

DRAFT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

June 23, 2016

Donald Lawrence
22 Sand Hill Road
Essex Jct., VT 05452

Re: **Simple Parcel Subdivision**
22 Sand Hill Road, Essex, VT
Approval #PC:2016-9

Dear Mr. Lawrence:

The Town of Essex Community Development Department received your application on May 24, 2016, for a Simple-Parcel Subdivision of a 3.0-acre lot located at 22 Sand Hill Road in the Medium Density Residential (R2) Zoning District. The minimal lot area for development is 20,000 sq. ft. with 100 feet of frontage. The simple parcel will result in a 2.15 acre lot and will be known as 22 Sand Hill Road, and the .85 acre lot will be known as 24 Sand Hill Road.

Pursuant to Article II, Section 2.5 of the *Town of Essex Official Subdivision Regulations*, staff determined that the application was complete and deemed a minor application. Staff prepared a draft decision for review and approval by the Planning Commission under its consent agenda on June 23, 2016, subject to the following findings of fact and conditions listed below.

Pursuant to state statute, a “Notice of Hearing” was provided to the applicant for posting on the site. The abutting property owners, applicant and landowner were mailed a copy of this draft approval prior to the hearing.

BACKGROUND:

The applicant purchased 4 of 5 subdivided lots located on Sand Hill Road in April, 1968. The lots are referenced on a plan as Lots #26, #27, #28, & #29. Said lots are recorded in Volume 70, Page 133 of the Town of Essex Land Records. In 1969, the applicant merged two of the lots (Lots 27 & 28) in order to construct his house however he did not go through the formal boundary line adjustment process. He kept Lots 26 & 29 undeveloped. Recently, the applicant was prepared to sell Lot 29, however, the closing was cancelled due to inaccurate dimensions of the lot compared to the recorded survey. Although the applicant had the lots re-surveyed in

45 March, 2004, the surveyor, who is now deceased, did not sign the survey and it cannot be
46 recorded. The applicant has decided to abandon his 4 lot subdivision and has requested to go
47 before the Planning Commission with a simple-parcel subdivision application as quickly as
48 possible in order to keep his buyer for Lot 29.
49

50 **FINDINGS:**

- 51
- 52 1. The applicant has demonstrated compliance with the simple parceling review standards
53 contained in Article II, Section 2.5. of the *Town of Essex Official Subdivision*
54 *Regulations*.
55
 - 56 2. Pursuant to Article V, Section 5.1 (D)(1)(c) of the *Town of Essex Official Subdivision*
57 *Regulations*, the Planning Commission may act on proposed decisions for Simple
58 Parceling, Boundary Adjustment, Minor Subdivision Amendments and other procedural
59 matters, as a consent agenda item.
60
 - 61 3. The applicant submitted the following plan to support this application:
62 *Lawrence Mylar* as drawn by David A. Tudhope, Resistered Land Surveyor #538,
63 dated 05/23/2016.
64
 - 65 4. The proposed lots meet the lot acreage and frontage requirements of the Zoning
66 Regulations relating to the Medium Density Residential (R2) Zoning District.
67
 - 68 5. Both lots are served by municipal water and sewer. However, the Utilities
69 Director/Town Engineer stated in a memo dated 6/8/16, as follows:
70

71 *The applicant has applied for and received sewer allocation for Lot #29 in the*
72 *amount of 200 GPD. The Town of Essex has the capacity within its municipal water*
73 *and sewer systems to accommodate this flow. The applicant will be required to*
74 *purchase both the water and sewer allocation. The amounts are as follows;*
75

76 *Water: (200 GPD X \$5.73 per GPD) + \$1,000 = \$2,146.00*
77 *Sewer: (200 GPD X \$10.30 per GPD) + \$1,000 = \$3,060.00*

78
79 *Total = \$5,206.00*

80
81 *Public Works will require the applicant to install the new water service off of the*
82 *existing 8 Inch water main located along the east side of Sand Hill Road. This service*
83 *must be installed by Horizontal Directional Drilling. Open cutting of Sand Hill Road*
84 *will not be allowed.*
85

- 86 6. In the same memo, Public Works noted that the applicant *shall work with the Public*
87 *Works office to coordinate the location of the drive and the replacement of existing*
88 *infrastructure. Should the driveway and/or infrastructure location shift from what is*
89 *shown on the mylar, and if the mylar has been recorded in the Land Records, an amended*

90 mylar will be required to be signed by the Planning Commission Chair. No further
91 review will be required by the Planning Commission on this specific issue.

92
93 7. A building envelope has not been proposed. The applicant reported that the area for
94 construction is flat and sandy. No blasting is required as a result of construction.

95
96 8. Town Plan Map 17 *Significant Features* shows a Crossing Value area along the front of
97 the lot.

98
99 9. Town Plan Map 10 *Proposed Bicycle Network* indicates a bike path-second priority going
100 by the frontage. The applicant should provide a 15' non-motorized, multi-use path
101 easement to the Town for this bike path should a connection be made by the Town in the
102 future.

103
104 10. In an email from the Fire Chief dated 5/30/16, he said, *The Fire Department requests that*
105 *all structures be labeled with their respective street address numbers for identification*
106 *purposes.*

107
108 11. The Police Chief takes has no issues with the proposal.

109
110 12. The new lot will be required to pay a recreation impact fee at the time of building permit
111 application.

112
113 **CONDITIONS:**

114
115 1. The plat, as noted in Finding 3 above, shall be amended to add "Simple Parcel Subdivision"
116 in the Title Block. (Also, see Condition 7 below.)

117
118 2. The mylar shall be recorded in the Land Records no more than 180-days from the date
119 of the written approval, otherwise the subdivision is void. The mylar and 3 paper copies
120 shall be submitted to the Community Development Department at least one week prior to the
121 180-day expiration.

122
123 3. Pursuant to Section 4.11 of the Subdivision Regulations all lot markers, consisting of
124 metal pipes or rebar with a minimum outside diameter of three-fourths inch and at least three
125 feet (9.1 dm) long, shall be set at all un-monumented corners and a minimum of four
126 subdivision's perimeter points. The applicant or surveyor shall schedule a site visit with the
127 Zoning Administrator upon completion of the installation of the markers.

128
129 4. An updated DXF file shall be submitted to the E911 coordinator via Community
130 Development Department.

131
132 5. Prior to the issuance of a Zoning Permit, the applicant shall purchase 200 gallons per day of
133 water and 200 gallons per day of sewer, using the fees in place at the time of submittal.

134

- 135 6. The applicant shall install the new water service off the existing 8 inch water main located
136 along the east side of Sand Hill Road. This service shall be installed by Horizontal
137 Directional Drilling. Open cutting of Sand Hill Road is not allowed. Public Works must be
138 notified prior to starting this process.
139
- 140 7. The applicant shall work with the Public Works office to coordinate the location of the drive
141 and the replacement of existing infrastructure. Should any relocations occur, the mylar shall
142 be amended to reflect those changes. The Planning Commission Chair shall sign a revised
143 mylar should a change be necessary regarding this issue.
144
- 145 8. The applicant shall provide the Town of Essex with a 15' non-motorized, multi-use path
146 easement along the frontage of both lots. Pursuant to Section 2.11 of the Town Subdivision
147 Regulations, all deeds required as a result of this approval shall be prepared by the
148 landowner's attorney and reviewed and approved by the Town Attorney prior to recording in
149 the Land Records. The applicant is responsible to pay all Town legal fees regarding the
150 review of legal documents.
151
- 152 9. All structures will be labeled with their respective street address numbers.
153
- 154 10. By acceptance of the conditions of this approval without appeal, the applicant
155 confirms and agrees for themselves and all assigns and successors in interest that the
156 conditions of this approval shall run with the land and the land uses herein permitted, and
157 will be binding upon and enforceable against the applicants and all assigns and successors in
158 interest.
159
- 160 10. All conditions from previous approvals shall remain in effect as they may still apply.

161
162 It is the conclusion of the Essex Planning Commission that the project described in the
163 application referred to above, if completed and maintained in conformance with the foregoing
164 findings of fact and conditions, will not cause a detriment to the health, safety and welfare of the
165 inhabitants of the Town of Essex and will conform with the *Town of Essex Official Zoning*
166 *Regulations* adopted pursuant to 24 V.S.A Chapter 117.
167

