

1 **ESSEX PLANNING COMMISSION**

2 **June 14, 2021**

3 **226-236 River Road – Minor Subdivision (Final)**

4 **Applicants**

5 Ron & Alice Siegriest
6 232 River Road
7 Essex, VT 05452

8 **Proposal**

9 The proposal is to subdivide two commonly owned lots at 226 and 236 River Road (parcel
10 numbers 2-033-001-000 and 2-004-010-000) into five new lots. The parcels contain five
11 residential structures comprised of 8 total dwelling units; the subdivision would create a single
12 lot for each residential structure, as noted below:

Proposed Lot Number	Address	Current Parcel ID	# Dwelling Units	Current Utility Status
Lot 1	# 232 River Road	2-004-010-000	1	On-site well, municipal sewer
Lot 2	# 184 River Road	2-004-010-000	1	Municipal water & sewer
Lot 3	# 236 River Road	2-004-010-000	1	Municipal water & sewer
Lot 4	# 228 River Road	2-033-001-000	2	Municipal water & sewer
Lot 5	# 226 River Road	2-033-001-000	3	Municipal water & sewer

13 In addition, the duplex on Lot 4 (#228 River Road) would be connected to municipal water
14 service. No other construction is currently proposed.

15 The parcels lie within the Medium-Density Residential (R2) zoning district, the Floodplain
16 Overlay (C2) district, and the Scenic Resource Protection Overlay (SRPO) district. Neighboring
17 uses are all residential except for Paul Mazza’s Farm to the south and west of the dwellings.

18 **Background**

19 The single-unit home at #236 River Road was built in 1850, prior to the establishment of Town
20 zoning.

21 A new single-unit dwelling was constructed on the property adjacent to the Winooski River
22 under ZP #2004-233, now addressed as #232 River Road. After the zoning permit was issued in
23 September 2004, the Planning Commission approved a site plan to use the pre-existing curb cut
24 at #236 River Road to access the new dwelling at #232 (approval #PC:2005-6). As a condition of
25 approval, the applicant conveyed two easements to the Town; a “15-foot-wide bike path
26 corridor” along the frontage of #226-236 River Road, and one 15-foot-wide “Bike and Foot Path
27 Essex Greenway” along the Winooski River. The Planning Commission required a Master Plan
28 prior to any future development.

29 A single-unit dwelling was built at #226 River Road under ZP #1973-74, but was converted to a
30 duplex the same year under ZP #1973-133 after receiving approval from the Zoning Board of
31 Adjustment on August 2, 1973. On June 5, 1975, the Zoning Board of Adjustment issued a
32 conditional use approval to convert this duplex to a triplex, which was constructed under ZP
33 #1975-87.

34 The existing barn on the property was converted to a single-unit dwelling under zoning permit
35 #1984-165 and addressed as #228 River Road. The Town's zoning and assessment records do
36 not indicate that this was ever formally converted to a duplex, though the applicant claims it has
37 two 1-bedroom units. An after-the-fact permit for the duplex (ZP #2021-100) was issued on May
38 24, 2021.

39 The single-unit dwelling at #184 River Road was built under zoning permit (ZP) #2007-170.

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

41 The applicant has submitted the following plans:

- 42 • Sheet #1, "Subdivision Plat, Siegriest Lots 1-5," prepared by David A. Tudhope, L.S.,
43 dated 03/08/2021, revised 05/17/2021;
- 44 • Sheet #2, "Detail Site Plan, Siegriest Lots 1-5," prepared by David A. Tudhope, L.S.,
45 dated 03/08/2021, revised 05/17/2021.

46 **(A) SR Section 2.2: Classification**

47 The applicants have requested approval for a 5-lot subdivision, which falls under the
48 definition of "Minor Subdivision" according to the *Town of Essex Outside the Village of*
49 *Essex Junction Official Subdivision Regulations* (SR).

50 **(B) SR Section 2.3: Review Process**

51 Minor subdivisions require sketch and final review; sketch approval was issued on April
52 22, 2021. As noted in SR Section 2.9, the purpose of final plan review is

53 *to compare the plat for consistency with the approved Preliminary Plan or approved*
54 *Sketch Plan, to ensure that all engineering, survey and other data are complete, and*
55 *to ensure that the proposed subdivision is in compliance with all appropriate*
56 *regulations and standards. Review by the Planning Commission shall include a*
57 *public hearing in accordance with the provisions of Article V of these Regulations.*

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

61 Because the project does not involve creation of additional units, no residential phasing
62 allocation is required. Also, since no additional units or subdivision of building lots is
63 proposed or anticipated, a Master Plan is not required at this time, but would be required
64 for further subdivision or development of Lot 1.

65

66 **II. Article IV of the Subdivision Regulations: Subdivision Standards**

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

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

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

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

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

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

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

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

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

85 The parcels are located in the Medium-Density Residential (R2) zoning district and
86 must conform to the dimensional requirements and development standards listed in
87 Table 2.5 of the *Town of Essex Outside the Village of Essex Junction Official Zoning*
88 *Regulations (ZR)*, as well as Article III, General Standards, and any applicable
89 provisions of Article IV, Specific Standards.

90 The parcels are also within the Floodplain Overlay (C2) district, but no existing or
91 proposed structures are located within the regulated floodplain area. It is noted that
92 the dwellings at #184 and #232 River Road, as well as a portion of #236, are located
93 in areas that have a 0.2% annual chance of flooding (the 500-year floodplain);
94 however, these are outside the C2 district and do not require FEMA flood insurance
95 for federally-backed mortgages.

96 Finally, the parcels are within the Scenic Resource Protection Overlay (SRPO)
97 district and are subject to the requirements of ZR Section 2.20. No new above-ground
98 improvements are proposed that would impact scenic resources, and the parcels all
99 utilize shared driveways and are generally oriented at right angles to each other and
100 significant adjacent features (such as the Winooski River). Though there are no
101 existing or proposed street trees along River Road, planting any would restrict scenic

102 views from the road, and there is sufficient natural vegetation around the dwellings to
 103 screen them from adjacent dwellings and enhance their appearance.

104 **(a) Table 2.5: Medium-Density Residential (R2) District Standards**

105 **i. Purpose**

106 The project reflects the purpose of the R2 district in that it facilitates
 107 residential development within the sewer core area and further connects sites
 108 to municipal water and sewer.

109 **ii. Permitted and Conditional Uses**

110 Single-unit and duplex dwellings are permitted uses in this district. The triplex
 111 at #226 River Road received conditional use approval from the Zoning Board
 112 of Adjustment on June 5, 1975. The applicants applied and received approval
 113 for an after-the-fact permit for the duplex at #228 on May 24, 2021.

114 **iii. District Dimensional Requirements**

115 Except for the fact that the barn on Lot 5 (#226) is within the side yard
 116 setback (which appears to be an existing non-conformity), the proposed
 117 subdivision conforms to Table 2.5(D), Dimensional Requirements of the R2
 118 district, as noted below:

Address on River Road	Dimensional Requirement	Min. Lot Area	Min. Lot Area per Dwelling Unit	Min. Lot Frontage	Min. Front Setback	Min. Side Setback	Min. Rear Setback	Max. Height
	Required: off-site water and sewer	20,000 sq. ft.	20,000 sq. ft.	100 ft.	20 ft. ^(b)	15 ft.	20 ft.	40 ft.
	Required: on-site water or sewer	30,000 sq. ft.	30,000 sq. ft.	100 ft.	20 ft. ^(b)	15 ft.	25 ft.	40 ft.
# 232	Proposed Lot 1 (off-site sewer, on-site well)	1,265,418 sq. ft.	1,265,418 sq. ft.	246.08 ft.	220 ft.	140 ft.	60 ft.	< 40 ft.
# 184	Proposed Lot 2 (off-site water & sewer)	42,058 sq. ft.	42,058 sq. ft.	187.31 ft.	60 ft.	80 ft.	200 ft.	< 40 ft.
# 236	Proposed Lot 3 (off-site water & sewer)	23,824 sq. ft.	23,824 sq. ft.	100.18 ft.	240 ft.	15 ft.	20 ft.	< 40 ft.
# 228	Proposed Lot 4 (off-site water & sewer)	40,956 sq. ft.	20,478 sq. ft.	100.00 ft.	310 ft.	15 ft.	21 ft.	< 40 ft.
# 226	Proposed Lot 5 (off-site water & sewer)	60,103 sq. ft.	20,034.33 sq. ft.	122.00 ft.	114 ft.	11 ft.	400 ft.	< 40 ft.

119 **iv. ZR Table 2.3(E): PUD Requirements**

120 The applicants have not proposed a planned unit development.

121 **3. SR Standard 4.1(K): Public Safety**

122 The Police Chief did not comment on this application; however, it appears the
123 proposal will not negatively impact public safety, health, or general welfare.

124 **4. SR Standard 4.1(S): Over-Sized Improvements and Future Expansion**

125 Given the numerous natural constraints on the property, future expansion is unlikely
126 and likely would require redesigning the existing access and moving or demolishing
127 the existing dwellings and relocating or upgrading the access to Lot 1. Therefore, no
128 over-sized improvements or provisions for future expansion are required.

129 **(B) SR Section 4.3 Preservation of Natural and Scenic Features**

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

132 The dwelling at #226 lies within a Class II wetland as mapped by the Vermont
133 Significant Wetlands Inventory. This roughly coincides with an area of priority interior
134 forest block identified on Vermont BioFinder 3.0 / Vermont Conservation Design.

135 BioFinder also identifies most of the parcel as a highest priority for surface water and
136 riparian area connectivity. Furthermore, the dwellings at #184 and #226 lie within the
137 Winooski River corridor as determined by the Vermont Rivers Program, within which
138 activities may be subject to state regulation.

139 As noted in Finding II(A)(2), the proposal would not result in any impacts to scenic
140 resources or open meadows.

141 As noted in Finding II(A)(2), all structures lie outside the FEMA-regulated floodplain,
142 though some lie partially or wholly within areas that flood infrequently.

143 Any impacts of the dwellings on these resources (and vice versa) would not be changed
144 by the proposed subdivision.

145 **(C) SR Section 4.4: Blocks and Lots – Planning & Design Standards**

146 No new construction is proposed, except for the existing dwelling at #226 River Road, all
147 the existing dwellings are well-clustered, and the lot sizes represent the minimum
148 necessary to meet density requirements. No new blocks would be created by the proposed
149 subdivision.

150 **(D) SR Section 4.5: Streets**

151 The proposed subdivision provides sufficient access to dwellings via several shared
152 private driveways connected to a state highway (Vermont Route 117 / River Road).

153

154 Although this does not strictly conform to SR Section 4.5(A)(12), these driveways are
155 already established, and there is no minor road available to provide access to the lots. As
156 the development numbers fewer than 50 dwelling units, a second permanent connection
157 meeting the standard for a public road is not required.

158 There is sufficient gravel / dirt parking near the existing dwellings and along the
159 driveways to meet the requirements of ZR Section 3.9.

160 In a memorandum dated June 7, 2021, Public Works staff stated:

161 *The applicant has stated that each of the subdivided lots will utilize the existing drive*
162 *access off of VT RT 117. There will be no need for new curb cuts onto the State Right*
163 *of Way. No further comment.*

164 **(E) SR Section 4.6: Sidewalks**

165 There are no existing sidewalks along this section of River Road or any nearby residential
166 streets, but Map 8 of the 2016 Essex Town Plan shows that a second-priority bicycle path
167 is planned for this section of River Road. The applicant has agreed to grant the Town a
168 15-foot easement for a recreation path along the frontage of all proposed lots, as shown
169 on the subdivision plat.

170 **(F) SR Section 4.6: Land for Public Open Space and Recreational Use**

171 The applicant has not proposed conveyance of public recreation land in lieu of recreation
172 impact fees, which have been paid for the newly permitted duplex unit at #226 River Rd.

173 **(G) SR Section 4.8: Utility and Access Easements and Improvements**

174 The lots have existing connections to overhead power and telecommunications and
175 underground natural gas. No new non-municipal utilities are proposed.

176 **(H) SR Section 4.9: Water Supply and Wastewater Systems**

177 As noted in the project narrative, all dwellings have existing connections to municipal
178 sewer, and all have municipal water except #228 (proposed Lot 4) and #232 (proposed
179 Lot 1), which currently utilize a private well located behind #228. As part of the project,
180 #228 would connect to an existing water curb stop on the south side of River Road as
181 shown on the "Lots 3, 4, & 5 General Detail" plan on Sheet #2.

182 In a memorandum dated June 7, 2021, Public Works staff stated:

183 *1. The applicant will tie into the existing water service and curb stop located at the*
184 *Northeast corner of Lot#4. As stated in the previous review, the water service*
185 *connection fee for #228 River Road, (Lot #4) has been calculated below, and is based*
186 *on one single family residential home.*

187 *Water: 200 GPD x \$5.73/gallon + \$1000 = \$ 2,156.00*

188 The applicant paid the required fees as part of the submission for the after-the-fact permit
189 for the duplex at #228 River Road.

190 **(I) SR Section 4.10: Stormwater Management and Erosion Control**

191 Because no new impervious surfaces are proposed, no additional stormwater treatment is
192 required for this subdivision.

193 **(J) SR Section 4.11: Monuments and Lot Markers**

194 Upon approval of the amendment and recording of the mylar, the applicants must adjust
195 and/or install lot markers in accordance with SR Section 4.11.

196 **III. Additional Findings by the Planning Commission**

197 •

198 **Conditions of Approval**

- 199 1. All construction shall be in conformance with the plans listed above as may have been
200 amended by the Planning Commission and subject to other conditions and approvals.
- 201 2. All conditions from previous approvals shall continue to apply except as amended herein.
- 202 3. An electronic copy of the plans as may have been revised shall be submitted to the E911
203 coordinator in .PDF file format. Another copy shall be submitted in geodatabase or shapefile
204 in Vermont State Plane Meters, NAD83 (NSRS or most current); alternatively, coordinated
205 CAD data – Vermont State Plane Coordinates, US Survey Feet, Grid Zone 4400, NAD 83
206 (2011) epoch 2010.0, NAVD 88 (geoid12b); alternatively, paper showing three (3) values of
207 State Plane Coordinates.
- 208 4. The applicant shall submit the mylar and three (3) paper copies to the Zoning Administrator
209 for review and Planning Commission signature at least two weeks prior to the 180-day
210 statutory recording deadline, otherwise the subdivision is void.
- 211 5. Prior to the recording of the mylar, all easements, deeds, and other legal documents shall be
212 submitted to the Community Development Department for review by the Town Attorney at
213 the expense of the applicant.
- 214 6. Prior to the recording of the mylar, the applicant shall install concrete monuments and lot
215 markers to the standards specified in Section 4.11 of the *Subdivision Regulations* and shall
216 submit a certified statement from the surveyor verifying the installation.
- 217 7. Upon recording of the mylar, the applicant shall submit to the E911 coordinator a shapefile
218 or PDF file of the plans containing all information specified in Section 2.10(H) and 2.10(I) of
219 the *Subdivision Regulations*.

226-236 River Road
Minor Subdivision (Final)
June 24, 2021

- 220 8. By acceptance of the conditions of this approval without appeal, the applicants confirm and
221 agree for themselves and all assigns and successors in interest that the conditions of this
222 approval shall run with the land and the land uses herein permitted, and would be binding
223 upon and enforceable against the applicants and all assigns and successors in interest.

224 **List of Attachments**

- 225 • Memorandum, "Siegriest, 5-Lot Subdivision," from Dennis Lutz, P.E., Public Works
226 Director and Aaron K. Martin, P.E., Utilities Director / Town Engineer, dated April 7, 2021.

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228 cc: David & Douglas Tudhope, L.S.

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