



Development Application Review Checklist

FOR USE BY THE DEVELOPMENT REVIEW BOARD

Applicant/Description:

This checklist is for your use reviewing development Applications.
 These review criteria have been taken from the Regulations, and summarized below. Applications must be reviewed for both site plan and conditional use review criteria, so some questions may be duplicative.

(check one)			SITE PLAN REVIEW CRITERIA
Yes	No	N/A	Dimensional Requirements
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1. Does the project meet setbacks?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2. Does the project have adequate frontage?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3. Does the project meet Density requirements? (min lot size)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4. Do new structures meet the criteria for maximum building height?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5. Do driveways and access meet the requirements for width, etc?
Yes	No	N/A	Water/Wastewater
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6. Is there adequate wastewater and potable water supply?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7. Is infrastructure adequate to accommodate any increases in use?
Examples of supporting evidence the DRB may require			Letter of allocation for municipal water and/or sewer service
			Site plan depicting the proposed design of the wastewater treatment system, including profiles and other descriptive data, prepared by a licensed designer
			Copy of the most recent State of Vermont Wastewater System and Potable Water Supply Permit, with a description and status of any permit amendments needed for the proposed project.
Yes	No	N/A	Stormwater
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8. Is stormwater being adequately handled? Will it adversely affect other properties, or damage town infrastructure?
			Supporting info
			Narrative describing the direction of surface water runoff, existing/proposed stormwater infrastructure, stormwater permits required, or why stormwater permits are not required
			Stormwater calculations showing quantities of new impervious surface creation, and plans for retention and treatment of runoff.
			Site plan depicting topography and locations of swales, catch basins, ponds, etc.
			Grading plan and/or runoff and erosion control plan (large projects)
Yes	No	N/A	Traffic/Access
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9. Will there be adverse impacts to traffic as a result of the proposed project?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10. Is there safe, adequate access that meets the regulations?
			Supporting info
			Site plan depicting proposed driveways and access, rights-of-way and easements
			Traffic generation and parking generation estimates, based on the ITE Manuals
			Traffic study that addresses specific concerns posed by the DRB (if needed)
			For any applications proposing access to a State Highway, a letter of intent from the VT Agency of Transportation confirming that the Agency has reviewed the



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			application and is prepared to issue a Section 1111 permit (Act 167 - 24 V.S.A. §4416). Department of Public Works approval of any proposed new driveway curbcuts. Specifications and pre-approval of any streets proposed for public dedication. Input from public works, police and fire
Yes	No	N/A	Parking
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	11. Is there an adequate number of spaces shown for all the proposed uses associated with the property?
			Supporting info Table or narrative describing the current and proposed uses, number of spaces required, and how the plan proposes to meet the zoning requirements for parking. If on-street parking is proposed, a request to DRB for parking "waiver" A site plan depicting current and proposed parking, and number of spaces.
Yes	No	N/A	Landscaping and Screening
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12. Will landscaping and/or screening be required, and if so- is it adequate to perform its required function?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	13. Is any proposed landscaping clearly depicted on the site plan, in a location outside the ROW, away from public infrastructure and lines of sight?
			Landscaping plan showing detailed site grading, as well as the location, types and specifications of trees and other screening materials, shrubs and ground cover. Identify landscaping to be retained during construction. Approval of landscaping plan by town tree warden (if applicable)
Yes	No	N/A	Natural Resources
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	14. Will the project result in any undue effects to natural resources?
			Supporting information Wetland delineation endorsed by a certified wetlands scientist (if applicable) Hydrologic study, pump test or water quality data (if required) Visual renderings that adequately demonstrate potential impacts of the project on visual and scenic resources (if required) Additional information or regulatory opinion about the potential stormwater impacts of the proposed project (if required). Jurisdictional Opinion from the Agency of Natural Resources, about whether this project is subject to Act 250 review (if required) Additional information or regulatory opinion about the potential impacts of the proposed project on flood or fluvial erosion hazard areas and their functionality (if required). Habitat disturbance assessment evaluating the potential impacts of the proposed project on sensitive wildlife habitat areas (if required). Site-specific forestry management plan or other natural resources management plan (if required).



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Yes	No	N/A	
			Outdoor Lighting
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	15. Has all proposed outdoor lighting been depicted on the site plan, and does it meet the regulations? (height, downcast fixtures, etc.)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	16. Will outdoor lighting have an undue adverse impact on adjacent properties?
			Supporting info
			Table listing all proposed outdoor lighting, with locations and specifications of fixtures and how these meet the zoning requirements.
			An outdoor lighting plan, including the locations, height and types of all proposed outdoor fixtures
			Photometric plan showing light levels and potential for offsite migration of light
			Signs
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17. Is any proposed signage shown on the site plan, and does it meet the regulations?
			Table listing the locations and dimensions of all existing and proposed signs and advertising displays for the subject property, demonstrating that all existing and proposed signage meets the criteria of Section 772 of the <i>Middlebury Zoning and Subdivision Regulations</i> (size, setback, etc.)
			Outdoor Storage
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	18. What outdoor storage areas will be associated with the proposed use, and do they meet the regulations?
			Supporting info
			Description and scaled drawings of all proposed outdoor storage areas, including screening and buffers and the location of dumpster/recycling enclosures.
			Description and location of all proposed outdoor storage as well as the location and quantities of any regulated hazardous materials, including fuel tanks.
			Renderings showing perspective views from different principal vantage points.
			Location of construction staging and/or snow storage areas.
CONDITIONAL USE REVIEW CRITERIA			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Proposed Use- Does the DRB agree with how the proposed use has been defined, and is this a conditional use according to the Regulations?
<i>Does the project meet this criterion?</i>			The following conditional use criteria are copied from V.S.A. 24 Chp 117 §4414(3)A and Middlebury's Zoning & Subdivision Regulations, Section 540 III. According to Section 540 IV(B), <i>the applicant shall have the burden of proof that the project meets all standards.</i>
Affirm	Disagree	Not sure	Existing and Planned Community Facilities and Services
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	19. The project has sufficient water and sewer capacity available for its needs and shall not result in an unreasonable burden on municipal water or sewer
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	20. The project shall not cause an unreasonable burden on local schools
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	21. The project shall not place an unreasonable burden upon the ability of the Town to provide municipal services, including but not limited to: fire, police, ambulance, public works maintenance, recreation.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	22. The project shall not endanger public or quasi-public investments or materially interfere with the function, efficiency, safety, or public's use and enjoyment of governmental, utility, or non-profit community facilities, services or lands.



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Yes	No	Not sure	Character of the Neighborhood or Area Affected
			Will the project have an undue adverse effect on the character of the neighborhood, or area affected? (see below) <i>The DAC, DPW, fire & police can assist in evaluating some of the following questions</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	23. Is the project compatible with existing neighborhood uses, types of buildings, noise and traffic?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	24. Is the project compatible with objectives of the Town Plan?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	25. Does the project comply with and actively further the Town Plan?
Yes	No	Not sure	Will the project have an undue adverse effect on:
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	26. Historic buildings and features?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	27. The intensity/uniformity or mix of uses and buildings in the area?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	28. The mass, scale and spacing of buildings in the area?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	29. Scenic views, aesthetics and open space?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	30. Aesthetics and historic sites?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	31. Natural resources? (Ag lands & farms, rivers & streams, wetlands & wildlife habitat, water & air quality, and water supply wells & aquifers)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	32. Affordable housing?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	33. The economic vitality of the downtown? (see zoning regs, p.35 for details)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	34. Traffic on roads or highways in the vicinity?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	35. Performance standards and other Town ordinances (performance standards regulate nuisances like noise, odors, etc.)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	36. Utilization of energy resources?

RECOMMENDATION	Approve <input type="checkbox"/>	Deny <input type="checkbox"/>	Request Additional info <input type="checkbox"/>
Proposed Conditions:			

All DRB decisions are appealable within 30 days. The DRB must be prepared to demonstrate that the proposed project complies with these criterion in Environmental Court, in the event of an appeal. Evidence submitted by the Applicant becomes part of the record and is admissible in Court.

If the DRB needs more evidence to demonstrate that the project complies with the above, it may be requested from the Applicant or procured by hiring an outside consultant.

Hearings may be continued, but once a hearing is closed no new evidence may be submitted to or considered by the DRB.

Middlebury is an on-the-record review Town, meaning the Court analyzes the DRB's process for having rendered a decision, rather than making an independent decision. It also means that in the event of an appeal, no new evidence can be submitted to the Environmental Court. As such, Applicants are encouraged to submit as much supporting evidence as possible at the original DRB hearing, for their own protection.