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4 **DRAFT**
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7

8 July 8, 2021
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10
11 Thomas & Karen Whitcomb
12 125 Weed Road
13 Essex, VT 05452
14

15 **RE: SIMPLE PARCEL SUBDIVISION**
16 **125 WEED ROAD**
17 **APPROVAL #2021-23**
18

19 Dear Mr. & Mrs. Whitcomb:
20

21 The Town of Essex Community Development Department received your application on June 4,
22 2021, to subdivide a 7.8-acre parcel into two lots locate at 125 Weed Road.
23

24 Pursuant to Article II, Section 2.5(A)(2) of the *Town of Essex Official Subdivision Regulations*,
25 staff determined that the application was complete and prepared a draft decision for review by
26 the Planning Commission as a minor amendment. The Commission considered and approved the
27 proposed amendment under its consent agenda on July 8, 2021.
28

29 Pursuant to state statute, a “Notice of Hearing” was provided to the applicant’s engineer for
30 posting on the property. The abutting property owners, landowner and landowner’s engineer
31 were mailed a copy of this draft approval prior to the hearing.
32

33 The Commission approved the amendment, subject to the following Findings and Conditions:
34

35 **FINDINGS:**
36

- 37 1. The landowner is Thomas & Karen Whitcomb. The parcel is identified as 2-008-004-007 and
38 is known as 125 Weed Road, in the Town of Essex, Chittenden County and State of
39 Vermont.
40
41 2. The parcel is located in the Agricultural-Residential (AR) and Scenic Resource Protection
42 Overly (SRPO) Zoning Districts. The AR zone requires 3-acres of land with 200’ of frontage.
43

44 3. The proposal is to subdivide a 7.8-acre parcel and create two lots as follows:
45

46 Lot 1 (grandparent lot) will remain as 125 Weed Road and will reduce from 7.8-acres to
47 4.11-acres, with a total of 587.42' of frontage. No construction is proposed for Lot 1; and
48

49 Lot 2 will be known as 105 Weed Road consisting of a 3.07-acres fronting both Naylor
50 and Weed Roads, with a total of 555.59' of frontage. Access to this lot will be off Weed
51 Road. The title block of the plans and mylar should be revised to indicate the addresses
52 of both parcels prior to recording the mylar.
53

54 The applicant's engineer described the construction of the proposed dwelling as follows,
55

56 *The proposed home is only one story and working the homes orientation and*
57 *elevation with the landscape will have a walk-out on the lower (westerly side).*
58 *As proposed the home is "tucked" in the upper northeasterly corner of the parcel*
59 *behind the mature woods line along the southerly right-of-way for Weed Road. As*
60 *the proposed driveway will utilize the existing access, the tree line will be*
61 *preserved.*
62

63 The applicant's responses to the Scenic Resource Protection Overlay District are as
64 follows:
65

66 *(F) (1) – (3) The single proposed home as depicted on the attached along with the*
67 *"Specified Building Envelope" addresses these Site Development & Design*
68 *Standards;*
69

70 *(F)(4): This Section is clearly written for "Larger Buildings". This proposal*
71 *includes a defined single family home consistent in size with Area homes*
72 *excepting the large newer homes on the upper side of Weed Road. As far as the*
73 *exact Architecture, the home will be in harmony with area homes which should be*
74 *acceptable versus actual house elevations as this Section is "should" and*
75 *"strongly encourages";*
76

77 *(F)(5): The proposed single-family drive is at an existing location and of*
78 *minimum width. As such, it will minimize and/or not affect the scenic character of*
79 *the Area;*
80

81 *(F)(6): All conventional Zoning requirements are being met and/or exceeded;*
82

83 *(G): By utilizing the existing field access location the mature tree lines along*
84 *Naylor Road and Weed Road will be preserved. This, along with the appropriate*
85 *siting of the home will protect the rural character more than requiring additional*
86 *landscaping.*
87

88 (H) *No signage is proposed;*

89
90 (I) *Lighting will be limited to downcast (cut-off) residential fixtures.*

91
92 4. The following plans were submitted on behalf of this application, as drawn by O’Leary-
93 Burke Civil Associates, PLC:

- 94
- 95 • **Sheet 1:** “Whitcomb Property 125 Weed Road Essex, VT WASTEWATER DISPOSAL
96 AND WATER SUPPLY PLAN”, dated 4/27/2021, last revised 7/1/21; (It is noted that
97 this sheet includes an orthophoto which shows the tree line along Weed Road and
98 Naylor Road.);
- 99 • **Sheet 2:** “Whitcomb Property 125 Weed Road Essex, VT WATER AND
100 WASTEWATER DETAILS AND SPECIFICATIONS”, dated 4/27/2021; and
- 101 • **Sheet PL1:** “2-Lot Simple Parceling Plat 125 Weed Road Essex Jct., Vermont. Lands of
102 Thomas & Karen Whitcomb”, dated 4/21/21, revised 7/1/21.

103

104 5. Town Plan Map 8 shows a bike path along Weed Road. Both lots should provide a 15-foot
105 wide, non-motorized multi-use easement, with the potential of electric bikes, if approved by
106 the Town, to the Town of Essex.

107

108 6. Staff Department comments as follows:

109
110 Recreation: *Request is subject to recreation impact fees for the new SFH. Otherwise, no*
111 *additional comments from P&R.*

112
113 Fire: *The fire department requests that the Applicants post their street address such that it is*
114 *visible from both sides of the approach.*

115
116 Police: *Only comments would be same as FD.*

117
118 Public Works:

119

120 **CONDITIONS:**

- 121
- 122 1. All construction shall conform to the plans noted in Finding 4 above. The plat and plans
123 shall be amended to show the reduced building envelope for Lot 2 and the title block shall
124 include both parcel addresses.
- 125
- 126 2. A mylar shall be recorded in the Land Records no more than 180-days from the date of
127 written approval, otherwise the subdivision is void. The mylar and 3 paper copies shall be
128 submitted to the Zoning Administrator at least two weeks prior to the 180-day expiration.
- 129
- 130 3. Pursuant to Section 4.11 of the Subdivision Regulations all lot markers, consisting of metal
131 pipes or rebar with a minimum outside diameter of three-fourths inch and at least three feet
132

- 133 (9.1 dm) long, shall be set at all un-monumented corners and a minimum of four
134 subdivision's perimeter points. The applicant's engineer shall certify, in writing, that this
135 was completed.
136
- 137 4. An electronic copy of the plans, as may have been revised, shall be submitted to Staff in
138 .PDF file format. Another copy shall be submitted in geodatabase or shapefile in Vermont
139 State Plane Meters, NAD83 (NSRS or most current); alternatively, coordinated CAD data –
140 Vermont State Plane Coordinates, US Survey Feet, Grid Zone 4400, NAD 83 (2011) epoch
141 2010.0, NAVD 88 (geoid12b); alternatively, paper showing three (3) values of State Plan
142 Coordinates.
143
- 144 5. Pursuant to Section 2.11 of the Town Subdivision Regulations, all legal documents required
145 as a result of this approval shall be prepared by the landowner's attorney and reviewed and
146 approved by the Town Attorney prior to recording in the Land Records. The applicant is
147 responsible to pay all Town legal fees regarding the review of legal documents. The
148 documents shall be submitted to the Zoning Administrator for processing.
149
- 150 6. A 15-foot wide, non-motorized multi-use easement, with the potential of electric bikes shall
151 be provided to the Town for both lots.
152
- 153 7. Lot 2 is approved for 1 dwelling unit at 3 Estimated Population Equivalents (EPEs) for 2021
154 under the Town's Residential Phasing Policy.
155
- 156 8. Any further subdivision or development of either lot shall require Planning Commission
157 review and approval, including the Scenic Resource Protection Overlay District regulations,
158 if located outside the building envelope.
159
- 160 9. No site work shall start until a Zoning Permit (a/k/a Building Permit), has been issued; posted
161 on the premises; and the 15-day State appeal period has expired.
162
- 163 10. Concurrent with the submittal of a Zoning Permit application, along with the required
164 building fees, the applicant shall pay a one-time Recreation Impact Fee for the new single-
165 family home on Lot 2 in the amount of Six Hundred Twenty-Eight Dollars (\$628.00).
166
- 167 11. Prior to the issuance of a Zoning Permit, the applicant shall submit a curb-cut application for
168 Lot 2, for additional review and approval by the Public Works Department.
169
- 170 12. The applicant shall secure all State permits that may be required of this development
171 approval.
172
- 173 13. The applicant shall contain all new impervious run-off site and limit impacts to neighboring
174 lots.
175

- 176 14. All construction shall adhere to the Town's Small Site Erosion & Sediment Control
177 requirements at all times.
- 178 15. The driveways and homes for Lot 1 and Lot 2 shall be clearly marked with reflective
179 numbers identifying the street address for emergency vehicles.
- 180
- 181 16. Lighting shall be limited to downcast (cut-off) residential fixtures.
- 182
- 183 17. The applicant shall schedule a Certificate of Occupancy (CO) inspection with the Zoning
184 Administrator prior to occupancy. Prior to sign-off on the CO, the applicant shall provide a
185 copy of the engineer's certification regarding septic installation; the driveway construction;
186 and evidence that the Energy Certification has been recorded in the Town Clerk's office.
- 187
- 188 18. All conditions from previous approvals shall remain in effect except as modified herein.
- 189
- 190 19. By acceptance of the conditions of this approval without appeal, the applicant confirms and
191 agrees for itself and all assigns and successors in interest that the conditions of this approval
192 shall run with the land and the land uses herein permitted and will be binding upon and
193 enforceable against the applicant and all assigns and successors in interest.
- 194

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

200

201 As construction proceeds, it is understood that modifications to the plans may be necessary. The
202 applicant must discuss changes affecting the approval granted herein with the ZAO before
203 construction to decide whether additional Town review is required, including approval by the
204 Planning Commission and/or Zoning Board of Adjustment. At his/her expense, the
205 applicant/landowner may be required to correct any construction, improvement, site work, etc.
206 not in conformance with this, or subsequent, approvals prior to issuance of a CO.

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208

125 Weed Road
PC Approval 2021-23
July 8, 2021

209 This decision may be appealed to the Vermont Environmental Court pursuant to Section 7.4 of
210 the *Town of Essex Official Zoning Regulations* and 24 V.S.A. § 4471. Any appeal must be filed
211 by certified mail to the Environmental Court and by mailing a copy to the Essex Town Clerk
212 within 30 days of the date of this approval.

213

214 **TOWN OF ESSEX PLANNING COMMISSION:**

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216 _____
217 Dustin R. Brusco, Chair

Joshua Knox, Vice-Chair

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219 _____
220 John Mangan, Clerk

David P. Raphael

221

222 _____
223 Tom Furland

Johnathan Schumacher

224

225 _____
226 Ned Daly

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230 cc: David Burke & Graham Tidman, O’Leary-Burke Civil Associates, PLC

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