetimber.com>
Cc: Pam Mullen <PMullen@norwich.vt.us>
Subject: RE: Norwich Grange permit application

Hi Jess,

Thank you for sending over the permit application for the grange. Could you please provide the side, front and rear setbacks for the building, along with the width, length and height measurements of the proposed addition?

Thank you,

Kyle Katz
Interim Zoning Administrator
Norwich Planning and Zoning

From: Doug Sonsalla <dougs@studionexusarch.com>

#28BCU24 Exhibit A-6

Sent: Monday, August 26, 2024 5:02 PM

To: Kyle Katz <KKatz@norwich.vt.us>; Pam Mullen <PMullen@norwich.vt.us>

Cc: jonc@studionexusarch.com; jphelps@lymetimber.com

Subject: RE: Additional hearing items

Hi Kyle,

This is very helpful.

I calculated the volume of the new addition within the setback to be 3,564 cubic feet.

The volume of the existing building within the setback is 32,594 cubic feet.

This is an 11% increase in the volume so well under 25%.

Thanks,

Doug Sonsalla, AIA, LEED AP

Principal

Studio Nexus Architects + Planners, PC

46 South Main Street, Suite 200

PO Box 275

White River Junction, VT 05001-0275

802-275-5110 x102

www.studionexusarch.com

dougs@studionexusarch.com

From: Kyle Katz <KKatz@norwich.vt.us>

Sent: Monday, August 26, 2024 9:12 AM

To: dougs@studionexusarch.com; Pam Mullen <PMullen@norwich.vt.us>

Cc: jonc@studionexusarch.com; jphelps@lymetimber.com

Subject: RE: Additional hearing items

Hi Doug,

We are mainly concerned with the north setback. It was my understanding that there may be a small portion of the existing structure that encroaches on the south setback. However, since the expansion is only located within the north setback, we only need to consider the portion of the structure located within the north setback. We are using the south boundary of the Firehouse Lane right-of-way, which, according to the easement deed from 2017, has a southern boundary 12 inches north of the northerly walls of the existing Grange Hall. This gives us a 20' setback measured from 1' off the north edge of the structure. The front, rear, and south setbacks are not triggered by the nonconformity language, since the expansion is only occurring within the north setback. As such we only need to know the volume of the existing structure encroaching within the north setback.

Jess provided the other setbacks as well. See below.

Back setback – 19'6"

South setback – 7'6" from bottom of porch step at front of building, 13' from front of building, 15'6" from back of building

Front setback – 62' from the centerline of the traveled way.

All best and let me know if you have additional questions.

Kyle

**TOWN OF NORWICH, VERMONT
DEVELOPMENT REVIEW BOARD**

DOCUMENTS AND INTERESTED PARTIES

Application Number: #28BCU24

Lot: 20-211.000

344 Main ST

Site Visit:

Public Hearing Date: September 12, 2024; October 3, 2024

Applicants/Landowners: Norwich Community Collaborative Inc.
PO Box 625
Norwich, VT 05055

Interested Parties:

NATURE OF APPLICATION - #28BCU24: Conditional Use Review of an application by the Norwich Community Collaborative Inc., Applicant and Landowner, at 344 Main ST; Tax Map 20-211.000. Project proposes to add an addition to the rear of structure including ADA and accessibility related improvements. Application to be reviewed under the Norwich Zoning Regulations.

The record in this case includes the following documents:

Submitted by Applicant

- A-1 Application #28BCU24, (07-15-2024)
- A-2 Narrative and Waivers by Applicant (Jess Phelps, President) (08-16-2024)
- A-3 Site Plans by Studio Nexus (08-16-2024)
 - a. EX-0 Basement Existing
 - b. EX-1 First Floor Existing
 - c. EX-2 Second Floor Existing
 - d. EX-3 Exterior Elevations (North/West)
 - e. EX-4 Exterior Elevations (South/East)
 - f. SD-0 Main Entry Perspective
 - g. SD-1 First Floor (showing addition)
 - h. SD-2 Second Floor (showing addition)
 - i. SD-3 East and West Elevations (showing changes)
 - j. SD-4 South Elevation (showing changes)
 - k. SD-5 North Elevation (showing changes)
- A-4 New exterior lighting design (08-16-2024)
- A-5 Setbacks and addition footprint email, Applicant (07-22-2024)
- A-6 Nexus Studio, email re: Volume of Addition in Setbacks (08-26-2024)

Submitted by Zoning Administrator

- ZA-1 Documents and Interested Parties list, (09-23-2024)
- ZA-2 Easement Deed, Amended, Upper Valley Community Grange #581 to Town of Norwich (06-26-17)
- ZA-3 Conditional Use Review Criteria Zoning Regulations (07-01-2009)
- ZA-4 Nonconformity language Zoning Regulations (07-01-2009)
- ZA-5 Zoning Administrator Memorandum (08-29-2024)

RECEIVED
 June 30 A.D. 20 17
 AT 12 O'CLOCK 00 MIN P.M.
 AND RECORD IN Land Records
 BOOK 225 PAGE 737-738
 ATTEST
 [Signature]
 TOWN CLERK, NORWICH, VERMONT

AMENDMENT TO EASEMENT

The purpose of this Amendment is to clarify the terms of an Easement Deed granted by University Grange #335, Inc., Grantor, to the Town of Norwich, Grantee, said Easement Deed dated February 21, 1991 and recorded in Book 100, Page 61 of the Norwich Land Records. Therefore, know all to whom these presents come, that Upper Valley Community Grange #581, Inc., a Vermont corporation, of Norwich, Vermont, successor in interest to University Grange #335, Inc., in consideration of one dollar and other good and valuable consideration received does hereby GIVE, GRANT, SELL, CONVEY, and CONFIRM unto the Town of Norwich, a municipality organized and existing under the laws of the State of Vermont, and its successors and assigns forever, the following additions and amendments to the 1991 Easement Deed described above:

The first paragraph in the easement description section on page one shall be deleted and replaced with the following:

A non-exclusive right of way over lands of the Grantor in Norwich, Vermont, for purposes of pedestrian and vehicular ingress and egress, and for the running of utility lines, water lines, and related utility access, together with the right to maintain, repair, and replace said utility lines, water lines and related utilities, to adjacent lands and premises held by the Grantee, more particularly described as the "firehouse" and the "Hutchins House". (For Grantee's title see Book 97, Page 322 and Book 95, Page 413 of the Norwich Land Records). The right of way shall be located over, and be defined as running from the eastern to the western end of the GRANTOR'S property, extending the length of the northerly property line of the GRANTORS to a line parallel thereto twelve inches north of the northerly walls of the existing Grange Hall. The right-of-way is adjacent to the southerly bounds of land now owned by Bernice Taylor, and is shown on parcel #211 on Town of Norwich Tax Map #20, dated April 1, 1990, on file with the listers in the Norwich Town Hall. The easement area for the utility lines, water lines and related utilities shall also include remaining property of the Grantor to the east of (behind) the existing grange building, and said lines and related utilities may be placed below ground level throughout the easement area.

To have and to hold said granted additions and amendments to the 1991 Easement Deed which remains in full force and effect as amended herein.

Dated: 6-26-2017

UPPER VALLEY COMMUNITY GRANGE # 581, INC., Successor to University Grange #335, Inc.

By: Marie M. Northrup

Its Duly Authorized MASTER

STATE OF VERMONT WINDSOR COUNTY, SS.

On June 26, 2017, Marie Northrup personally appeared before me as duly authorized Master of Upper Valley Community Grange #581, Inc. and acknowledged executing the foregoing Amendment of Easement as his/her free act and deed on behalf of the Upper Valley Grange #581, Inc.

Karen M. Bean
Notary Public

My Commission Expires: 26 10, 2019

**Table 2.2
Village Residential I (VRI) District**

(A) Purpose: The purpose of the Village Residential District is to provide for medium density residential development in a compact, neighborhood setting which is near municipal services and which is serviced or may be serviced in the future by community water and/or sewer facilities. While the primary permitted uses intended are residential dwellings and associated home-based uses, other types of residential accommodations, related service enterprises and public facilities are allowed in a manner which protects the residential character of neighborhoods within the district.

(B) Permitted Uses: The following uses are allowed with approval of the Zoning Administrator in accordance with Section 6.01:

1. One-Unit or Two-Unit Dwelling
2. Accessory Use or Structure (to a permitted use)
3. Agriculture
4. Bed & Breakfast (1 to 3 Guest Bedrooms)
5. Group Home (8 or fewer residents; see Section 7.02)
6. Home Business (see Section 4.08(B))
7. Home Day Care (see Section 4.03)

(C) Conditional Uses: The following uses are permitted with the approval of the Development Review Board in accordance with Section 5.04:

1. Accessory Use/ Structure (to a conditional use)
2. Accessory Dwelling Structure
3. Bed & Breakfast (4 to 6 Guest Bedrooms)
4. Day Care Facility (see Section 4.03)
5. Group Home (more than 8 residents)
6. Home Industry (see Section 4.08)
7. Nursing Home/Residential Care Facility
8. Public Facility (see Section 4.11)
9. Private Club
10. Cultural Facility (see Section 4.13)

(D) Dimensional Standards: See Table 3.2

(E) Planned Unit Developments (PUD) (See Section 5.06):

(1) Planned Unit Developments (PUD) are permitted in this district with the approval of the Development Review Board in accordance with Section 5.06.

(2) Multi-unit dwellings. A multi-unit dwelling may be permitted as a PUD and is limited to the maximum number of units allowed for a PUD on the same property. (See Section 5.06(D)(4)). Density bonuses are available for affordable housing and moderate income housing.

(3) Mobile Home Parks are only allowed within a PUD in accordance with Section 5.06. Density bonuses are available for affordable housing and moderate income housing.

(B) Reasonable provision has been made for siting of the above public facilities and uses within all zoning districts. Such facilities or uses must meet applicable district requirements, and shall be subject to conditional use review under Section 5.02; however, associated conditions of approval shall not exceed allowed regulation, as specified in the Act and Subsection (A).

(C) In accordance with the Act [§4413(b)], public utility power generating plants and transmission facilities regulated by the Vermont Public Service Board (under 30 V.S.A. §248) are specifically exempted from municipal land use regulations.

Section 4.12 Cultural Facilities

(A) A cultural facility uses land and/or structures to encourage and promote community, visual or performing arts, or educational goals, which use is available to, and intended for, the benefit of the general public. Examples include a school, library, museum, performing arts center, or community center.

(1) A community use means functioning as a social or activity center for town, community or school organizations or gatherings, which may include amenities such as meeting rooms, large gathering or activity rooms, kitchen facilities, an auditorium, playgrounds or sports fields.

(2) An educational use will include academic learning or studies, or training in visual or performing arts, through classes, seminars or similar learning opportunities taking place at the property.

(B) A cultural facility is not intended to include:

(1) State or community-owned and operated institutions and facilities, or public and private schools and other educational institutions certified by the state department of education. See 24 V.S.A. §4413.

(2) Social or fraternal clubs or membership organizations.

(3) Offices for organizations that only promote or encourage cultural activities which take place in another location.

(C) A cultural facility is a conditional use in all zoning districts and shall meet all applicable general provisions contained in Article III.

(D) With the exception of educational uses, which shall meet the minimum off-street parking requirements for educational facilities, all other cultural facilities must meet the minimum off-street parking requirements for places of public assembly. See Table 3.3.

Article V. Development Review

Section 5.01 Applicability of Development Review Procedures

(A) **Site Plan Review**, pursuant to Section 5.03, shall apply to all permitted uses as designated in Article II, excluding one- and two-unit dwellings, home occupations within a one-unit dwelling, home daycare facilities, signs, agriculture and/or forestry and all uses exempted under section 6.02. Uses designated as a conditional use in Article II are not subject to site plan review procedures but site plan review criteria will be incorporated into the conditional use review.

(B) **Conditional Use Review**, pursuant to Section 5.04, shall apply to all conditional uses as designated in Article II or as otherwise specified under Article III or Article IV.

(C) **Flood Hazard Review**, pursuant to Section 5.05, shall apply to all development including but not limited to new or expanded single unit dwellings as designated in Article II. Specific uses subject to site plan or conditional use review shall be reviewed concurrently with Section 5.04.

(D) **Planned Unit Development (PUD) Review**, pursuant to Section 5.06, may be applied at the request of the applicant, or as required under Article II, to any size parcel in designated zoning districts. PUDs shall be reviewed concurrently with the Norwich Subdivision Regulations.

(E) **Development Envelope Review**, pursuant to Section 5.07, shall apply to any undeveloped lot prior to obtaining a permit for construction of a one-unit or two-unit dwelling unless a Development Envelope has already been designated for the lot by an approved subdivision decision.

Section 5.02 Application Requirements

(A) An applicant for PUD approval shall submit the information described in Section 5.06(C).

(B) Applicants for conditional use and/or site plan approval shall submit applicable fees and the materials described in Table 5.1. The Development Review Board may waive any of the application requirements set out in Table 5.1 that are not applicable to the proposed development. The applicant shall identify the specific requirements for which the waiver is requested and why they are not applicable.

Table 5.1 Site Plan & Conditional Use Review Application Requirements	
(A) Required Application Information:	
Name and address of owner(s) of record of the property; name, address and interest of the applicant, if different from the owner(s) of record; name and address of the person or firm preparing the application and plans; date of the application and related plans.	
A plan drawn to scale prepared by a licensed engineer, surveyor, land planner, or as otherwise approved by the Development Review Board showing the following:	
<ol style="list-style-type: none"> 1. north arrow and scale; 2. legal property boundaries for the property; 3. existing and proposed features, to include topography, land use, existing vegetation, natural areas and critical habitat, streams, floodplains and wetlands, and other fragile features (See Section 3.13); zoning district boundaries; structures (building footprints), signs, walls and fences; historic sites; roads, driveways, easements and rights-of-way, utilities and existing and proposed fire hydrants; and 4. traffic and pedestrian circulation within the site; location and dimension of parking, loading and snow retention areas; access to neighboring properties and public roads; and, sidewalks, pathways and trails in the vicinity. 	
Site location map showing the location of the project in relation to nearby town highways, adjoining parcels and uses and zoning district boundaries.	
Proposed landscaping and screening plan, including plant details (size, location, species).	
Grading and drainage plan (showing areas of cut and fill and proposed drainage patterns and provision for stormwater management).	
Proposed lighting plan, including the design and location, fixture type, mounting height, illumination levels and distribution, and color of all exterior lighting.	
Preliminary building elevations for new or altered structures, including an indication of the exterior facade design, window treatment and roof and siding materials.	
Phasing schedule for completion of all proposed development and site improvements.	
Estimate of traffic to be generated by the project on a peak and daily basis, and the impact of such traffic on area roads.	
Statement of compliance with all applicable zoning district standards, including overlay district standards and supplemental standards that may apply within a particular district or subject to a specific use.	
(B) The Board may require additional information depending upon the scope and location of the proposed project, including but not limited to the following:	
Forest management, tree removal and vegetation management plans.	
Stormwater management and erosion control plans.	
Visual impact analysis.	
Traffic impact analysis (current and proposed traffic volumes, capacities, levels of service, proposed improvements).	
Community service impact assessments (analysis of fiscal costs and benefits to the town).	
Fiscal impact study.	
Open space management plan.	
Site reclamation plan (for proposed projects involving extraction).	
Habitat impact assessment (identification of critical wildlife habitat, including wildlife travel corridors, analysis of potential impact and proposed mitigation measures).	
Other information or studies reasonably necessary for the Board to conduct a comprehensive review. To assist the Board in its review of applications, the Board may employ or contract with consultants whose services shall be paid for by the Applicant. Any or all final reports or documents prepared by the consultant shall be made available to the applicant and other parties to the proceeding.	

Section 5.03 Site Plan Review

(A) **Purpose.** Site plan review is intended to ensure that projects be of high quality, attractive and functional site design, and that the general building site design be consistent as to the size, scale and mass of the other buildings in the zoning district and with the purpose and character of the zoning district in which the project is located. Standards emphasize those related to the internal layout of the site, its physical design and appearance as viewed from off-site, and the functional integration of the site with surrounding properties and uses.

(B) **Review Process.** Upon determination that review is required, and the application as submitted is complete for review by the Development Review Board, subject to requests for waivers of application requirements, the Zoning Administrator shall schedule a public hearing of the Development Review Board, warned in accordance with Section 6.06(D). Once the public hearing is opened, the Board shall determine if the application is complete and decide whether any waivers of application requirements shall be granted. If not, or if the Board requires additional information for the application, the public hearing may be recessed to another date certain for continuation of that hearing. Once all information required by the Board has been submitted, the Board shall close the hearing and act to approve, approve with conditions, or disapprove an application for conditional use review within 45 days after the date the hearing was closed; and shall issue a written decision to include findings of fact, any conditions, and procedures for appeal. The application shall be deemed approved by the Board on the 46th day in the event that the Board fails to act within 45 days of the adjournment of the hearing.

(C) **General Standards.** The Development Review Board shall consider and may impose appropriate safeguards, modifications and conditions relative to the following standards:

(1) Maximum safety of vehicular circulation between the site and the street network. Vehicular access and intersections with roads shall meet all applicable town and state design standards, including the Norwich Private Highway Specifications and the Norwich Driveway Access Specifications. Sight lines shall meet specified guidelines. The public highway accessed from the parking lot must have sufficient excess capacity both at access and egress points and at affected intersections to accommodate the added traffic without undue delay. The Board may limit the number and size of curb cuts to a single access. In instances involving pre-existing curb cuts not in compliance with these standards, the Board may require the reduction, consolidation or elimination of non-complying curb cuts. In appropriate instances, including the presence of compatible adjacent uses, areas characterized by congestion and frequent and/or unsafe turning movements, or parcels having direct access to more than one road, the Board may require shared access between adjoining properties or may limit access to a side street or secondary road. Requirements for shared access shall be made either at the time of site plan approval if similar provision has been made on a contiguous parcel, or contingent upon future development of neighboring properties.

(2) Adequacy of circulation, parking and loading facilities with particular attention to safety. Parking and loading facilities shall be provided per the requirements of Section 3.09 of these regulations, and in accordance with the following:

- a. Parking shall be designed to minimize the visibility of parking areas from off-site through the location, landscaping and screening of such areas. Parking shall be located to the rear or interior side (side not fronting on a public road) of buildings, unless otherwise permitted by the Board due to site conditions which would prevent the reasonable use of the property if this standard were strictly enforced. Large, uninterrupted expanses of parking shall be avoided.
- b. Driveway connections to parking areas on adjacent properties or provision for future connection shall be required where feasible. In the event that such connections allow for shared parking between properties, the overall parking requirements may be reduced pursuant to Section 3.09(B).
- c. Adequate parking facilities for people with disabilities shall be provided that comply with ADA standards. Accessible parking spaces shall be located on an accessible route of travel from the parking to an accessible entrance to the building served by the parking. Provisions shall be made for wheelchair van parking with an area for safe loading and unloading.
- d. Clearances and turning radii shall be sufficient to accommodate all service and delivery vehicles required for the normal activities on the site, and fire trucks and other emergency vehicles.
- e. Loading and delivery areas within the site shall be provided in accordance with Section 3.09(D), and shall be adequate to meet the anticipated needs of the use in a manner that does not interfere with parking, internal circulation and landscaping.

(3) Landscaping. Landscaping shall enhance the features and conditions unique to each site, and should include a combination of shade trees (deciduous and/or coniferous), deciduous and evergreen shrubs, well kept grasses and ground covers. Landscaping is required in front and side yards, adjacent to parking areas, and where rear yards abut residential properties or public roads.

- a. Landscaping plans shall emphasize the following:
 - i) The preservation of existing ground cover and trees, especially those that are mature or determined to be of special horticultural or landscape value.
 - ii) The use of both deciduous and coniferous shade trees in available yard area, especially front and side yards, parking areas and along street lines. Shade trees should be placed to interrupt the facades of buildings, break-up expanses of parking, visually reduce the scale and bulk of large buildings, integrate the site with surrounding properties, establish a linear pattern of street trees along road frontage, and enhance environmental quality (e.g., wildlife habitat, soil stabilization, storm water retention, air quality, energy conservation).

- iii) The use of flowering ornamental trees to complement shade trees in instances where large yard areas exist, and where space limitations prevent the planting of shade trees.
 - iv) Landscaping beds which enhance the general appearance of the site, define planting strips and buffer areas and minimize the amount of grass lawn area. Such beds are not to be considered a substitute for tree plantings or other open space requirements.
 - v) A mix of evergreen and flowering shrubs and bushes should be used adjacent to buildings, within planting beds and to complement shade trees and other landscaping features.
 - b. In addition, landscaping plans are subject to the following:
 - i) Shade trees shall be a minimum of 2.5" caliper (trunk diameter), measured at a height of 5 feet, or, in the case of coniferous trees, be a minimum of 8 feet in height, unless otherwise specified by the Board upon consideration of site conditions; be a species with a substantial life expectancy and a tolerance for soil compaction, drought and, if located along street lines, salt; and be of native origin, provided that they meet the above criteria. The planting of single gender deciduous trees shall be avoided.
 - ii) The Board may require the submission of a three year plan for all proposed landscaping. Bonding or other surety may be required to ensure installation and maintenance.
- (4) Screening. Sufficient screening shall be provided when the Development Review Board determines that adequate screening is not provided by topographical or other barriers. Screening shall be required where a more intensive land use is proposed to abut a less intensive use; adjacent to garbage collection and utility areas, satellite antennas, outdoor storage, and loading and unloading areas and other outdoor utilities and facilities; and when the project adversely impacts adjacent properties (e.g., lighting, outdoor storage, etc.). In addition:
- a. Screening shall provide a year-round visual screen, particularly from roads. A diversity of materials to create a naturalized screen is encouraged rather than a large expanse of uninterrupted, uniform material so long as sufficient screening is obtained. Materials may include fencing, shade trees, evergreen and flowering shrubs, rocks, mounds or combinations thereof to achieve the same objectives.
 - b. Arrangement of screening shall provide protection to adjacent properties and avoid damage to existing plantings. If re-contouring of the site is proposed, the side slope shall be used for plantings. A maximum of 4:1 slope is recommended.
- (5) Bicycle & Pedestrian Access. On-site pedestrian circulation linked to pedestrian facilities located on adjacent properties and/or along public roads, and to on-site parking areas, shall be provided. Such access shall take the form of sidewalks for walking and bicycling, or other facilities depending upon the property's location, site conditions and proximity to other bicycle/pedestrian facilities. Access points at property edges shall be

coordinated with existing and planned development to provide pedestrian connections between uses. Bicycle racks shall be required for commercial and public uses intended for general public access. In addition, adequate access from the parking area and sidewalks to the building(s) that are open to the general public shall be provided for people with disabilities.

(6) Outdoor Storage & Display. The outdoor storage or display of goods, supplies, vehicles, equipment, machinery or other materials is prohibited unless specifically approved by the Board and/or specifically permitted within particular districts. Secured, covered and screened areas shall be provided for the collection and on-site storage of trash and recyclables generated by the proposed development. In approving such outdoor display or storage, the Board may place conditions on the area and location of such storage or display, and shall require appropriate screening.

(7) Building Design. Buildings shall not be designed to function as advertisements through the use of garish color schemes; internal illumination of roofs, facades or awnings; oversized display windows; the integration of oversized logos and advertising features into the building's design; or formulaic or homogeneous architectural design based on a national standard for a particular business or franchise that is not consistent with historic building types and designs typical of Norwich.

(8) Lighting. To ensure appropriate lighting while minimizing its undesirable effects, the following general standards apply to all outdoor lighting with the exception of temporary holiday lighting which is exempt:

- a. In addition to information regarding exterior lighting fixtures, including fixture type, mounting location and height, illumination levels and distribution, and color, submitted as part of the application, a lighting plan, prepared by a qualified engineer or lighting expert may be required for projects determined by the Development Review Board to pose a potential for significant off-site impact due to the number, location and intensity of proposed lighting fixtures.
- b. Outdoor lighting fixtures shall be limited to recessed, shielded or cutoff fixtures so that no light from fixtures is emitted directly or indirectly at an angle less than 15 degrees below the horizontal and the light source shall not be visible from adjacent lots, roads, or waters. The Color Rendering Index (CRI) shall be appropriate for the location of the site and compatible with adjacent properties. In most situations a CRI of over 80 is acceptable. Building or pole mounted, non-reflective lights using an incandescent bulb of one hundred watts or less not used to illuminate a sign are allowed.
- c. All outdoor lighting shall be kept to the minimum required for safety, security and intended use, consistent with the character of the neighborhood and zoning district in which it is located. To determine appropriate lighting levels for a particular use or site, the Board may consider technical resources, such as The Outdoor Lighting Manual for

- Vermont Municipalities and publications of the Illuminating Engineering Society of North America (IESNA).
- d. Parking lot lighting shall comply with the standards for maximum mounting height, minimum illumination (at darkest spot) and uniformity ratio as set forth in The Outdoor Lighting Manual for Vermont Municipalities. The Board may waive these standards for good cause if application thereof is inappropriate or unduly burdensome so long as excessive lighting does not result and the proposed lighting scheme otherwise meets the requirements of this section. Applicants may also be required to use lower mounting heights and illumination levels. Lighting of parking lots in the Rural Residential District is generally discouraged except for minimum security needs.
 - e. Outdoor lighting fixtures should include timers, dimmers, and/or sensors to reduce energy consumption and eliminate unneeded lighting.
 - f. The use of street or security lighting is only permitted if unusual or hazardous conditions require it. Security lighting, where deemed necessary by the Board, shall be shielded and aimed so that illumination is directed only on to the designated area and not cast on other areas.
 - g. Exterior building facades shall not be illuminated. The Board may approve the exterior illumination of buildings with symbolic or historic significance, provided the maximum illumination on any vertical or angular roof surface does not exceed 5.0 foot candles; fixtures are carefully aimed and shielded so that light is only directed onto the building surface; and lighting fixtures are mounted on or near the building, preferably directed downward, and are designed to “wash” the facade with light.
 - h. Except for approved security lighting, outdoor fixtures shall only be illuminated during the hours of operation for non-residential uses unless specifically approved by the Board. Hours of operation shall include any time up to one hour before or after all employees and patrons or customers have vacated the premises. Inns and Bed and Breakfasts are considered open on a twenty-four hour basis.

(9) Stormwater Management. To prevent water quality degradation and to minimize impacts on surrounding properties and town infrastructure, development shall be sited and designed to minimize storm water runoff and prevent erosion during all phases of development. Land development shall incorporate Low Impact Development (LID) stormwater management and erosion control practices where feasible. The Board may require the preparation and implementation of a stormwater management plan as appropriate for the setting, scale and intensity of the proposed development. Plans, if required, shall include provisions for the inspection and long-term maintenance of stormwater management and erosion control practices and be prepared by a qualified licensed engineer that incorporates the LID approach for site design and stormwater management where feasible and the accepted management practices recommended by the state in the Vermont Stormwater Management Manual and the Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites, as amended. The Board may,

at the expense of the developer, conduct an independent review of the plans. Site plan approval may be granted by the Board upon finding that the proposed development will:

- a. Conserve and protect the natural hydrologic assets and functions of a site. Direct development away from sensitive environmental areas, and preserve native vegetation, soils, and existing drainage courses.
- b. Create opportunities to retain all runoff on site. Storm water shall be filtered and infiltrated into the ground by directing runoff away from impervious areas and engineered drainage systems and into areas of natural vegetation. All storms up to 1-inch must be captured and infiltrated on-site. The infiltration rate calculations of the system must be based on data collected in the field. Use green space, flatten slopes, disperse drainage, increase distance from streams, maximize sheet flow and incorporate other Integrated Management Practices (IMPs).
- c. Minimize impacts of development at all stages. Minimize clearing, grading and limit lot disturbance. Save A and B (top) soils. Reduce impervious surfaces, pipes, curb and gutters. Discontinue engineered drainage systems where feasible.
- d. Use a decentralized stormwater management system of small-scale controls that are located near the sources of runoff generation. These controls shall be designed to store, infiltrate, filter and release runoff the way natural areas do and shall limit the post-development peak discharge rate to less than or equal to the pre-development peak discharge rate based on a 2-year and 10-year, 24-hour storm event. IMPs provide a variety of on-site opportunities to control the volume and peak runoff rates of storm water and to filter pollutants.

Compliance with the Vermont Stormwater Regulations as evidenced by an approved State Permit will indicate compliance with this Section.

(10) Protection of Natural Resources. Proposed development shall not have an adverse impact on important natural resources or features located on the parcel, including wetlands, steep slopes, rivers and streams, critical wildlife habitat and habitat diversity, groundwater source protection areas, floodplains and/or the other features in Section 3.13, identified in the town plan, zoning overlay maps, or through field investigation. The Board may require the following protection measures to ensure the protection of natural resources and features:

- a. establishment of buffer areas;
- b. permanent protection as designated open space;
- c. designation of development envelopes to ensure that activities incidental to the operation of the development use, including clearing and yard area, do not adversely impact identified resources;
- d. preparation and implementation of management plans for protected resources and associated buffer areas; and/or
- e. such other measures as noted in Section 3.3 of the Norwich Subdivision Regulations.

(11) **Historic Structures.** Consideration shall be given to the impact of the proposed development on historic structures on the site or on adjacent properties. To the extent feasible, continued use of existing historic structures is encouraged; the exterior appearance of historic structures should be protected, and the visual context of historic structures should be maintained.

(12) **Fire and Public Safety.** Consideration shall be given to measures necessary for fire and public safety including the location of fire hydrants or other fire protection measures, access to buildings by emergency vehicles and personnel, and proper storage of hazardous or toxic substances. The DRB may request the fire and police departments to review the development plans and make recommendations.

(13) **Underground Utilities.** For new construction, all new utility systems, which may include but not be limited to electric, gas, telephone, fiber optics, and television cable, shall be located underground, unless doing this is deemed unreasonable and prohibitively expensive by the DRB due to site conditions.

(D) **District Standards.** To ensure that development is designed in a manner that is consistent with the existing and desired character of the district within which it is located, the following standards shall apply within the specified district.

(1) **Village Business (VB) District.** Within the Village Business District development shall meet the following standards:

- a. Buildings and associated site design shall reinforce a well-defined streetscape by being located as close to the front setback as practical. Where the placement of a building along the front setback is not practical due to preexisting site conditions, landscaping features, such as low walls and planting materials, should be incorporated along the setback line to create a transition between the public right-of-way and the site.
- b. Buildings should be oriented toward and relate to, both functionally and visually, streets and/or common greens, parks or plazas, and not be oriented toward parking lots. The front facade should include a main entry-way and pedestrian access to the street.
- c. Buildings, and modifications to existing buildings, shall be designed in a manner that is compatible with, and does not stand in contrast to, nearby historic structures with regard to building scale, massing, materials, orientation and rhythm of openings (fenestration).
- d. Large expanses of undivided glass and/or monolithic walls shall be avoided.
- e. Buildings shall be a minimum of 1½ stories in height, with the exception of accessory structures with a building footprint of less than 500 square feet.
- f. At the boundary between the VB District and the Village Residential (VR) District, the following requirements shall be met unless waived by the Board:

- i) Stored materials or refuse containers between a building in the VB District and the VR District boundary line shall be screened by a fence or by shrubs or trees which would provide comparable concealment.
- ii) Parking areas in the VB District shall be screened by a fence or by shrubs or trees which would provide comparable concealment.
- iii) Open land in the front, side or rear yard of a property in the VB District, contiguous with a property in the VR District shall meet the general landscaping requirements of Section 5.03(C)(3).

(2) Village Residential (VR) District. Within the VR District development shall meet the following standards:

- a. The use of front yards shall be limited to landscaping, pedestrian paths and associated pedestrian amenities (e.g., street furniture, pedestrian scale lighting and signs) and driveways. Outdoor storage, parking and loading areas shall not be located within front yards unless the Board finds that the property is a pre-existing building and that no other practical alternative exists.
- b. Buildings should functionally and visually be oriented toward and relate to public streets and/or common greens, parks or plazas, and not be oriented toward parking lots. The front facade should include an entry-way and pedestrian access to the street. The Board may impose a maximum setback, relative to adjacent buildings, to achieve a consistent streetscape.
- c. The size, scale, and massing of new buildings, including height, width, street frontage and roof type, shall be compatible and harmonious with surrounding residential structures. Consideration may be given to buildings serving special civic, social or cultural functions, including places of worship, that may be designed to serve as prominent focal points within the district.

(3) Commercial/Industrial (CI) District. Where any land use in the Commercial/Industrial District abuts land in any residential district, a strip of land at least twenty-five feet in width shall be maintained as a landscaped buffer unless waived by the Development Review Board.

(4) Rural Residential (RR) District(s). Development within the RR District(s) shall meet the following standards:

- a. Site design shall be configured to reinforce the district's rural character and historic working landscape, characterized by wooded hillsides and knolls, open fields, and a visual and functional relationship of structures to the surrounding landscape.
- b. Buildings shall be designed in a manner that is compatible with architectural styles within the district with regard to building scale, size, massing and materials.

- c. Buildings shall be sited in a manner that avoids placement on primary agricultural soils or other open farmland, and shall be blended into the site by appropriate landscaping and/or the use of topographic features, or may be required to be screened from view.
- d. Parking for non-residential uses shall be screened from public view and shall not be located within 75 feet of a property boundary.

(E) **Procedure for Bonds.** In the event use or occupancy is to occur prior to completion of the proposed development, the DRB may require a performance bond, escrow account or other surety acceptable to the Town Manager and approved by the Selectboard to ensure completion of the development on the terms and conditions approved by the DRB. This requirement is in addition to any bonding for landscaping. [Title 24, §4464(b)(6).]

Section 5.04 Conditional Use Review

(A) **Purpose.** In addition to addressing site design considerations through the application of site plan review standards, conditional use review is intended to ensure compliance with standards addressing the impact of certain proposed land uses on adjacent properties, the neighborhood and/or zoning district in which the project is located, and the community at large. Typically, land uses are subject to conditional use review because the scale, intensity or potential off-site impacts warrant careful scrutiny by the Development Review Board. Standards and conditions emphasize those considerations in which off-site impacts of a proposed project can be identified, avoided and/or mitigated.

(B) **Determination by Zoning Administrator.** The Zoning Administrator may determine whether a conditional use approval is needed for a proposed use in which all applicable provisions of these regulations have been satisfied (e.g., if there will be no increase in the number of clients and customers or the number of parking spaces). In the event that there is no change in site conditions or circumstances involving one or more applicable provision of these regulations, the Zoning Administrator may issue a zoning permit in accordance with Section 6.01 without Development Review Board review under this Section. Conditional uses approved under this provision shall be subject to Site Plan Review.

(C) **Review Process.** Upon determination that review is required, and the application as submitted is complete for review by the Development Review Board, subject to requests for waivers of application requirements, the Zoning Administrator shall schedule a public hearing of the Development Review Board, warned in accordance with Section 6.06(D). Once the public hearing is opened, the Board shall determine if the application is complete and decide whether any waivers of application requirements shall be granted. If not, or if the Board requires additional information for the application, the public hearing may be recessed to another date certain for continuation of that hearing. Once all information required by the Board has been submitted, the Board shall close the hearing and act to approve, approve with conditions, or disapprove an application for conditional

use review within 45 days after the date the hearing was closed; and shall issue a written decision to include findings of fact, any conditions, and procedures for appeal. The application shall be deemed approved by the Board on the 46th day in the event that the Board fails to act within 45 days of the adjournment of the hearing.

(D) **General Standards.** Conditional use approval shall be granted by the Development Review Board upon finding that the proposed development will not result in an undue adverse effect on the following:

(1) The capacity of existing or planned community services or facilities. The Board shall consider the demand for community services and facilities resulting from the proposed development in relation to the available capacity of such services and facilities. Available capacity may be determined in part through consultation with other municipal and/or state officials having jurisdiction over affected services and facilities, and consideration of any capital budget and program in effect. Conditions may be imposed as appropriate to ensure that the demand for community facilities or services does not exceed existing or anticipated available capacity.

(2) The character of the area affected. The Board shall consider the location, scale, size, mass, materials, type, density and intensity of use associated with the proposed development in relation to the character of the area likely to be affected, as defined by the Board based on the Norwich Town Plan, applicable zoning district purposes and standards, submitted materials, and testimony presented at public hearing. Conditions may be imposed as appropriate to ensure project compatibility with the character of the area affected.

(3) Traffic on roads and highways in the vicinity. The Board shall consider the projected impact of traffic resulting from the proposed development on the capacity, safety, efficiency and use of affected public roads, bridges, and intersections. The Board will rely on accepted transportation standards in evaluating traffic impacts, and shall not approve a project that would result in the creation of unsafe conditions for pedestrians, bicyclists, or motorists, or unacceptable levels of service for roads, highways and intersections, unless such conditions or levels of service can be mitigated by the applicant through physical improvements to the road network and/or traffic management strategies, or improvements in public transportation.

(4) Ordinances, Bylaws and Regulations in effect. The Board shall consider whether the proposed development complies with all ordinances, bylaws, and regulations in effect at the time of application, including other applicable provisions of this bylaw, other municipal permit and/or approval conditions (e.g., subdivision, highway access). Conditions may be imposed or incorporated as appropriate to ensure compliance with other municipal regulations, bylaws and ordinances in effect.

(5) The utilization of renewable energy resources. The Board shall consider whether the proposed development will interfere with the sustainable use of renewable energy resources, including access to, direct use or future availability of such resources.

Conditions may be imposed as appropriate to ensure long-term access, use and availability of such resources.

(E) **Site Plan Standards.** In addition to the general standards set forth in subsection (D), the Development Review Board shall also apply all applicable site plan review standards set forth in Section 5.03(C) and (D). Compliance with such standards shall be a requirement of conditional use approval.

(F) **Additional Standards.** In permitting a conditional use, the Development Review Board may impose, in addition to the standards expressly specified by these regulations, other conditions it finds necessary to implement the purposes of these regulations. These conditions include, but may not be limited to, the following:

- a. Increasing the required lot size or yard dimensions in order to protect adjacent properties.
- b. Controlling the location and number of vehicular access points to the property.
- c. Limiting the number, location, and size of signs.
- d. Requiring suitable landscaping where necessary to maintain the property in a character in keeping with the surrounding area.
- e. Specifying a time limit for beginning the construction, alteration, or enlargement of a structure to house a conditional use.
- f. Requiring that any future enlargement or alteration of the use be reviewed by the Development Review Board to permit the specifying of new conditions.
- g. Requiring plans for the sale, storage or disposal of hazardous or toxic substances.
- h. Requiring compliance with performance standards in Section 3.10.

Section 5.05 Flood Hazard Review

(A) **Review Procedures.** All development within the flood hazard area overlay district, with the exception of permitted uses within the district as identified in Table 2.7, shall be subject to conditional use review by the Development Review Board under Section 5.04 and the following flood hazard area regulations. Permitted uses within the underlying district, which would otherwise not be subject to conditional use review, are not required to meet conditional use standards under Subsections 5.04(D), (E) and (F). Conditional uses within the underlying district are subject to both conditional use and flood hazard area requirements. Permitted uses requiring site plan review under Section 5.03 may, at the discretion of the Board, be reviewed under Section 5.03 and this Section concurrently.

Cemetery - Land used or dedicated to the burial of the dead, including as accessory structures mausoleums, columbariums, or maintenance facilities, but excluding crematoriums. An individual or family burial site on private land, registered with the Norwich Town Clerk in accordance with state law, is exempted from this definition.

Community Center - A building owned by a public or nonprofit entity or a homeowners or similar community association which is used for recreational and social activities and is intended primarily to serve the population of the community in which it is located.

Conditional Use - A use which is permitted only after review by the Development Review Board in accordance with Section 5.04.

Contractor's Yard - A parcel of land with or without buildings thereon to be used for the storage of equipment, materials, and/or vehicles used in the operation of construction and related trades.

Crossroad Hamlet - See Section 5.06(D)(10)a.

Cultural Facility - A structure used for cultural or educational purposes, such as a school, library, or museum. See Section 4.12.

Day Care Facility - A state registered or licensed day care facility, other than home day care, including any place operated as a business or service on a regular or continuous basis, whether for compensation or not, whose primary function is the protection, care, and supervision of more than six persons outside their homes for periods of less than twenty-four hours a day by a person other than the person's own parent, guardian or relative. See also **Home Day Care**.

Degree of Nonconformity - The extent to which a structure encroaches upon, or otherwise violates, one or more dimensional standard of these regulations. The extension of a structure which results in an additional encroachment of the non-complying feature/element, including the expansion of the volume or area of a structure within a building setback, would increase the degree of nonconformity. (Nonconformity, noncompliance and any variations of those words are used interchangeably and shall have the same meaning.)

Density - The ratio of dwelling units or structures to land area.

Detached Apartment - A One-Unit Dwelling located in an Accessory Structure that is not attached to the primary residence. See Accessory Dwelling and Section 4.14(B).

Development - The erection, construction, reconstruction, conversion, relocation or enlargement of any building, exterior sign or structure, or water recreation facilities or water storage facilities, including but not limited to public swimming pools, man-made or improved ponds, reservoirs, water tanks, sewer lagoons, or fish hatcheries; any mining, excavation or landfill activity; or any change in the use of any building or structure,

MIN. SETBACK OF STRUCTURE FROM WETLANDS	50 feet	50 feet	50 feet	50 feet	50 feet
<p>Note 1 - 20,000 square feet if allowed under Section 3.2 of the Norwich Subdivision Regulations Note 2 - As determined under Section 3.2 of the Norwich Subdivision Regulations Note 3 - Min. lot width at depth of front yard setback along public highway or deeded right-of-way (at least 50 feet in width)</p>					

(C) For lots in all districts, a clear line of sight shall be maintained in both directions from the access road within 25 feet of the street intersection or highway entrance between the height of 3 feet and 10 feet above the average grade of each street.

(D) Setbacks are to be measured from the property line back to the closest point of the structure or object. On streets where the width of the street right-of-way or the location of the right-of-way boundary is not known, the property line along the right-of-way shall be 25 feet from the centerline of the existing roadway.

(E) The minimum setback from the property line for a fence which exceeds four feet in height shall be equal to or greater than the height of the fence above four feet, except:

(1) Property owners in a residential district may erect fences up to seven feet on the boundary of the Business or Commercial/Industrial district without having to meet setback requirements.

(2) A fence exceeding four feet but not more than seven feet may be erected on a side or rear boundary line if the application for the permit is signed by the landowners on both sides of the boundary.

Section 3.08 Nonconforming Uses & Nonconforming Structures

(A) **Nonconforming Structures.** Any pre-existing structure or part thereof which is not in compliance with the provisions of these regulations concerning density, set backs, height, lot size or other dimensions, or which does not meet other applicable requirements of these regulations, shall be deemed a nonconforming structure. In accordance with the Act [§4412(7)], nonconforming structures existing on the effective date of these regulations may be allowed to continue indefinitely, but shall be subject to the following provisions. A nonconforming structure:

1. may undergo normal repair and maintenance provided that such action does not increase the degree of nonconformity (see definition of degree of nonconformity in Article VII);
2. may be restored or reconstructed within two years after damage from any cause provided that the reconstruction does not increase the degree of nonconformity which existed prior to the damage.

3. may be structurally enlarged, expanded or moved, upon approval of the Zoning Administrator, provided the enlargement, expansion or relocation does not increase the degree of nonconformity, and provided that the enlarged, expanded and/or moved portion of the structure within the setback comprises an area of less than 25% of the portion of the existing structure located within the setback area.
4. may, subject to conditional use review under Section 5.04, undergo alteration or expansion which would increase the degree of nonconformity solely for the purpose of meeting mandated state or federal environmental, safety, health or energy regulations (e.g., handicap access ramp in accordance with ADA standards).

(B) **Nonconforming Uses.** Any use of land or a structure which does not conform to the uses allowed for the zoning district in which it is located shall be deemed a nonconforming use. In accordance with the Act [§4412(7)], nonconforming uses which exist on the effective date of these regulations may be continued indefinitely, subject to the following provisions. A nonconforming use:

1. Shall not be restored for other than a conforming use after damage from any cause, unless the non-conforming use is reinstated within one year of such damage. If the restoration of such building is not completed within one year, the non-conforming use of such building shall be deemed to have been discontinued, unless such non-conforming use is carried on without interruption in an undamaged part of the building. The Zoning Administrator may grant one extension for a second year to allow for delays caused by permitting, insurance claims or other extenuating circumstances.
2. Shall not be extended, enlarged, changed to another non-conforming use, or resumed after discontinuance for more than twelve months, unless the discontinuance was caused by the seasonal nature of the business, illness of the manager, or failure to find a tenant, manager, or buyer during an active and continuing search.

Section 3.09 Parking and Loading Requirements

(A) **Parking Requirements.** The minimum number of off-street parking spaces which must be provided for any new use or substantial modification of an existing use shall be as provided in Table 3.3, and in accordance with the following:

- (1) Space requirements for mixed uses shall be the sum of the requirements for each use except where it is demonstrated that the requirements of the several occupancies occur at different times, in which case the Development Review Board may modify the parking requirements in accordance with Subsection 3.09(B).
- (2) All partial space requirements shall be rounded to the next highest number of spaces.

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Community Center - A building owned by a public or nonprofit entity or a homeowners or similar community association which is used for recreational and social activities and is intended primarily to serve the population of the community in which it is located.

Conditional Use - A use which is permitted only after review by the Development Review Board in accordance with Section 5.04.

Contractor's Yard - A parcel of land with or without buildings thereon to be used for the storage of equipment, materials, and/or vehicles used in the operation of construction and related trades.

Crossroad Hamlet - See Section 5.06(D)(10)a.

Cultural Facility - A structure used for cultural or educational purposes, such as a school, library, or museum. See Section 4.12.

Day Care Facility - A state registered or licensed day care facility, other than home day care, including any place operated as a business or service on a regular or continuous basis, whether for compensation or not, whose primary function is the protection, care, and supervision of more than six persons outside their homes for periods of less than twenty-four hours a day by a person other than the person's own parent, guardian or relative. See also **Home Day Care**.

Degree of Nonconformity - The extent to which a structure encroaches upon, or otherwise violates, one or more dimensional standard of these regulations. The extension of a structure which results in an additional encroachment of the non-complying feature/element, including the expansion of the volume or area of a structure within a building setback, would increase the degree of nonconformity. (Nonconformity, noncompliance and any variations of those words are used interchangeably and shall have the same meaning.)

Density - The ratio of dwelling units or structures to land area.

Detached Apartment - A One-Unit Dwelling located in an Accessory Structure that is not attached to the primary residence. See Accessory Dwelling and Section 4.14(B).

Development - The erection, construction, reconstruction, conversion, relocation or enlargement of any building, exterior sign or structure, or water recreation facilities or water storage facilities, including but not limited to public swimming pools, man-made or improved ponds, reservoirs, water tanks, sewer lagoons, or fish hatcheries; any mining, excavation or landfill activity; or any change in the use of any building or structure,

Zoning Administrator Memo

To: Norwich Development Review Board

From: Kyle Katz, Interim Zoning Administrator

Date: August 29, 2024

RE: Application #28BCU24 – Addition to rear of structure for accessibility improvements at 344 Main Street.

This application is for improvements to the rear of the Grange Hall structure to allow for ADA improvements, including a bathroom and elevator to the second floor. The structure and parcel are located in the Village Residential (VR) district. The Grange is considered a ‘Cultural Facility’ in the Norwich Zoning Regulations (NZR), which is a conditional use in the VR district.

The Grange Hall parcel (20-211.000) is approximately .17 acres, and is bordered on the West by Main Street, residential structures to the South and North, and the Police Station to the East. The Town has a right-of-way easement, Firehouse Lane, which runs east to west through the northern portion of the parcel (See ZA-2). The right-of-way easement indicates the boundary of the easement begins 12” north of the northern wall of the Grange. As such, a large portion of the Grange building is within the right-of-way setback and is considered an existing nonconformity. Section 3.08 of the NZR allows for nonconforming structures to “be structurally enlarged, expanded or moved, upon approval of the Zoning Administrator, provided the enlargement, expansion or relocation does not increase the degree of nonconformity, and provided that the enlarged, expanded and/or moved portion of the structure within the setback comprises an area of less than 25% of the portion of the existing structure located within the setback area.”

Degree of nonconformity is defined in Section 7.02 of the NZR as “The extent to which a structure encroaches upon, or otherwise violates, one or more dimensional standard of these regulations. The extension of a structure which results in an additional encroachment of the non-complying feature/element, including the expansion of the volume or area of a structure within a building setback, would increase the degree of nonconformity. (Nonconformity, noncompliance and any variations of those words are used interchangeably and shall have the same meaning.)”

The expansion is occurring within the existing footprint. The determining criteria is whether the expansion is less than 25% of the existing volume of the portion of the existing structure within the north setback. Studio Nexus has indicated that the addition would constitute an expansion in volume of 11% (See A-6), well below 25% threshold. As the expansion does not increase the degree of nonconformity (i.e. the structure is not expanding further into the setback than it already is), this expansion is allowed per Section 3.08.