

1 **ESSEX PLANNING COMMISSION**
2 **September 8, 2016**

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4 **STAFF REPORT**

5 Prepared by Greg Duggan, Town Planner, and Sharon Kelley, Zoning Administrator

6
7 **SITE PLAN**

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10 **I. Applicant**

11 Fellowship of the Wheel
12 Mickey Stone, Trail Director
13 PO Box 1566
14 Williston, VT 05495
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18 **II. Proposal**

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20 The applicant has requested site plan approval for multi-use trails at Saxon Hill Park, located at
21 95 Saxon Hill Road, Tax Map 8, Tax Parcel 1. The 90-acre parcel is located in an Open
22 Recreation (O1) zoning district.

23
24 The applicant, Fellowship of the Wheel (FOTW), maintains mountain biking and hiking trails on
25 the property, which is owned by the Essex Junction School District and leased to the Town of
26 Essex. Trails have existed on the property for years, but no formal management plan has ever
27 been established. As the applicant wrote in the project narrative dated July 11, 2016,

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29 *The intent of this Site Plan Application is to get these trails on a map and on file officially*
30 *with the Town of Essex so we can create a more controlled recreational area.*

31
32 Abutting properties to the north, south, and east include residential uses and undeveloped land in
33 a Conservation (C1) zoning district. Other undeveloped land to the south lies in an Industrial (I1)
34 zoning district. Land to the east is in the Resource Preservation District – Industrial (RPD-I)
35 zoning district, and is currently undeveloped.

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38 **III. Background**

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40 The Town of Essex leases the property from the Essex Junction School District, and is supposed
41 to provide annual reports to the school district. FOTW has been the trail steward of the property
42 since the mid-2000s. As part of the stewardship, FOTW is supposed to provide the Town with
43 annual updates.

44
45 In the project narrative dated July 11, 2016, the applicant wrote,

46
47 *This multi-use hike and bike land was part of the Essex School District and other*
48 *Abutters for over 15 years. Locals, hikers bikers all placed trails in this area 15-18 years*
49 *ago with out any notification or approvals. The land was by many nearby homes and*
50 *condos and was public and school land or that is what the locals thought. FOTW before*
51 *it was really organized into a 501c3 put trails in there and improved the area. With a*
52 *loose agreement with the town FOTW proceeded through the years to improve and put*
53 *more trails in with the permission of the town of Essex.*

54
55 *But during this time there was never an official agreement, site plan or maps put on*
56 *record. Since then other local have installed “rogue trails and even some high end jumps*
57 *for bikes.*

58
59 In recent years, the area has increased in popularity. Vehicles unable to find parking spaces at the
60 end of Saxon Hill Road have taken to parking on the narrow, dirt road, which has upset
61 neighbors and made it difficult for emergency vehicles to access the site.

62

63 64 **IV. Article V, Section 5.6 of the Zoning Bylaws: Site Plan Review**

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66 The applicant has applied for Site Plan Review pursuant to Section 5.6 of the *Zoning*
67 *Regulations*. Per Section 5.6 of the *Zoning Regulations*, “The purpose of site plan review is to
68 ensure that the layout and design of development on pre-existing or approved lots conform to the
69 Town Plan of record, these Regulations and applicable conditions of previous subdivision and
70 conditional use approvals. Standards specifically relate to the internal layout of the site, its
71 physical design, and the functional integration of the site with adjoining properties, uses and
72 infrastructure.”

73

74 **(A) Plans**

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76 The applicant has submitted the following plan:

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- 78 • Trail map, “Saxon Hill Fellowship Trails, Essex, Vermont,” prepared by Fellowship
79 of the Wheel.

80

81 **(B) Section 5.6(A), General Requirements**

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83 **1. Conformance with the *Essex Town Plan***

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85 The project complies with the following goals, policies, and actions of the 2016 *Essex*
86 *Town Plan*:

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88 ***Goal 2c: Infrastructure, in the form of roads, bridges, trails, and sewer and water lines,***
89 ***is maintained and improved.***

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Action 9.26: Re-establish overall, enhanced trail maintenance

Action 9.35: Document and enhance trails at Saxon Hill (school parcel)

2. Dimensional limitations and provisions of the Zoning Regulations

Table 2.17, Dimensional Requirements, Open Recreation District (O1). This project is located in an O1 district, which is described in Table 2.17(A) of the *Zoning Regulations*:

The purpose of this district is to protect the natural resource value of lands which are essentially undeveloped, lack direct access to public roads, are important for wildlife and wildlife habitat, have high potential for commercial forestry use, are unsuitable for land development, or include irreplaceable, limited or significant natural, recreational or scenic resources. No public sewer and water facilities are planned for these areas. Due to the limited facilities and services proposed for the district and the critical resources located within it, limited outdoor recreation uses, conservation uses and forestry which are compatible with the district purposes and do not require additional facilities and services beyond what is planned for will be encouraged.

- i. Permitted Uses.** Public Outdoor Recreation is a permitted use in O1 districts.
- ii. District Dimensional Requirements.** This project conforms to Table 2.17(D), Dimensional Requirements of the O1 district, as noted below:

Dimensional Requirements	Required	Proposed
Minimum Lot Area	10 acres	90 acres
Minimum Lot Area per Dwelling Unit	10 acres	n/a
Minimum Lot Frontage per Dwelling Unit	200 feet	n/a
Minimum Front Setback (from ROW)	50 ft.	50 ft.
Minimum Side Setback	25 ft.	25 ft.
Minimum Rear Setback	25 ft.	25 ft.
Minimum Buffer/Surface Waters	Varies	n/a
Maximum Lot Coverage – Nonresidential	70%	n/a
Maximum Height	40 ft.	n/a

3. Aesthetics and visual impacts

The site is not in a design control overlay district. The applicant plans to install kiosk signage and trail markers, but is otherwise not proposing any changes that would have visual impacts.

124 **4. Outstanding violations**
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126 The property does not have any outstanding zoning violations.
127

128 **(C) Section 5.6(B), Natural features**
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130 The *Zoning Regulations* stipulate that site layout and design, “to the extent feasible, shall
131 incorporate and protect significant natural features as identified on the Significant Features
132 and Water Resources Maps contained in the Town Plan of record or through site
133 investigation.”
134

135 The Significant Features Map in the *Town Plan* (Map 19) shows contiguous habitat, core
136 habitat, and deer yards on the property.
137

138 The Vermont Agency of Natural Resources’ Natural Resources Atlas shows a deer
139 wintering yard extending east from the property’s easternmost border. The ANR Atlas
140 shows the property as being within a habitat block that is scored 5 on a scale of 1 to 10, with
141 10 being the highest priority.
142

143 **1. Topography**
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145 The *Zoning Regulations* call for minimal changes to a site’s topography and vegetation,
146 specifying that a site “shall be planned to retain, insofar as possible, the natural contours
147 and to conserve the natural cover and soil.”
148

149 The property sits on the western slope of Saxon Hill, and slopes downward from a high
150 point near its eastern boundary.
151

152 The applicant maintains existing trails on the western two thirds of the property. The
153 submitted plan shows the location of the trails. No new trails are being proposed as part
154 of the application.
155

156 The applicant plans to conduct annual maintenance at the site, and the project narrative
157 notes,
158

159 *If any trail changes need to be made, structures added to enhance the trails,*
160 *signage or any major changes other than maintenance FOTW will notify and use*
161 *the proper documentation with the Town of Essex to see if the project can be*
162 *done.*
163

164 Regular maintenance to the trails, as described in the project narrative, could include the
165 following:
166

167 **removal of down tree on the trail*

- 168 * *removal of debris on the trail*
- 169 * *leaf removal twice a year spring and fall*
- 170 * *maintaining trail tread to the subsoil layer so it is flat and not rutted out*
- 171 * *trimming of foliage if it is in users way*
- 172 * *making sure drainage and tread is out sloped so it does not hold water*
- 173 * *existing berms are properly shaped and maintained*
- 174 * *keeping existing wood structures up to date (replacement of bad wood)*
- 175 * *update signage in kiosks and on trails for users*
- 176

177 If the site plan is approved, staff recommends including a condition that major changes to
178 the site, beyond maintenance, be requested through the Parks & Recreation Department
179 and the Community Development Department. Staff would then need to determine if the
180 proposed changes require further site plan amendments.

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182 **2. Surface Waters and Wetlands**

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184 The property does not contain any surface waters or wetlands.

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186 **3. Renewable Energy**

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188 The project would not have an adverse impact on access to renewable energy resources.

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190 **(D) Section 5.6(C), Access**

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

196

197 Access to the site primarily comes from Saxon Hill Road. The project narrative
198 acknowledges,

199

200 *Speeding on the road and parking on the road have been seen in the past.*

201

202 In August 2016, the Town approved fire lanes along portions of Saxon Hill Road, and the
203 Town has installed signs indicating that vehicles parked on the road may be towed.

204

205 The site plan shows a Marked Trail Access Route from the end of the travelled portion of
206 Saxon Hill Road. The Marked Trail Access Route runs over the Class IV roadway portion of
207 Saxon Hill Road. A closed gate at the end of the Class III portion of the road allows for
208 emergency access to the site.

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210 Other trail easements connect Saxon Hill Road and the 90-acre parcel to Thompson Drive,
211 which is approximately 0.2 miles to the west.

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1. Police Department

The Police Chief, in an email dated August 30, 2016, wrote,

The police department recommends that greater emphasis be placed on providing adequate parking on/off Thompson Drive. It is also recommended that the entrance to the park at the end of Thompson Drive be promoted as the main entrance to the park. Although a Fire Lane has been identified along Saxon Hill Road, there remains the risk of emergency vehicle access being restricted by those who violate the law. Certainly, vehicles parked in violation can be towed, however doing so requires time, time that could hamper public safety. The best approach is to redirect parking to Thompson Drive where a potential violation would likely cause much less risk to public safety.

2. Public Works

Public Works, in a memorandum dated August 3, 2016, wrote,

Parking and Access Issues:

This portion of the submittal is not acceptable. The Town has constructed added parking spaces near the entrance to Saxon Hill Park off Saxon Hill Road. Approximately 13 to 15 cars can be parked now off-road without interfering with the ability of emergency vehicles to access the homes on this road or access to the park if emergency evacuation is needed.

The Fire Chief has recently designated the roadway along Saxon Hill Road as Fire Lanes and signs will shortly be erected that state: NO PARKING-FIRE LANE-TOWING ENFORCED. Once the signs go up and vehicles are found to be parking along the Town right of way outside the designated parking spaces, they will be towed. Because of current complaints on parking and a recent police and public works calls to open essentially a blocked roadway, this action must be taken.

Access to the park can be made via Thompson Drive and parking can be accommodated there through arrangements that Fellowship of the Wheel can make with existing unoccupied businesses in their parking lots. This is the recommended course of action. They could also approach the Town with a parking plan for Thompson Drive (generally from 100 feet west of the entrance to Autumn Harp to 100 feet east of Allen Martin Drive) providing their wheels are not in the travelled way or the vehicles are not parked over the paved walkway. When Al Senecal builds out the next portion of Thompson Drive, a parking area for the Saxon Hill Park will be provided.

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At this time, expenditure of Town funds to widen Saxon Hill Road is not cost effective. The parking problem is being driven by the applicant and other parties due to the bike paths created/improved by the applicant. If the applicant is going to continue developing the site for mountain biking, they need to develop an appropriate parking and access plan. Their current submittal does not do this.

The Planning Commission has approved a four-lot subdivision on the adjacent RPD-I land that included the provision of temporary and, eventually, permanent parking spaces on Thompson Drive. The applicant for that subdivision has applied for Act 250 approval, which will be required before the new parking areas can be installed. If Act 250 approves the application, the Town will take ownership of approximately 30 acres adjacent to the 90-acre parcel, which will also make it easier to access the property from Thompson Drive.

(E) 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 for emergency vehicles, traffic, and pedestrians. The Planning Commission must pay particular attention to safety and give consideration to accessibility, as required by the Americans with Disabilities Act.

Parking is located at the end of Saxon Hill Road, a short distance from the actual parcel. Guests can then follow the Class IV portion of Saxon Hill Road past a gate to access the trails on the 90-acre parcel. The applicant plans to install three kiosks to help with site circulation. One kiosk would be located at the parking area near the gated entrance. As described in the project narrative,

It will have the updated map and contour lines, info on parking, info on general Town/FOTW relationship, tick info and necessary contacts. The Town will create this signage, with FOTW input

Another kiosk would be located at the bottom of main trail entrance, near the gravel road that leads to the water tower. The applicant expects that the kiosk will contain details similar to the kiosk near the parking area, minus the information about parking.

A third kiosk would be placed at the top of the area called Free Fall, which contains jumps and steeper mountain bike trails. Per the project narrative, the kiosk

Will explain the three lines and who they are appropriate for, safety information, SMART Style (accepted in ski industry and jump parks for safety and protocol).

Once visitors have accessed the trails on the 90-acre parcel, they can follow trail markings installed by FOTW to indicate directions for mountain bikers. As described in the project

300 narrative,

301

302 *The entire trail system will be signed with trails signs for location as well as any*
303 *signage needed for leaving or entering the town property and any additional signage*
304 *the Town wants. All current signage will be removed so as not to confuse users.*

305

306 The applicant also plans to improve existing trails, in particular trails in the Free Fall area.
307 The project narrative describes how jumps will be removed from some areas to provide
308 alternative, easier routes for bikers. Other jumps will be improved for safety purposes. A
309 bridge would also be constructed at the bottom of the Free Fall area. As described in the
310 narrative,

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312 *The first line at the bottom runs in to a wet area due to ledge rock abutting up to the*
313 *bottom. A 30 ft bridge needs to be built so as not to create a mud hole that is unsafe*
314 *and not sustainable to the tread. This will be built with the same construction as the*
315 *existing bridges in the area.*

316

317 **(F) Section 5.6(E), Parking**

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319 Parking must be provided in accordance with Section 3.9 of the *Zoning Regulations*. The
320 regulations require 1 space for every 3 people accommodated by outside facilities.

321

322 In the time since the applicant has submitted the site plan application, Public Works
323 revamped the parking area. An area at the end of Saxon Hill Road has space for
324 approximately 20 vehicles. As noted above in Section IV(D) of this staff report, the Town
325 has also installed signs along Saxon Hill Road indicating a fire lane; vehicles parked in the
326 fire lane can be towed.

327

328 Future parking areas on Thompson Drive are expected to have space for approximately 15
329 vehicles, but the creation of those parking areas are not under the control of the applicant.
330 Until those parking areas are created, the applicant should be required to install information
331 on the kiosks reminding visitors that vehicles will be towed. Once the parking is created, the
332 kiosks should be updated to direct overflow vehicles to the additional parking areas.

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334 **(G) Section 5.6(F), Landscaping and Screening**

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336 The Planning Commission can require landscaping to achieve the objectives of the *Zoning*
337 *Regulations* and the *Town Plan*. The *Zoning Regulations* do not specify any objectives for
338 O1 districts, and the applicant has not proposed any landscaping.

339

340 As a forested site with recreation trails, staff does not believe any landscaping is necessary.

341

342 **(H) Section 5.6(G), Lighting**

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344 The applicant does not plan to install any lighting at the site.
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346 **(I) Section 5.6(H), Utilities and Services**
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348 **1. Water and Sewage Disposal.** The applicant has not proposed any water or sewer
349 facilities.
350

351 **2. Stormwater Management.** Existing bridges on the property keep trails out of areas that
352 can become wet or muddy. As noted in the project narrative, annual trail maintenance
353 would include work to ensure drainage areas are functioning correctly so trails do not
354 hold water. If additional work is necessary to change trails or add new structures, the
355 applicant would, per the narrative,
356

357 *Notify and use the proper documentation with the Town of Essex to see if the*
358 *project can be done.*
359

360 **3. Utilities.** The *Zoning Regulations* require all utilities to be located underground except
361 where infeasible.
362

363 The applicant has not proposed the installation of any utilities.
364

365 **(J) Section 5.6(I), Fire Protection**
366

367 As noted above in Sections IV(D)(1) and IV(F) of this staff report, the Town has created a
368 fire lane along Saxon Hill Road and installed signs indicating that vehicles parked along the
369 road can be towed.
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372 **V. Planning Commission Comments**
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374 While reviewing the project on September 8, 2016, the Planning Commission determined ...
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377 **VI. Proposed Conditions**
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- 379 1. All construction shall be in conformance with the plans listed in Section IV(A) of this Staff
380 Report and as may be amended subject to other conditions and approvals.
381
- 382 2. All conditions from previous approvals shall remain in effect except as modified herein.
383
- 384 3. The Site Plan/trail map shall be revised to include a date, and any future revisions shall also
385 include the date of revision.
386
- 387 4. The kiosk near the parking area shall include information reminding visitors that vehicles

Site Plan
95 Saxon Hill Road
September 8, 2016

- 388 parked in the fire lane may be towed. Once new parking spaces are available on Thompson
389 Drive, the kiosks should be updated to direct overflow vehicles to the new parking areas.
390
- 391 5. Prior to commencing any work each spring, Fellowship of the Wheel shall provide a written
392 plan to the Parks & Recreation Director, and receive written approval to execute the plan.
393 Changes deemed significant by Parks & Recreation and/or Community Development staff
394 may need to go through Planning Commission review for a Site Plan Amendment.
395
- 396 6. Prior to hosting any special events on the site each year, and no later than May 31 of each
397 year, the applicant shall inform the Zoning Administrator of the dates and details of events
398 and obtain any necessary permits from the Town.
399
- 400 7. Prior to the issuance of a zoning permit, the applicant shall obtain any and all applicable state
401 approvals and permits.
402
- 403 8. By accepting the conditions of this approval without appeal, the applicant confirms and
404 agrees for itself and all assigns and successors in interest that the conditions of this approval
405 shall run with the land and the land uses herein permitted, and will be binding upon and
406 enforceable against the applicant and all assigns and successors in interest.
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409 **VII. Attachments**
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- 411 • Narrative, "Project Description for Saxon Multi Use Park, Essex VT 05462," from Mickey
412 Stone, Trail Director, Fellowship of the Wheel, dated 7/11/16.
- 413 • Memorandum, "Fellowship of the Wheel – Saxon Hill Park Submittal," from Dennis Lutz,
414 PE, Public Works Director, dated 8/3/16.
- 415 • Email, "RE: 95 Saxon Hill Road," from Chief Bradley J. LaRose, Essex Police Department,
416 dated 8/30/16.
- 417 • Email, "Re: 95 Saxon Hill Road," from Charles J. Cole, Chief, Essex Fire Department, dated
418 8/30/16.

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420 cc: Ally Vile, Parks & Recreation Director
421 Judith DeNova, Superintendent, Chittenden Central SU
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G:\COMMDEV\PC\REPORTS\Saxon Hill Road 95 site plan 090816