

**TOWN OF ESSEX
PLANNING COMMISSION
AMENDED AGENDA
DECEMBER 9, 2021-6:30 P.M.
MUNICIPAL CONFERENCE ROOM,
81 MAIN ST., ESSEX JCT., VT**

Anyone may attend this meeting in person at the above address or remotely through the following options:

- Join via Microsoft Teams <https://www.essexvt.org/869/Join-Teams-Meeting-Essex-PC> Depending on your browser, you may need to call in for audio (below).
- Join via conference call (*audio only*): [\(802\) 377-3784](tel:8023773784) | Conference ID: 590 879 654 #
- Public wifi is available at the Essex municipal offices, libraries, and hotspots listed here: <https://publicservice.vermont.gov/content/public-wifi-hotspots-vermont>

1. **Public Comments**
2. **DISCUSSION/PRESENTATION: Mia Watson-Housing Commission:** Inclusionary Zoning
3. **CONTINUED PUBLIC HEARING FROM 3/11/21 & 5/13/21-SKETCH Plan: Negesse & Juanita Gutema:** Proposal for an 8-unit, 5-lot Planned Unit Development-Residential (PUD-R) on a 37.8-acre parcel located at 137 Towers Road in the Agricultural-Residential (AR) & Low Density Residential (R1) zones. Tax Map 14, Parcel 39-11.
4. **SITE PLAN-PUBLIC HEARING: Forestdale Heights, Inc/G & R Cummings:** Proposal for multiple self-storage unit buildings located at 23 & 24 Corporate Drive in the Resource Preservation District-Industrial (RPD-I) zone. Tax Map 72, Parcels 3-23 & 3-24.
5. **SKETCH PLAN-PUBLIC HEARING: Don Weston d/b/a JMW Investments, LLC:** Proposal for a 32-unit Planned Unit Development-Residential (PUD-R) located at 87 Pinecrest Drive in the Medium Density Residential (R2) District. Tax Map 48, Parcel 4-1.
6. **Minutes:** November 18, 2021
7. **Other Business**
 - Letter from Brian Bertsch, P.E. re: RPD-I uses.
 - Housing

Please visit our website at www.essex.org to view agendas, application materials, and minutes.

Inclusionary Zoning in Essex



1

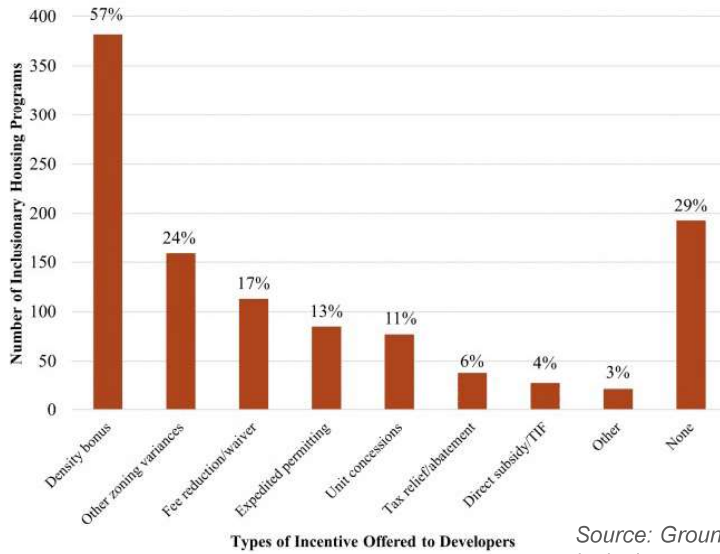
What is inclusionary zoning?

- Inclusionary zoning (IZ) incentivizes private developers to sell or rent a certain percentage of the units in a new housing project below market rate.
- Demonstrated to be one of the most effective local policies to develop more affordable housing.
- IZ can be voluntary, but 80% of programs nationwide are mandatory for all projects above a certain threshold (often 10+ new homes).
- Burlington, South Burlington, and Hinesburg all have IZ mandatory in at least some part of the city/town. Winooski has considered IZ as well.
- Recommended in recent Essex Housing Needs Assessment and Town Plan.



2

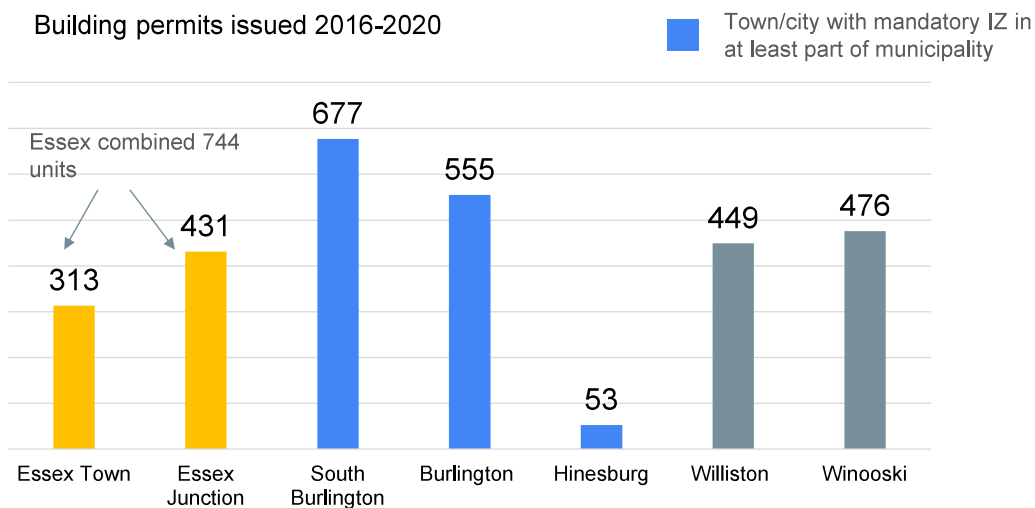
Developer incentives to offset costs



Source: Grounded Solutions Network national study of inclusionary zoning programs, 2018-2019

3

Can inclusionary zoning work in Essex?



Source: U.S. Census Bureau building permit survey

4

Anticipated policy for Essex

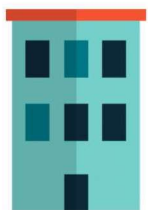


- Mandatory for all new housing development projects above a certain size.
- Inclusionary units must be perpetually affordable.
- Applies to both new rental and new homes for sale.
- Ordinance applies throughout the Town and Village.

5

Anticipated income targeting

Rental units: 50-100% AMI



Example at 60% AMI:

- ❑ \$1,295 maximum rent for 2-bedroom unit
- ❑ \$57,500 income limit for household of 4

Units for sale: 80-120% AMI



Example at 80% AMI:

- ❑ \$252,500 maximum sale price for 2-bedroom house
- ❑ \$76,700 income limit for household of 4

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Inclusionary zoning features to be determined



- What is the number of units for a new project above which IZ will apply?
- What percentage of units must be inclusionary?
- Narrowing income targeting limits
- Should we allow developers to make a payment in lieu of complying with IZ?
- What incentives can we offer developers to offset the cost of IZ?
- How will we incorporate IZ into existing zoning and manage compliance?

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Inclusionary zoning implementation process



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ESSEX PLANNING COMMISSION

December 9, 2021

137 Towers Road – Major Subdivision and Residential Planned Unit Development (PUD-R) (Sketch)

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Summary

After discussion of whether the original proposal for a 4-unit / 5-lot subdivision should be considered a PUD, the applicant revised the proposal to include four additional duplex units. While this undoubtedly increases the intensity of land use compared to what could be achieved under conventional subdivision, it fits better with the PUD criteria and provides additional housing opportunities with minimal additional impacts on natural and scenic resources. Community Development staff are also satisfied that the revised plan also includes a mix of active and passive shared open spaces and would request details in future submittal stages regarding how these and other shared amenities would be designed and managed.

However, concerns remain from the Fire Chief about the adequacy of the shared driveway for Units 1-4, and from Public Works regarding sufficiency of water supply for all dwellings (likely requiring extension of municipal water). Community Development staff and the Conservation & Trails Committee also recommend that the applicant include mitigation strategies for wetland impacts. Though staff recommend approval of the sketch plan, these issues must be addressed in the preliminary submittal.

Applicants

Negesse and Juanita Gutema
137 Towers Road
Essex, VT 05452

Proposal

The proposal is for a residential planned unit development (PUD-R) on a 37.84-acre parcel with an existing single-unit home. A total of 7 new dwellings, including 4 duplexes on footprint lots and 3 single-unit homes on approximately 1-acre lots; the existing dwelling would sit on a 9.6-acre lot, leaving a 25.2-acre open space lot. The existing private driveway would be upgraded to Town specifications (but remain private) to serve the duplex units; a shared driveway would serve the four single-unit homes. All dwellings would use on-site water supply and sewage disposal (possibly shared).

The parcel (Tax ID 2-014-039-011) is located on the border of the Low-Density Residential (R-1) and Agricultural Residential (AR) zoning districts, containing 23.3 acres and 14.5 acres in each respectively, and is located wholly within the Scenic Resource Protection Overlay (SRPO) district). Adjoining uses are residential and/or agricultural; there are 72 residential properties within ½ mile of the site whose parcels comprise 384.81 acres, resulting in an average residential density of 1 dwelling per 5.34 acres.

Background

On March 22, 1979, the Planning Commission approved a 4-lot subdivision of a 71-acre parcel of land owned by Bernard and Delima Wright bounded by Towers Road, Old Stage Road, and Colonel Page Road. This created the following parcels:

- Lot 1 (3 acres, Parcel 2014039005), now addressed as 29 Colonel Page Road
- Lot 2 (3 acres, Parcel 2014039007), 151 Towers Road
- Lot 3 (3 acres, Parcel 2014039006), 36 Colonel Page Road
- Lot 4 (remaining 62 acres, Parcel 2014039000), 165 Old Stage Road

Previous subdivisions had occurred prior to the adoption of the Town's *Zoning Regulations* in 1972, including one parcel (2014039002) without frontage addressed 161 Old Stage Road.

On August 29, 1991, the Planning Commission approved another 4-lot subdivision of Lot 4 (Parcel 2014039000), creating the following parcels:

- Lot 1 (remaining 49.76 acres, Parcel 2014039011), now addressed as 137 Towers Road
- Lot 2 (the original Parcel 2014039000, now 7.61 acres), 165 Old Stage Road
- Lot 3 (10 acres, Parcel 2014039009), 155 Old Stage Road
- Parcel A (approx. 1 acre), conveyed to 151 Towers Road to encompass its septic system

On August 10, 1995, the Planning Commission approved a final plan amendment for the remaining lands to create another 10.07-acre parcel (Lot 1B), Parcel 2014039010, currently addressed 26 Colonel Page Road (30 Colonel Page Road at the time). A minor final plan

amendment (boundary adjustment) approved on March 11, 1993 increased Lot 1B to 11.90 acres, leaving the remaining lands (Parcel 2014039011, 137 Towers Road) with 37.84 acres.

On March 11, 2021 the Planning Commission held a sketch plan public hearing for the current project, originally presented as a PUD-R with 4 single-unit lots and a 19.6-acre open space lot. The Commission discussed the merits of the project as a PUD, and ultimately continued the hearing pending resolution of a legal concern about siting additional homes on the shared driveway in the future.

On May 13, 2021, the Commission held a continued hearing on the application with minor revisions. The Commission agreed that the issue of the number of units on a shared driveway was resolved, but reiterated concerns about whether the project could be approved as a PUD. The hearing was continued again to allow the applicants to work with staff on a revised sketch plan.

I. Article II of the *Subdivision Regulations*: Subdivision Procedures

The applicants have submitted the following plans:

- Sheet EX, “Existing Conditions, Lands of Negesse & Juanita Gutema, PROPOSED 4-LOT PLANNED UNIT DEVELOPMENT-RESIDENTIAL, 137 Towers Road, Essex, VT,” prepared by Lamoureux & Dickinson Consulting Engineers, inc., dated 10/30/2020;
- Sheet SK, “Sketch Plan – 9.13.21, Lands of Negesse & Juanita Gutema, PROPOSED 6-UNIT PLANNED UNIT DEVELOPMENT-RESIDENTIAL, 137 Towers Road, Essex, VT,” prepared by Lamoureux & Dickinson Consulting Engineers, inc., dated 09/13/2021;

(A) SR Section 2.2: Classification

The applicants have requested approval for a 5-lot, 8-unit subdivision and Residential Planned Unit Development (PUD-R). According to Section 2.2(D) of the *Town of Essex Outside the Village of Essex Junction Official Subdivision Regulations (SR)*, planned developments are considered major subdivisions and require sketch, preliminary, and final approval.

(B) SR Section 2.3: Review Process

As noted in SR Section 2.4, the purpose of sketch plan review is

to explore the options for the overall subdivision concept and layout, including uses and open spaces, in relation to the objectives of the Town Plan, the characteristics of the site and characteristics of the surrounding area, and to determine that the proposed subdivision appears consistent with the requirements of these Regulations and the Town’s Zoning Regulations.

Staff do not recommend that the Planning Commission require a Master Plan because the project will not be developed in phases, and the remaining lands are included in the open space lot, rendering them undevelopable. The Planning Commission must also study the plan to ensure that it conforms to the General Requirements in SR Article IV. Planned Unit Developments must also conform to Article VI of the *Zoning Regulations (ZR)*.

Upon sketch plan approval, the Planning Commission must also make a preliminary residential phasing allocation review in accordance with Article III. Finally, the project will require site plan review at the preliminary and final review stages, as required under ZR Section 5.0(A) for planned unit developments and multi-family housing developments.

II. Article IV of the Subdivision Regulations: Subdivision Standards

The Planning Commission must evaluate any proposed subdivision according to the Subdivision Standards in Article IV, and may require modification or phasing of the proposed subdivision in light of findings relating to those standards.

(A) SR Section 4.1: Standards Applicable to All Subdivisions

Sketch plan applications are reviewed against the General Standards in Section 4.1. Not all provisions of this section are reviewed here, as some are not relevant to this development or are covered by other provisions of the *Zoning Regulations (ZR)* and/or *Subdivision Regulations (SR)*.

1. SR Standard 4.1(P): Conformance with the Essex Town Plan

The proposed project complies with the following goals and policies of the *Essex Town Plan*:

General Policy 1: *Development shall occur in areas suitable for growth in a compact manner as opposed to scattered development throughout Town.*

Goal 4b: *A diversity of housing types, including microhousing and choices between rental and ownership, is provided.*

Goal 4c: *Housing is located in areas convenient to employment, shopping, schools, and public transportation.*

General Policy 6: *Land shall be conserved, and development avoided, in particularly vulnerable areas such as floodplains and river corridors.*

Goal 7a: *The Town's significant natural, scenic, historic, and archaeological resources are protected from development.*

2. SR Standard 4.1(G): Conformance with the Zoning Regulations

The parcel is located in both the Agricultural Residential (AR) (38% of the parcel area) and Low-Density Residential (R-1) (62% of the area) zoning districts. Section 2.2(E) of the *Town of Essex Outside the Village of Essex Junction Official Zoning Regulations (ZR)* allows the Planning Commission to apply the dimensional requirements for the more restrictive zone to a lot divided by a zoning district boundary, taking into consideration the location of dwellings, sewage disposal areas, and water systems.

Though parts of the proposed lots would extend into the portion of the parcel zoned R-1, all construction would be located within the AR portion. In any case, the only difference in dimensional standards for PUD-Rs between in the AR and R-1 zones is the minimum lot size and density (average lot size per dwelling), which is 3 acres in the AR, and 1 acre in the R-1. Because the majority of the parcel lies in the R-1 district and because PUD-Rs involve smaller lot sizes, it is appropriate to apply the R-1 development standards listed in ZR Table 2.4 to this project.

The parcel is also located within the Scenic Resource Protection Overlay zone and must conform to the requirements of ZR Table 2.20.

(a) Table 2.4(A): Low-Density Residential (R-1) District Standards

i. Purpose

The project reflects the purpose of the R-1 district as a low-density residential development that utilizes on-site sewage disposal, but connection to municipal water service may be required. The project also avoids impacts to agricultural soils by clustering development in a relatively small portion of the parcel.

ii. Permitted and Conditional Uses

Single-family dwellings and duplex dwellings are permitted in this district. No conditional uses are proposed.

iii. District Dimensional Requirements

The proposed project generally conforms to Table 2.4(D), Dimensional Requirements of the R-1 district, as noted below:

Dimensional Requirement	Required (R-1)	Proposed Lot 1	Proposed Lot 2	Proposed Lot 3	Proposed Lot 4	Proposed Units 5-8	Open Space Lot
Minimum Lot Area	1 acre	1.0 acres	9.6 acres	0.9 acres	1.1 acres	~2,000 sf	25.2 acres
Minimum Lot Area per Dwelling Unit ^(a)	1 acre	2.0 acres	2.0 acres	2.0 acres	2.0 acres	2.0 acres	N/A
Minimum Lot Frontage ^(b)	100 ft.	522 ft. (avg. 130.5 ft.)	130.5 ft. ^(c)	130.5 ft. ^(c)	130.5 ft. ^(c)	N/A	N/A
Minimum Front Setback (from ROW) ^(b)	20 ft.	530 ft. (150 ft. internal)	25 ft. (internal)	25 ft. (internal)	25 ft. (internal)	N/A	N/A
Minimum Side Setback – Single-family ^(b)	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	N/A	N/A
Minimum Side Setback – Multi-family	30 ft.	N/A	N/A	N/A	N/A	>30 ft.	N/A
Minimum Rear Setback ^(b)	15 ft.	25 ft.	25 ft.	25 ft.	25 ft.	N/A	N/A
Maximum Height	40 ft.	<40 ft.	<40 ft.	<40 ft.	<40 ft.	<40 ft.	N/A

(a) For PUDs, areas unsuitable for development (floodplains, wetlands, steep slopes, and roadways) are subtracted from total area before calculating lot area per dwelling.

- (b) PUD-R standards supersede normal district standards to allow for more creative design.
(c) Average frontage calculation for shared driveways under SRPO standards

Proposed Lot 3 is slightly below the minimum required area for the R-1 district. In addition, Proposed Units 5-8 utilize footprint lots as part of a multi-unit townhouse development. Both departures from normal dimensional requirements are authorized under Findings III(B)(3) and (4).

Although lots 1, 3, and 4 do not have direct frontage on a public road, the Planning Commission may waive this provision to allow up to 4 homes to share a driveway within the SRPO District under ZR Table 2.20(5)(a) provided that the driveway design addresses any public safety concerns, and the lot being subdivided has adequate frontage for the number of new lots proposed (i.e., the average frontage meets the underlying zoning requirements). The original parcel has 522 feet of frontage, so under conventional standards in the R-1 district (150 feet of frontage per lot), 3 lots would be allowed; under PUD-R standards (100 feet per lot), 4 dwelling lots would be allowed (as proposed).

iv. ZR Table 2.3(E): PUD Requirements

The applicants have proposed a Residential Planned Unit Development (PUD-Rs), which is encouraged in the R-1 district and follows standards that supersede the normal district standards, as noted in Finding II(A)(2)(d) and reviewed in detail in Finding III.

3. SR Standards 4.1(B), 4.1(H), and 4.1(M): Natural, Scenic, and Historic Features

The property contains several natural features that should be preserved or avoided during development.

(a) Scenic Features

In *Views to the Mountain: A Scenic Protection Manual*, the section of Towers Road along the parcel's frontage is rated as less scenic relative to other areas of Essex, and there are no specific viewpoints of peaks identified, though the presence of agricultural fields with wooded hillsides are called out as important.

The project maintains these scenic features by using shared accesses, locating dwellings on the edges of open meadows or behind tree lines, and by keeping a 25.2-acre lot as open space that encompasses most of the property's agricultural fields, wetlands, and forested riparian habitat. Though Lots 1, 3, and 4 are not arranged at right angles to each other, this is necessary to allow for the landscaped common area in their front yards. Pursuant to ZR Table 2.20(D), the applicant shall include building elevations for all new structures in the final plan submission.

(b) Natural Features

The plans show extensive areas of delineated Class II wetlands on the western and eastern portions of the parcel, connected by a seasonal stream (not considered significant by the State or Army Corps of Engineers) under the existing driveway. These areas comprise “highest priority” surface waters and riparian areas according to the [Vermont Conservation Design](#)¹ and [BioFinder 3.0](#)² reports, which are important for flood attenuation, the survival of sensitive wetland flora and fauna, and the mobility of wider-ranging animals.

The proposed layout mostly avoids impacts to these wetlands by locating dwellings outside the required 50-foot buffer, though it is recommended that the easterly boundaries of lots 1, 3, and 4 also be shifted west outside the buffer. The new shared driveway for these lots is located to minimize impacts to the wetland, though it could further disrupt the hydrologic and habitat connection between the wetland areas. It is recommended that the applicants explore mitigation options, such as box culverts and vegetated buffers to facilitate wildlife passage.

The project also would follow natural contours except to level building sites and minimize disturbance of agricultural soils and forested areas while allowing for recreational use of these areas by the residents.

4. SR Standard 4.1(C): Flood Safety

A small area of the eastern part of the parcel is within a State River Corridor (for alder Brook) as well as a Federal Emergency Management Agency (FEMA) designated flood hazard zone (Type A), which has a 1-percent annual chance of flooding, but no flood elevations are mapped. However, the proposed development lies well outside the flood hazard area and riparian buffer.

5. SR Standard 4.1(N): Clustering of Lots

As a PUD-R, the proposal utilizes smaller lot sizes than normally required to allow for clustering of Lots 1, 3, and 4, whose building envelopes further limit the development area to the western portions of the lots, close to the existing dwelling on Lot 2. In addition, Units 5-8 are located within a 1-acre area close to Towers Road. This layout leaves a 25.2-acre open space lot, in addition to significant portions of Lot 2 which are expected to remain open.

¹ Sorenson, E. & Zaino, R. (2018). *Vermont Conservation Design*. Vermont Department of Fish and Wildlife. Retrieved 12 Feb., 2021 from [https://anr.vermont.gov/sites/anr/files/maps/biofinder/Vermont Conservation Design - Summary Report - February 2018.pdf](https://anr.vermont.gov/sites/anr/files/maps/biofinder/Vermont%20Conservation%20Design%20-%20Summary%20Report%20-%20February%202018.pdf)

² Hilke, J., Pryzperhart, M., Sorenson, E., & Zaino, R. GIS Specialist Engstrom, E. (2019). *Biofinder 3.0 Development Report*. Vermont Department of Fish & Wildlife. Retrieved 12 Feb., 2021 from [https://anr.vermont.gov/sites/anr/files/maps/biofinder/BioFinder%203_%20Development%20Report%202019_FIN AL.pdf](https://anr.vermont.gov/sites/anr/files/maps/biofinder/BioFinder%203_%20Development%20Report%202019_FIN%20AL.pdf)

6. SR Standards 4.1(D), 4.1(F) and 4.1(I): Access and Street Planning Standards

Access to the site from Towers Road, a Class 3 paved collector street, would be provided by a combination of a new minor private street and shared driveways. The private road would extend approximately 300 feet ending in a cul-de-sac; because this would serve all 8 dwellings, it must conform to Detail A-3 for the Type A Paved Rural Road per the *Town of Essex Standard Specifications for Construction*. The driveway for duplex units 5 and 6 would be located directly off the cul-de-sac, while a shared driveway would lead to individual parking areas for Units 7 and 8. Another shared driveway would lead north from the cul-de-sac towards Lots 1-4, off which individual driveways would serve each dwelling. All shared driveways serving 3 or 4 units must conform to Detail A-11 for the Type B Driveway; driveways serving fewer units may utilize Detail A-11 for the Type A Driveway.

As the development numbers fewer than 50 dwelling units, a second permanent connection meeting the standard for a public road is not required, though the plan shows pull-offs and turn-arounds for emergency vehicles as required under ZR Section 3.1(G)(4)(f).

In a memorandum dated November 12, 2021 Public Works staff stated:

- a) *Public Works understands that the proposed PUD will utilize the existing curb that currently provides access to the applicant's home. Due to the significant change and proposed increase in use, a Town curb cut permit will be required for approval.*
- b) *Public Works takes no exception to the private access road as proposed but the design and construction of this road shall adhere to the requirements of the Town of Essex Standard Specifications for Construction.*
- c) *It appears that the driveway serving Lots 1-4 will be constructed to the standards of Detail A-11. Due to the length of this drive, Public Works recommends continuing the 20' wide cross section to the end of the drive and turn around. Public Works will defer further comment to the Town of Essex Fire Department to determine if the length or width of the drive can support emergency vehicles.*

In e-mails dated August 9, 2021 Public Works also indicated that approval of any private road must include the following conditions:

- i. *No future consideration by the Town to accept the road as private both in the approval and in all of the lot deeds.*
- ii. *A requirement for a road association with an annual fee set to include snow removal costs, road maintenance and a replacement with at least a 1.5-inch overlay with cost spread out for a 15 year period.*
- iii. *The association shall collect all road fees and provide an annual report to community development every calendar year covering fees collected and expenses incurred. The association shall be fully responsible for annual fee requirements irrespective of individual homeowners' contributions.*

Further information on driveway construction will be reviewed at the preliminary stage.

In an e-mail dated November 19, 2021 the Fire Chief objected to the design of the driveway serving Units 1-4 because it would not provide sufficient width for fire trucks to pass when shuttling water, which is required because there is insufficient water available for firefighting at this location. At minimum, the driveway must be 20 feet wide for the entire length, including the turn-arounds at the end; based on the National Fire Protection Association's Standard 1141, the Fire Chief recommends that the access drive be 24 feet in width, or that the homes be sprinklered to ensure adequate fire suppression is available.

7. SR Standard 4.1(E) and 4.1(L): Pedestrian and Recreation Facilities

Maps 7 and 8 of the 2016 Town Plan show that a footpath and first-priority bicycle route in this location. There are no existing pedestrian or bicycle facilities on this section of Towers Road or immediate plans to build either; therefore, it is recommended that the applicant be required to provide a 15-foot multi-use path easement along the frontage of Towers Road as a condition of approval.

SR Section 4.6 requires that sidewalks or paved paths be installed along new streets within a subdivision, though they may be installed only on one side of dead-end roads or those with low anticipated traffic volumes; both criteria are met by this project. Sidewalks or paths were not included in the sketch plan, but shall be added along the Type A Paved Rural Road on the preliminary plans.

8. SR Standard 4.1(L): Parking

In addition to the proposed shared driveways, each dwelling would have an individual driveway that would provide sufficient parking space under the requirements of ZR Table 3.3.

9. SR Standard 4.1(R): Landscaping and Screening

In addition to the requirements of SR Section 4.3(C) for new street trees, at the final plan stage PUD-Rs must meet the landscaping objectives under ZR Section 5.6(F) as part of site plan review. Because the project is located in the Scenic Resource Protection Overlay District, the landscaping plan also must meet the requirements of ZR Table 2.20.

Because the layout uses existing contours and vegetation to minimize the visual impact of the development, little if any additional landscaping will be needed to meet these objectives. Reconstruction of the existing driveway to a wider private street shall avoid impact an existing hedge of eastern white pine which were required as stipulations of various Town approvals for a soccer facility on the adjoining property at 131 Towers Road. Pursuant to Finding III(B)(5), an additional 50-foot buffer is

required to separate the duplex units (which are being treated as a “multifamily townhouse development”) from the existing single-unit dwelling at 131 Towers Road.

10. SR Standard 4.1(K): Public Safety

In an e-mail dated December 29, 2020 the Police Chief stated that there were no concerns with this particular proposal, and has not commented on subsequent revisions.

11. SR Standard 4.1(J): Utilities

In a memorandum dated November 12, 2021 Public Works staff stated:

- a) *The proposed sewer will be constructed on site and will not be utilizing the municipal sewer systems. The Applicant will be required to follow the on-site rules for sewage disposal as per the approval of the State. Public Works will require copies of all permitting applications and subsequent permitting approvals.*
- b) *Although not mentioned specifically, it is assumed that each of the new housing units will be served by an onsite by a community or individual well. Public Works has concerns regarding the potential yields of the proposed wells and the ability of onsite water to appropriately provide water on a consistent basis.*
- c) *Attached to this memo is an email from Dennis Lutz, P.E., dated July 21, 2021. Staff believes that due to the history of low yielding wells in this area, an 8-inch municipal waterline extension be provided to serve the domestic water needs of the proposed housing project.*

The referenced e-mail correspondence includes the following statement by the Public Works Director:

I am strongly opposed to housing density as proposed in this application from a water supply perspective unless the development is served by an 8-inch municipal waterline extension from the terminus of the waterline on Towers Road. This should be a cost of the proposed development and not a future cost to be borne by the existing water system users.

The proposal must also meet Town and State requirements for stormwater treatment. In a memorandum dated November 12, 2021 Public Works staff stated:

- a) *The applicant will be required to follow the Town’s Small Site Erosion Guide during construction and adhere to any conditions of all State permits. The Applicant will submit to Public Works copies of all permitting applications and subsequent permitting approvals.*

12. SR Standard 4.1(S): Over-Sized Improvements and Future Expansion

The only remaining developable area that is feasible to access lies north of Units 1-4. Future expansion to this area is impossible under current regulations, since this would exceed the number of dwellings allowed on a shared driveway, but also would exceed the maximum length of a dead-end roads (300 feet or 750 feet for a looped road).

13. SR Standard 4.1(O) and 4.1(T): Municipal Services and Impact Fees

The new homes will be subject to recreation impact fees. The impact on municipal services is addressed in other findings; because the project involves fewer than 10 dwelling units, notification of the Essex Westford School District is not required and no comments have been received regarding impacts on educational services.

III. Article VI of the Zoning Regulations: Planned Unit Development

As a Residential Planned Unit Development (PUD-R), the project must conform to Article VI of the *Zoning Regulations (ZR)*. ZR Section 6.0(B) describes the purpose of PUDs:

PUDs shall be allowed in order to fulfill the purpose of these Regulations as set forth in Article I, and to meet the purposes, goals and objectives set forth in the Essex Town Plan – specifically those goals and objectives relating to land use, clustering of development, affordable housing, and protection of agricultural soils and natural features.

PUD-Rs are allowed and encouraged in the R-1 district. ZR Section 6.3 lays out the review procedures for PUDs. When PUDs involve the subdivision of land, including multiple-family housing projects as well as mixed-use development that includes housing, the Planning Commission must review the PUD as a major subdivision. Review of the project's conformance with the subdivision standards appears in Finding II.

(A) ZR Section 6.4: General Standards Applicable to All Planned Unit Developments

1. Conformance, Uses, and Purposes

PUDs are required to conform to the town plan of record and the *Zoning and Subdivision Regulations*, including uses and purposes of the district in which the PUD is located, except where allowed under PUD regulations. Findings II(A)(1) and (2) respectively address conformance to the *2016 Essex Town Plan* and the provisions of the *Zoning Regulations*.

The proposal fulfills the purpose of PUDs by promoting clustered development that advances the Town's affordable housing goals and uses land efficiently while protecting agricultural potential, natural features, and open space.

2. Multiple Buildings

The proposal involves both single-building lots and multiple buildings on one lot, which is expressly allowed under this section to achieve the purposes of planned unit development.

3. Density Calculations

The original submittal included the density analysis required for PUDs under ZR Section 6.4(E), which determines the total developable area to be 16 acres (after subtracting areas of floodplain, wetland, slopes greater than 20%, and roadways). The density analysis should be updated with the preliminary submittal to reflect the minor increase in roadway area compared to the original sketch plan.

however, with 8 dwellings total, the proposal is well below the maximum allowed density of 1 acre per dwelling for the R-1 district.

4. Density

Given a developable area of approximately 16 acres, the base density of 1 acre per dwelling unit would allow for 16 dwellings to be constructed. As noted in Finding II(A)(2), the overall density of the development is 2 acres per dwelling unit, which is well below the maximum density allowed in the R-1 district.

5. Roads

Access and streets are addressed in Finding II(A)(6); the Town Engineer does not recommend that any of the proposed roadways be dedicated to the Town.

6. Open Space

The applicant has proposed retaining 25.2 acres of the parcel as common open space, covering the agricultural soils, wetlands, floodplains, and river corridor areas and the remaining undeveloped lands.

7. Covenants

Since no future development is anticipated, covenants for future development of the PUD are not required; however, draft easement deeds for shared infrastructure, open space, and restrictions on additional dwellings using the shared driveways must be presented no later than the final plan submission.

8. Impact Fees

The proposed homes would be subject to recreation impact fees, and the applicants have not proposed construction of public facilities in lieu of fees.

9. Residential Density Bonuses

The applicant has not requested any density bonuses pursuant to this section.

(B) ZR Section 6.8: Planned Unit Development – Residential

1. Purpose of PUD-R

The proposal conforms to the purposes of PUD-Rs in that it respects topography and natural features by minimizing the physical and visual impact of the development by locating improvements in a smaller portion of the parcel, thus preserving a significant amount of open space. The proposal also uses land efficiently and creatively to provide greater housing opportunities and a greater variety of development types in the community.

2. General Requirements for PUD-R

The proposal meets the normal density requirements for the zoning district and the minimum requirement for dwelling units (2) and consists of both single-unit and two-unit dwellings, which are permitted uses within PUD-Rs in the R-1 district.

3. Minimum Lot Size and Lot Area per Dwelling Reductions

The proposal includes a mix of separate lots for each dwelling and footprint lots with shared common space. Lot size reductions for footprint lots are addressed in Finding III(B)(4). The single-unit dwelling lots generally meet the normal 1-acre minimum lot size for the R-1 district; a reduction of lot area is authorized for Lot 3 to allow for the creative design of the curved driveway and common landscaped area fronting on Lots 1, 3, and 4.

4. Setbacks and Frontage Minimums

Except for the SRPO average frontage waiver provided under Finding II(A)(2)(a)(iii), the single-unit lots conform to the dimensional requirements for PUD-Rs in the R-1 district.

The applicant has requested that the Planning Commission waive the minimum lot frontage, setback, and size provisions to allow for footprint lots for the duplex units. This requires that they be treated collectively as a multifamily townhouse development, but would advance several goals of PUD-Rs, including making efficient use of the site, minimizing visual impact and maximizing open space, clustering of development, and providing alternative (possibly more affordable) housing types.

5. Buffers

The proposal does not include multiple-unit dwellings, though it does treat the duplexes as a multifamily townhouse development to qualify for the use of footprint lots. Therefore, a 50-foot buffer shall be planted around the periphery of these

448 dwellings where they are adjacent to existing single-unit dwellings, specifically along
449 the property boundary with the 131 Towers Road parcel between the private street
450 and the wetland buffer.

451 **6. Mobile Home Parks**

452 The proposal does not involve development of mobile homes or mobile home parks.

453 **7. Open Space**

454 **(a) General Requirements of Open Space**

455 The proposed open space is at least one acre in area, and undevelopable recreation
456 areas have been excluded from density considerations in Finding III(A)(3). The
457 proposed open space is fully contiguous and integral to the design of the
458 development, includes most of the significant natural features on the site, and
459 generally flows around the proposed dwellings and is equally accessible to each.

460 **(c) Management of Open Space**

461 As noted in the revised narrative, the common land may be used as privately
462 managed farmland and/or recreation space. The applicant shall include more
463 detailed plans for management of the common spaces in the preliminary
464 submission. Since the open space will not be accessible to the public, there does
465 not appear to be a need for the Town to appoint an ex-officio representative to
466 help manage the open space.

467 **8. Justification**

468 In the sketch plan hearing on May 13, 2021 the applicant stated a willingness to
469 coordinate with the adjoining property at 131 Towers Road to minimize impacts of
470 the development on their parcel, specifically on the established evergreen hedge along
471 the existing driveway. The impact of the proposed development on the community
472 will be moderated through the residential phasing policy, reviewed in Finding IV, and
473 financially recaptured through impact fees.

474 **9. Flexibility**

475 No further conditions are needed to ensure protect the interests of surrounding
476 property, the neighborhood, or the municipality.

477 **IV. Article III of the *Subdivision Regulations*: Residential Phasing**

478 Any proposed development that contains dwelling units and requires Subdivision Approval is
479 subject to Article III, Residential Development Phasing. The goal of residential phasing is to
480 maintain an annual population growth rate set forth in the *2016 Town Plan* of between 184 and
481 226, aiming for the midpoint of the range at 205. Population growth is allocated to new

developments through Estimated Population Equivalents (EPEs), essentially equivalent to the number of bedrooms in new dwelling units (5-bedroom units are counted as 4.5 EPEs).

Any single project outside the sewer core is allowed to add 5 dwelling units per calendar year. The Planning Commission must act on a preliminary phasing request when a proposed development obtains sketch plan approval. Final allotment is granted if the development secures Final Plan approval.

The proposed project lies outside the sewer core area and would add a total of 7 dwelling units, presumably with four bedrooms each for a total of 28 EPEs, presumably in 2022. If granted final approval along with other projects seeking approval at present, this project would bring the town-wide total phasing allocation to 44 dwelling units and 101 EPEs in 2022. This is below the targeted mid-point of 205 EPEs and would leave 104 total EPEs available for allocation in 2022, 1 of which would be available outside the sewer core. A summary of the running phasing tabulation is attached.

V. Additional Findings by the Planning Commission

- The Planning Commission waives the minimum lot frontage, setback, and size provisions to enable the creation of footprint lots for Units 5-8 under the criteria and conditions specified in Section 6.8(G)(5) of the *Zoning Regulations*.
- The Planning Commission approves the use of a shared driveway as specified under ZR Table 2.20(F)(5)(a) to minimize intrusions into open meadows, finding that safety concerns have been adequately addressed in the driveway design, and that each lot would have adequate frontage within the R-1 district if each were served by a single driveway.

Conditions of Approval

1. All construction shall be in conformance with the plans listed above as may have been amended by the Planning Commission and subject to other conditions and approvals.
2. All conditions from previous approvals shall continue to apply except as amended herein.
3. At the time of submission for Preliminary Review, the plans shall be revised as follows:
 - a) The entire length of the shared driveway (including turn-arounds) serving Units 1-4 shall be widened to 20 feet
 - b) An 8-inch municipal water line extension along Towers Road shall be added, with lines serving each dwelling which meet the requirements of the Town's *Standard Specifications for Construction*
 - c) A 50-foot landscaped buffer shall be included as detailed in Finding III(B)(5)
4. An electronic copy of the plans as may have been revised shall be submitted to the E911 coordinator in .PDF file format. Another copy shall be submitted in geodatabase or shapefile

in Vermont State Plane Meters, NAD83 (NSRS or most current); alternatively, coordinated CAD data – Vermont State Plane Coordinates, US Survey Feet, Grid Zone 4400, NAD 83 (2011) epoch 2010.0, NAVD 88 (geoid12b); alternatively, paper showing three (3) values of State Plane Coordinates.

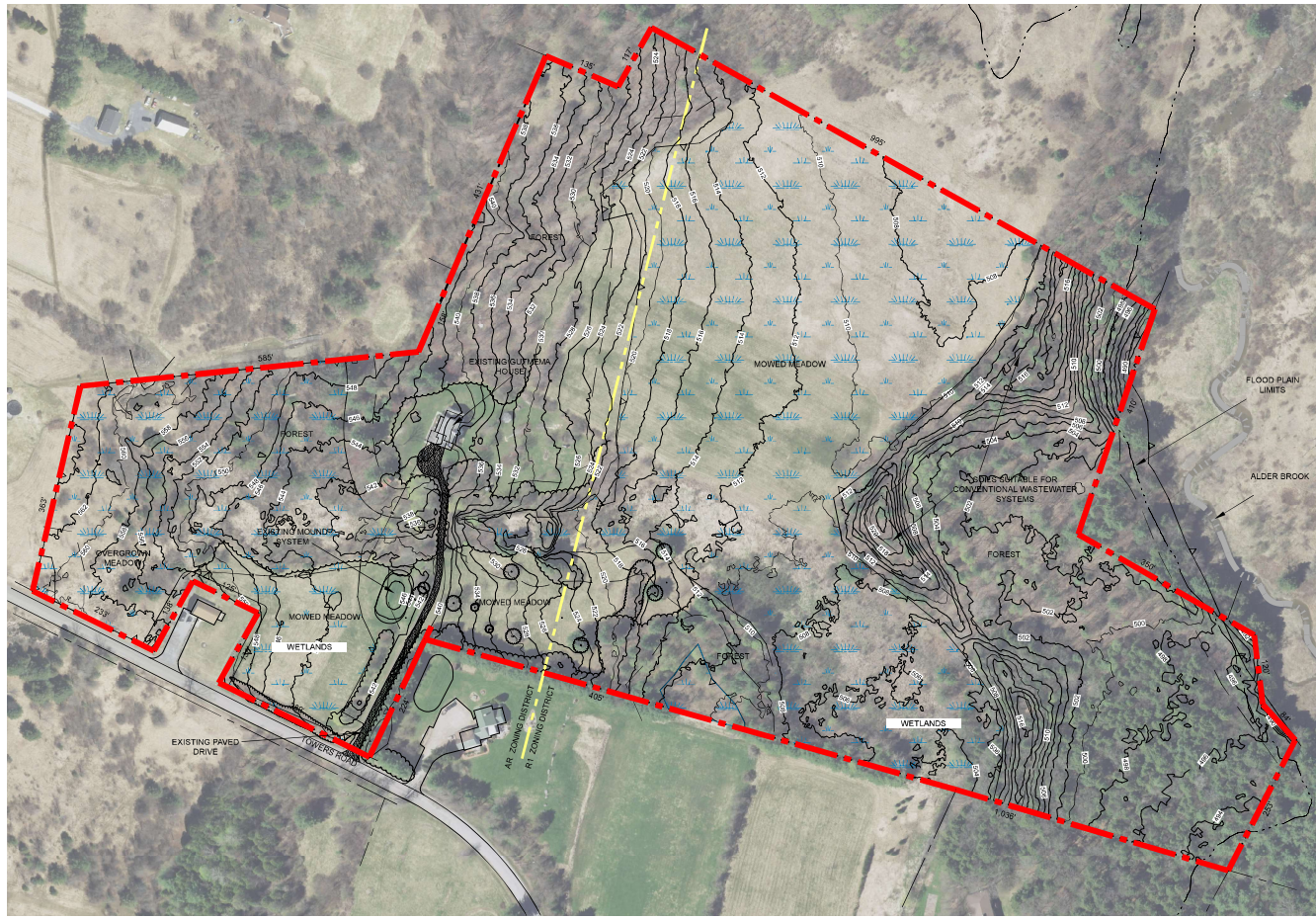
5. In addition to any other engineering data outlined in Section 212 of the *Town of Essex Standard Specifications for Construction*, the preliminary submission shall include data to be submitted to the Public Works Department for an analysis of the sufficiency of the water distribution system. The analysis shall be completed by the Town's consultant at the applicant's expense. Any deficiencies within the proposed or existing water distribution system shall be addressed by the applicant's engineer prior to Preliminary review.
6. The project shall be approved for a preliminary phasing schedule of 7 dwelling units with 28 EPEs in 2022.
7. By acceptance of the conditions of this approval without appeal, the applicants confirm and agree for themselves and all assigns and successors in interest that the conditions of this approval shall run with the land and the land uses herein permitted, and would be binding upon and enforceable against the applicants and all assigns and successors in interest.

List of Attachments

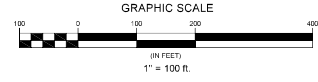
- Narrative, "Gutema Property, 137 Towers Road, Proposed 4-Lot Planned Unit Development-Residential, Sketch Plan Application," prepared by Doug Goulette, P.E., Lamoureux & Dickinson Consulting Engineers, Inc., dated 12/23/2020
- "Gutema Proposed 4-lot PUD-R Subdivision – Density Analysis," prepared by Doug Goulette, P.E., Lamoureux & Dickinson Consulting Engineers, Inc., dated December 2020
- Supplemental Narrative, "Gutema Property, 137 Towers Road, Proposed 4-Lot Planned Unit Development-Residential, Sketch Plan Application," prepared by Doug Goulette, P.E., Lamoureux & Dickinson Consulting Engineers, Inc., dated 2/5/2021
- Revised Narrative, "Gutema Property, 137 Towers Road, Proposed 8-Unit Planned Unit Development-Residential, Sketch Plan Application," prepared by Doug Goulette, P.E., Lamoureux & Dickinson Consulting Engineers, Inc., dated 10/1/2021
- Memorandum, "5-Lot PUD Sketch Plan, 137 Towers Road," prepared by Dennis Lutz, P.E., Public Works Director and Aaron Martin, P.E., Utilities Director / Town Engineer, dated 11/12/2021
- Residential Phasing Record, dated 11/18/2021

cc: Doug Goulette, P.E., Lamoureux & Dickinson Consulting Engineers, Inc.

G:\PC\REPORTS\Towers Road 137 PUD-R Sketch2 20211209.docx



OVERALL PROPERTY PLAN



ZONING DATA

DISTRICTS: AGRICULTURAL-RESIDENTIAL (AR)
AND LOW DENSITY RESIDENTIAL (R1) &
SCENIC RESOURCE PROTECTION OVERLAY DISTRICT (SRPO)

DIMENSIONAL STANDARDS (PLD, R)

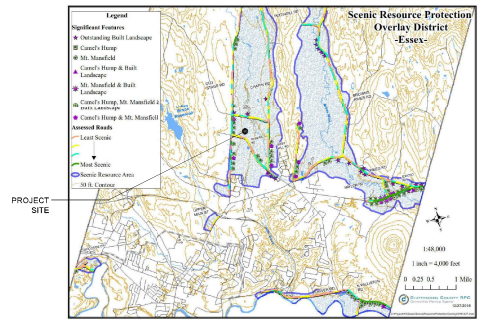
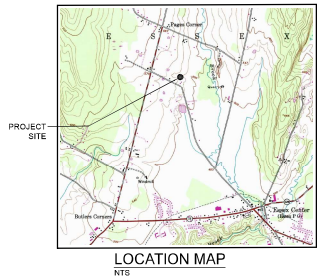
LOT SIZE: N/A
LOT FRONTAGE: 100 ft.
FRONT SETBACK: 20 ft. (min.)
SIDE SETBACK: 10 ft. (AR) and 20 ft. (R1) (min.)
REAR SETBACK: 25 ft. (min.)

PROJECT DATA

OWNER / APPLICANT:
NEGESSE & JUANITA GUTEMA
137 TOWERS ROAD
ESSEX JUNCTION, VT 05452

PARCEL SIZE: 37.8 ac ±
PARCEL NO. 2014038011

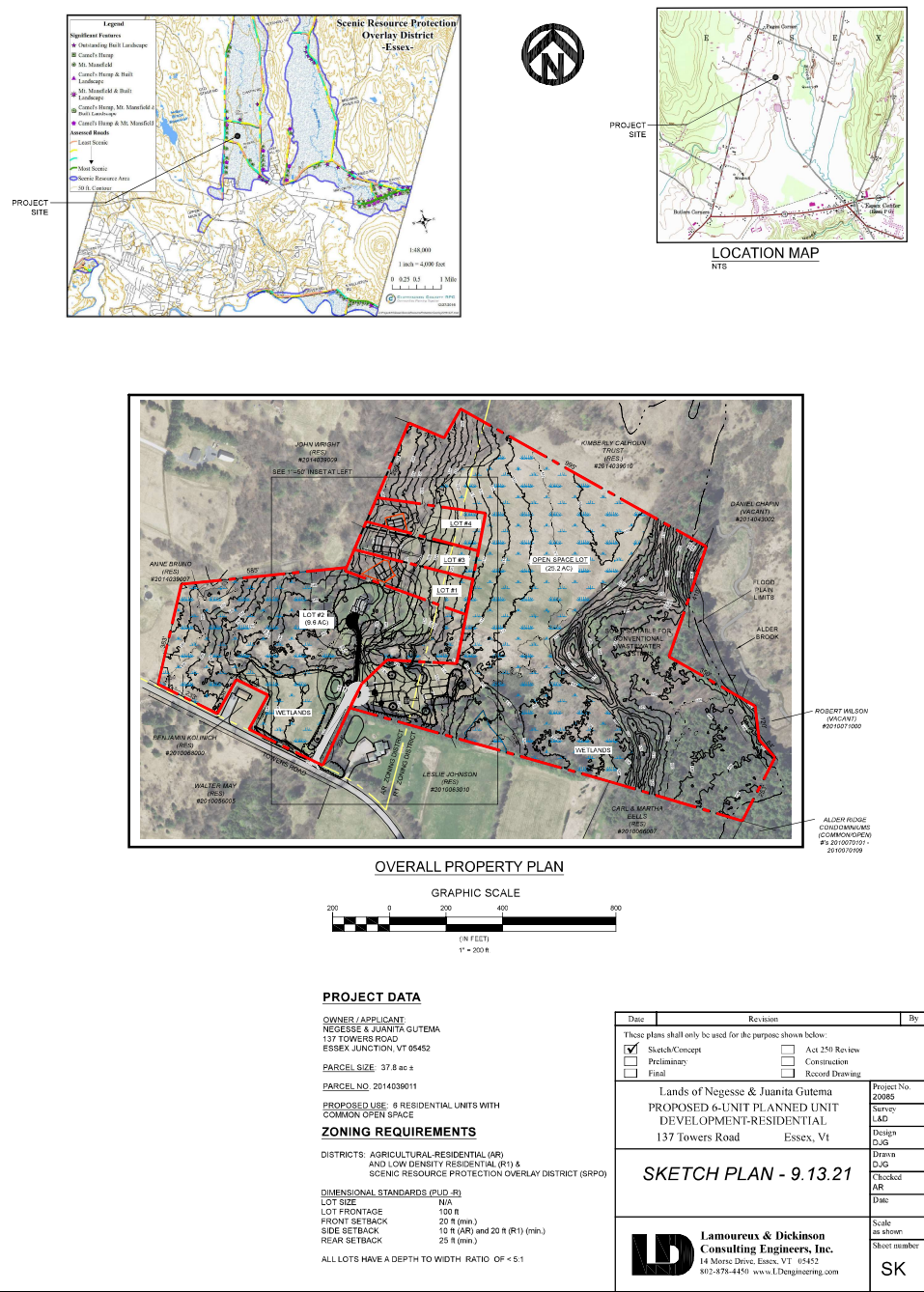
PROPOSED USE: 4 RESIDENTIAL LOTS WITH
COMMON OPEN SPACE



Legend

- PROPERTY PERIMETER
- EXISTING SURFACE CONTOUR
- EXISTING TREELINE
- EDGE OF WETLAND
- WETLAND BUFFER
- EXISTING WELL

Date	Revision	By
These plans shall only be used for the purposes shown below:		
☒ Sketch/Concept	☐ Act 250 Review	
☐ Preliminary	☐ Construction	
☐ Final	☐ Record Drawing	
Lands of Negesse & Juanita Gutema PROPOSED 4-LOT PLANNED UNIT DEVELOPMENT-RESIDENTIAL 137 Towers Road Essex, Vt		Project No. 20085 Survey LAD Design DUG Drawn DUG Checked AR Date: 05-30-2020
EXISTING CONDITIONS		Scale as shown Sheet number EX
 Lamoureux & Dickinson Consulting Engineers, Inc. 14 Morse Drive, Essex, VT 05452 802-478-4450 www.LDEngineering.com		



% OUTSIDE SEWER CORE, ACTUAL	7%	27%	23%	22%	0%	4%	29%	0%	0%	15%
SUBTOTAL INSIDE SEWER CORE	43	33	34	14	8	26	25	16	9	514
SUBTOTAL OUTSIDE SEWER CORE	3	12	10	4	0	1	10	0	0	91
TOTAL	46	45	44	18	8	27	35	16	9	605

Projects currently under review are bolded in red

#	Address	Applicant	Sewer core	Sketch Approval	Prelim Approval	Final Approval	CO issued	Single- or Multi-fam / Congregate	Dwelling units per year									TOTAL	
									2016	2017	2018	2019	2020	2021	2022	2023	2024		
87	Pinecrest Drive	JMW Investments (Weston)	Y					S								11	11	9	31
137	Towers Road	Gutema, Negesse & Juanita	N					D&S								7			7
10	Carmichael Street (Bldgs G, G1)	Bove, Rick	Y					M								20(exp)	20(exp)	20(exp)	0
108	Center Road	Fleury, Sally	Y					S								2			2
44	Brigham Hill Lane	Jenny, Richard	N					S								3			3
79-81	Susie Wilson Road	Bouffard, Richard	Y	9/12/19	8/13/20	6/24/21		M						6	6				12
18-30	Timberline Drive	Pinewood Manor, Inc	Y	8/27/20				S						20(exp)	20(exp)	9(exp)			0
44	Center Road	Spooner, Jeff	Y			4/8/21		S								2			2
1	Kana Lane	Lyon, Jeff	Y			3/11/21		M								8			8
314	Lost Nation Road	Pitrowiski, Andrew	N			1/14/20		S						1					1
84	Susie Wilson Road	Pecue, Kathy	Y	8/13/20		11/12/20		S						4					4
1	Leclerc Woods	Leclerc, Patrick	N	6/2/20				S						4(exp)	4(exp)				0
213	Browns River Road	Hammond, Adam & Tijah	N			4/11/19		S			1								1
79	Old Stage Road	Heco, Ken	N			4/11/19		S			1								1
15	Upper Main Street	Dousevicz/Kolvoord	Y		7/23/15	3/14/19		S			6	8	6	6	5				31
72	Susie Wilson Road	Gutema, Negesse & Juanita	Y			3/14/19		S			1								1
72	Osgood Hill Road	Marks, Michael & Susan	N			9/13/18		S			1								1
115	Brigham Hill Road	Librizzi, Linda and Ted	N			6/14/18		S			1								1
10	Carmichael Street (Bldg H)	Bove	Y		5/15/97	2/23/17		M			20 (exp)	19(exp)							0
70	Essex Way	BlackRock Construction/Ess	Y		2/22/18	4/26/18		M			20	7							27
245	Lost Nation Road	Bosley, James & Sandra	N			3/8/18		S			1								1
50	Chapin Road	Frisbie/Sterling Land Co.	N		7/27/17	12/14/17		M		2	5								7
73	Jericho Road	Chase	Y		8/11/16	7/13/17		D&S		11	10								21
39	Brigham Hill Road	Shearer	N		1/26/17	5/25/17		S		2									2
12	Old Pump Road	Morse	N		2/9/17	5/11/17		S		3									3
83	Center Road	Tetrault	Y		4/27/17	4/27/17		D&S		2									2
9	Indian Brook Road	Unsworth	N		9/24/15	3/9/17		S		5	4								9
35	Discovery Road	LeClerc	N		8/25/16	10/13/16		S		3									3
251	River Road	LeClair	N		1/28/16					1(exp)									0
10	Old Stage Road	Hayward	Y		12/10/15	7/28/16		S		5									5
7	Carmichael Street (Bldg O)	Bove, Rick	Y			6/23/16		M		10									10
12	Gardenside Lane	A&C Realty (Senecal)	Y		10/24/13	3/24/16		M		24	20	4							48
57	Saxon Hill Road	Villeneuve Trust	N		4/24/15	11/12/15		S											3
7	Carmichael Street (Bldg O)	Bove, Rick	Y			5/28/15		M											10
1	Commonwealth Ave (Bldg X)	Bove, Rick	Y			5/28/15		M											4
41	River Road	Gardner	Y			4/23/15		M		4									24
109	Old Stage Road	Boudah/Hobbs	N			12/11/14		S											1
218	Brigham Hill Road	Paramount Properties	N			12/11/14		S											1
173	Lost Nation Road	Gailloux	N			12/11/14		S											2
157	Browns River Road	Klimoski	N		9/11/14			S		4(exp)									0



December 23, 2020

Darren Schibler, Town Planner
Town of Essex
81 Main Street
Essex Junction, VT 05452

RE: Gutema Property, 137 Towers Road
Proposed 4-Lot Planned Unit Development-Residential
Sketch Plan Application

Dear Darren:

As you know, we have been communicating with the Town of Essex Planning and Zoning staff regarding the potential subdivision of the Negesse and Juanita Gutema property at 137 Towers Road. This 37.8 acre parcel currently encompasses the Gutema's single family home, driveway, water well and wastewater system, but the vast majority of the property is undeveloped, with both open meadows and wooded areas. The property falls in both the Agricultural-Residential Zoning District (AR), and the Low Density Residential District (R1), with about 38% of the land located in the AR District and the remaining 62% in the R1 District. The property also is located entirely within the Scenic Resource Protection Overlay District (SRPO).

As we have discussed, this property has a limited amount of frontage (522') along Towers Road, a disproportionately short length given the parcel acreage. In addition, the majority of the frontage is adjacent to wetlands. This results in the inability to create conventional lots with frontage along a Town road to access new lots.

For this reason, and as supported by the provisions found in Table 2.20 of the Scenic Resource Protection Overlay District regulations, we are proposing a planned unit development-residential. The proposed layout includes 4 lots plus an open space lot, with lot #2 encompassing the existing Gutema residence, and three new building lots. In addition, over 50% of the project area (21.5 acres) will be dedicated to open space for agricultural and/or passive recreational purposes. The design of the lots and shared access drive is intended to meet the goals, requirements, and provisions of Table 2.20, as detailed below:

- The proposed house sites have been kept away from Towers Road to preserve viewsheds and the roadscape corridor. This section of Towers Road (along the parcel frontage) was ranked as "least scenic" as found on page 39 in the document entitled "Views to the Mountains-A Scenic Resource Protection Manual" as referenced in the Table 2.20.
- The houses are clustered (much closer together than those of existing homes in the vicinity), and the large open space minimizes the loss of scenic character.
- A single, shared driveway (the first section to follow the existing driveway alignment) is proposed to serve the four homes to minimize visual impact. This shared drive concept is encouraged and allowed in the Zoning Regulations. Section (F)(5)(a) of Table 2.20 Scenic Resource Protection Overlay District. We anticipate soliciting comments as the project

moves forward from the Public Works department regarding the design features of this driveway.

- Each lot will have frontage along the shared driveway right-of-way.

The proposed lots are anticipated to be served by individual drilled wells and either individual or shared wastewater systems. A ridge of well-drained soils suitable for in-ground wastewater systems was found along the easterly portion of the property (within the proposed open space). If suitable soils for on-site systems cannot be found on or closer to the proposed lots, it is anticipated that this ridge will be utilized for wastewater for the new house lots. Stormwater runoff is anticipated to be treated in grass channels, roof disconnects, and other best management practices.

A review of the Significant Features Map found in the Town Plan indicate that this parcel does not include any features from the map. A travel corridor is depicted along Alder Brook, which is located easterly of the easterly property line of the subject parcel, but not on the subject parcel. Also, the Vermont Biofinder Map indicates a “riparian wildlife connectivity” area located on portions of the wooded forest at the far easterly portion of the property. Similarly, the VT Natural Resources Atlas has this same general area designated as a lower priority habitat block. This is proposed to remain undisturbed and within the “open space” area.

We have enclosed the following in support of this application:

- A completed Planning and Zoning Application for Sketch Plan review and check for \$249.20 (\$125 + \$6.90 x 18 abutters)
- Three (3) full size copies of the Sketch Plan depicting the proposed subdivision layout, and four (4) reduced 11” x 17” reduced copies
- Density Analysis
- Existing Conditions Plan
- Vermont Biofinder Map with “riparian wildlife connectivity” area
- Vermont ANR Natural Resources Atlas Map with “habitat block” information for this parcel
- Three sets of abutters mailing labels

Please feel free to call if you have any questions. Thank you.

Sincerely,



Doug Goulette, P.E.
Encl.

c: Negesse & Juanita Gutema

P:\2020\20085 Gutema-Towers Rd\Town\Sketch\Gutema-Town.Sketch.Applic.CoverLetter.doc



February 5, 2021

Town of Essex Planning Commission
c/o Darren Schibler, Town Planner
Town of Essex
81 Main Street
Essex Junction, VT 05452

RE: Gutema Property, 137 Towers Road
Proposed 5-Lot Planned Unit Development-Residential
Sketch Plan Application

Dear Planning Commission members:

This letter is intended to supplement the brief project overview found in our cover letter associated with the Sketch Plan application submission to the Planning and Zoning Office on December 23, 2020, and to provide the project history to date, with a focus on the subject of the proposed shared driveway. We apologize if there are some overlaps in the content of the cover letter and this narrative, but we felt having it all in this document would be helpful.

In the middle of November, 2020, we began communicating with the Planning and Zoning staff about this project. Since the property falls in both the Agricultural-Residential Zoning District (AR), and the Low Density Residential District (R1), and is also located entirely within the Scenic Resource Protection Overlay District (SRPO), we felt that getting the staff involved early on was important to insure what we were proposing met the Regulations.

This 37.8-acre parcel currently encompasses the Gutema's single family home, driveway, water well and wastewater system, but the vast majority of the property is undeveloped, with both open meadows and wooded areas. This property has a limited amount of frontage (522') along Towers Road, a disproportionately short length given the parcel acreage. In addition, the majority of the frontage is adjacent to wetlands. This results in the inability to create conventional lots with frontage along a Town road to access new lots.

For this reason, and as supported by the provisions found in the Town of Essex Zoning Regulations, Table 2.20 of the Scenic Resource Protection Overlay District sub-regulations, we are proposing a planned unit development-residential. The proposed layout includes 4 lots plus an open space lot (creating a 5th lot), with lot #2 encompassing the existing Gutema residence, and three new building lots. In addition, over 50% of the project area will be dedicated to open space.

A single, shared driveway (the first section to follow the existing driveway alignment) is proposed to serve the four homes to minimize visual impact. This shared drive concept is encouraged and allowed in the Zoning Regulations. Since our initial virtual meeting with Town staff on November 23, 2020, and subsequent emails in early December from Town staff, we prepared and submitted a Sketch Plan application on December 23, 2020.

Subsequent to the submission of the Sketch Plan application, P&Z staff shared with us comments from the Public Works Department stating that they had concerns with the total length of the driveway and the number of units served. The memo suggests that this access should be considered as a public road since it does not meet the criteria for a private road as stated in Section 501.0 of the Public Works Specifications. We respectfully disagree with Public Work's interpretation of this Section. The following outlines our reasons:

Section 501.0 of the Public Works Specifications reads as follows:

A residential driveway is not considered to be a public road. A single driveway can serve a maximum of two single family dwelling units. Access ways to multifamily units shall not be considered public roads when one of the following is true:

- 1. The length of a non-looped access way is less than 300' or the length of a looped access way is less than 750'.*
- 2. Less than 20 units are served.*

The proposed shared driveway will serve four single family homes. It is not proposed to serve multifamily units as defined in the Zoning regulations as follows "Dwelling, Multiple Family: A building, or portion thereof, used or designed to be used as a residence for three (3) or more families, with each occupying a dwelling unit separate and independent of the others".

The Public Works Specifications do not define the term "multifamily units". Since this project is not proposing multifamily units, this section of the Public Works Specifications is not applicable to this project. Furthermore, even if the project was proposing, say, a triplex unit, since the number of units served would be substantially less than 20, the access way still would not be considered a public road by the above criteria. In addition, the SRPO Section of the Zoning Regulations states. The Planning Commission may approve up to four homes on a single driveway, provided that public safety concerns are adequately addressed in the design of the driveway. As a result, this section of the Zoning Regulations re-defines the term "single driveway" for driveways in the SRPO. By definition of Section 501 of the Public Works Specifications, "a residential driveway is not considered a public road."

The Public Works Department has also voiced concern over the future potential for the homes to add accessory dwelling units (ADUs). This will be addressed by the applicant by proposing covenants which restrict the dwellings to only being single family homes. Alternately, a covenant will be imposed restricting the size of the wastewater systems "to accommodate up to, but not exceeding four bedrooms located in a single- family home". Planning & Zoning staff has suggested that the first covenant may not be lawful, so if that is the case, the second alternate would be implemented. In any case, moving forward, we are willing to work creatively with staff and Public Works to address this concern voiced by Public Works.

We have prepared the following list of Town of Essex Regulations that support the proposed shared driveway design serving the four single family homes (pertinent sections are underlined):

Town of Essex Zoning Regulations

Table 2.20 Scenic Resource Protection Overlay District.

- Section (F)(5)(a) of Table 2.20 Scenic Resource Protection Overlay District reads as follows):

Access Roads, Driveways, and Service Areas. To minimize the loss of scenic character, driveways, parking, and service areas shall be designed and located to reduce their visual impact. To this end: (a) A single, shared-access road or driveway shall be used whenever possible over numerous individual driveways. The Planning Commission may approve up to four homes on a single driveway, provided that public safety concerns are adequately addressed in the design of the driveway, and so long as each home would have adequate frontage if it were served by a single driveway on its own lot (i.e., three homes on a single driveway in the Agricultural-Residential (AR) district would require at least 600 feet of frontage). Access roads and driveways should be located to minimize intrusions on open meadows or high visibility within view corridors to distant views. Drives and roadways shall be kept at the edge of open meadows and open space whenever possible.

(b) Signed maintenance and cost sharing agreements must be developed between the homeowners on a shared access drive, including provisions for year-round emergency services access.

(c) Widths of access roads and driveways and any cul-de-sacs or hammerheads should be kept to the minimum allowable.

(d) Parking areas should be located to minimize visibility.

Based on the underlined text above, the Planning Commission has the authority to approve up to four homes on a shared drive. As this is a discretionary criterion, we are requesting that the Planning Commission approve the shared driveway. We will work with the Public Works and Fire departments to design the driveway to minimize widths while providing for public safety.

- Section(F)(6) give the PC the “*authority to waive the need for the lots to meet minimum frontage, setback, and acreage requirements if better and more creative design can be achieved, provided the overall lot has the adequate acreage and frontage for all proposed dwelling units*”.

The proposed dwelling units will either have frontage on Towers Road, or frontage on the shared driveway right of way.

Town of Essex Zoning Regulations

- Section 3.1(C)(3) – This section states “*frontage requirements also may be waived or modified by the PC in association with approval of a PUD under Article VI*”.
- Section 3.1(F) – Rights-of-Way- This section states “*access by right-of-way for lots having frontage on a public highway or shared driveways may be approved by the PC and shall be required to meet Subsection (G) and all other applicable Town of Essex Regulations*”.

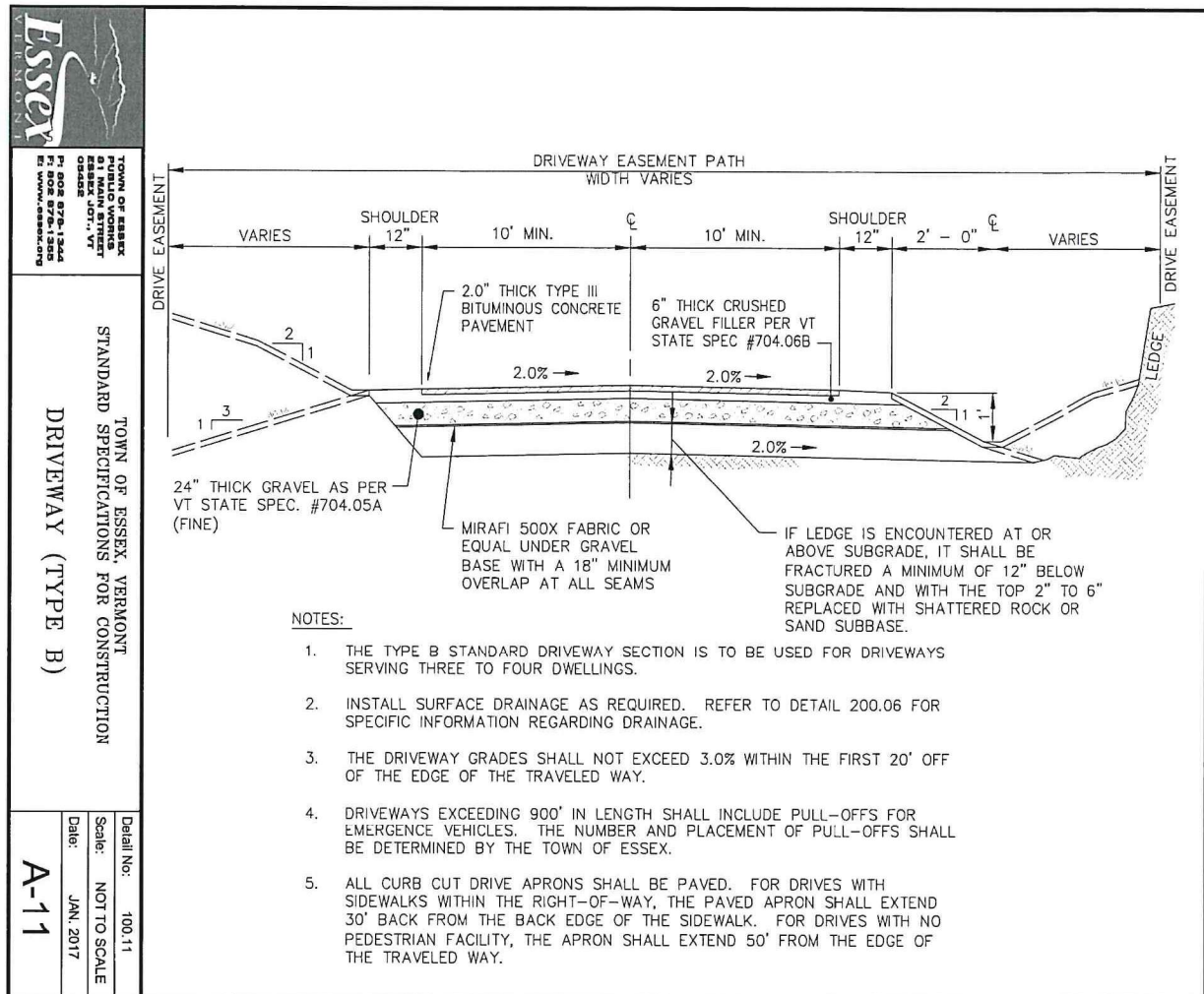
All of the proposed lots in this project will either have frontage on Towers Road or on the shared driveway right-of-way. As this is a discretionary criterion, we are requesting that the Planning Commission approve the shared driveway.

- Section 3.1 (G)(5) Access Standards reads:
(5) No more than two dwellings or lots shall be served by the same private right-of-way (driveway), although up to four dwellings or lots may be permitted to share a driveway in the Scenic Resource Protection Overlay (SRPO) district. When more than two dwellings or lots will be served, access must be provided by a road that meets the Town's Public Works Specifications and Subdivision Regulation standards, unless the dwellings and lots are in the SRPO and the driveway adheres to the standards described in Table 2.20.
- Article 6 Planned Unit Development
 Section 6.4(G) Roads. *The following roads may be required as public roads dedicated to the Town as necessary and appropriate to implement and advance specifically stated policies of the Essex Town Plan, in accordance with Section 7.7(E)(3):*
 - (1) The principal entry to the planned unit development.*
 - (2) Roads servicing or planned to service adjacent properties*
 - (3) Internal roads which will carry daily traffic in excess of 750 vehicles per day, based on current trip generation rates published by the Institute of Transportation Engineers, or which will serve twenty (20) or more dwelling units.*
 - (4) Non-looped or cul-de-sac roads of 300 feet or more in length.*
 - (5) Looped roads (roads having more than one connection to another road) of 750 feet or more in length.*
 - (6) Other roads may be private, if approved by the Planning Commission.*

As this is another discretionary criterion (i.e. *may be required, and may be private*), we are requesting that the Planning Commission approve the proposed private shared driveway as allowed in item (6) above, and as required (whenever possible) in the SRPO.

Town of Essex Public Works Specifications

Public Works standard sheet A-11- Driveway (Type B) includes note 1 which reads "the Type B standard driveway section is to be used for driveways serving three to four dwellings". This indicates that driveways serving up to four dwellings are permissible. Similarly, note 4 states "driveways exceeding 900' in length shall include pull-offs for emergency vehicles". Again, this indicates that a shared driveway serving 4 dwellings can be over 900' long and is permissible, otherwise, this text would not be included. A copy of "Driveway (type B) detail follows. It is our understanding from discussions with Public Works that this driveway detail was developed to be consistent with the requirements of the SRPO. The driveway design will be in accordance with the Public Works Specifications Driveway (Type A) detail, and Driveway (Type B) detail where applicable.



At this time, we are not proposing a "Street" or Public or Private Road, as it is our opinion in the reading of these above regulations that the Planning Commission has the ability to approve a properly designed shared driveway within a right-of-way as a means of providing both access and frontage for the proposed lots in this PUD-R subdivision. We hope this information is helpful. We look forward to reviewing this project at an upcoming Planning Commission meeting.

Please feel free to call if you have any questions. Thank you.

Sincerely,

D. Goulette

Doug Goulette, P.E.

Encl.

c: Negesse & Juanita Gutema



October 1, 2021

Darren Schibler, Town Planner
Town of Essex
81 Main Street
Essex Junction, VT 05452

RE: Gutema Property, 137 Towers Road
Proposed 8-Unit Planned Unit Development-Residential
Sketch Plan Narrative

Dear Darren:

As you know, we have been communicating with the Town of Essex Planning and Zoning staff and the Gutemas since the last Sketch Plan hearing of the Planning Commission on May 13th, 2021 to re-design the project to better meet the goals of PUD's. At the May 13th meeting, we presented a project layout proposing to create 3 new single family house lots north of the Gutema residence. It was the consensus of the Planning Commission that this layout did not meet the purposes and goals of a PUD, and that we should work with staff to re-design the project to better meet the PUD goals.

As we have discussed in the past, this property has a very limited amount of frontage (522') along Towers Road, a disproportionately short length given the parcel acreage of 37.8 acres. In addition, the majority of the frontage is adjacent to wetlands. This results in the inability to create conventional lots with frontage along a Town road to access new lots.

For this reason, and as supported by the provisions found in Table 2.20 of the Scenic Resource Protection Overlay District regulations, we have been proposing a planned unit development-residential since the project's inception.

The proposed new layout includes 3 single family lots clustered in a semi-circle on small lots north of the Gutemas home. In addition, two duplex buildings clustered in the meadow to the south of the Gutemas home, behind the Johnson property, are proposed. In addition, over 50% of the project area (21.5 acres) will be dedicated to open space for potential agricultural, silvicultural, and/or passive recreational purposes.

Compliance with the Town's Regulations- The following sections will discuss how this proposed new layout meets the PUD goals and objectives of the various Town of Essex Planning and Zoning documents as follows:

Town of Essex Zoning Regulations- Table 2.20 Scenic Resource Protection Overlay District (SRPO)

The design of the lots and units and shared access drive is intended to meet the goals, requirements, and provisions of Table 2.20, as detailed below:

- The proposed house sites have been kept away from Towers Road to preserve viewsheds and the roadscape corridor. This section of Towers Road (along the parcel frontage) was ranked as "least scenic" as found on page 39 in the document entitled "Views to the Mountains-A Scenic Resource Protection Manual" as referenced in the Table 2.20.

- The houses are clustered (much closer together than those of existing homes in the vicinity), and the large open space minimizes the loss of scenic character.
- A single, shared road/driveway (the first section to follow the existing driveway alignment) is proposed to serve the four homes to minimize visual impact. This shared drive concept is encouraged and allowed in the Zoning Regulations. Section (F)(5)(a) of Table 2.20 Scenic Resource Protection Overlay District.
- Each lot will have frontage along, or access to the shared driveway right-of-way.

A review of the Significant Features Map found in the Town Plan indicate that this parcel does not include any features from the map. A travel corridor is depicted along Alder Brook, which is located easterly of the easterly property line of the subject parcel, but not on the subject parcel. Also, the Vermont Biofinder Map indicates a “riparian wildlife connectivity” area located on portions of the wooded forest at the far easterly portion of the property. Similarly, the VT Natural Resources Atlas has this same general area designated as a lower priority habitat block. This is proposed to remain undisturbed and within the “open space” area.

Compliance with Town of Essex Zoning Regulations Article VI: Planned Unit Development Sections 6.0(B) and 6.8(A)-

1. *Creative and efficient use of land*- This new layout proposes to better maximize the parcel’s development potential by now proposing 7 new housing units. Lots 1, 3, & 4 are now small lots averaging 1 acre in size, compared to the 3 acre conventional lot size for the AR Zoning District in which they are located. The building envelope size for these lots is minimized to reduce home sizes and yards, and preserve natural features. The two duplex units (#5-#8) are located on the 25 acres common open space lot and not on individual lots. The proposed improvements respect the boundaries of the natural features such as the wetlands. Wetland impacts are only anticipated for the crossing of a drainage channel for the new shared drive to lots 1, 3, and 4. This layout maximizes the proposed open space easterly of the proposed improvements. The three houses and the proposed common area all fall within an area of approximately 1 acre.

2. *Clustering* – As discussed above, lots 1, 3, & 4 are now small lots averaging 1 acre in size, compared to the 3 acre conventional lot size for the AR Zoning District in which they are located. Proposed setbacks are in accordance with the PUD setbacks shown on Table 2.3 of the Zoning Regulations. These three lots are proposed to all have access to a common area located to the east of the shared drive. Similarly, the two duplex buildings are proposed to be clustered in the meadow to the north of the Johnson property. They are positioned east and west of each other due to the narrowness of this meadow resulting from a wetland to the north, and the project perimeter property line to the south. The two building’s orientation parallel to the slope of the meadow will allow for walkout lower floors. A common area between the units is depicted on the Sketch Plan, which could be used for shared garden space and recreational uses. As with the single family lots, these four units and their site improvements are clustered and occupy only approximately 1 acre of land. The remainder of the 25 acre open space lot is proposed to be conserved and utilized for passive recreation and wildlife habitat protection. The open space parcel will account for 66% of the total project parcel area.

3. *Provide greater, more diverse housing opportunities* – With the small single family lot sizes and the duplex units on common land, this project provides a diversity of housing options beyond the more typical large single family lots in this area of Essex.

4. *Minimizing the visual impact of development* – Refer to the above narrative regarding compliance with Table 2.20 Scenic Resource Protection Overlay District (SRPO) as it relates to the project minimizing the visual impacts from Towers Road.

5. *Preservation of Open Space* – This project proposed to create 25 acres of common open space for the use of the residences of the eight units. A portion of this common land will incorporate the yard areas surrounding the duplex units for common or shared uses as described earlier, with the remaining majority of the 25 acres being the large wet meadow to the west, the wooded upland area to the far west bordering Alder Brook, and wooded uplands on the far northwest corner of the project parcel. These diverse natural areas offer opportunities for walking, skiing, snowshoeing, birdwatching, and other passive recreational activities. It is envisioned that a homeowner's association will be formed which would include covenants outlining the allowed and prohibited uses of the common lands.

6. *Protection of Agricultural Soils*- With the preservation of the proposed 25 acres of open space, a large area of agricultural soils on this site will be protected from development. Although a portion of the open space encompasses a class II wetland complex, there may be opportunities for the use of the remaining upland areas for agricultural activities, if desired by the homeowners. Activities in the class II wetland areas would need to comply with the State Wetland Rules.

Conformance with the Town of Essex Town Plan-

General Policy 1: Development shall occur in areas suitable for growth in a compact manner as opposed to scattered development throughout Town.

This new layout proposes to better maximize the parcel's development potential by now proposing 7 new housing units. Lots 1, 3, & 4 are now small lots averaging 1 acre in size, compared to the 3 acre conventional lot size for the AR Zoning District in which they are located. The building envelope size for these lots is minimized to minimize large lots and yards and preserve natural features. The two duplex units (#5-#8) are located on the 25 acres common open space lot and not on individual lots. The proposed improvements respect the boundaries of the natural features such as the wetlands on the site.

General Policy 4: Diverse housing opportunities shall be sought with a large majority of them being located in the areas in Town identified as appropriate for growth: the Town Center, the Susie Wilson Road Corridor, and a portion of Essex Center.

Although this project doesn't fall within the growth areas listed above, with the small single family lot sizes and the duplex units on common land, this project provides a diversity of housing options beyond the more typical large single family lots which predominate in this area of Essex.

General Policy 6: Land shall be conserved, and development avoided, in particularly vulnerable areas, such as floodplains and river corridors.

The parcel includes some small areas of floodplain associated with Alder Brook in the far easterly side of the property. This area is proposed to be conserved as open space. Further, proposed improvements respect the boundaries of other natural features such as the wetlands. Wetland impacts are only anticipated for the crossing of a drainage channel for the new shared drive to lots 1, 3, and 4. This layout maximizes the proposed open space easterly of the proposed improvements.

Goal 7a. The Town's significant natural, scenic, historic and archeological resources are protected from development.

The Significant Features Map found in the Town Plan indicate that this parcel does not include any features from the map.

Goal 8a. Important agricultural and forest lands are protected from development.

With the preservation of the proposed 25 acres of open space, a large area of agricultural soils on this site will be protected from development. Similarly, a sizable forested area to the east of the large meadow will remain undeveloped with the possible exception of having a wastewater system to serve one or more of the units.

Specific Policy 2(S).12: New parcels shall be permitted only on existing public roads or on new roads that are compatible with the Town's land use objectives for the rural areas

This property has a very limited amount of frontage (522') along Towers Road, a disproportionately short length given the parcel acreage of 37 .8 acres. In addition, the majority of the frontage is adjacent to wetlands. This results in the inability to create conventional lots with frontage along Towers Road. To develop this property to its best use, a combination of a short private road off Towers Road, combined with a shared driveway to serve the last four units to the north is proposed. This approach is compatible with the land use objectives of this area of Essex.

We have enclosed the following in support of this application three (3) full size copies of the Sketch Plan depicting the proposed subdivision layout, and four (4) reduced 11" x 17" reduced copies

Please feel free to call if you have any questions. Thank you.

Sincerely,

A handwritten signature in dark ink, appearing to read "Doug Goulette". The signature is fluid and cursive, with the first name "Doug" written in a larger, more prominent script than the last name "Goulette".

Doug Goulette, P.E.
Encl.

c: Negesse & Juanita Gutema

Gutema Proposed 4-Lot PUD-R Subdivision

Density Analysis

December, 2020

The following computations are based on the “undevelopable” areas shown on the attached plan. Undevelopable areas include wetlands, floodplains, slopes greater than 20%, and existing or potential roadway corridors. For this analysis a 40’ roadway corridor was used.

Because this parcel falls within two zoning districts, the Agricultural-Residential Zoning District (AR), and the Low Density Residential District (R1), density was computed for each District given that they have different minimum lot sizes.

Total parcel area = 37.8 acres

Area within the Agricultural-Residential Zoning District (AR) = 14.5 acres

Area within the Low Density Residential District (R1) = 23.3 acres

Density computations for the Agricultural-Residential Zoning District (AR)

Undevelopable Areas

Wetlands = 6.2 acres

Slopes greater than 20% = 0.8 acres

Floodplain = 0

Roads = 0.9 acres

Total undevelopable = 7.9 acres

Total Developable area within the AR District = 14.5 acres – 7.9 acres = 6.6 acres

Minimum Lot size in AR District = 3 acres

Maximum number of units in AR = 6.6 acres/3 acres/lot = 2 units/lots

Density computations for the Low Density Residential District (R1)

Undevelopable Areas

Wetlands = 11.8 acres

Slopes greater than 20% = 1.8 acres

Floodplain = 0.3 acres

Roads = 0.0 acres

Total undevelopable = 13.9 acres

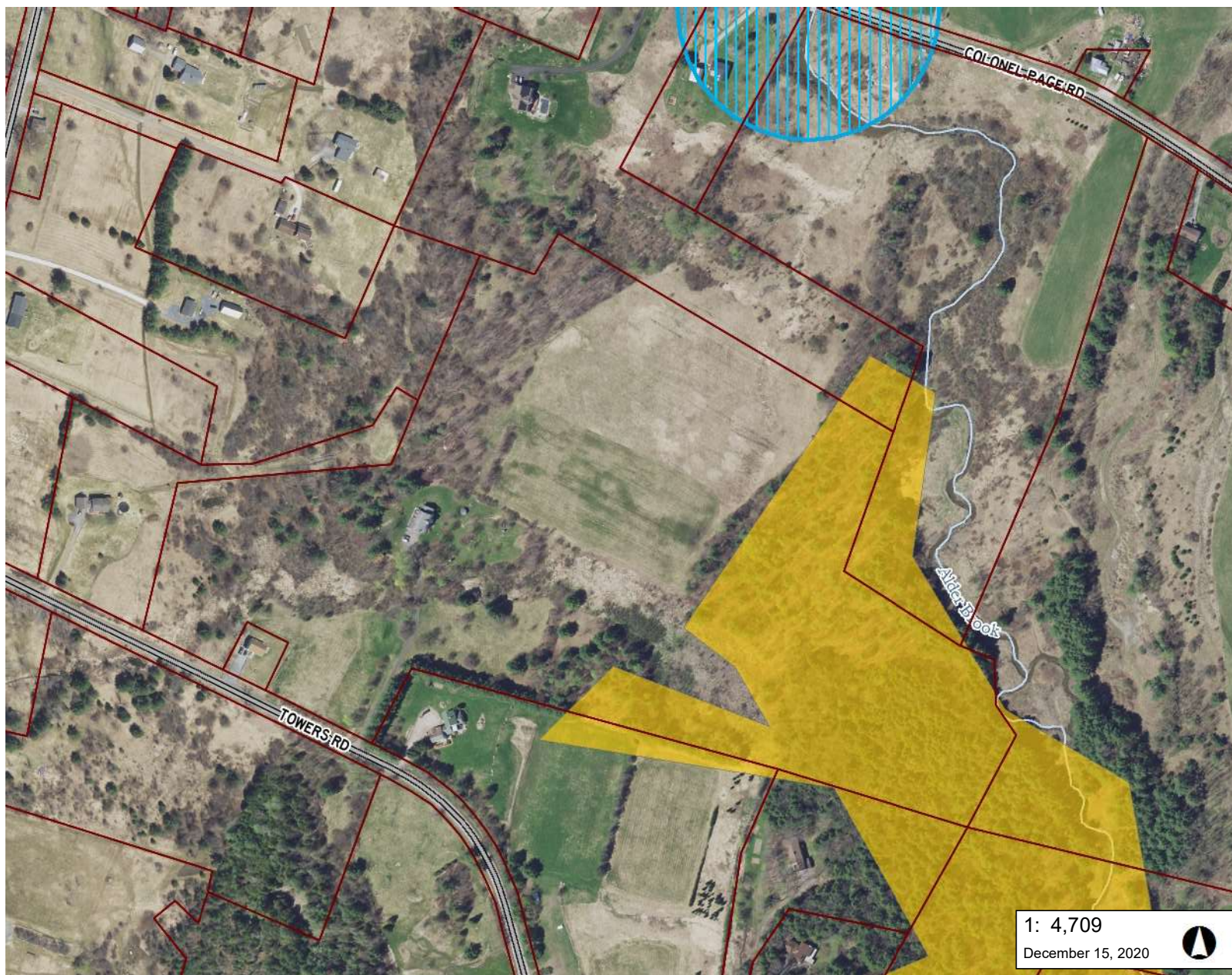
Total Developable area within the R1 District = 23.3 acres – 13.9 acres = 9.4 acres

Minimum Lot size in AR District = 1 acre

Maximum number of units in AR = 9.4 acres/1 acre/lot = 9 units/lots

Maximum number of units/lots for total parcel = 11 unit/lots (2 in AR and 9 in R1)

P:\2020\20085 Gutema-Towers Rd\Gutema.Density Analysis.docx



1: 4,709

December 15, 2020



LEGEND

 Significant Natural Community
Uncommon Species and Other

 Animal

 Plant

 Natural Community

 Deer Wintering Areas

Habitat Blocks

 10 - Higher Priority

 9

 8

 7

 6

 5

 4

 3

 2

 1 - Lower Priority

 0

Natural Communities on ANR I

 Acidic Riverside Outcrop

 Alder Swamp

 Alluvial Shrub Swamp

 Alpine Meadow

 Alpine Peatland

 Beaver Wetland (Non-NC)

 Black Spruce Swamp

 Black Spruce Woodland Bog

 Barren Acidic Cliff

NOTES

Map created using ANR's Natural Resources Atlas

239.0 0 120.00 239.0 Meters

WGS_1984_Web_Mercator_Auxiliary_Sphere

© Vermont Agency of Natural Resources

1" = 392 Ft. 1cm = 47 Meters

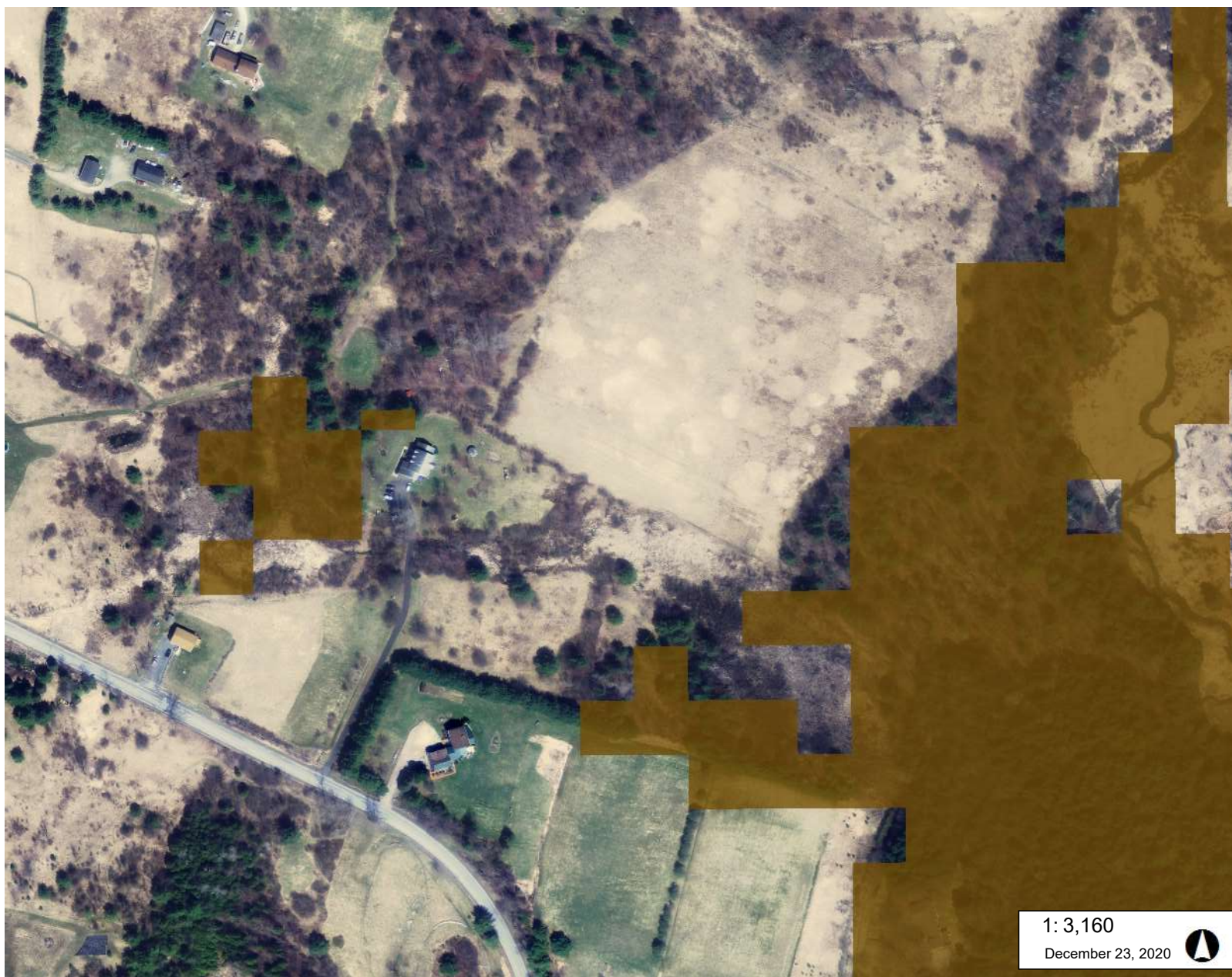
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LEGEND

- Natural Community - Highest F
- Natural Community - Priority
- Terrestrial Wildlife Road Cross Priority
- Terrestrial Wildlife Road Cross
- Riparian Wildlife Road Crossin Priority
- Riparian Wildlife Road Crossin
- Riparian Wildlife Connectivity



1: 3,160

December 23, 2020



53.0 0 26.00 53.0 Feet

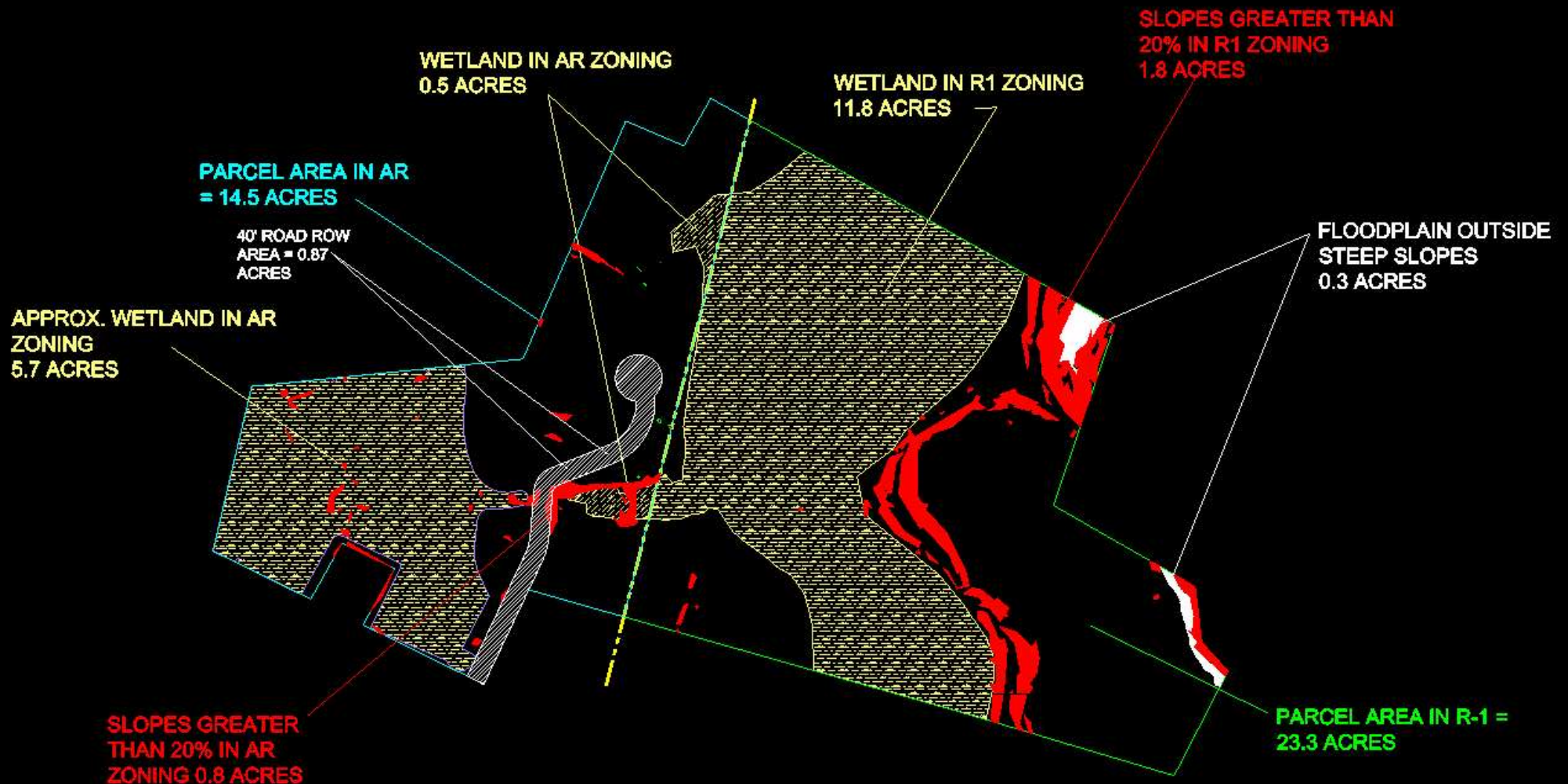
WGS_1984_Web_Mercator_Auxiliary_Sphere
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NOTES

Map created using BioFinder



DENSITY INFO

1 ESSEX PLANNING COMMISSION
2 December 9, 2021

3 **23-24 Corporate Drive: Site Plan**

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21
22 **Summary**

23 The proposal for seven mini-storage buildings totaling 55,775 square feet generally meets the
24 requirements of the *Zoning Regulations*. The lighting plan does not meet all objectives because
25 the low building heights limit the ability to achieve uniform coverage, and the Police Chief has
26 requested additional lighting to the rear of the buildings. The Commission may continue the
27 hearing to review a revised lighting plan, or delegate the review to staff prior to the issuance of a
28 zoning permit (as is recommended for several minor stormwater management details). Note that
29 the two lots involved would be deemed merged under this site plan approval, since the
30 *Subdivision Regulations* do not provide for merger of lots.

Applicant

Glenn & Ronalyn Cummings
65 Lakewood Court
Colchester, VT 05446

Proposal

The proposal is for seven mini-storage buildings totaling 50,775 square feet, with associated lighting and paved access routes, all enclosed by a 6-foot-high chain-link fence. The site would span two lots (which would be deemed merged) addressed as 23 and 24 Corporate Drive in the Resource Preservation – Industrial District (RPD-I) zone, Tax Map 72, Parcel 3, Lots 23 and 24. The buildings would not require any water or sewer service, and would utilize on-site stormwater management.

Background

In October 1997 the Planning Commission approved a private road on Lot C in the RPD-I district, with the expectation that the road would eventually become a public road. The approval included a condition that a sidewalk be installed when lots were developed.

In November 2000 the Planning Commission gave Final Approval to a 13-lot subdivision, the first of two phases of the subdivision of Lot C. Lots 1-12 were created, the 13th being the remaining lands for Phase II, and the previously approved private road was made public and named Corporate Drive.

In January 2002 the Planning Commission approved a Final Plan Amendment allowing overhead power lines on Corporate Drive. Individual lots had to connect to the overhead power via underground lines.

In September 2007 the Planning Commission approved an 11-lot subdivision for the western half of Corporate Drive. The subdivision is considered Phase II of the subdivision approved in 2000, which includes the lots currently under review.

On January 23, 2020 the Planning Commission approved a two-lot subdivision of the parcel at 21 Corporate Drive, resulting in Lot 21A (addressed 23 Corporate Drive), a vacant 235,877-square-foot lot with 35.36 feet of frontage, and Lot 21B (addressed 21 Corporate Drive), a 46,173-square-foot lot with 19.76 feet of frontage with an existing telecommunications tower and access drive. The approval specifically authorized a reduction in frontage along the outside of a cul-de-sac under Section 3.1(C)(2) of the *Zoning Regulations*.

Abutting properties to the east are in the RPD-I district and have been or will be developed with light manufacturing, office, and storage uses. A Medium Density Residential (R2) District contains single-unit dwellings to the north, south, and west of the parcel, separated by the RPD-I's 200-foot buffer.

I. Article V, Section 5.6 of the *Zoning Regulations*: Site Plan Review

As a commercial use, the project requires Site Plan Review pursuant to Section 5.6 of the *Town of Essex Outside the Village of Essex Junction Official Zoning Regulations*. The purpose of site plan review is to ensure the project's compliance with the *Town Plan*, the *Zoning Regulations*, and conditions of previous approvals. Site Plan review standards specifically include preservation of natural and scenic features, layout of development, access, internal circulation, parking, landscaping, lighting, and utilities and fire protection.

The applicant has submitted the following plans:

- Sheet #1, "Overall Site Plan, Saxon Hill Industrial Park, Lot 21A & 23," prepared by Lamoureux & Dickinson Consulting Engineers, Inc., dated 10/14/2021;
- Sheet #2, "Grading & Utility Plan, Saxon Hill Industrial Park, Lot 21A & 23," prepared by Lamoureux & Dickinson Consulting Engineers, Inc., dated 10/14/2021;
- Sheet #3, "Lighting Plan, Saxon Hill Industrial Park, Lot 21A & 23," prepared by Lamoureux & Dickinson Consulting Engineers, Inc., dated 10/14/2021;
- Sheet #4, "Erosion Prevention & Sediment Control Plan, Saxon Hill Industrial Park, Lot 21A & 23," prepared by Lamoureux & Dickinson Consulting Engineers, Inc., dated 10/14/2021;
- Sheet #5, "Post-Construction Soil Depth and Quality Plan, Saxon Hill Industrial Park, Lot 21A & 23," prepared by Lamoureux & Dickinson Consulting Engineers, Inc., dated 10/14/2021;
- Sheet #6, "Sitework Details & Specifications, Saxon Hill Industrial Park, Lot 21A & 23," prepared by Lamoureux & Dickinson Consulting Engineers, Inc., dated 10/14/2021;

(A) ZR Section 5.6(A), General Requirements

1. Conformance with the *Essex Town Plan*

The project complies with the following goals and objectives of the 2016 *Essex Town Plan*:

General Policy 1: *Development shall occur in areas suitable for growth in a compact manner as opposed to scattered development throughout Town.*

Goal 1f: *Economic development is carried out in the Saxon Hill Industrial Park with consideration and respect for the natural surroundings.*

Specific Policy 2(S).2: *The retention and expansion of businesses at existing industrial and commercial sites shall be supported...*

2. Dimensional limitations and provisions of the *Zoning Regulations*

This project is located in the Resource Preservation – Industrial District (RPD-I), and must conform to the standards listed in Table 2.14 of the *Zoning Regulations*.

(a) Table 2.14, Resource Preservation – Industrial District (RPD-I) Standards

i. Purpose

The project reflects the purpose of the RPD-I district as an industrial development that is outside and with no impacts to the 60% of the zone designated for conservation and recreation purposes.

ii. Permitted and Conditional Uses

Storage facilities are permitted uses in the RPD-I zone. No conditional uses are proposed.

iii. District Dimensional Requirements

The project involves two lots approved under the Phase II Corporate Drive subdivision (dated 11/08/2007). The applicant has requested to merge the lots to eliminate the required side setbacks and allow for structures to span the boundary. Because the Subdivision Regulations do not establish a process for the merger of two lots (i.e., the elimination of a common boundary), the lots would be deemed merged as a result of this site plan approval.

The proposed project generally conforms to Table 2.14(D), Dimensional Requirements of the RPD-I district, as noted below:

Dimensional Requirements	Required	Proposed
Minimum Lot Area – Nonresidential	40,000 sf	Appx. 418,600 sf
Minimum Lot Frontage	200 ft.	79 ft.
Minimum Front Setback (from ROW)	50 ft.	61 ft.
Minimum Side Setback	25 ft.	26 ft.
Minimum Rear Setback	25 ft.	208 ft.
Minimum Buffer to Residential Districts	200 ft.	200 ft.
Maximum Lot Coverage – All	60 %	24.6 %
Maximum Height	45 ft.	< 12 ft.

The original lots were subdivided prior to adoption of minimum frontage requirements for the RPD-I district (effective 11/03/2014). Under approval #PC-2020-2, the Planning Commission approved further reductions in frontage for the subdivision of 21 and 23 Corporate Drive pursuant to ZR Section 3.1(C)(2) because the lots are located on the outside of a cul-de-sac. In any case, combining 23 and 24 Corporate Drive would result in a frontage of 79 feet, which meets the requirements of ZR Section 3.1(C)(1).

iv. District Development Standards

The plans show the retention of the required buffers, conformance with use mix, height and coverage requirements, and installation of underground utilities. There would be no mixed production and sales areas.

3. Protection of public health, safety, and welfare

The proposed project will not impact public health, safety, or welfare. In an e-mail dated October 19, 2021 the Police Chief required that lighting be added to the sides and rear of the buildings for security.

4. Outstanding violations

The property does not have any outstanding zoning violations.

(B) ZR Section 5.6 (B), Natural and Scenic Features

The *Zoning Regulations* state that “site layout and design, to the extent feasible, shall incorporate and protect significant natural features as identified on the Significant Features and Water Resources Maps contained in the Town Plan of record or through site investigation.” This is evaluated through the following criteria:

1. Topography

The *Zoning Regulations* call for minimal changes to a site’s topography and vegetation, specifying that a site “shall be planned to retain, insofar as possible, the natural contours and to conserve the natural cover and soil.” Minimal grading and tree removal would occur to clear and level the site for buildings and stormwater treatment areas.

2. Steep Slopes

The site does not contain any slopes greater than 15%, and none would be created by the proposed development.

3. Surface Waters and Wetlands

The property does not contain any surface waters or wetlands.

4. Renewable Energy

The applicant has not proposed utilization of renewable energy at this time. The proposal would not impact the ability of neighboring properties to use renewable energy, as it would not create light or wind shade over property lines.

5. Open Space

The proposed building is not located in a rural area or within the Scenic Resource Protection Overlay (SRPO) District, nor does it contain any open meadows.

(C) ZR Section 5.6 (C), Access

Pedestrian and vehicular access to the site must meet applicable design standards in the *Zoning Regulations* and Public Works specifications. The Planning Commission can impose conditions related to on- or off-site improvements meant to mitigate the impact of traffic, or to maximize pedestrian and vehicular safety.

Access to the site would be suitably provided by a curb cut off Corporate Drive, a municipal Class III paved collector street. The applicant’s narrative states that the new

building will have a traffic volume of 5 AM and 9 PM peak vehicle trip ends (VTEs). Under the Phase II Corporate Drive subdivision approval, this would leave 78 AM and 52 PM peak trips available to all lots on Corporate Drive.

The applicant's engineer provided an analysis of impacts to level of service at nearby intersections. In an e-mail dated December 1, 2021 Public Works staff stated:

The traffic impacts of the proposed project are minor, amounting to an additional 9 PM VTE to the existing Peak Hour traffic to the Allen Martin Corridor. The technical memorandum submitted by the applicants engineer, Lamoureux & Dickinson, also provided information regarding the changes in Level of Service (LOS) within the Allen Martin Drive corridor. The impacts to the LOS at the intersections of Corporate Drive / Allen Martin Drive, and VT RT 15 / Allen Martin Drive are negligible. It should be noted, the LOS for the northbound left turn at the VT RT 15 / Allen Martin Drive intersection is nearing a LOS of F. The previously assessed trip-end impact fee will be calculated and used to offset future upgrade costs to the Allen Martin Drive corridor.

Pedestrian access to the site is provided by an existing sidewalk along the south side of Corporate Drive and extending around the perimeter of the cul-de-sac along the site's frontage. Because the use of the site will generally require vehicular transportation for movement of personal goods, no significant pedestrian and bicycle demand is expected; therefore, no interior sidewalks or bicycle racks are required.

(D) ZR Section 5.6(D), Site Circulation

The *Zoning Regulations* require the Planning Commission to consider on-site vehicular and pedestrian circulation and allow the Commission to impose conditions to ensure adequate circulation. The Planning Commission also must consider safety and accessibility, as required by the Americans with Disabilities Act.

Vehicles entering the site from the 30-foot-wide curb cut would access each building through an access drive 30-38 feet in width through the center of the site. 20-foot-wide paved two-way drives separate each of the storage buildings, and although this is narrower than drive aisles for parking lots as required under ZR Section 3.9(A)(1), it meets the residential driveway standards under ZR Section 3.1(G)(4)(c) and will be sufficient for short-term loading and unloading. Turning angles are sufficient to accommodate emergency vehicles; fire safety is reviewed in more detail in Finding I(I).

There appears to be adequate space for snow storage in the areas noted on Sheet 2 of the plans, which ensure snowmelt will be directed to the stormwater treatment areas and not directly to surface waters. The applicant's narrative notes that snow from larger storms would be hauled off-site, though no location for this has been identified.

Since little to no pedestrian and bicycle traffic is anticipated and the paved areas provide adequate and safe pedestrian access to the units, no internal sidewalks or paths are required.

Storage unit tenants would be responsible for off-site waste disposal, therefore no on-site waste enclosures are required.

(E) ZR Section 5.6(E), Parking

Parking must be provided in accordance with Section 3.9 of the *Zoning Regulations*, and no more than 50 percent of a front-yard setback can be devoted to parking.

ZR Section 3.9 does not specify parking requirements for self-storage units, and since no long-term parking is required for such a use, the drive aisles separating the units will suffice for vehicular parking while loading and unloading materials. Access to units from the drive aisles must meet any applicable standards of the *Americans with Disabilities Act*. Since little to no bicycle traffic is anticipated, bicycle parking is not required; it is noted that bicycles may be stored securely within the proposed storage units.

(F) ZR Section 5.6(F), Landscaping and Screening

The Planning Commission can require landscaping to achieve the objectives of the *Zoning Regulations* and the *Town Plan*. The landscaping objectives in the Resource Preservation District – Industrial (RPD-I) relate to preservation of forest cover.

The project meets this objective by retaining the 50- and 200-foot buffers required within the RPD-I zone. In addition, by retaining all other existing vegetation around the site, the proposal also provides sufficient visual enhancement as well as screening from roadways and adjacent properties to meet all the objectives for industrial districts (street trees, parking areas, lawn and building enhancements, and loading and storage areas).

(G) ZR Section 5.6(G), Lighting

The *Zoning Regulations* call for an exterior lighting plan that provides “site lighting and lighting levels that are appropriate for the anticipated activities on the site and the property’s surrounding context, and that maximize the efficiency of site lighting and energy demand, while minimizing up-light glare, and unnecessary spillover light or light diffusion onto adjacent properties.”

The proposed lighting fixtures would be fully shielded and efficient light-emitting diode sources on motion sensors (except for the central access aisle) with a color close to that of natural sunlight. The lighting plan provides adequate coverage for the interior of the site where activity will occur. However, the coverage varies widely throughout the site, and the maximum illumination (10 foot-candles) exceeds the recommended 7 foot-candles, with many small areas of very low illumination. This is due to the low mounting height of the fixtures (8 feet), which is limited by the height of the buildings. Though this falls short of the objectives in ZR Section 5.6(G), it appears there are no practical design alternatives that would achieve the objectives.

(H) ZR Section 5.6(H), Utilities and Services

1. Water Supply and Sewage Disposal

The buildings will not require any water supply or sewage disposal, though in their November 16, 2021 memorandum, Public Works staff stated that the fire hydrant serving the site must have a 5-inch Storz connection.

2. Stormwater Management

The applicant's narrative (attached) describes the proposed stormwater system:

The proposed stormwater management system complies with the current Vermont Stormwater Treatment Standards. Coverage under General Permit 3-9050 will be obtained for this project. Deep sump catchbasins are proposed for pretreatment of non-rooftop runoff. Infiltration trenches are used for runoff from pavement and some rooftops, with the remaining rooftops draining to stone drip edges and surface infiltration basins.

In a memorandum dated November 16, 2021, Public Works staff provided several design changes and conditions of approval, which the applicant has corrected or met. Public Works also stated:

- 1. There is a detail provided for infiltration trench inspection ports which are to be installed at 50-foot intervals along the length of the infiltration trench. The applicant's engineer needs to indicate on the plans where the inspection ports will be located.*
- 2. There is no indication on the plans how the system will be maintained. The applicant's engineer shall submit to Public Works for review a plan for future maintenance of the proposed BMPs. This should be made a condition of approval.*
- 3. EPA issued the Lake Champlain Phosphorus Implementation Plan, which calls for higher levels of phosphorus removal for all stormwater discharges to the Lake or its tributaries. Because of this plan, the applicant will need to provide the pounds of phosphorus to be removed by the proposed system to Public Works.*
- 4. A copy of the State Stormwater Permit shall be submitted to Public Works prior to commencement of construction.*

3. Utilities

Corporate Drive has existing overhead power and telecommunications lines, but new service lines to the buildings would be installed underground. The buildings will not require natural gas service, though there is an existing line running under Corporate Drive. All utility service lines to the site will be installed underground.

(I) ZR Section 5.6(I), Fire Protection

As noted in Finding I(D), aisle widths and turning radii are sufficient to allow access by emergency vehicles.

In an e-mail dated October 19, 2021 the Fire Chief stated:

The Fire Department would request that they install a Supra Box on the gate for purposes of emergency access during emergencies / power outages (if the gate is

electric). They should also maintain after-hours contact information directly with
Essex Police Department.

II. Additional Findings by the Planning Commission

-

III. Proposed Conditions

1. All conditions from previous approvals shall remain in effect except as modified herein.
2. All construction shall be in conformance with the plans listed above as may be amended herein.
3. Prior to the issuance of a zoning permit, the plans shall be revised as follows:
 - a. Locations of the infiltration trench inspection ports shall be added;
4. An electronic copy of the plans as may have been revised shall be submitted to the E911 coordinator in .PDF file format. Another copy shall be submitted in geodatabase or shapefile in Vermont State Plane Meters, NAD83 (NSRS or most current); alternatively, coordinated CAD data – Vermont State Plane Coordinates, US Survey Feet, Grid Zone 4400, NAD 83 (2011) epoch 2010.0, NAVD 88 (geoid12b); alternatively, paper showing three (3) values of State Plane Coordinates.
5. Prior to the issuance of a zoning permit, the applicant shall submit a stormwater system maintenance plan to be reviewed and approved by Public Works.
6. Prior to the issuance of a zoning permit, the applicant shall provide fire demand calculations if fire suppression systems are to be used in the building.
7. All utility lines shall be installed underground.
8. All water, sewer, and storm water infrastructure shall be installed in accordance with the specifications and details provided within the *Town of Essex Standard Specifications for Construction*. This includes ensuring any existing municipal hydrants serving the site have a 5-inch Storz connection.
9. At the discretion of the Zoning Administrator, as-built plans shall be submitted to the Community Development Department prior to the issuance of a certificate of occupancy.
10. No occupancy of the structure shall occur until a certificate of occupancy inspection and sign off is issued by the Zoning Administrator. A copy of the State's occupancy approval shall be filed and attached to the Town's inspection approval.
11. Prior to the issuance of a Certificate of Occupancy, the kiosk shall be equipped with a Supra Key Box located adjacent to the door closest to the exterior entrance.
12. Prior to the issuance of a Certificate of Occupancy for each building, the E911 address shall be affixed to the building in contrasting colors to be easily visible from the roadway.

13. Prior to the issuance of a Certificate of Occupancy and for the life of the project thereafter, the applicant shall maintain emergency contact information for the site directly with both the Fire Department and the Police Department.

14. All landscaping (including existing vegetation shown on the plans) shall be guaranteed for the life of the project. Any dead or diseased plantings shall be replaced as soon as seasonally possible.

15. All pavement shall be maintained in a state of good repair for the life of the project; line striping shall be maintained so as to be visible at all times.

16. By accepting the conditions of this approval without appeal, the applicant confirms and agrees for itself and all assigns and successors in interest that the conditions of this approval shall run with the land and the land uses herein permitted, and will be binding upon and enforceable against the applicant and all assigns and successors in interest.

IV. Attachments

- Project Narrative, "Site Plan Review Standards, 23 & 24 Corporate Drive," from Andrew Rowe, P.E., Lamoureux & Dickinson Consulting Engineers, dated October 2021.

cc: Andy Rowe, P.E., Lamoureux & Dickinson Consulting Engineers

G:\PC\REPORTS\Corporate Drive 23-24 Site Plan 20210826.docx

ELECTRIC & TELECOMMUNICATION CONSTRUCTION NOTES:

1. CONDUITS SHALL BE INSTALLED ALLOWING FOR SERVICE EXTENSIONS FOR GREEN MOUNTAIN POWER, FARRPOINT AND COMCAST, UNLESS OTHERWISE DIRECTED.
2. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL CONFIRM THE SERVICE REQUIREMENTS, METER / TERMINAL BOX LOCATIONS, AND CONDUIT SIZE WITH EACH UTILITY COMPANY AND ELECTRICIAN/INSTALLER.
3. THE CONTRACTOR SHALL FOLLOW EACH UTILITY'S CONSTRUCTION SPECIFICATIONS AND INSTALLATION REQUIREMENTS.
4. THE OWNER'S ELECTRICIAN SHALL PROVIDE THE ELECTRICAL DISTRIBUTION DESIGN FOR THE SITE LIGHTING. THE CONTRACTOR SHALL INSTALL THE NECESSARY CONDUIT FOR THE SITE LIGHTING BETWEEN BUILDINGS, CONTROLS, AND POWER SUPPLY. SEE SHEET 3 FOR LIGHTING.

CONSTRUCTION NOTES:

PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL VERIFY ALL BUILDING DIMENSIONS AND THE LOCATION AND ELEVATION OF ALL ENTRANCES, DOORS, THRESHOLDS, AND UTILITY SERVICES WITH THE ARCHITECTURAL PLANS. IN ADDITION TO NOTIFYING DISAEP, THE CONTRACTOR SHALL ALSO NOTIFY THE TOWN OF ESSEX WATER AND SEWER DEPARTMENT A MINIMUM OF 48 HOURS IN ADVANCE FOR LOCATION OF EXISTING WATER AND SEWER LINES.

SEE BUILDING / ARCHITECTURAL PLANS FOR BUILDING CONSTRUCTION DETAILS. SEE BUILDING / ARCHITECTURAL PLANS FOR PROPOSED HEAVY PREVENTION MEASURES AT BUILDING ENTRANCES (KIOSK ENTRY).

SEE OTHER SHEETS OF THESE PLANS FOR ADDITIONAL SITE IMPROVEMENTS, DETAILS AND SPECIFICATIONS.

ALL WORK INVOLVING PUBLIC UTILITIES OR WITHIN THE PUBLIC RIGHT OF WAY SHALL BE COORDINATED WITH THE ESSEX PUBLIC WORKS DEPARTMENT. THE CONTRACTOR SHALL PROVIDE NOTICE TO THE DPW A MINIMUM OF 48 HOURS PRIOR TO BEGINNING ANY WORK WITHIN THE PUBLIC RIGHT OF WAY OR ON PUBLIC UTILITIES.

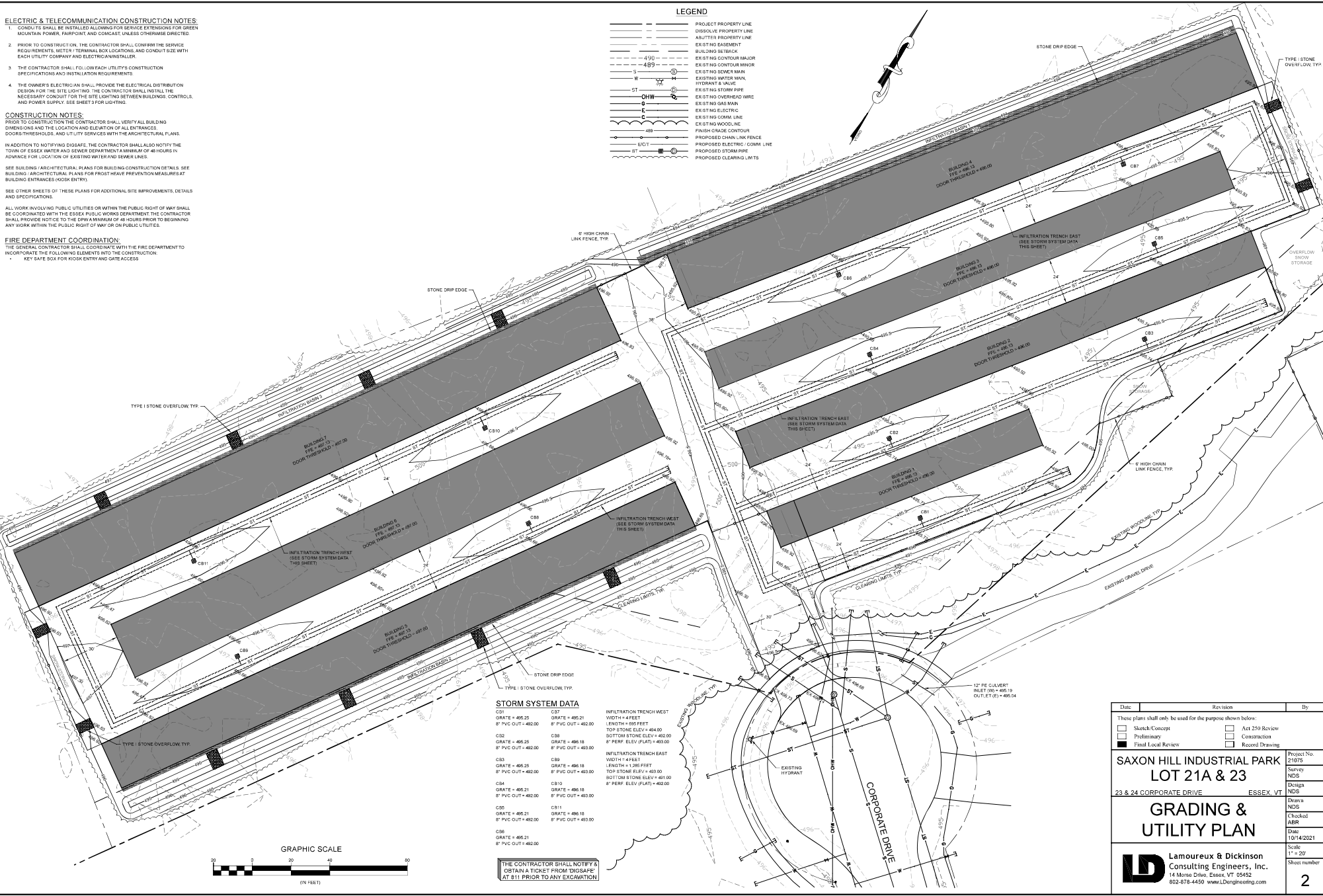
FIRE DEPARTMENT COORDINATION:

THE GENERAL CONTRACTOR SHALL COORDINATE WITH THE FIRE DEPARTMENT TO INCORPORATE THE FOLLOWING ELEMENTS INTO THE CONSTRUCTION:

- KEY SAFE BOX FOR KIOSK ENTRY AND GATE ACCESS

LEGEND

---	PROJECT PROPERTY LINE
---	DISOLVE PROPERTY LINE
---	ABUTTER PROPERTY LINE
---	EXISTING EASEMENT
---	BUILDING SETBACK
---	EXISTING CONTOUR MAJOR
---	EXISTING CONTOUR MINOR
---	EXISTING SEWER MAIN
---	EXISTING WATER MAIN
---	HYDRANT & VALVE
---	EXISTING STORM PIPE
---	EXISTING OVERHEAD WIRE
---	EXISTING GAS MAIN
---	EXISTING ELECTRIC
---	EXISTING COME LINE
---	EXISTING WOOD LINE
---	FINISH CHASE CONTOUR
---	PROPOSED CHAIN LINK FENCE
---	PROPOSED ELECTRIC / COMM. LINE
---	PROPOSED STORMPIPE
---	PROPOSED CLEARING LIMITS



STORM SYSTEM DATA

CS1	GRATE = 495.25	8" PVC OUT = 492.00
CS2	GRATE = 495.25	8" PVC OUT = 492.00
CS3	GRATE = 495.25	8" PVC OUT = 492.00
CS4	GRATE = 495.21	8" PVC OUT = 492.00
CS5	GRATE = 495.21	8" PVC OUT = 492.00
CS6	GRATE = 495.21	8" PVC OUT = 492.00

INFILTRATION TRENCH WEST
WIDTH = 4 FEET
LENGTH = 185 FEET
TOP STONE ELEV = 494.00
BOTTOM STONE ELEV = 492.00
8" PERFE. ELEV. (P.V.) = 493.00

INFILTRATION TRENCH EAST
WIDTH = 4 FEET
LENGTH = 126 FEET
TOP STONE ELEV = 493.00
BOTTOM STONE ELEV = 491.00
8" PERFE. ELEV. (P.V.) = 492.00

THE CONTRACTOR SHALL NOTIFY & OBTAIN A TICKET FROM DISAEP AT 811 PRIOR TO ANY EXCAVATION

Date	Revision	By
These plans shall only be used for the purpose shown below:		
☐ Sketch/Concept	☐ Act 250 Review	
☐ Preliminary	☐ Construction	
☒ Final Local Review	☐ Record Drawing	
Project No. 21075		
Survey NCS		
Design NCS		
Drawn NCS		
Checked ABR		
Date 10/14/2021		
Scale 1" = 20'		
Sheet number 2		

Lamoureux & Dickinson

Consulting Engineers, Inc.

14 Morse Drive, Essex, VT 05452

802-678-4450 www.Lamoureux.com



LED 13W & 13 Watt packs, patent pending thermal management system, 100,000 hour L70 lifespan, 5 years, no compromise warranty.

Color: Bronze

Weight: 3.5 lbs

Project:

Type:

Prepared By:

Date:

Driver Info

LED Info

Type	Constant Current	Watts	13W
120V	0.11A	Color Temp	4000K (Neutral)
240V	0.05A	Lumen Accuracy	±9% CRI
240V	0.06A	L70 Lifespan	100,000 Hours
277V	0.05A	Lumens	1,600
Input Watts	14.0W	Efficiency	111.6 lm/W

Technical Specifications

Compliance

UL Listed: Suitable for Wet Locations as a Downtight. Suitable for Damp Locations as an Uplight. Wet Mount only. Suitable for Mounting within 48" of ground.

IESNA LM-79 & IESNA LM-80 Testing: RAB LED luminaires and LED components have been tested by an independent laboratory in accordance with IESNA LM-79 and LM-80.

DLC Listed: This product is on the Design Light Source from DLC Qualified Products List and is eligible for rebates from DLC Member Utilities. Designed to meet DLC 3.1 requirements. DLC Product Code: P9233GH

Performance

Lifespan: 100,000-hour LED lifespan based on IES LM-80 results and TM-21 calculations.

Construction

Cold Weather Starting: Minimum starting temperature is -40°C (-40°F).

Maximum Ambient Temperature: Suitable for use in up to 55°C (131°F).

Finish: Formulated for high durability and long-lasting color.

Green Technology: Mercury and UV free. RoHS compliant components.

Gaskets: High-temperature Silicone

Electrical

Driver: Constant Current, C1000, 2, 120-277V, 50/60Hz, 120V: 0.11A, 208V: 0.07A, 240V: 0.06A, 277V: 0.05A

Dimming Driver: Driver includes dimming control wiring for 0-10V dimming systems. Requires separate 0-10V DC dimming control. Dimm down to 10%.

THD: 7.68% at 120V, 15.05% at 277V

Power Factor: 99% at 120V, 96.4% at 277V

Surge Protection: MOV

Technical Specifications (continued)

LED Characteristics

Color Temperature: 4000K

Lumen Maintenance: The LED will deliver 70% of its initial lumens at 100,000 hours of operation.

Color Consistency: 5-step MacAdam ellipse binning to achieve consistent future-to-future color.

Color Reliability: LED color temperature is warranted to shift no more than 200K in color temperature over a 5-year period.

Color Uniformity: RAB's range of Correlated Color Temperature. Relates the perceived color of the light source to the Standard for Specifications for the Chromaticity of Solid State Luminaires (SSL) Products, ANSI C18.37-2011.

Sensor Specifications

MS Sensor Option: MS sensor features use state-of-the-art surface mount technology (SMT), just like cellular phones and laptops. SMT gives you more reliability, greater fit immunity, and a compact sensor that can fit neatly where others cannot. The wide 180° view detects movement along the entire side of a building with only one compact sensor. It will detect people as they enter or enter the space and is motion so part of the case, vandalproof, rainproof, burglarproof and absolutely vandal. Sensor functions both when movement is across its detection pattern, not towards the sensor.

Other

Patents: The design of the LPACK is protected by U.S. Pat. D654,004 and patents pending in Canada, China and Taiwan.

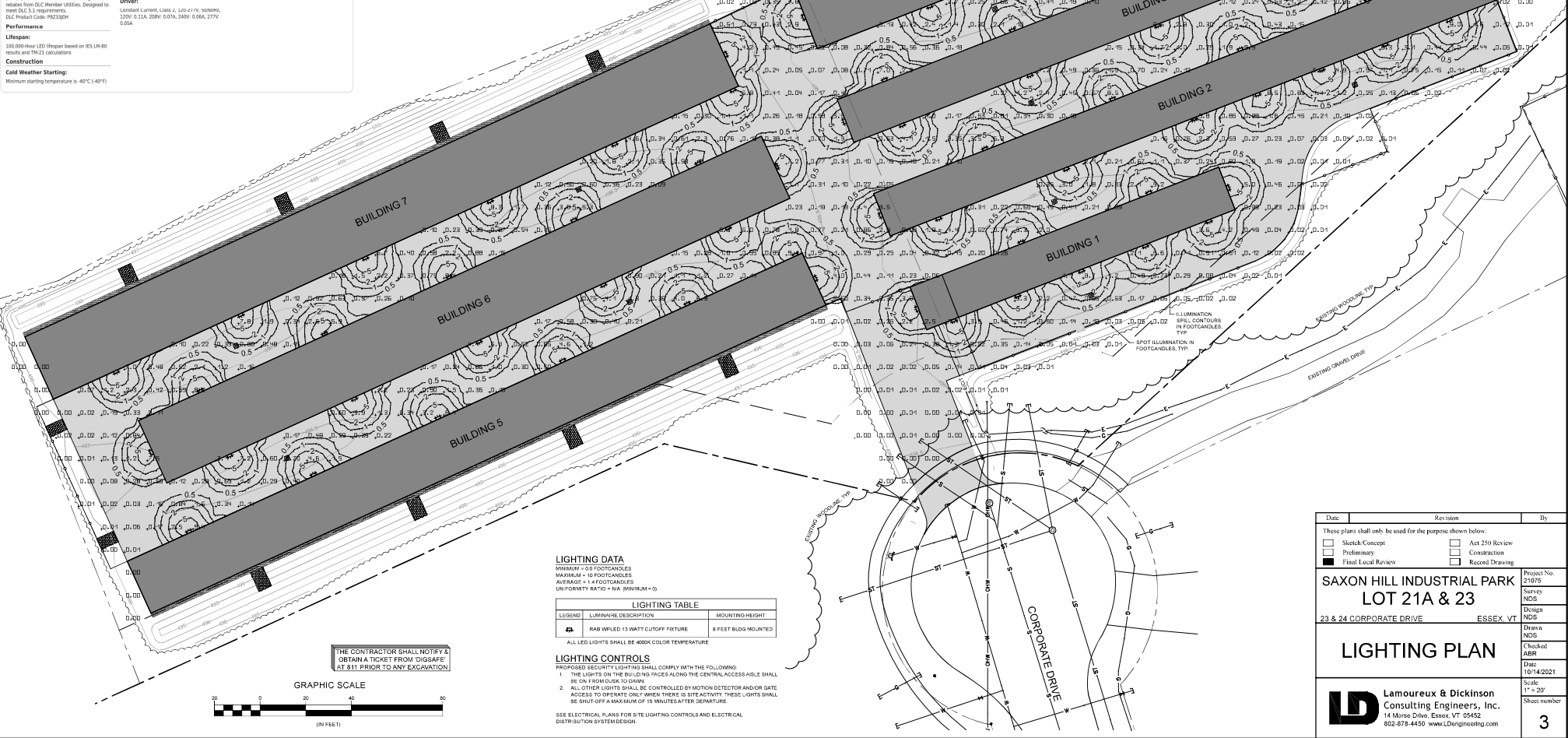
Warranty: RAB warrants that our LED products will be free from defects in materials and workmanship for a period of five (5) years from the date of delivery to the end user, including coverage of light output, color consistency, driver performance and future finish. RAB's warranty is subject to all terms and conditions found at www.rablighting.com/warranty.

Equivalency: Equivalent to 70W Metal Halide

Buy American Act Compliance: RAB values USA manufacturing. Upon request, RAB may be able to manufacture this product to be compliant with the Buy American Act (BAA). Please contact customer service to request a quote for the product to be made BAA compliant.

Optical

IK08 Rating: IK 08 08



LIGHTING DATA

MINIMUM = 0.5 FOOTCANDLES

MAXIMUM = 10 FOOTCANDLES

AVERAGE = 1.4 FOOTCANDLES

UNIFORMITY RATIO = NA, MINIMUM = 0

LIGHTING TABLE	
LEGEND	LUMINAIRE DESCRIPTION
	RAB WPLED 13 WATT CUTOFF FIXTURE
	8 FEET BLDG MOUNTED

ALL LED LIGHTS SHALL BE 4000K COLOR TEMPERATURE

LIGHTING CONTROLS

PROPOSED SECURITY LIGHTING SHALL COMPLY WITH THE FOLLOWING:

- THE LIGHTS ON THE BUILDING FRONTS ALONG THE CENTRAL ACCESSIBLE SHALL BE ON FROM DUSK TO DAWN.
- ALL OTHER LIGHTS SHALL BE CONTROLLED BY MOTION DETECTOR AND/OR DATE ACCESS TO OPERATE ONLY WHEN THERE IS SITE ACTIVITY. THESE LIGHTS SHALL BE SHUT-OFF A MAXIMUM OF 15 MINUTES AFTER DEPARTURE.

SEE ELECTRICAL PLANS FOR SITE LIGHTING CONTROLS AND ELECTRICAL DISTRIBUTION SYSTEM DESIGN.

Date	Revision	By
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☐ Sketch/Concept	☐ Act 250 Review	
☐ Preliminary	☐ Construction	
☒ Final Local Review	☐ Record Drawing	

SAXON HILL INDUSTRIAL PARK

LOT 21A & 23

23 & 24 CORPORATE DRIVE ESSEX, VT

LIGHTING PLAN

Project No. 21076	Survey NDG
Design NDG	Drawn NDG
Check ABR	Date 10/14/2021
Scale 1" = 20'	Sheet number 3



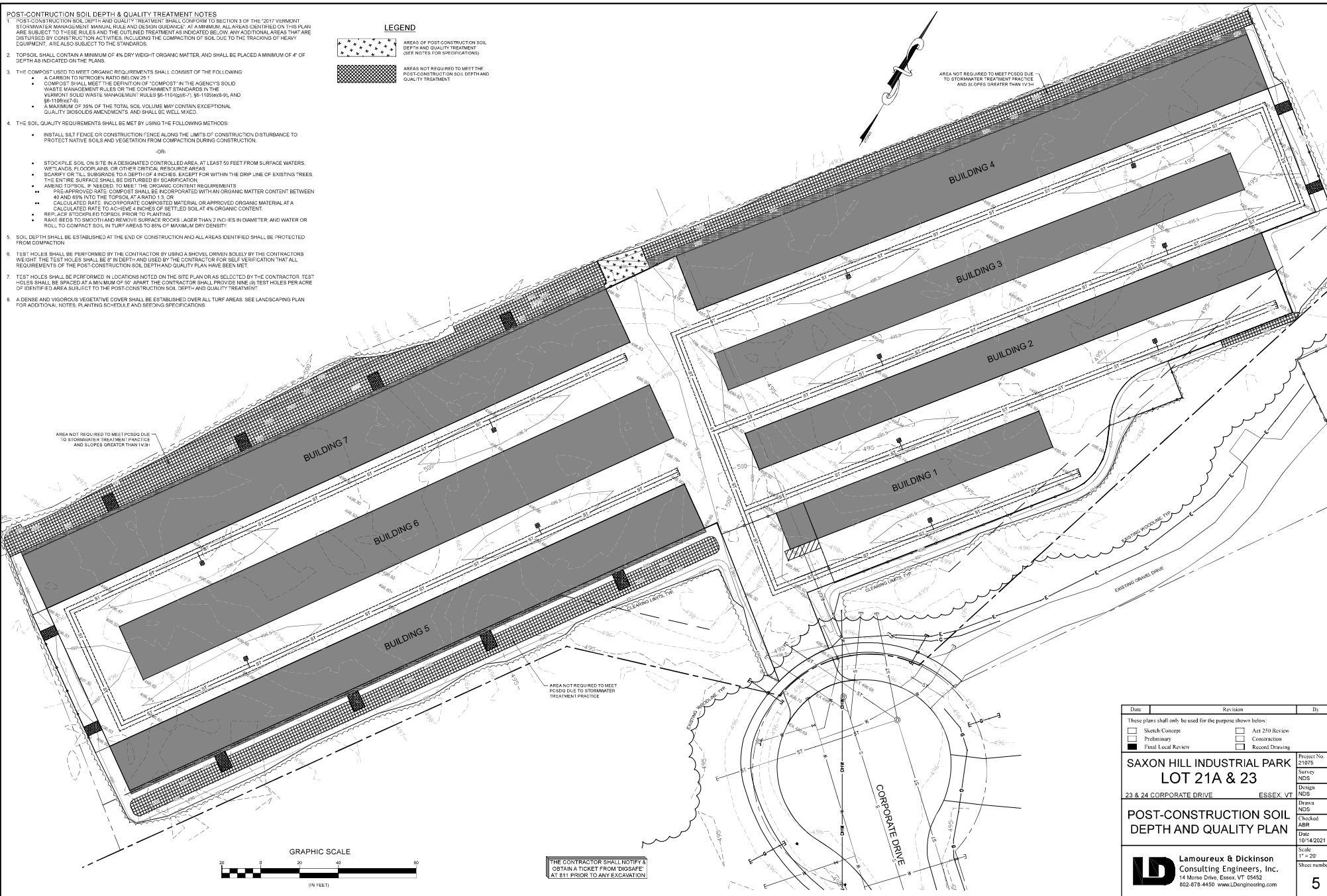
Lamoureux & Dickinson
Consulting Engineers, Inc.
14 Morse Drive, Essex, VT 05452
802-678-4450 www.LDengineering.com

POST-CONSTRUCTION SOIL DEPTH & QUALITY TREATMENT NOTES

- POST-CONSTRUCTION SOIL DEPTH & QUALITY TREATMENT SHALL CONFORM TO SECTION 3 OF THE 2011 VERMONT STORMWATER MANAGEMENT MANUAL RULES AND DESIGN GUIDANCE. AT A MINIMUM, ALL AREAS IDENTIFIED ON THIS PLAN ARE SUBJECT TO THESE RULES AND THE OUTLINED TREATMENT AS INDICATED BELOW. ANY ADDITIONAL AREAS THAT ARE DISTURBED BY CONSTRUCTION ACTIVITIES, INCLUDING THE COMPACTION OF SOIL DUE TO THE TRACKING OF HEAVY EQUIPMENT, ARE ALSO SUBJECT TO THE STANDARDS.
- TOPSOIL SHALL CONTAIN A MINIMUM OF 4% DRY WEIGHT ORGANIC MATTER, AND SHALL BE PLACED A MINIMUM OF 4" OF DEPTH AS INDICATED ON THE PLANS.
- THE COMPOST USED TO MEET ORGANIC REQUIREMENTS SHALL CONSIST OF THE FOLLOWING:
 - A CARBON TO NITROGEN RATIO BELOW 25:1
 - COMPOST SHALL MEET THE DEFINITION OF "COMPOST" IN THE AGENCY'S SOLID WASTE MANAGEMENT RULES OR THE "COMPOSTING" STANDARDS IN THE VERMONT SOLID WASTE MANAGEMENT RULES (§6-115(a)(6)(7), §6-115(a)(8)-(9), AND §6-115(a)(10)).
 - A MAXIMUM OF 35% OF THE TOTAL SOIL VOLUME MAY CONTAIN EXCEPTIONAL QUALITY BIOSOLIDS AMENDMENTS, AND SHALL BE WELL MIXED.
- THE SOIL QUALITY REQUIREMENTS SHALL BE MET BY USING THE FOLLOWING METHODS:
 - INSTALL SILT FENCE OR CONSTRUCTION FENCE ALONG THE LIMITS OF CONSTRUCTION DISTURBANCE TO PROTECT NATIVE SOILS AND VEGETATION FROM COMPACTION DURING CONSTRUCTION.
 - OR-
 - STOCKPILE SOIL ON SITE IN A DESIGNATED CONTROLLED AREA, AT LEAST 50 FEET FROM SURFACE WATERS, WETLANDS, FLOODPLAINS, OR OTHER CRITICAL RESOURCE AREAS.
 - SCARIFY OR TILL SUBGRADE TO A DEPTH OF 4 INCHES, EXCEPT FOR WITHIN THE DRIP LINE OF EXISTING TREES. THE ENTIRE SURFACE SHALL BE DISTURBED BY SCARIFICATION.
 - AMEND TOPSOIL, IF NEEDED, TO MEET THE ORGANIC CONTENT REQUIREMENTS.
 - PRE-APPROVED RATE: COMPOST SHALL BE INCORPORATED WITH AN ORGANIC MATTER CONTENT BETWEEN 40 AND 65% INTO THE TOPSOIL AT A RATIO 1:3, OR
 - CALCULATED RATE: INCORPORATE COMPOSTED MATERIAL OR APPROVED ORGANIC MATERIAL AT A CALCULATED RATE TO ACHIEVE 4 INCHES OF SETTLED SOIL AT 4% ORGANIC CONTENT.
 - REF-ARE STOCKPILED TOPSOIL PRIOR TO PLANTING.
 - RAKE BEDS TO SMOOTH AND REMOVE SURFACE ROCKS LARGER THAN 2 INCHES IN DIAMETER, AND WATER OR ROLL TO COMPACT SOIL IN TURF AREAS TO 85% OF MAXIMUM DRY DENSITY.
- SOIL DEPTH SHALL BE ESTABLISHED AT THE END OF CONSTRUCTION AND ALL AREAS IDENTIFIED SHALL BE PROTECTED FROM COMPACTION.
- TEST HOLES SHALL BE PERFORMED BY THE CONTRACTOR BY USING A SHOVEL DRIVEN SOLELY BY THE CONTRACTORS WEIGHT. THE TEST HOLES SHALL BE 6" IN DEPTH AND USED BY THE CONTRACTOR FOR SELF-VERIFICATION THAT ALL REQUIREMENTS OF THE POST-CONSTRUCTION SOIL DEPTH AND QUALITY PLAN HAVE BEEN MET.
- TEST HOLES SHALL BE PERFORMED IN LOCATIONS NOTED ON THE SITE PLAN OR AS SELECTED BY THE CONTRACTOR. TEST HOLES SHALL BE SPACED AT A MINIMUM OF 50' APART. THE CONTRACTOR SHALL PROVIDE NINE (9) TEST HOLES PER ACRE OF IDENTIFIED AREA SUBJECT TO THE POST-CONSTRUCTION SOIL DEPTH AND QUALITY TREATMENT.
- A DENSE AND VIGOROUS VEGETATIVE COVER SHALL BE ESTABLISHED OVER ALL TURF AREAS. SEE LANDSCAPING PLAN FOR ADDITIONAL NOTES, PLANTING SCHEDULE AND SEEDING SPECIFICATIONS.

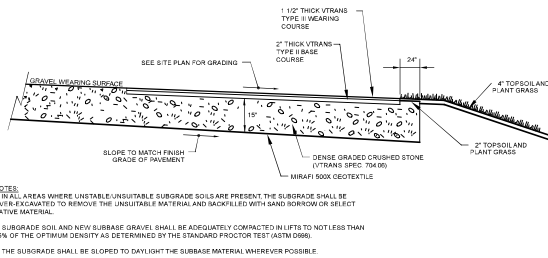
LEGEND

- AREAS OF POST-CONSTRUCTION SOIL DEPTH AND QUALITY TREATMENT (SEE NOTES FOR SPECIFICATIONS)
- AREAS NOT REQUIRED TO MEET THE POST-CONSTRUCTION SOIL DEPTH AND QUALITY TREATMENT

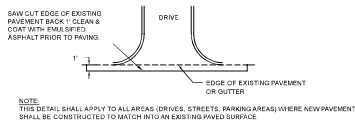


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☐ Preliminary	☐ Construction	
☒ Final Local Review	☐ Record Drawing	
SAXON HILL INDUSTRIAL PARK		Project No. 21075
LOT 21A & 23		Survey NDS
23 & 24 CORPORATE DRIVE ESSEX, VT		Design NDS
POST-CONSTRUCTION SOIL DEPTH AND QUALITY PLAN		Drawn NDS
		Checked ABR
		Date 10/14/2021
		Scale 1" = 20'
		Sheet number
		5

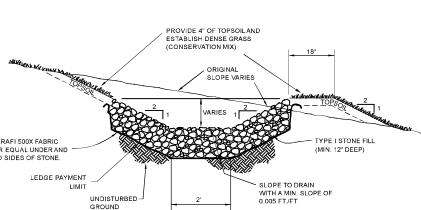
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802-678-4450 www.LDesigning.com



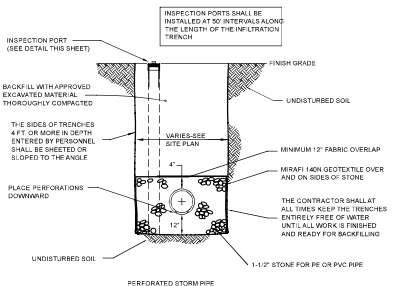
TYPICAL PAVEMENT CROSS SECTION
NTS



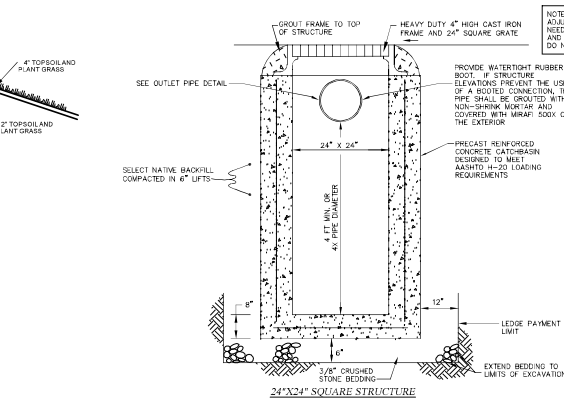
NEW PAVEMENT TRANSITION DETAIL
NTS



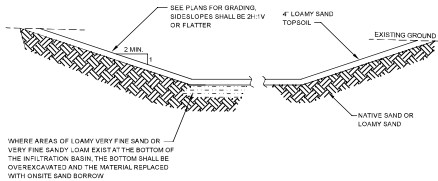
TYPICAL NEW STONE SPILLWAY
NTS



TYPICAL STORM INFILTRATION TRENCH
NTS



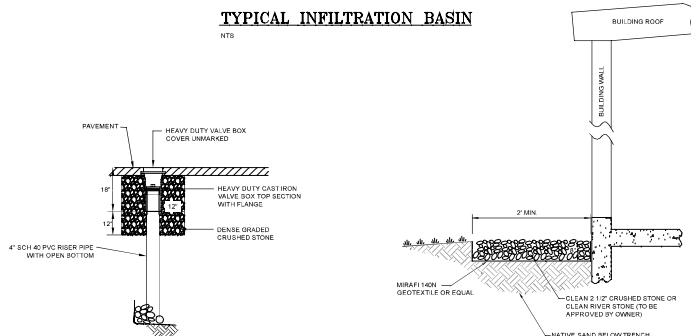
TYPICAL DEEP SUMP CATCHBASIN
NTS



INFILTRATION BASIN CONSTRUCTION NOTES

1. THROUGHOUT ALL CONSTRUCTION ACTIVITIES, THE OPERATION OF HEAVY EQUIPMENT OVER THE AREA OF THE PROPOSED STORMWATER INFILTRATION BASINS SHALL BE RESTRICTED TO PREVENT COMPACTION OF THE UNDERLYING SOILS AND REDUCTION OF THE SOIL PERMEABILITY. IF EQUIPMENT MUST BE USED IN THE INFILTRATION BASINS FOR BUILDING OR UTILITY CONSTRUCTION, A MINIMUM OF 2 FEET OF OVERBURDEN SHALL BE IN PLACE TO MINIMIZE COMPACTION OF THE UNDERLYING SOILS.
2. DURING EXCAVATION FOR THE INFILTRATION BASINS, THE CONTRACTOR SHALL TAKE CARE TO PREVENT CONTAMINATION OF THE NATIVE SOILS WITH SEDIMENT OR FILL MATERIAL. THE STORMWATER INFILTRATION BASINS SHALL NOT BE USED FOR CONCRETE, PAVED AREAS.
3. THE INFILTRATION BASINS SHALL BE USED TO CONTROL AND INFILTRATE RUNOFF FROM THE SITE DURING CONSTRUCTION. DURING THE INITIAL EXCAVATION OF THE BASINS, THE BOTTOM SHALL BE EXCAVATED TO IF ABOVE THE FINISH GRADE ELEVATION. AFTER CONSTRUCTION OF THE BUILDING, DRIVES, AND PARKING ARE SUBSTANTIALLY COMPLETE, THE BOTTOM OF THE INFILTRATION BASINS AND SIDE SLOPES SHALL BE EXCAVATED TO THE FINISH GRADE SHOWN. THE BOTTOM OF THE BASINS SHALL BE IN NATIVE SAND. ANY ACCUMULATED SEDIMENT SHALL BE REMOVED UPON FINAL STABILIZATION OF THE UPSLOPE CONTRIBUTING AREA. IF ANY FILL MATERIAL IS REQUIRED TO FILL VOIDS, ONLY APPROVED CLEAN NATIVE SAND SHALL BE USED.
4. A MINIMUM 4\"
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR A PERMANENT VIGOROUS GROWTH OF THICK GRASS THROUGHOUT THE BASIN AND CONTRIBUTING SWALES. ALL DISTURBED AREAS SHALL BE SEEDDED WITH SEED MIX AT THE SPECIFIED RATE, PRIOR TO MULCHING.

TYPICAL INFILTRATION BASIN
NTS



INFILTRATION TRENCH INSPECTION PORT
NTS

DRIP EDGE
NTS

GENERAL CONSTRUCTION SPECIFICATIONS

1. ALL WORK AND MATERIALS SHALL BE APPROVED BY AND IN ACCORDANCE WITH THE LATEST VERMONT AGENCY OF TRANSPORTATION STANDARD SPECIFICATIONS FOR CONSTRUCTION, THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, THE TOWN OF ESSEX PUBLIC WORKS SPECIFICATIONS AND THESE PLANS.
2. THE CONTRACTOR SHALL CONTACT ALL UTILITIES BEFORE EXCAVATION TO VERIFY THE LOCATION OF ANY UNDERGROUND LINES. THE CONTRACTOR SHALL NOTIFY OWNERS AT 1-888-260-5816 PRIOR TO ANY EXCAVATION. THE CONTRACTOR SHALL PERFORM EXPLORATORY EXCAVATIONS AS NEEDED TO DETERMINE THE ACTUAL LOCATION OF THE EXISTING PRIVATE UTILITIES WITHIN THE LIMITS OF THE PROPOSED WORK.
3. UTILITIES INFORMATION SHOWN HEREON WERE OBTAINED FROM LIMITED FIELD SURVEYS AND AVAILABLE SOURCES SUCH AS PRIOR SITE PLANS AND MAY NOT BE EITHER ACCURATE OR COMPLETE. THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF ALL EXISTING UTILITIES AND SHALL BE RESPONSIBLE FOR ANY DAMAGE TO ANY UTILITY PUBLIC OR PRIVATE, SHOWN OR NOT SHOWN HEREON. THE CONTRACTOR SHALL CONNECT OR RECONNECT ALL UTILITIES TO THE NEAREST SOURCE, THROUGH COORDINATION WITH UTILITY OWNERS.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DEMOLITION AND REMOVAL OF ALL EXISTING VEGETATION, PAYMENT AND STRUCTURES NECESSARY TO CONSTRUCT THE PROJECT UNLESS OTHERWISE NOTED ON THESE PLANS. THE CONTRACTOR SHALL REMOVE ALL EXCESS MATERIAL, DEBRIS AND TRASH FROM THE SITE UPON COMPLETION OF CONSTRUCTION, UNLESS OTHERWISE DIRECTED BY THE OWNER.
5. THE CONTRACTOR SHALL BE RESPONSIBLE AT HIS OWN EXPENSE FOR ENSURING THAT THE DUST CREATED AS A RESULT OF CONSTRUCTION DOES NOT CREATE A NUISANCE OR A SAFETY HAZARD. WINDSE AND WHEN DEEMED NECESSARY BY THE OWNER, THE CONTRACTOR SHALL BE REQUIRED TO NET SECTIONS OF THE CONSTRUCTION AREA WITH WATER APPLIED CALCIUM CHLORIDE OR SWEEP ASPHALT RINGS WITH A POWER BROOM AS DUST CONTROL.
6. THE CONTRACTOR SHALL ERECT TEMPORARY CONSTRUCTION SIGNS IN ACCORDANCE WITH STATE 8-5-1 AND OTHER TOWN REQUIREMENTS. ADDITIONAL TEMPORARY CONSTRUCTION SIGNS SHALL BE IN PLACE WHILE ANY WORK IS UNDERWAY WITHIN THE PUBLIC RIGHT OF WAY. THE CONTRACTOR SHALL PROVIDE FLAGGERS FOR TRAFFIC CONTROL AT ALL TIMES THAT WORK IS UNDERWAY ON THE SHOULDER OR WITHIN THE PAVED PORTION OF THE PUBLIC RIGHT OF WAY.
7. ANY SURFACES, LINES, OR STRUCTURES WHICH HAVE BEEN DAMAGED BY THE CONTRACTOR'S OPERATIONS SHALL BE RESTORED TO THE CONDITION AT LEAST EQUAL TO THAT IN WHICH THEY WERE FOUND IMMEDIATELY PRIOR TO THE BEGINNING OF OPERATIONS.
8. THE HORIZONTAL AND VERTICAL SEPARATION FOR SEWER, STORM AND WATER LINES SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE VERMONT ENVIRONMENTAL REGULATIONS AND THE VERMONT WATER SUPPLY RULES.
9. HEALTHY EXISTING TREES, AS SHOWN ON THE PLANS, ON AND ADJACENT TO THE SITE SHALL BE PROTECTED BY THE CONTRACTOR.
10. ALL FILL SHALL BE PLACED IN 6 INCH LIFTS AND THOROUGHLY COMPACTED TO 96% OF MAXIMUM DENSITY AT OPTIMUM MOISTURE CONTENT AS DETERMINED BY ASTM D998 STANDARD PROCTOR, UNLESS OTHERWISE SPECIFIED.
11. AT COMPLETION OF GRADING, SLOPES, DITCHES AND ALL DISTURBED AREAS SHALL BE SMOOTH AND FREE OF POCKETS WITH SUFFICIENT SLOPE TO ENSURE DRAINAGE.

Date	Revision	By
These plans shall only be used for the purpose shown below:		
☐ Sketch/Concept	☐ Act 250 Review	
☐ Preliminary	☐ Construction	
☒ Final Local Review	☐ Record Drawing	
SAXON HILL INDUSTRIAL PARK		Project No. 21076
LOT 21A & 23		Survey NDS
23 & 24 CORPORATE DRIVE ESSEX, VT		Design NDS
SITework DETAILS & SPECIFICATIONS		Drawn NDS
		Checked ABR
		Date 10/14/2021
		Scale AS SHOWN
		Sheet number
		6

L Lamoureux & Dickinson
Consulting Engineers, Inc.
14 Morse Drive, Essex, VT 05452
802-678-4450 www.LDengineering.com



October 14, 2021

Darren Schibler
Community Development Department
Town of Essex
81 Main Street
Essex, VT 05452

RE: Site Plan application
23 & 24 Corporate Drive

Dear Darren:

We are writing on behalf of Glenn & Ronalyn Cummings to request site plan review for the proposed commercial site development on Lots 21A & 23 of the Saxon Hill Industrial Park. Multiple buildings with self-storage units are proposed on the project parcel.

We have enclosed the following for your review:

- Planning & Zoning application
- \$411.60 application fee
 [\$250 site plan + \$15 recording + (\$7.33 x 20 abutters)]
- Adjoining Landowner Form & 3 sets of labels
- Narrative - site plan review standards
- (3) full size and (4) 11"x17" copies of the plans

Please contact our office with any questions.

Sincerely,

Andrew Rowe P.E.

c: Glenn Cummings

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Site Plan Review Standards

23 & 24 Corporate Drive

October 2021

Project description

This application seeks site plan approval of commercial site development on Lots 21A & 23 of the Saxon Hill Industrial Park. Combined, these two lots have a total area of 9.61 acres. Multiple self-storage buildings are proposed. Storage, warehouse, and distribution is a permitted use in the Resource Preservation – Industrial District (RPD-I).

The facility will be operated through an un-manned kiosk and online applications. The kiosk will be located in the southwest corner of Building 1. A chain link fence will enclose the mini-storage buildings. Access to the kiosk will be outside the entrance gate. No water or sewer services are proposed to the kiosk, or any other proposed building.

Building mounted lights are proposed to provide illumination for security and users to access their storage units. Lights near the entry gate and at the end of each building will remain on from dusk to dawn. Lights located along the interior of the site (on the long sides of the buildings) will be off when no users are present.

Stormwater runoff from the new impervious surfaces will be managed onsite. Runoff from the majority of the rooftops and pavement will be directed to deep sump catchbasins for pretreatment, and then to infiltration trenches. Runoff from Buildings 4, 5 & 7 will be directed to drip edges and infiltration basins along the rear of the buildings. A State stormwater permit will be required as the total proposed impervious surface exceeds 1 acre, and the project is located in the Saxon Hill Industrial Park.

Existing vegetation will remain around the perimeter of the site. The wooded 200 feet wide recreation / conservation area is located to the north, south, and west of the site, with residential lots beyond along Sand Hill Road, Lavigne Road, Perry Drive, and Jericho Road. Existing trees will be preserved along the easterly property line. A cell tower is currently located to the northeast at 21 Corporate Drive (Lot 21B). A vacant wooded lot is located to the southeast.

Site Plan Review Standards (Section 5.6)

(A) General Requirements:

(1) Conform to the duly adopted Essex Town Plan.

The proposed use is permitted in the RPD-I zoning district. Self storage units have limited land use impacts, which is compatible with the natural surroundings and nearby residential uses.

(2) Conform to dimensional limitations and other applicable provisions of these Regulations.

The proposed application complies with the dimensional requirements of the Zoning Regulations.

(3) Adequately protect public health, safety and welfare.

The proposed use will not adversely impact the public health, safety or welfare.

(4) Address any outstanding violations on the property.

There are no existing zoning violations on the project parcels.

Site Plan Review Standards

23 & 24 Corporate Drive

October 2021

(B) Natural and Scenic Features:

(1) Topography

The project site is relatively flat. The proposed layout and grading seek to retain existing vegetation to screen the proposed buildings.

(2) Steep slopes

There are no steep slopes on the project site.

(3) Surface waters and wetlands

There are no surface waters or wetlands on or adjacent to the project site.

(4) Renewable energy

The proposed project will not have an undue adverse effect on the ability of adjoining properties to utilize renewable energy resources.

(5) Open space

The proposed layout maintains the 200 feet wide recreation / conservation area to the north, south, and west of the development site, which is consistent with the 60 open / 40 development plan for the RPD-I.

(C) Access

(1) Trip generation & traffic improvements

The proposed land use is low intensity with minimal associated traffic. Using the mini-warehouse land use category (LUC 151), the 10th Edition of the ITE Trip Generation Manual estimates 5 AM peak hour vehicle trips and 9 PM peak hour vehicle trips.

(2) Maximum safety of pedestrian and vehicular access

The proposed site access will be off the west side of the existing cul-de-sac. The proposed driveway aligns with the extension of Corporate Drive into the project site, providing direct access and no limitations to sight distances. An existing paved sidewalk extends along the full length of Corporate Drive, terminating at the driveway to the cell tower on the north side of the cul-de-sac.

(3) Service roads

Corporate Drive was constructed to serve the lots of the Saxon Hill Industrial Park.

(4) Public roads

No public roads are proposed

(5) Shared access

A single access is proposed to serve the 7 mini-storage buildings to be located on two combined lots.

(6) Siting of roads and driveways

The project is located in the RPD-I, off a public street that was constructed to provide access to the Saxon Industrial Park lots.

Site Plan Review Standards

23 & 24 Corporate Drive

October 2021

(D) Site Circulation

(1) Vehicle safety

The proposed aisle widths are sufficient to accommodate maintenance and emergency vehicles.

(2) Accessibility

The proposed site grading meets accessibility requirements for the minimum number of accessible storage units.

(3) Pedestrian walkways

Given the use, no pedestrian walkways are proposed within the site.

(4) Pedestrian connections

There are existing trails through the 200 foot wide recreation / conservation area to the north, south, and west of the site development. No waterways or natural features are located on the project site. The Saxon Hill area is identified as a 'parcel with extensive trails' on the Town Plan maps.

(5) Dedicated easements for future access

The 200 foot wide recreation / conservation easement is located to the north, south, and west of the site development. The easement is for use by the Town of Essex residents and their guests for public passive recreation / conservation uses.

(6) Snow storage

Snow storage areas are shown on the plan. For large storms, it may be necessary to haul snow offsite.

(E) Parking

Parking spaces are provided at the kiosk, outside the facility's perimeter fence. Bike parking is not necessary for the proposed mini-storage use.

(F) Landscaping and Screening

The landscaping objective in the RPD-I is the preservation of forest cover. To preserve the existing forest cover in the RPD-I District:

(1) Utilities shall be routed through or along driveway clearings wherever practicable.

A single driveway is proposed to access the combined lots. Utilities are routed along the proposed driveway to limited tree clearing.

(2) Where the placement of utility lines or other construction has removed existing vegetation in required set-back areas or buffer areas, trees of the same species shall be planted at densities that approximate that of the existing vegetation to the extent possible.

The proposed utilities will be located adjacent to the driveway.

(3) Planting plans for portions of the buffer areas cleared for utilities shall be approved by the Planning Commission and the Town Engineer.

The proposed utilities will be located adjacent to the driveway.

Site Plan Review Standards

23 & 24 Corporate Drive

October 2021

(G) Lighting

Building mounted LED cutoff fixtures are proposed. Due to the building height, the light fixtures will be mounted relatively low. The low mounting height of the light fixtures does result in a bright spot directly below, which also affects the uniformity. The lights along the center access aisle, at the ends of the buildings, will be on all night. The lights along the sides (long faces) of the buildings will be operated by motion detection, and will shut-off off 15 minutes after departure.

(H) Utilities and Services

(1) Water and sewage disposal

No water or sewer services are proposed. No plumbing or bathrooms are proposed in the buildings.

(2) Stormwater management

The proposed stormwater management system complies with the current Vermont Stormwater Treatment Standards. Coverage under General Permit 3-9050 will be obtained for this project. Deep sump catchbasins are proposed for pretreatment of non-rooftop runoff. Infiltration trenches are used for runoff from pavement and some rooftops, with the remaining rooftops draining to stone drip edges and surface infiltration basins.

(3) Utilities

Electric and telecommunication services will be extended along the access drive, from the utility pole near the cul-de-sac. The utility services will be located underground.

(I) Fire Protection

An existing hydrant is located on the south side of the cul-de-sac, near the proposed driveway.

ESSEX PLANNING COMMISSION

December 9, 2021

87 Pinecrest Drive – Major Subdivision / PUD-R (Sketch)

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Summary

The proposal for a 32-unit PUD-R with two new roads and a private community garden generally meets the standards of the *Zoning and Subdivision Regulations*. A minor wetland buffer impact is tentatively supported by the State. Requests for a 25% density bonus (7 additional units) as well as waivers to lot size, frontage, and setback standards are consistent with PUD-R criteria, though given the proximity of new dwellings to adjacent parcels, a modest amount of additional landscaping is recommended.

The applicant also has requested modifications to street design standards, which must be approved by the Town Engineer. The preliminary engineering will need to address design challenges for interconnection of sidewalks and sewer; because the parcel does not currently have assigned sewer capacity, special approval of the Selectboard will be required.

Applicant

JMW Investments, LLC (c/o Don Weston)
349 Commerce Street
Williston, VT 05495

Proposal

A 32-unit residential planned unit development (PUD-R) is proposed on a 21.1-acre parcel at 87 Pinecrest Drive, located in the Medium-Density Residential (R-2) zone, Tax Map 48, Parcel 4, Lot 1. The existing single-unit dwelling would remain, but all new dwellings would be duplexes located along a dead-end road with another cul-de-sac extending to the side. All dwellings would be served by public water and sewer with on-site stormwater treatment; the 8.22-acre open space lot includes the Indian Brook floodplain / river corridor and associated wetlands as well as a community garden area.

The proposal includes a request for a 25% density bonus (7 additional units over a base density of 27) in consideration of providing 2 perpetually affordable units. The applicant also requests modifications to street design standards to reduce impervious area.

Background

The existing dwelling on the parcel was constructed as a three-bedroom home with on-site septic under Zoning Permits #1977-17 and #1977-39-S.

On September 14, 2017, the Planning Commission approved a boundary adjustment conveying 1.16 acres of land from property at 87 Pinecrest Drive to the property at 124 Colchester Road, with the former becoming a 20.12-acre lot and the latter becoming a 5.04-acre lot.

Neighboring uses to the north and west are single-unit dwellings in the R-2 district; across Indian Brook to the northeast lies a Mixed-Use District including an automotive repair shop and several single-unit dwellings. To the south lies the Champlain Valley Exposition property, specifically its auxiliary parking and storage areas.

I. Article II of the *Subdivision Regulations*: Subdivision Procedures

The applicant has submitted the following plans:

- Sheet #1, "Sketch Plan, JMW Investments, 87 Pinecrest Drive, Essex, VT," prepared by O'Leary-Burke Civil Associates, PLC, dated 10/25/2021;
- Sheet #PL-1 of 2, "Boundary & Boundary Line Adjustment Plat between Lands Owned by Jason Leo and Lands Owned by Jeannette C. Villeneuve Trust," prepared by O'Leary-Burke Civil Associates, PLC, dated 11/29/2017;
- Sheet #PL-2 of 2, "Boundary & Boundary Line Adjustment Plat between Lands Owned by Jason Leo and Lands Owned by Jeannette C. Villeneuve Trust," prepared by O'Leary-Burke Civil Associates, PLC, dated 11/29/2017;

(A) SR Section 2.2: Classification

The applicants have requested approval for a Residential Planned Unit Development (PUD-R). According to Section 2.2(D) of the *Town of Essex Outside the Village of Essex Junction Official Subdivision Regulations* (SR), planned unit developments and multiple-family housing projects are considered major subdivisions and must undergo sketch, preliminary, and final review.

(B) SR Section 2.3: Review Process

As noted in SR Section 2.4, the purpose of sketch plan review is

to explore the options for the overall subdivision concept and layout, including uses and open spaces, in relation to the objectives of the Town Plan, the characteristics of the site and characteristics of the surrounding area, and to determine that the proposed subdivision appears consistent with the requirements of these Regulations and the Town's Zoning Regulations.

The Planning Commission must also study the plan to ensure that it conforms to the General Requirements in SR Article IV. Planned Unit Developments must also conform to Article VI of the *Zoning Regulations* (ZR).

Upon sketch plan approval, the Planning Commission must also make a preliminary residential phasing allocation review in accordance with Article III.

Because the project will not be developed in phases, and the remaining developable land is less than three times the district's minimum lot size, a Master Plan is not required.

Finally, the project will require site plan review at the preliminary and final review stages, as required under ZR Section 5.0(A) for planned unit developments and multiple-family housing developments.

II. Article IV of the Subdivision Regulations: Subdivision Standards

The Planning Commission must evaluate any proposed subdivision according to the Subdivision Standards in Article IV, and may require modification or phasing of the proposed subdivision in light of findings relating to those standards.

(A) SR Section 4.1: Standards Applicable to All Subdivisions

Sketch plan applications are reviewed against the General Standards in Section 4.1. Not all provisions of this section are reviewed here, as some are not relevant to this development or are covered by other provisions of the *Zoning Regulations* (ZR) and/or *Subdivision Regulations* (SR).

1. SR Standard 4.1(P): Conformance with the Essex Town Plan

The proposed project complies with the following goals and policies of the *Essex Town Plan*:

General Policy 1: Development shall occur in areas suitable for growth in a compact manner as opposed to scattered development throughout Town.

Goal 1a: Essex West is developed as a sub-regional growth center that provides employment opportunities, a diversity of housing opportunities, and retail and personal services.

Specific Policy 2(S).15: New housing shall be directed to areas identified as suitable for growth, specifically the Town Center and the Susie Wilson Road corridor.

Goal 4b: A diversity of housing types, including microhousing and choices between rental and ownership, is provided.

Goal 4c: Housing is located in areas convenient to employment, shopping, schools, and public transportation.

General Policy 6: Land shall be conserved, and development avoided, in particularly vulnerable areas such as floodplains and river corridors.

2. SR Standard 4.1(G): Conformance with the Zoning Regulations

The parcel is located in the Medium-Density Residential (R-2) district and must conform to the dimensional requirements and development standards listed in Table 2.5 of the *Town of Essex Outside the Village of Essex Junction Official Zoning Regulations (ZR)*, as well as Article III, General Standards, and any applicable provisions of Article IV, Specific Standards.

(a) Table 2.5(A): Medium-Density Residential (R-2) District Standards

i. Purpose

The project reflects the purpose of the R-2 district as an infill housing project in an area served by municipal water and sewer.

ii. Permitted and Conditional Uses

Single- and two-family dwellings are permitted in this district. No conditional uses are proposed.

iii. District Dimensional Requirements and PUD Requirements

The existing single-unit dwelling (Proposed Unit 30) would retain land for a lot which appears to exceed the conventional dimensional standards for the R-2 zone. For the remaining 31 units, the applicant has requested a waiver to lot size, frontage, and setback requirements for the creation of footprint lots as allowed for PUD-Rs, standards for which are addressed in Finding III. The plans indicate that overall lot coverage would be far below the normal maximums; structure height will be reviewed upon submission of building elevations at final review.

3. SR Standards 4.1(B), 4.1(C), 4.1(H), and 4.1(M): Natural Features / Flood Safety

The property contains several natural features that should be preserved or avoided during development. The northeast side of the parcel includes part of the floodplain and river corridor for Indian Brook, classified by the Federal Emergency Management Agency (FEMA) as Type A – which has a 1-percent annual chance of flooding with mapped flood elevations. Associated with this floodplain are steep embankments and Class 2 wetlands, all of which have been delineated and verified with the Vermont Agency of Natural Resources (ANR). The wetlands and their buffers extend southwest to nearly bisect the parcel. The main road as well as the existing primitive trail to the community gardens have been designed to minimize impacts to a small area of wetland buffer, for which the applicant will seek a permit from the Vermont Wetlands Office. All other development appears to be outside these natural constraints.

4. SR Standard 4.1(N): Clustering of Lots

The proposed development includes only one separate residential lot, but all dwellings are clustered in two areas of the western and southern portions of the site.

5. SR Standards 4.1(D), 4.1(F) and 4.1(I): Access and Street Planning Standards

The proposed subdivision would provide access to dwellings from Pinecrest Drive using a new branched set of paved dead-end collector streets, with driveways shared by each duplex. As the development numbers fewer than 50 dwelling units, a second permanent connection meeting the standard for a public road is not required.

In the project narrative, the applicant noted that the plans show a standard 30-foot-wide curbed road design per Detail 503.1 of the *Town of Essex Standard Specifications for Construction* (SSC). However, the applicant requests approval from the Town Engineer to modify this design to a 26-foot paved width with no curbs to reduce impervious area and the need for stormwater treatment. Any modifications to the requirements of the SSC must be approved by the Town Engineer and may not be modified or waived by the Planning Commission.

In a memorandum dated November 5, 2021 Public Works staff stated:

- a) *Public Works has labeled each of the roads as Road A and Road B for convenience. Road A is the main drive into the proposed development and will be a public road. Road B, being less than 300 feet, will be considered an access drive or private road. Public Works will not recommend taking on responsibility for this road.*
- b) *The applicant has provided a 60-foot Right of Way centered on Road A as required per the Town's specifications. A portion of the ROW decreases at the border with the Village of Essex Junction. The Right of Way shall remain 60-feet wide for the entire length of Road A.*

- 177 c) *The length of Road A appears to be more than 900-feet as shown. Per Table 1 of*
178 *Section 502.1, Geometric Standards, of the Town of Essex Standard Specifications*
179 *for Construction allows for a maximum length of dead end road to be 900-feet. The*
180 *90-foot diameter cul de sac proposed needs to be increased to a minimum of 100-*
181 *feet.*
- 182 d) *The applicant's engineer has proposed a 30-foot wide road. Public Works is open*
183 *to discuss a hybrid cross-section with a narrower width as an alternative to Detail*
184 *A-2, but the road will be a paved cross-section.*

185 In an e-mail dated November 29, 2021 the applicant's engineer responded:

- 186 • *Side Road: DPW stated in their initial review comments that this road would*
187 *not be accepted due to its short length. While I find this an odd reason, can we*
188 *eliminate the right-of-way which would allow for us to provide increased*
189 *separation from exterior property lines?*
- 190 • *Entry Road: The proposed entry Road is 1,088 linear feet to the center of the*
191 *cul-de-sac which does exceed the 900' PW Standard...Due to site constraints,*
192 *including not impacting the Class 2 wetland and buffer we knew we exceeded*
193 *900 feet and neglected to point this out and the submittal and to include the*
194 *rationale for waiver consideration. The Regulations allow for a waiver as was*
195 *grated for Freeman Woods if it finds special circumstances. Our*
196 *understanding of cul-de-sac length limits in most Chittenden County towns*
197 *stems from the number of houses and/or Units that are served with a double*
198 *sided road. We request Waiver consideration based on the following:*
 - 199 ○ *No Units on the first 205' due to the parcel width along this section.*
 - 200 *This results in a 883' length with Units;*
 - 201 ○ *The road only directly serves 17 Units;*
 - 202 ○ *Class 2 wetland bisects the parcel into two areas. A loop road is not*
 - 203 *feasible due to the same. Reducing the 1,088 linear feet length to 900'*
 - 204 *or less would create Class 2 wetland / buffer impacts which is contrary*
 - 205 *to the Town Regulations.*
- 206 • *Cul-de-sac diameter: The 90' diameter cul-de-sac is excessive and easily*
207 *accommodates all emergency vehicles. We will change to a 100' diameter if*
208 *not waived. To reduce the impervious caused by such a cul-de-sac, we ask for*
209 *consideration of a center island that would leave the outside pavement width*
210 *at the same as the road (currently 30').*

211 The additional requested waivers / modifications, as well as a full traffic analysis and
212 details of roadway construction will be reviewed at the preliminary stage.

213 In an e-mail dated November 3, 2021 the Fire Chief stated:

214 *The Fire Department would prefer this design with the 30' wide curbed street as*
215 *proposed, HOWEVER we want to be one voice so will defer to Public Works on*
216 *that portion. Beyond that, the fire department recommends this layout as*
217 *submitted and would only request that each unit be marked with their respective*

street address for ease of locating an address. The fire department also requests an opportunity to comment on proposed street names just to ensure that whatever is chosen is not similar to other locations.

6. SR Standard 4.1(E) and 4.1(L): Pedestrian and Recreation Facilities

The proposal includes sidewalks along the south side of both new roadways, extending around each cul-de-sac to serve most (though not all) of the proposed dwellings. This is acceptable given that SR Section 4.6(A) allows for construction of sidewalks on only one side of a dead-end road, or road with low traffic volumes. Construction details for sidewalks shall be included in the preliminary submittal and meet the requirements of the *Town of Essex Standard Specification for Construction*.

In a memorandum dated November 5, 2021 Public Works staff stated:

The applicant's engineer has proposed a sidewalk that runs the entire length of Road A. The Town of Essex recently installed a new concrete sidewalk along the north side of Pinecrest Drive. The applicant will be required to explore alternatives to connect the proposed pedestrian facility into the Town's existing network in a safe manner.

The proposal includes a community garden area accessible via an 8-foot "primitive" footpath extending from the end of the road between Units 25 and 26. As noted in e-mails between the Parks & Recreation Director and the applicant's engineer dated November 10, 2021, these would be available exclusively to the homeowners' association, which would also bear maintenance responsibility. Since these are not public amenities, each new home would be subject to a recreation impact fee.

7. SR Standard 4.1(L): Parking

The plans show that driveways would be shared between each set of duplex units, which will provide sufficient space for 2 spaces per unit (not including any garage spaces, if provided). Though this falls slightly below the minimum required parking ratio of 2.3 spaces per dwelling unit listed in ZR Table 3.3, it will provide sufficient parking for the site.

8. SR Standard 4.1(R): Landscaping and Screening

No landscaping plans have been presented with the sketch plan application. At minimum, the proposal must include street trees as noted in the landscaping objectives in ZR Section 5.6(F) and ZR Table 5.1. As noted in Finding III(B)(3), an additional 50-foot buffer is not recommended under ZR Section 6.8(H) as long as existing vegetation along the exterior of the site is retained to the extent possible, and additional landscaping enhancements around individual units are provided.

The Parks & Recreation Director also noted that a Town-owned recreation parcel (part of the Shillingford Crossing open space network) abuts proposed Units 1-10,

and required that the Town Tree Warden be notified if there is uncertainty about the location of property lines for the purpose of tree trimming and removal.

9. SR Standard 4.1(K): Public Safety

The Police Chief did not comment with any concerns about the proposal.

10. SR Standard 4.1(J): Utilities

Though sketch plan applications need not include detailed engineering information, the proposal states that public water and sewer would be used.

In a memorandum dated November 5, 2021 Public Works staff stated:

Water

- a) *The project has access to municipal water off the existing 8-inch water main located on the south side of Pinecrest Drive.*
- b) *There appears to be adequate water pressure and flow in this area. The applicant's engineer will be required to provide flow test data of the existing water system and run the Town's water system model to verify impacts on the existing distribution system.*
- c) *Public Works will require a valve cluster on the tee to Road B. Although this will not be a public road, the water line and all utilities that will be transferred to the Town of Essex will require a 20-foot easement centered on the utility.*

Sewer

- d) *This proposed project is located within the Town of Essex Sewer Core but does not have assigned sewer allocation. The applicant will be required to apply for sewer allocation from the Town Selectboard. Staff estimates the allocation required to be 4,400 GPD. Per Section 211.0, No. 6 of the Town of Essex Standard Specifications for Construction, the applicant will be responsible to apply for and receive sewer allocation prior to submittal for Preliminary review.*
- e) *The applicant's engineer has not provided any proposed sewer system for review. Per discussion in the past with both the applicant and the applicant's engineer, Public Works will not allow for an additional connection into the existing sewer manhole located in front of 82 Pinecrest Drive. An additional concern is the isolation distance from the waterline and the existing sewer infrastructure, not to mention this road was paved this year. Public Works recommends seeking alternate routes for the sewer force main.*
- f) *This project will require a sewer pump station. All new pump stations shall meet the requirements found in Section 513, Municipal Wastewater Pump Stations, of the Town of Essex Standard Specifications for Construction.*

Stormwater

g) *The applicant's engineer has provided locations of possible stormwater treatment only. Additional design information will be required to provide a thorough staff review. Public Works will provide further comment at future reviews of this project.*

11. SR Standard 4.1(S): Over-Sized Improvements and Future Expansion

Future expansion within the site is impossible given the constraints of natural features. The main roadway's location along the boundary of the Champlain Valley Exposition property could provide for future interconnection to this parcel. However, this is unlikely, and no over-sized improvements are required at this time.

12. SR Standard 4.1(O) and 4.1(T): Municipal Services and Impact Fees

The new homes will be subject to recreation impact fees as well as new water and sewer service connection fees; other Town services are expected to be sufficient to serve the project. Because the project involves creation of more than 10 dwelling units, the Essex Westford School District was notified but did not provide any comments.

III. Article VI of the Zoning Regulations: Planned Unit Development

As a Residential Planned Unit Development (PUD-R), the project must conform to Article VI of the *Zoning Regulations (ZR)*. ZR Section 6.0(B) describes the purpose of PUDs:

PUDs shall be allowed in order to fulfill the purpose of these Regulations as set forth in Article I, and to meet the purposes, goals and objectives set forth in the Essex Town Plan – specifically those goals and objectives relating to land use, clustering of development, affordable housing, and protection of agricultural soils and natural features.

As noted in Finding VI(A)(2)(e), PUD-Rs are allowed in the R-2 district. ZR Section 6.3 lays out the review procedures for PUDs. When PUDs involve the subdivision of land, including multiple-family housing projects as well as mixed-use development that includes housing, the Planning Commission must review the PUD as a major subdivision. PUD criteria which overlap with the subdivision standards addressed in Finding II are not included here in Finding III.

(A) ZR Section 6.4: General Standards Applicable to All Planned Unit Developments

1. Conformance, Uses, and Purposes

PUDs are required to conform to the town plan of record and the *Zoning and Subdivision Regulations*, including uses and purposes of the district in which the PUD is located, except where allowed under PUD regulations. Findings II(A)(1) and (2) respectively address conformance to the *2016 Essex Town Plan* and the provisions of the *Zoning Regulations*.

The proposal fulfills the purpose of PUDs and PUD-Rs by promoting clustered development that advances the Town's affordable housing goals and uses land efficiently by minimizing the physical and visual impact of the development. This is achieved by locating buildings, parking areas, and utilities in a smaller portion of the parcel, thus preserving a significant amount of open space and protecting the existing topography and natural features.

2. Density Calculations and Density Bonuses

The 21.12-acre parcel contains 7.5 acres of private roadways, floodplains, wetlands, and slopes greater than 20% that must be subtracted from the developable area, leaving 12.62 acres of developable area remaining.

The proposed homes are clustered on the southern and western portions of the property, as is allowed under this section. Given a developable area of 12.62 acres, the base R-2 density of 20,000 square feet per dwelling unit would allow for 27.49 (rounded down to 27) dwellings to be constructed.

The applicant has requested a 25% density bonus to construct 7 additional units (for a total of 32) by providing 2 units (28.6% of the bonus units) at a perpetually affordable rate as defined under state law (24 V.S.A. §4303(1)). This falls within the density bonus parameters outlined under ZR Section 6.4(K).

As noted in Finding II(A)(1), this would advance several goals in the *2016 Town Plan* related to affordable housing, including Goal 2d, Specific Policy 2(S).15, Goal 4b, and Goal 4c. In particular, new smaller condominium-style units would help fill a local market gap identified in the *Essex Housing Needs Assessment and Action Plan*.

Prior to preliminary review, the applicant should consult with the Essex / Essex Junction Housing Commission to address any concerns related to the affordable units. The applicant should also identify a local non-profit or land trusts which would accept a deed or covenant to ensure continued affordability, as required by ZR Section 6.4(K)(3).

(B) ZR Section 6.8: Planned Unit Development – Residential

1. General Requirements for PUD-R

As noted in Finding III(A)(1), the proposal fulfills the purposes of PUDs and PUD-Rs. Even with the requested density bonus, the proposal does not exceed the overall density of the parcel under conventional zoning. The proposal also meets the minimum requirement for dwelling units (2) and consists of two-unit dwellings, which are permitted uses within PUD-Rs in the R-2 district. The proposal does not involve development of mobile homes or mobile home parks. Submission of building elevations is not required for single- and two-unit dwellings.

2. Lot Size, Setback, and Frontage Requirements

Only one separate dwelling lot is proposed, and it exceeds the conventional standards for minimum lot area, setbacks, and frontage in the R-2 district.

The applicant has requested a waiver for the remaining units to be sited on footprint lots, which is expressly allowed under ZR Section 6.8(G)(5) to allow for the creation of multi-family townhouse developments. This reflects a precedent development pattern for at least three other PUD-Rs approved by the Planning Commission.

3. Buffers

Under ZR Section 6.8(H), a 50-foot landscaped buffer is required between new multi-unit dwellings existing single-unit dwellings. In this proposal, all structures include fewer than 3 dwelling units and meet the PUD-R setbacks required for single-unit dwellings in the R-2 district, both between themselves and existing single unit dwellings on adjacent properties. Therefore, Community Development staff do not recommend a 50-foot buffer in addition to the required setbacks. However, it is recommended that the landscaping plan include retention of existing vegetation along the exterior boundaries of the parcel to the extent possible, as well as additional landscaping enhancement of individual units.

4. Open Space

The applicant has proposed retaining 8.22 acres of the parcel as common open space, covering the wetlands, floodplains, and river corridor areas and the remaining undeveloped lands. This meets the requirement of being at least one fully contiguous acre in area integrated into the design of the PUD and equally accessible to all dwellings.

The open space also includes a short, 8-foot-wide “primitive” trail would provide access to a community garden space, all of which would be exclusively accessed and by the homeowners’ association. The final plan submission must include protective covenants and restrictions on the use of any open space, rights of access by the occupants, and how the open space will be managed. There does not appear to be a need for the Town to appoint an ex-officio representative to help manage the open space.

In an e-mail dated November 10, 2021 the Parks & Recreation Director asked whether the garden would have access to water, which the applicant’s engineer has not yet clarified. Water supply to the garden is strongly recommended to ensure functional use of the gardens and may be more feasible if the garden is located closer to Units 30-32.

5. Justification

Justification for the coordination of the PUD-R with surrounding development shall be included in the preliminary plan submission; at minimum, this shall include

integration of sidewalks with the existing network on Pinecrest Drive, coordination of tie-ins to water and sewer service, and landscaping plans to minimize visual impacts to adjacent properties. Because the PUD will be developed in one phase, protective covenants related to the development of the PUD are not necessary. The impact of the proposed development on community services will be moderated through the residential phasing policy, reviewed in Finding IV, and financially recaptured through impact fees.

6. Flexibility

No further conditions are needed to ensure protect the interests of surrounding property, the neighborhood, or the municipality.

IV. Article III of the *Subdivision Regulations*: Residential Phasing

Any proposed development that contains dwelling units and requires Subdivision Approval is subject to Article III, Residential Development Phasing. The goal of residential phasing is to maintain an annual population growth rate set forth in the *2016 Town Plan* of between 184 and 226, aiming for the midpoint of the range at 205. Population growth is allocated to new developments through Estimated Population Equivalents (EPEs), essentially equivalent to the number of bedrooms in new dwelling units (5-bedroom units are counted as 4.5 EPEs).

Any single project within the sewer core is allowed to add 20 dwelling units per calendar year. The Planning Commission must act on a preliminary phasing request when a proposed development obtains sketch plan approval. Final allocation is granted if the development secures Final Plan approval.

The proposed project lies within the sewer core area and would add a total of 31 dwelling units over three years (eleven in 2022, eleven in 2023, and nine in 2024). The applicant has not indicated how many bedrooms would be included in each unit; based on prior similar projects, the preliminary phasing allocation will include three bedrooms each for a total of 93 EPEs. This may be modified prior to final approval.

If granted final approval along with other projects seeking approval at present, there still would be sufficient allocation below the targeted mid-point of 205 for each year of the project's construction. A summary of the running phasing tabulation is attached.

V. Additional Findings by the Planning Commission

-

Conditions of Approval

1. All conditions from previous approvals shall continue to apply except as amended herein.
2. Prior to submission for Preliminary Review, the applicant shall secure sufficient sewer allocation for the project pursuant to Chapter 10.18 of the *Essex Municipal Code*.

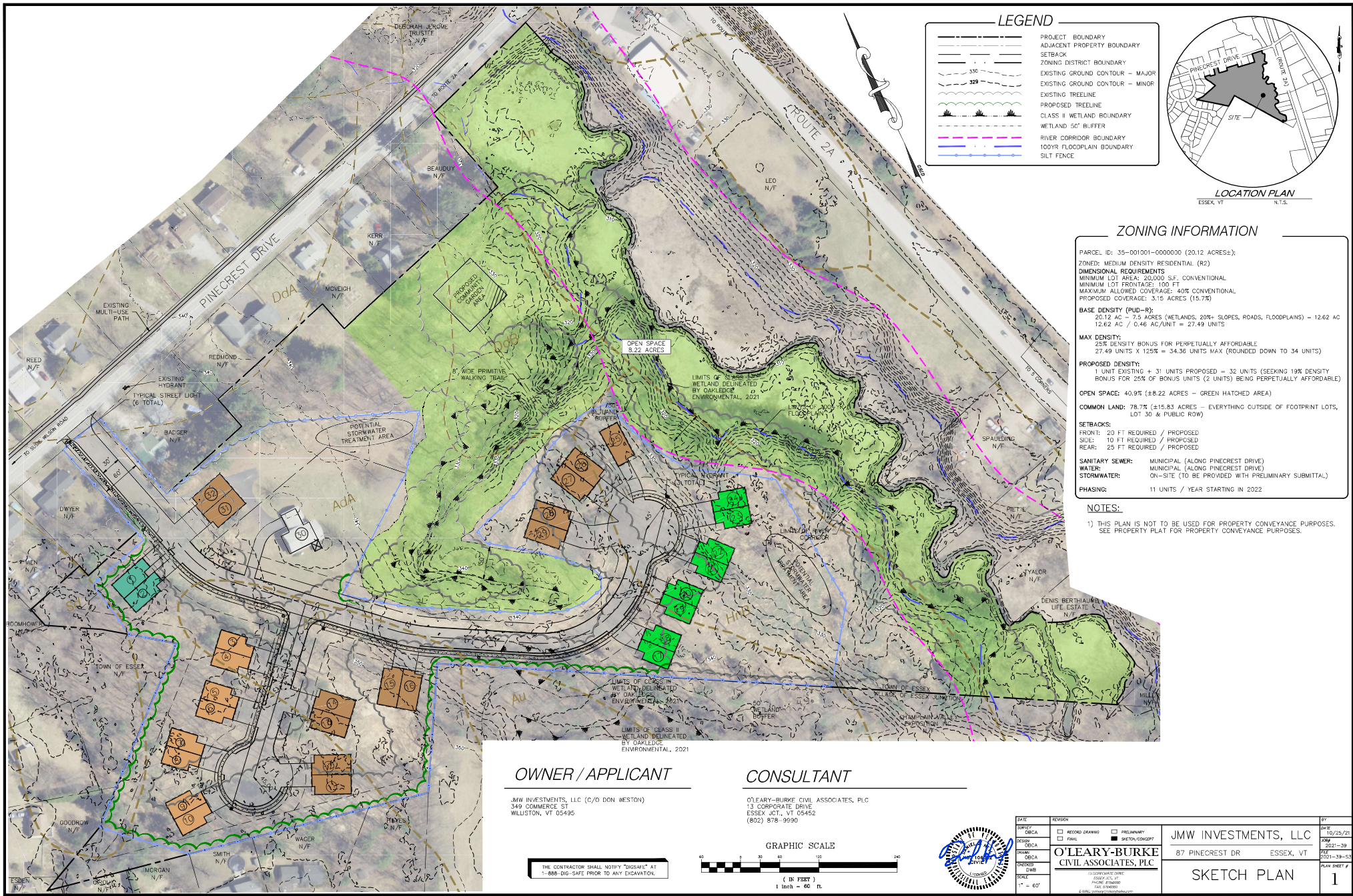
3. In addition to standard requirements, the Preliminary plans shall include the following:
 - a) A sidewalk connection to the existing network on Pinecrest Drive.
 - b) A water valve cluster on the tee to Road B (the shorter road).
 - c) A sewer pump station meeting the requirements of Section 513 of the *Town of Essex Standard Specifications for Construction*.
 - d) Retention of landscaping along the boundary of the parcel abutting existing dwellings and landscaping enhancements for each new dwelling.
4. An electronic copy of the plans as may have been revised shall be submitted to the E911 coordinator in .PDF file format. Another copy shall be submitted in geodatabase or shapefile in Vermont State Plane Meters, NAD83 (NSRS or most current); alternatively, coordinated CAD data – Vermont State Plane Coordinates, US Survey Feet, Grid Zone 4400, NAD 83 (2011) epoch 2010.0, NAVD 88 (geoid12b); alternatively, paper showing three (3) values of State Plane Coordinates.
5. The preliminary submission shall include data to be submitted to the Public Works Department for an analysis of the sufficiency of the water distribution system. The analysis shall be completed by the Town's consultant at the applicant's expense. Any deficiencies within the proposed or existing water distribution system shall be addressed by the applicant's engineer prior to Preliminary review.
6. The preliminary submission shall include written approval from the Town Engineer for any modifications to street design standards, pursuant to Section 503 of the *Town of Essex Standard Specifications for Construction*.
7. The applicants shall be approved for a preliminary phasing schedule of 11 dwelling units with 33 EPEs in 2022, 11 dwelling units with 33 EPEs in 2023, and 9 dwelling units with 27 EPEs in 2024.
8. By acceptance of the conditions of this approval without appeal, the applicants confirm and agree for themselves and all assigns and successors in interest that the conditions of this approval shall run with the land and the land uses herein permitted, and would be binding upon and enforceable against the applicants and all assigns and successors in interest.

List of Attachments

- Residential Phasing Record, dated 12/09/2021.
- Project narrative, "RE: JMW Investments, LLC – 32 Unit PRD, 87 Pinecrest Drive, Essex Junction, VT 05452, Subdivision Application – Sketch," prepared by Dan Heil, P.E., O'Leary-Burke Civil Associates, PLC, dated October 25, 2021

cc: David Burke and Dan Heil, P.E., O'Leary-Burke Civil Associates

G:\PC\REPORTS\Pinecrest Drive 87 PUD-R Sketch 20211209.docx



LEGEND

- PROJECT BOUNDARY
- ADJACENT PROPERTY BOUNDARY
- SETBACK
- ZONING DISTRICT BOUNDARY
- EXISTING GROUND CONTOUR - MAJOR
- EXISTING GROUND CONTOUR - MINOR
- EXISTING TREELINE
- PROPOSED TREELINE
- CLASS II WETLAND BOUNDARY
- WETLAND 50' BUFFER
- RIVER CORRIDOR BOUNDARY
- 100YR FLOODPLAIN BOUNDARY
- SILT FENCE

LOCATION PLAN

ESSEX, VT

N.T.S.

ZONING INFORMATION

PARCEL ID: 35-001001-0000000 (20.12 ACRES);

ZONED: MEDIUM DENSITY RESIDENTIAL (R2)

DIMENSIONAL REQUIREMENTS

MINIMUM LOT AREA: 20,000 S.F. CONVENTIONAL
MINIMUM LOT FRONTAGE: 100 FT
MAXIMUM ALLOWED COVERAGE: 40% CONVENTIONAL
PROPOSED COVERAGE: 31% ACRES (15.7%)

BASE DENSITY (PUD-R):

20.12 AC - 7.5 ACRES (WETLANDS, 20% SLOPES, ROADS, FLOODPLAINS) - 12.62 AC
12.62 AC / 0.46 AC/UNIT = 27.49 UNITS

MAX DENSITY:

25% DENSITY BONUS FOR PERPETUALLY AFFORDABLE
27.49 UNITS X 125% = 34.36 UNITS MAX (ROUNDED DOWN TO 34 UNITS)

PROPOSED DENSITY:

1 UNIT EXISTING + 31 UNITS PROPOSED = 32 UNITS (SEEKING 10% DENSITY BONUS FOR 25% OF BONUS UNITS (2 UNITS) BEING PERPETUALLY AFFORDABLE)

OPEN SPACE: 40.9% (±8.22 ACRES - GREEN HATCHED AREA)

COMMON LAND: 78.7% (±15.83 ACRES - EVERYTHING OUTSIDE OF FOOTPRINT LOTS, LOT 30 & PUBLIC ROW)

SETBACKS:

FRONT: 20 FT REQUIRED / PROPOSED
SIDE: 10 FT REQUIRED / PROPOSED
REAR: 25 FT REQUIRED / PROPOSED

SANITARY SEWER: MUNICIPAL (ALONG PINECREST DRIVE)
WATER: MUNICIPAL (ALONG PINECREST DRIVE)
STORMWATER: ON-SITE (TO BE PROVIDED WITH PRELIMINARY SUBMITTAL.)

PHASING: 11 UNITS / YEAR STARTING IN 2022

NOTES:

1) THIS PLAN IS NOT TO BE USED FOR PROPERTY CONVEYANCE PURPOSES. SEE PROPERTY PLAT FOR PROPERTY CONVEYANCE PURPOSES.

OWNER / APPLICANT

JMW INVESTMENTS, LLC (C/O DON WESTON)
349 COMMERCE ST
WILUSTON, VT 05495

CONSULTANT

O'LEARY-BURKE CIVIL ASSOCIATES, PLC
13 CORPORATE DRIVE
ESSEX, VT 05452
(802) 878-9090

GRAPHIC SCALE



THE CONTRACTOR SHALL NOTIFY TOWNSHIP AT 1-888-DIG-SAFE PRIOR TO ANY EXCAVATION.



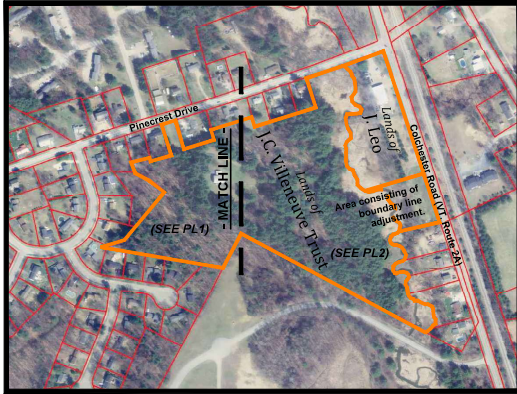
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10/25/22	DESIGN	OB
10/25/22	DESIGN	OB
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O'LEARY-BURKE CIVIL ASSOCIATES, PLC

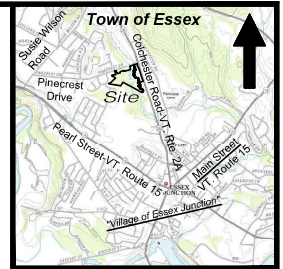
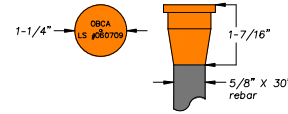
87 PINECREST DR ESSEX, VT

SKETCH PLAN

1

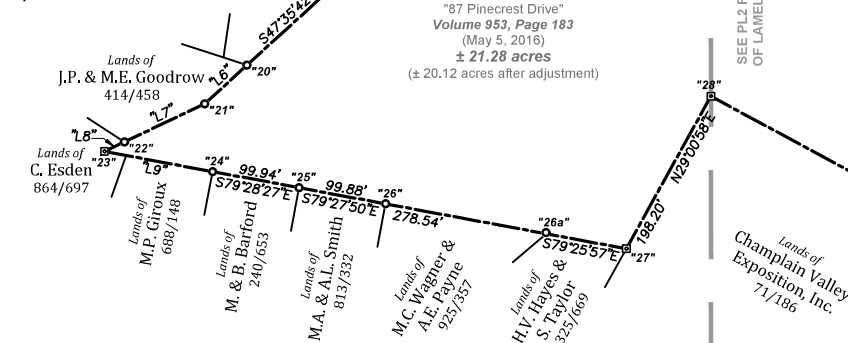
OVERALL PLAN OF LANDS OF VILLENEUVE
AND LANDS OF TILLER (not to scale)

NOTE: The image and approximate parcel lines shown in the above Overall Plan were taken from the Vermont Center for Geographic Information's online map viewer. The undersigned does not certify to the accuracy of the approximate parcel lines depicted on the above image.

Typical Stamped Caps
on Set Monumentation
(not to scale)

Location Plan-n.t.s.

LINE TABLE	
L1)	N16°18'22"W 50.00'
L2)	S16°18'22"W 55.00'
L3)	S74°09'13"W 74.40'
L4)	N16°52'17"W 19.94'
L5)	S16°51'20"E 32.71'
L6)	S47°33'18"W 65.03'
L7)	S64°35'10"W 101.21'
L8)	S64°51'03"W 24.89'
L9)	S79°23'56"E 125.04'



LEGEND

- Found Corner Monument (See Corner List)
- Set Corner Monument (See Corner List)
- Unmonumented Point
- Corner Number (See Corner List) "19"
- Subject Boundary Line
- Easement Boundary Line
- Adjoining Boundary Line
- Stockade Fence
- Wire Fence
- Approx. Subsurface Utility Line

Graphic Scale

1" = 100'

Town of Essex Clerk's Office Received for Record
This _____ day of _____ A.D. 20____,
at _____ o'clock _____ minutes _____ M.,
and filed in: _____
Town Clerk

This boundary line adjustment does not constitute the creation of a separate parcel of land. It only adjusts the physical location of the boundary of these adjoining parcels. Any future subdivision and development of these new parcels must be approved by the Town of Essex Planning Commission. This plan is approved, subject to all requirements and conditions of this approval, on the _____ day of _____ 20____.

Chairman or Clerk

CORNER LIST

NOTE: (O.D.) indicates outside diameter of applicable monument.

- CORNER 6: 5/8" rebar TO BE SET
CORNER 7: 5/8" rebar TO BE SET
CORNER 7a: 1" (O.D.) metal pipe recovered 25" above grade and is of unknown significance. Said metal pipe bears N46°38'57"W, 2.64' from Corner 7.
CORNER 8: 5/8" rebar TO BE SET
CORNER 9: 5/8" rebar TO BE SET
CORNER 10: 5/8" rebar TO BE SET
CORNER 11: 5/8" rebar TO BE SET
CORNER 12: 1" (O.D.) metal pipe recovered 1" below grade.
CORNER 13: 1" (O.D.) metal pipe recovered 2" above grade with a hexagonal top.
CORNER 14: 1-1/4" (O.D.) metal pipe recovered 3" above grade.
CORNER 15: 1" (O.D.) metal pipe recovered flush with grade.
CORNER 16: 1" (O.D.) metal pipe recovered 12" below grade.
CORNER 17: 1-1/4" (O.D.) metal pipe recovered 5" above grade.
CORNER 18: 1-1/4" (O.D.) metal pipe recovered 4" above grade.
CORNER 19: 1/2" rebar recovered 5" above grade.
CORNER 20: 1" rebar recovered flush with grade.
CORNER 21: 1/2" rebar recovered 7" above grade.
CORNER 22: 1" (O.D.) metal pipe recovered flush with grade.
CORNER 23: 4" X 4" concrete bound recovered 2" above grade.
CORNER 24: 1/2" rebar recovered.
CORNER 25: 1/2" rebar recovered.
CORNER 26: 1/2" rebar recovered.
CORNER 26a: 1" metal bar recovered leaning and is of unknown significance. Said metal bar bears S79°44'56"E, 185.18' from Corner 26.
CORNER 27: 4" X 4" concrete bound recovered 15" above grade.
CORNER 28: 4" X 4" concrete bound recovered 13" above grade.

SURVEY NOTES

- The purpose of this survey was to retrace and monument the lines and corners of lands deeded to the Jeannette C. Villeneuve Trust in Volume 953, Page 183, dated May 5, 2016 and lands deeded to Jason Leo in Volume 971, Page 187, dated January 17, 2017. With both of the above instruments recorded within the Town of Essex Land Records, this survey also adjusts a portion of the common boundary line between the parcels described above.
- The following plats and plans recovered in the Town of Essex Land Records and from other sources were used in aid of this survey:
 - Plan entitled, "State of Vermont, State Highway Department, Plan and Profile of Proposed State Highway, Town of Essex, Essex Jct.-Colchester Road, Project W.P.G.S. No. 165 B", prepared by the State of Vermont Highway Department, dated September 6, 1935, A digital copy of which was obtained from Vermont Agency of Transportation.
 - Plat entitled, "Plan of Land to be Conveyed by Giles H. Willey to Champlain Valley Exposition, Inc., Essex Junction, Vermont", prepared by Fred C. Koerner, C.E., dated October, 1964 and is recorded in Volume 71, Page 185 of the Essex Land Records.
 - Plat entitled, "Owner: Richard and Irene Lamelle", prepared by John R. Campbell, Jr., L.S., 308, dated May 30, 1972 and is recorded in Map Slide #51 of the Essex Land Records.
 - Plat entitled, "Plat of Survey for Thomas Tiller in the Town of Essex, VT.", prepared by John A. Marsh, L.S., dated October 18, 1983 and is recorded in Map Slide #48 of the Essex Land Records.
 - Plat entitled, "Shillingford Crossing, Plat Showing Subdivision of Property of 'Southview Corporation', Essex Junction, Vermont", prepared by Vaughn C. Button, L.S., 415, dated May, 1985, and is recorded in Map Slide #156 of the Essex Land Records.
- The side lines of Colchester Road (VT. Route 2A) were established in accordance with existing monumentation recovered on site, information taken from the plan noted in 2a and conveyances to the State of Vermont recovered in Volume 41, Pages 36 and 67 of the Essex Land Records, dated October 21, 1935 and December 2, 1935 respectively.
- The side lines of Pinecrest Drive were established at the statutory 3 rod (49.5') wide right of way limit as allowed under 19 V.S.A., 32, from the approximate center of the current traveled portion of the road.
- Lines of the subject parcels depicted hereon defined by Corners 30 and 31 follow the approximate edge of Indian Brook and Corners 32, 33, 37 and 1 follow the approximate center of Indian Brook. These boundary lines are considered riparian and are subject to change due to accretion, and/or, erosion.
- Lands shown hereon may be subject to additional easements and right of ways of record not already noted.
- Unless otherwise noted, the physical location of underground utilities were not determined by this survey.
- Bearings are based on Vermont State Plane Coordinate Grid North (NAD83, VT-14400) as derived from Network RTK-GPS observations taken on site, June 9, 2016.
- The information on this plat reflects conditions that were existing at the time of the survey both at the project location and in the land records of the Town of Essex as of June, 2016 and June, 2017.

THE INFORMATION ON THIS PLAT IS A COMPILATION AND REVIEW OF PERTINENT LAND RECORD INFORMATION, FIELD MEASUREMENTS, PAROL EVIDENCE AND OTHER STATE AND LOCAL DOCUMENTS. THIS PLAT IS IN ACCORDANCE WITH 27 V.S.A. 1403 AND CURRENT RULES SET FORTH BY THE VERMONT BOARD OF LAND SURVEYORS. THIS PLAT IS ONLY VALID WITH MY ORIGINAL SEAL AND SIGNATURE.

Seth W. Kittredge, L.S. 060709

DATE 11/29/2017	REVISION 1. RECORD DRAWING 2. PRELIMINARY 3. FINAL 4. SKETCH	BOUNDARY & BOUNDARY LINE ADJUSTMENT PLAT Between Lands Owned by JASON LEO and Lands Owned by JEANNETTE C. VILLENEUVE TRUST	DATE 11/29/2017
O'LEARY-BURKE CIVIL ASSOCIATES, PLC 13 CORPORATE DRIVE ESSEX, VT. 05700 PHONE: 878-0880 FAX: 878-8889 E-MAIL: oburke@olearyburke.com		124 Colchester Road (V.T. Route 2A) & 87 Pinecrest Drive Town of Essex, County of Chittenden, State of Vermont	JOB 2016-28 FILE 2016-28 -PLAT-PL1 PLAN SHEET # PL1-OF-2

CORNER LIST

NOTE: (O.D.) indicates outside diameter of applicable monument.

CORNER 1: 5/8" rebar TO BE SET

CORNER 2: 5/8" rebar TO BE SET

CORNER 2a: 6" X 6" concrete bound recovered 6" above grade and bears S71°25'13"W, 150.03' from Corner 2. Said bound is also situated ±2.4' southeasterly of, and perpendicular to, the southerly line of Pinecrest Drive.

CORNER 3: 5/8" rebar TO BE SET

CORNER 3a: 1" metal bar with hexagonal top recovered 12" above grade and is of unknown significance. Said bar bears S13°25'09"E, 21.58' from Corner 3.

CORNER 4: 5/8" rebar TO BE SET

CORNER 5: 5/8" rebar TO BE SET

CORNER 6: 5/8" rebar TO BE SET

CORNER 7: 5/8" rebar TO BE SET

CORNER 7a: 1" (O.D.) metal pipe recovered 25' above grade and is of unknown significance. Said metal pipe bears N46°38'57"W, 2.64' from Corner 7.

CORNER 27: 4" X 4" concrete bound recovered 15' above grade.

CORNER 28: 4" X 4" concrete bound recovered 13' above grade.

CORNER 29: 4" X 4" concrete bound recovered 8' above grade.

CORNER 30: unmonumented point in the approximate easterly line of Indian Brook.

CORNER 30a: 4" X 4" concrete bound recovered 8' above grade.

CORNER 31: Unmonumented point in the approximate easterly line of Indian Brook.

CORNER 32: Unmonumented point in the approximate center of Indian Brook.

CORNER 33: Unmonumented point in the approximate center of Indian Brook.

CORNER 34: 5/8" rebar TO BE SET

CORNER 34a: 2" (O.D.) metal pipe recovered 12" below grade and bears N72°05'48"E, 1.01' from Corner 34.

CORNER 35: Unmonumented point recovered 7' above grade and bears N84°39'11"E, 64.91' from Corner 35.

CORNER 35a: 6" X 6" concrete bound recovered leaning and bears N11°34'59"E, 125.35' from Corner 35.

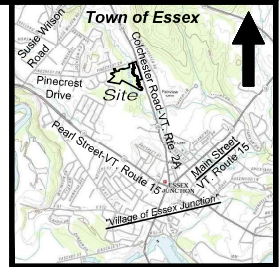
CORNER 36: 1/2" rebar recovered leaning.

CORNER 37: Unmonumented point in the approximate center of Indian Brook.

CORNER 38: Unmonumented point recovered 5' above grade and bears S73°58'56"E, 88.75' from Corner 38.

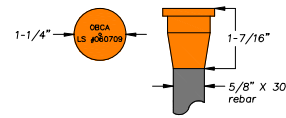
CORNER 39: 5/8" rebar TO BE SET

CORNER 40: 5/8" rebar TO BE SET

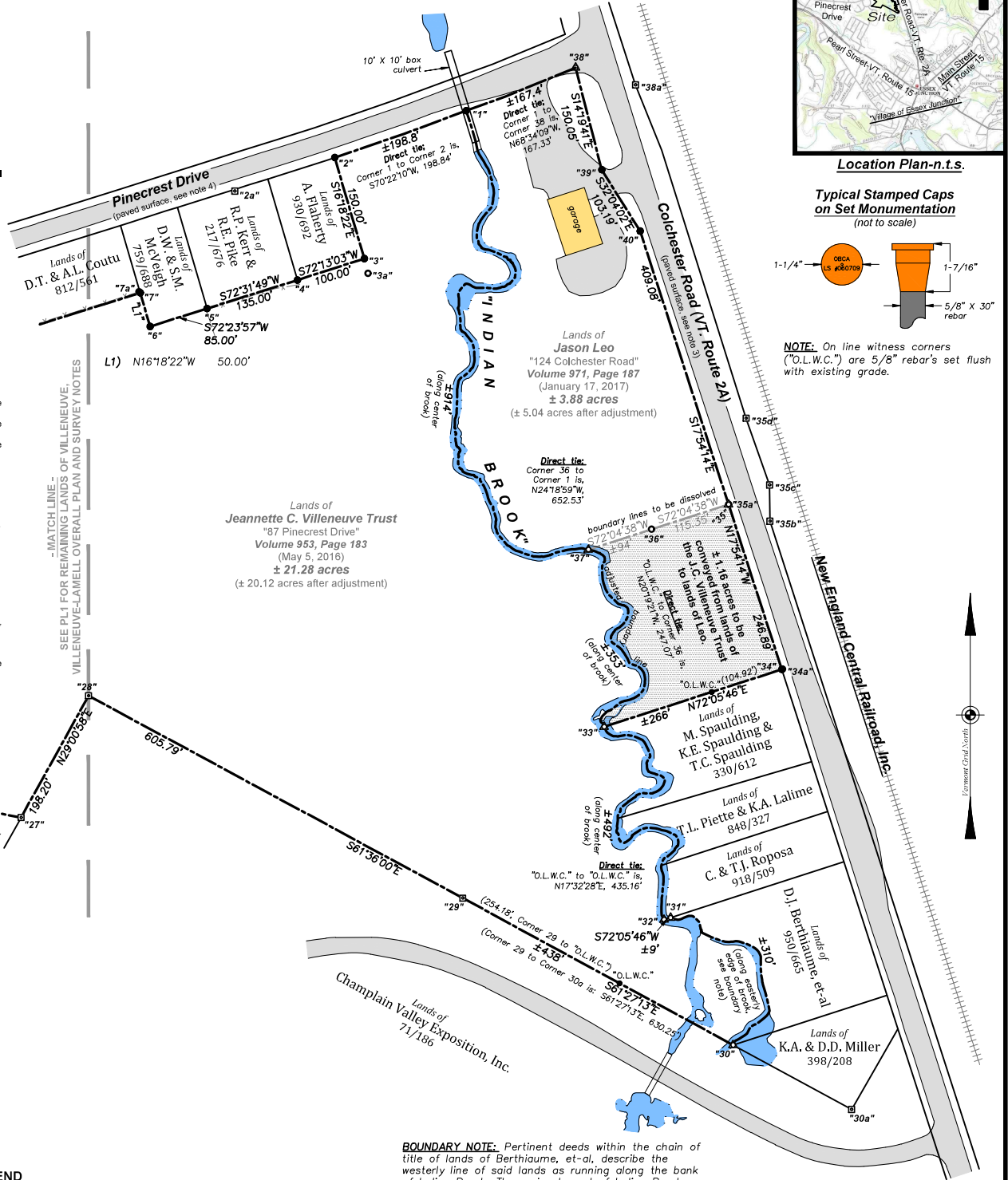


Location Plan-n.t.s.

Typical Stamped Caps on Set Monumentation (not to scale)



NOTE: On line witness corners ("O.L.W.C.") are 5/8" rebar's set flush with existing grade.



LEGEND

Found Corner Monument (See Corner List)

Set Corner Monument (See Corner List)

Set On Line Witness Corner

Unmonumented Point

Corner Number (See Corner List)

Subject Boundary Line

Adjoining Boundary Line

Wire Fence

Rail Road Tracks

Graphic Scale

1" = 100'

BOUNDARY NOTE: Pertinent deeds within the chain of title of lands of Berthiaume, et-al, describe the westerly line of said lands as running along the bank of Indian Brook. The main channel of Indian Brook was apparently altered moving it further west. This survey held the location of the former main channel of Indian Brook as identifying the common boundary between the subject parcel and lands of Berthiaume, et-al.

This boundary line adjustment does not constitute the creation of a separate parcel of land. It only adjusts the physical location of the boundary of these adjoining parcels. Any future subdivision and development of these new parcels must be approved by the Town of Essex Planning Commission. This plan is approved, subject to all requirements and conditions of this approval, on the ____ day of ____ 20__.

Chairman or Clerk

Seth W. Kittredge, L.S. 060709

DATE	REVISION	BOUNDARY & BOUNDARY LINE ADJUSTMENT PLAT	DATE
SURVEY	RECORD DRAWING	Between Lands Owned by JASON LEO and Lands Owned by JEANNETTE C. VILLENEUVE TRUST	11/29/2017
DESIGN	FINAL		JOB 2016-28
DRAWN	PRELIMINARY		FILE 2016-28
CHECKED	SKETCH		-PLAT-PL2
SCALE			PLAN SHEET #
1"=100'			PL2-OF-2

124 Colchester Road (Vt. Route 2A) & 87 Pinecrest Drive
Town of Essex, County of Chittenden, State of Vermont



O'Leary-Burke Civil Associates, PLC

CIVIL ENGINEERING | REGULATORY AND PERMIT PREPARATION | LAND SURVEYING | CONSTRUCTION SERVICES | LAND USE PLANNING

October 25, 2021

Darren Schibler
Town of Essex
81 Main Street
Essex Jct., VT 05452

RE: JMW Investments, LLC – 32 Unit PRD
87 Pinecrest Drive, Essex Junction, VT 05452
Subdivision Application - Sketch

Dear Darren:

We are writing on behalf of JMW Investments, LLC (c/o Don Weston) to request scheduling for review of the attached sketch plan application for a 32-Unit PUD located at 87 Pinecrest Drive in Essex, VT.

The 21.1 acre parcel is located in the Residential-2 (R2) zoning district and contains an existing single-family home to remain. The parcel is bordered by existing single-family developments to the north and west, Indian Brook to the east and the Champlain Valley Exposition to the south. Both Class II and Class III wetlands were delineated on-site by Oakledge Environmental in the Summer of 2021.

The proposal is to retain the existing single family home and construct 31 additional units with footprint lots (15 duplexes and 1 single family home). The theatrical maximum density for the parcel (after removing wetlands, steep slopes, roads and floodplains) is 27 units. The proposal is seeking a 19% density bonus resulting in 32 total units with 25% of the bonus units (2 units) to be perpetually affordable. The project will be served by a proposed public road with 60' Right-of-Way, municipal water/sewer connections and on-site stormwater management. Full design of these components will be provided with our Preliminary Plan submission.

The proposed roadway alignment has been designed to avoid direct impacts to the Class II wetland and minimize impacts to the associated 50' buffer. Wetland buffer impacts associated with the proposed public roadway located on the southern portion of the parcel will require a State Wetlands Permit which we understand will be a Condition of Final Approval. The proposal will not impact the Class II wetland, nor the associated River Corridor / Riparian Buffer on the eastern edge of the parcel.

Our office, and the applicant, met on-site with Staff from the Vermont Agency of Natural Resources (ANR) on 10/20/21 to review the proposal as related to Wetlands, River Corridor and Riparian Buffer Limits. ANR staff confirmed the Riparian Buffer, River Corridor and Wetlands Delineation and was supportive of the proposed Sketch Plan (please see attached 10/20/21 email correspondence). The proposal will require Act 250 approval which we understand will be condition of Final Approval.

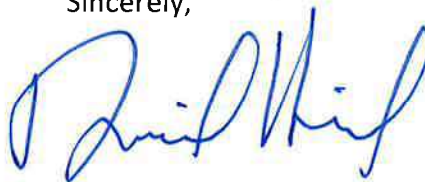
The attached Sketch Plan currently depicts a 30' wide, curbed, Public Road per DPW Specification 503.1. The applicant is requesting consideration from DPW on substituting the 30' wide curbed Public Road for a 26' wide, non-curbed, Public Roadway with 2' shoulder and vegetated roadside swales in keeping in line with current engineering practices designed to minimize impervious surfaces and associated runoff. In addition, a proposed street light is located to the west of the proposed entrance adjacent to an existing utility pole. We are requesting confirmation from DPW that the proposed street light can be installed on the existing utility pole.

Please find the following attached information:

- 1) Signed Sketch Plan Application;
- 2) Sketch Plan Application Fee \$390.58;
 - a. \$200.00 Sketch Plan
 - b. \$190.58 Abutter Fee (\$7.33 X 26 abutters)
- 3) Three (3) 24" x 36" and Four (4) 11" x 17" sets of plans;
- 4) Abutter list & Three (3) sets of mailing labels;
- 5) 10/20/21 ANR email correspondence;

If you have any questions please do not hesitate to call.

Sincerely,



Daniel Heil, P.E.

Allen Brook Development, Inc.



November 23, 2021

VIA EMAIL

Sharon Kelley, Zoning Administrator
Town of Essex
81 Main Street
Essex Junction, VT 05452

RE: RPD-I Zoning Request – Saxon Hill Industrial Park

Dear Sharon:

We saw that the Planning Commission has been working on some amendments to the Zoning & Subdivision Regulations recently and we were hoping they would also consider expanding the list of permitted uses in Resource Preservation-Industrial Zoning District (RPD-I).

As you know the RPD-I zoning district totals 751.7-acres and in 2014 Allen Brook Development purchased a 401.5-acre parcel from Hector LeClair which is often referred to as the 'Saxon Hill Industrial Park'. In 2016 Allen Brook Development and the Town of Essex negotiated a Settlement Agreement that resolved decades of conflict and resulted in a four-lot subdivision where 170.99-acres were retained by Allen Brook for industrial development, and 230.51-acres were transferred to the Town for recreation and conservation; this allowed for the official creation of the Saxon Hill Town Forest

As stated in the Town Zoning Regulations the objective of the RPD-I zoning district "is to protect such natural attributes for public enjoyment, and to carry out development activities in harmony with the natural surroundings". To accomplish this objective 60% percent of the land in the RPD-I must be reserved for conservation and recreation and the remaining 40% can be developed with the permitted uses listed under section 2.14(B).

Our request is that the Planning Commission consider adopting the list of permitted uses from the Industrial (I1) zoning district for the remaining 40% of industrial land in the RPD-I zoning district. Attached is a list of the permitted uses in the I1 zoning district; the highlighted uses are allowed in the I1 district but not the RPD-I. Over the past few years we have lost a couple of potential tenants which would have been great additions to the Industrial Park because their use was not allowed, but would have been with I1 zoning.

We look forward to discussing this in greater detail with the Planning Commission at their next available meeting, please let me know if you need any additional information to process this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Bertsch".

Brian J. Bertsch, P.E.

31 Commerce Ave.
South Burlington, VT 05403
Phone: (802) 862-0517 x227
Fax: (802) 865-2334
E-Mail: bbertsch@omegavt.com
Web: www.omegarealtyvt.com

Table 2.10 INDUSTRIAL DISTRICT (I1)

(A) **Purpose:** This area provides for employment opportunities in manufacturing, warehousing, research and development and commercial uses which specifically serve the industries or their employees in areas serviced by good transportation facilities and public utilities. Other uses incompatible with industrial uses, such as residential uses, shall not be permitted for the health, safety and welfare of the community.

(B) **Permitted Uses** (see definitions, use standards):

- (1) Accessory Structure/Use
- (2) Agriculture (Table 1.1; Section 4.2)
- (3) Automotive Repair Shop
- (4) Caretaker Apartment (see (F)(1) below)
- (5) Contractor's Yard
- (6) Equipment Sale, Rental and Repair
- (7) Essential Services
- (8) Forestry (Table 1.1)
- (9) Light Manufacturing (see (F)(2) below)
- (10) Machinery Repair/Major
- (11) Machinery Repair/Minor
- (12) Municipal Facilities (Section 4.14)
- (13) Neighborhood Shopping Center
- (14) Office
- (15) Office/Major (Min: 15,000 sq ft gross leasable area)
- (16) Parking Facility
- (17) Recreation/Public Outdoor
- (18) Recycling Establishment
- (19) Research and Testing Laboratory
- (20) School/Technical, Vocational (Section 4.14)
- (21) Small Production and Sales
- (22) Storage, Warehouse and Distribution
- (23) Trucking Terminal
- (24) Wholesale Establishment

(C) **Conditional Uses** (see definitions, use standards):

- (1) Convenience Store/ Existing
- (2) Day Care Facility (Section 4.5)
- (3) Extraction of Earth Resources (Section 4.6)
- (4) Firewood Processing and Sales
- (5) Junkyard (Section 4.10)
- (6) Public Facilities (Section 4.14)
- (7) Recreation/Indoor

*Uses highlighted in RED are allowed in the I1 zoning district but not the RPD-I zoning district.

(D) **District Dimensional Requirements** (unless otherwise specified for a particular use)

Dimension	Off-site Water and Sewer	Off-site Water or Sewer	On-site Water and Sewer
Minimum Lot Area – Nonresidential	40,000 sq. ft	60,000 sq. ft.	100,000 sq. ft.
Minimum Lot Frontage	200 feet	200 feet	200 feet
Minimum Front Setback (from ROW)	50 feet	50 feet	50 feet
Minimum Side Setback (also see (F)(3) below)	25 feet	25 feet	25 feet
Minimum Rear Setback (also see (F)(3) below)	25 feet	25 feet	25 feet
Minimum Buffer/Residential Districts (see (F)(3) below)	50 feet	50 feet	50 feet
Minimum Buffer/Surface Waters (see Section 3.11)	Varies	Varies	Varies
Maximum Lot Coverage – All	70%	70%	70%
Maximum Height (see Section 3.6)	45 feet	45 feet	45 feet

(E) **PUD Requirements:** Planned Industrial Developments (PUD-Is) may be allowed in this district in accordance with the provisions of Section 6.5 of these Regulations and the following dimensional standards, which may supersede the above district dimensional standards to allow for more creative design:

Dimension	Off-site Water and Sewer	Off-site Water or Sewer	Off-site Water and Sewer
Average Lot Area	30,000 sq. ft.	30,000 sq. ft.	30,000 sq. ft.
Minimum Lot Frontage	200 feet	200 feet	200 feet
Minimum Front Setback	25 feet	25 feet	25 feet
Minimum Side Setback (also see (F)(3) below)	25 feet	25 feet	25 feet
Minimum Rear Setback (also see (F)(3) below)	25 feet	25 feet	25 feet
Maximum Lot Coverage	PUD Requirements Apply		

TOWN OF ESSEX
PLANNING COMMISSION
DRAFT MINUTES
NOVEMBER 18, 2021

Note: This meeting was in-person and virtual on Teams.

PLANNING COMMISSION (PC) PRESENT:

IN PERSON: Dustin Brusco, Chair; David Raphael; Ned Daly; and Jonathan Schumacher.

VIRTUAL: Josh Knox, Vice-Chair; John Mangan, Clerk; and Tom Furland.

OTHERS PRESENT:

IN PERSON: Owiso Makuku, Community Development Director; Sharon Kelley, Zoning Administrator; Darren Schibler, Planner; TaTanisha Redditta; Paul O’Leary; Shawn Cunningham; Bryan Currier; Paula Duke; Denele Brouner; Katie Ballard; Evan Teich; Rick Bove; Joel Page; Taylor Rochester; Traci Rochester; Irene Wrenner; Ken Signorello; James Grimsley; and CCTV.

VIRTUAL: Bill Ellis, Esq.; Dawn McGinnis; Jim Bernerger; Gina Barrett; Joe Flynn; Alison Levy; Dawn Fleury; John Alden; Lorraine Zaloom; Matthew Roy; Sharon Illenye; Gregory Duggan; Liam (unknown); Sharon Zukowski; Brian Shelden; Chris Kline; Gabrielle Smith; WKeithcart; and Essex ReTorter.

Chairman Brusco called the meeting to order at 6:30 p.m.; called out the Commissioners who were in attendance virtually and in person; noted the Gutema application was postponed to a later date; and provided the public oath, and repeated the oath to late arrivers.

AGENDA ITEM 1: PUBLIC COMMENTS:

Paula Duke, 34 Lavigne Road, Essex, recommended that the PC support the suggestion for a full-time building inspector, even if shared with another town.

Commissioner Raphael suggested that Ms. Duke was thinking of a different type of inspector as a building inspector inspects building codes and the Town of Essex does not regulate building codes. Ms. Duke did not agree and stated that she would expect that the Town follows State building codes. Commission Raphael said, “That is not how it works.”

Sharon Zukowski, Essex, VT, suggested that Paula Duke was talking about a building inspector that inspects rental properties. She noted she has rentals in Winooski and the rentals are subject to an inspection every three years as codes change. Zukowski noted that Burlington and Winooski offer this service and believes the cost is \$200.00.

**AGENDA ITEM 2: CONTINUED FROM 6/10/21-SITE PLAN-PUBLIC HEARING:
RICK BOVE D/B/A HDI REAL ESTATE, INC.: PROPOSAL FOR 2 RESIDENTIAL
BUILDINGS TOTALING 30 APARTMENT UNITS; AND 1 MIXED-USE BUILDING
INCLUDING 30 APARTMENT UNITS AND 6000 SF OF COMMERCIAL SPACE
LOCATED AT COMMONWEALTH & 10 CARMICHAEL STREET IN THE MIXED-
USE COMMERCIAL (MXD-C) DISTRICT & BUSINESS DESIGN CONTROL (B-DC)
OVERLAY DISTRICT. TAX MAP 91, PARCEL 1.**

Commissioner Daly stated that he has an outside relationship with Mr. Bove, therefore recused himself from this application. He stated that he will sit in the audience and participate as a member of the public.

Chairman Bruso noted the Public Hearing remained open from the last meeting. Bruso reported that a comprehensive staff report was submitted to the PC and applicants which laid out the proposal and concerns, therefore asked the PC if they objected to going straight to the applicant so that they to deliver their comments on the report and the project.

Bryan Currier and Paul O'Leary represented the applicant and provided comments.

Currier noted that this was a continued hearing from 6/10/2021, and at that time HDI proposed 3 buildings as a part of the overall Town Center; a similar plan was approved in 2017. He noted as a part of the amended proposal, the essence is still that Building G continues to be 15 units; G1 is 15 units; and Building H is 4 stories, with 30 units and contains 7600 sq. ft. of commercial space; underground parking; and the first phase of the Town Green. Currier noted that they asked for "very specific guidelines" at the 6/10/2021 hearing and, the PC provided very specific feedback as to what they wanted to see as a part of a continued hearing. Currier noted that at the June meeting, the PC asked for more density and stated it would support a height waiver for Building H in order to preserve commercial space around Carmichael Street, which has been done with the latest proposal. He noted the remaining space on the first floor is for amenities for the apartments above this floor. The fourth floor increases the residential units from 22 to 30 units. He noted the height waiver request has changed since application submittal from 66 feet to 54 feet. He noted the PC requested more variability to the architectural features and noted that Scott & Partners have revised the elevations to change the rooflines along Buildings G & G1; and changed the color pallets on the buildings in order to satisfy the mix so that it does not seem like a solid building as you are driving down Commonwealth Avenue. Currier noted that they no longer need a height waiver for buildings G & G1 as they will be constructed less than 40' in height as required by the Zoning District. Currier noted that the PC previously asked for a more attractive streetscape and, they hired T.J. Boyle Architect, who changed the sidewalks, reoriented the parking in the back, added some green islands, street trees, many shrubs and plantings around the building. He noted the proposal included the construction of a portion of the Town Green, which would include street trees on the south side of Carmichael Street, benches and over a 1/4-acre green on the southeast corner of the development. Currier reminded the PC that they asked for approval conditions for this application, and they have provided conditions.

Paul O'Leary reminded the PC of the "lively meeting in July." He stated that they specifically asked for direction and said, "you gave it to us." He noted the minutes were clear as to what they had to come back with for the application and said, "The last line of the meeting minutes said, "Chairman Bruso asked staff to rewrite as an approval incorporating the common space." O'Leary said, "The staff report is pretty similar to as it was back then. They really haven't changed too much and they really haven't added anything. They strengthened their argument a little bit. They certainly haven't written an approval. We've held up our part of the bargain. We re-did the buildings; hired a landscape architect; looked at the streetscape; re-looked at the height on Building G; added the Town Green features across the street. We've done everything you've asked for at our June 9th meeting and we are back today looking for approval. If you have specific questions about something in the Staff Report, water issues, density, we'll be glad

to answer those. But, essentially, it is a very negative Staff Report. It was the first time and continues to be. We don't really think at this point in time we need to go down through that Staff Report point-by-point because frankly, I don't think they did what this Board asked them to do."

Chairman Bruso responded that the PC has a Staff Report in front of them recommending denial and it is for the Commission to decide on the application. Bruso stated that there are clear statements, both in the beginning of the Staff Report and with the conclusion at the end of the Staff Report, that provide clarity for recommending denial. He stated that with every meeting the process evolves and, the review evolves, it enhances, it changes. Bruso stated that the PC was looking at the Staff Report before them at this meeting.

O'Leary had the following additional comments:

- He noted that the original traffic report was done in January 2021. As the proposal now included a fourth story with additional units and some commercial space, this added 11 pm peak trip ends. As a result, Public Works wanted a revised study. However, since January, Babaroosa had changed location and hopes to be moving into the movie theater. As a result of the cinema leaving, there will be 100 trips less and the traffic impact will be less than the January study.
- He stated that Staff looked at the ETC Plan and noted at full build-out there will be a water pressure issue. He stated there will not be any water pressure issues, noting that there would be 40-45 pounds of water pressure on the fourth floor, which "is plenty of pressure." He noted the international plumbing code pressure is 20 psi.
- He does not expect any issues with fire flows, noting that in-order-to get a permit they have to do a sprinkler design for the State of Vermont to show adequate flows. If they can't show that, they will not get a state building permit. He was confident they would get the permit. He is fine to provide reports to Public Works but, needs the approval first.
- He was on a town committee 10-15 years ago to discuss density, which resulted in a recommendation to modify the regulations by adding the 400% density bonus for multi-family housing if 25% of the units are affordable housing. He noted that even years ago, everyone realized the density was way too low in the Town Center. He noted that they met the criteria.
- He noted that currently 24 of 44 units in the Whittier Building are affordable. The applicant is agreeable to make all 44 units affordable, however there is no reason to pursue this yet.
- He noted that at the last meeting Commissioner Raphael stated that the ETC Plan did not apply to this project's Master Plan as there is nothing specific in the Zoning Regulations as amendments have not moved forward yet.
- They are only asking for a height waiver for Building H;
- The sidewalk for the last approval on this site was 8 feet.
- They agree they will fully construct Carmichael and Commonwealth Avenue before they are issued a Certificate of Occupancy,

Commissioner Furland was concerned that the Town Green would not receive enough sun in its proposed location. O'Leary stated that the lot is bigger and thought this lot would be the best place for the Green. Commissioner Furland noted that the parking lot abuts the lot so this will help not block the sun from the lot.

Vice-Chair Knox asked to explain the discussion starting on Line 344 of the Staff Report regarding existing affordable housing, and reads, in part

In any case, the applicant has failed to support the claim that there are in fact 44 existing units of perpetually affordable housing in the PUD, as defined in the Regulations and under state law.

Darren Schibler, Planner, stated that every proposal over the years represented that 44 affordable housing units are within Building K (Whittier Building) and this building was already granted a density bonus. He did not uncover any deeds in the records and, after he researched the file he discovered that density bonuses were granted up to 15% for things other than affordable housing. The affordable housing units were not deeded to a land trust or a non-profit, which guarantees perpetual affordability. Schibler was concerned about utilizing more affordable housing, especially when there have been a number of fire and life safety violations over the years and, is concerned for the quality of that housing. He was troubled that the affordable units were not represented accurately. He has not received any deeds; the applicants did not indicate that they are working with a land trust; and he would like to see these documents.

O'Leary noted the Whittier Building goes back to 1997 and he always thought all 44 units were affordable, but it turns out that only 26 are guaranteed affordable, noting that the other 8 units apply to another project. He stated that they were willing to offer paperwork, for the town attorney, to make all 44 units perpetually affordable.

Commissioner Schumacher asked O'Leary to clarify his comments on market rate units. O'Leary replied that the original paperwork is confusing and it appears that the affordability sunsets after 15 years. If so, they may not need to remain affordable. O'Leary noted that if there is no credit for the bonus, there may not be a reason to maintain as affordable and they would investigate market rate units.

Darren Schibler provided the following comments on the Staff Report:

- He repeated that outstanding information on existing affordable units needs to be submitted;
- Regarding Buildings G & G1, he expressed concern as private units are on a busy space, noting that if the ETC come to fruition, the usability of porches exposes the public space;
- He is willing to work with the applicant on designs, but there has not been a lot of cooperation. There is a concern with headlight glare and he would suggest parallel parking;
- The ETC|Next Plan is an update to the 1991 Town Center Master Plan; and
- The goal is to create a project with vibrancy and look out to 50-100 years in the future.

Chairman Bruso asked Owiso specifically, about the viability of the ETC|Next Plan, noting that the Plan has been approved. He noted that she had referenced some enabling concepts that made it a part of the active planning process.

Owiso Makuku, noted the PC also needs to address the violations on the property.

Makuku stated that because the 1991 Plan was replaced with the 2021 Plan, there are provisions made for the accommodation of an existing plan to be replaced and adopted by reference. She read the following, "Specific design requirements in the MXD-C District. In the portion of the Business Design District which overlays the MXD-C District, the general purposes of that district shall apply. In addition, the general concepts and specific policies and recommendations for this area set forth in the Town Center Master Plan (1991) and the Essex Town Plan shall guide all future developments."

Chairman Bruso stated it is his understanding that the 2021 Plan is approved and is a viable tool even though the regulations have not been amended.

Schibler stated the PC may want to consider waivers if the application is consistent with the plans and goals for the community.

O'Leary noted that the applicant has a Master Plan, which has been approved multiple times. It serves two purposes, 1) it gives the Board an idea of where they are going forward; and 2) it gives the applicant some assurances as it goes forward with a multi-phased plan. O'Leary understands there is an ETC|Plan and stated it would be different if they were coming in the door with a brand new, never seen, project, however the applicant has an approved Master Plan which has been around a long time.

Owiso Makuku noted that like the applicant, the Town can make revisions to its Master Plan, which include making provisions to the layout to its Town Center.

Commissioner Furland noted the Staff Report mentioned that the Town does not have a ladder truck and asked if that was a merger issue.

O'Leary stated that he felt like that "was a reach" as the Town has an agreement with the Village. He noted the Village is closer to this project than the Town Fire Department. O'Leary stated the Village owns the ladder truck.

Makuku noted that the Town Manager was in the audience and, he may be able to speak to this issue. Chairman Bruso stated that he did not want to bring the separation issue into this meeting and assumed the opinion on the ladder truck was not coming from just the planning office. Makuku noted that this concern comes directly from the Fire Chief.

Darren Schibler, Planner, noted that a day or two prior to the hearing, several emails received by the public and were sent to the PC electronically. The PC acknowledged receipt of same. The following persons provided public comments:

Katie Ballard, Chair of the Housing Commission, read its letter into the record.

At its November 17 meeting, the Housing Commission discussed serious concerns about the development proposal for the Town Center (Buildings G, G1, and H) currently under your review.

The Housing Commission does not support approval of the most recent proposal because the design includes residential uses on the ground floor of a commercial corridor, which will negatively impact the inhabitants' quality of life due to lights, noise, and lack of privacy. The ETC|NEXT Plan calls for this to be a mixed-use commercial zone that specifically dedicates the first floor to commercial use, so the proposal must be revised to reflect this. If an exception for ground-floor residential is allowed, the developer must revise the proposal with a redesign that includes proven mitigation strategies for first-floor residential uses in mixed-use commercially zoned development.

Furthermore, the Housing Commission does not support the density bonus request which relies on existing designated affordable units (which have no guarantee of perpetual affordability) to justify additional market-rate units. The Housing Commission is also deeply concerned that these units have a history of fire and life safety violations that impact quality of life for their residents, and we would not support the project unless existing violations were rectified.

Livability and dignity of housing is a core belief of the Housing Commission. It is our intent to lead further conversation about the quality of housing in our community and what can be done to better meet all residents' needs. We welcome the Planning Commission and the developer of this project to this conversation.

Brian Sheldon, Chair of the Essex Economic Development Commission, asked if the PC saw its letter to the PC. Chairman Brusco replied yes. Sheldon reinforced that the Economic Development Commission feels that the PC should enforce the ratio of commercial and residential of the ETC|Next Plan on this project. He appreciates that there is first floor commercial in Building H, but there is not commercial space in Buildings G & G1. Sheldon stated that the Economic Development Commission requests that the construction at least be built to commercial standards so that Essex can grow into more of a walkable community.

O'Leary was surprised that he has not been provided the written comments submitted by the public and would like to see the emails.

Traci Rochester, 4 Carmichael Street, stated that she has lived in her unit for 22 years while raising her daughter. She said the building and the premises were "beautiful" when owned by Homestead Design. She stated that ever since the property was sold to Mr. Bove everything has gone downhill and listed some of the issues as follows:

- The roof outside her unit in the hallway has leaked for months and she has been told that Evergreen is too busy to fix it;
- The leak has made its way to the storage unit and has leaked all over her things. She noted it was fixed this week, after the 7-Day article came out in the news;
- Broken locks that are supposed to be secure;
- She can't prove it but believes drug activity is active in the building;
- Screens are punched out and the "bugs are unbelievable";

- There is a pothole in the parking area “that can swallow your car”;
- The laundry machines have been broken for over 1 year;
- The stairway has issues with the rail and door locks;
- The sidewalks are thick with ice in the winter and the parking lot is not plowed;
- She has no control over the heat and it is 78 degrees all year long;
- The grounds are not maintained and the property has not been raked in the past 2-3 years; dog feces and trash is everywhere;
- She stated that she is not being treated as a human, rather a rent check. She has never needed to go into an affordable housing unit and pays a high rent;
- She is embarrassed to tell people where she lives because of the condition of the building and premises; and
- She is concerned for retaliation, but felt the PC needed to know what was going on before Bove is allowed to build anything else.

Taylor Rochester, 4 Carmichael Street, Essex, stated that she has lived in the Whittier Building since before Bove owned the premises. She has watched it fall before her eyes. She noted the following deficiencies:

- Nine out of ten times the front doors are not locked;
- The emergency stairwell is always broken;
- The stairwell bannister is broken and a firefighter nearly “took a header”;
- The communal area has stains on the carpet and there are no screens;
- The outside is poorly lit and she is concerned as a woman;
- He does not do any background checks on tenants and is concerned for safety;
- Daytime hours are safer, but they have to deal with dog feces, potholes and trash;
- Tenants personal belonging are being destroyed in the storage room;
- She is concerned that Bove will go back to his old ways once people stop caring; and
- She was frustrated that he is living his life in a multi-million dollar home while his properties are not being maintained.

Katie Ballard, 10 (D4) Sugar Tree Lane, Essex, encouraged the PC, before they approve or deny the application, to consider that the more developers are allowed to develop rental properties, that the PC also consider those who can’t speak up for themselves. Ballard said, “We cannot let the benefit to bring something economically outweigh the community.” Ballard continued to state that until someone speaks up, important pieces are missed. Ballard asked that they be thoughtful to the tenant’s dignity and not to let the other pieces outweigh its decision.

Alison Levy, 8 Bashaw Drive, Essex, is a member of the Housing Commission. She asked the PC to not throw away its experience with how Bove has been as a property owner.

James Grimsley, 22 South Summit Street, Essex, spoke on issues not pertaining to the application. Chairman Bruso informed him that his comments were outside the scope of this application and asked him to relinquish his seat.

Lorraine Zaloom, stated that she took the time to watch the June meeting. She was concerned with O’Leary’s presentation, noting that he seemed angry. She felt like he was doing an end-run. She likes the option of ground floor commercial with the construction to switch to residential, however she is concerned with residential on the first floor. She stated that if you are watching, commercial is becoming stable, noting that Black Flannel and Phoenix Books are viable. Hard work has occurred over the last 4 years to make the area walkable, however she was not sure what 8’ sidewalks mean. As she lives on Route 15, she is concerned with headlights and noise; and noted that ground floor residential would be surrounded by these issues. She is concerned with human rights.

Dawn Fleury, stated that with all the work done with the ETC|Next Plan, the applicant should be required to follow its recommendations.

Gina Barrett, noted the proposed units seem to allow for 45 one-bedroom and 17 two-bedrooms. She would like to see more diverse units by lessening the units and adding some 3-bedroom units.

Ned Daly, stated that there are two issues, 1) how the buildings are managed and run by this person. Commissioner Raphael called “Point of Order” as Commissioner Daly technically recused himself from the application and believes Daly cannot weigh in on this matter. Commissioner Mangan agreed and said he was going to say the same thing.

Commercial Raphael said, “a recusal is a clear declaration of a conflict, so then coming before the body that you’re a part of, to then present your opinion on, kind of puts you in an uneven playing field. Recusal is typically a flat-out, usually you leave.”

A brief discussion ensued on recusal. Alternate PC Member, John Alden, agreed that Commissioner Daly should be able to offer his comment as he often does with Village applications. He stated that he leaves the room and comes back in when public comment is taken. Commissioner Mangan looked up recusal and read from state statute. It was determined that further discussion will take place on the Operating Procedures. Commissioner Daly chose not to provide further comment on this application.

Commissioner Schumacher Moved and Vice-Chair Knox Seconded a Motion to close the Public Hearing. The Motion passed 6-0.

A brief discussion ensued on whether the PC should go into deliberative session. The PC did not feel it to be necessary and was ready for a vote.

Chairman Bruso Moved and Commissioner Furland Seconded a Motion to Deny without prejudice, the application based on the Staff Report dated November 18, 2021. The Motion passed 6-0.

AGENDA ITEM 3: MINUTES 10/28/2021:

Commissioner Raphael MOVED and Commissioner Schumacher SECONDED a MOTION to approve the site visit minutes and the hearing minutes, both dated 10/28/2021, as written. The MOTION passed 6-0.

ITEM 5: OTHER BUSINESS:

Staff reported that the Housing Commission will be coming to an upcoming PC hearing to discuss inclusionary zoning.

A brief discussion continued on the topic of building inspector. John Alden noted that a handful of towns have arrangements with the state to accomplish this matter.

The meeting adjourned at 8:20 p.m.

PLANNING COMMISSION

By: _____
Dustin R. Brusco, Chair