ESSEX PLANNING COMMISSION

October 24, 2019

97 CHAPIN ROAD – SKETCH – PLANNED UNIT DEVELOPMENT

Prepared by Darren Schibler, Town Planner

Contents

Applicants .......................................................................................................................................... 2
Proposal........................................................................................................................................... 2
Background......................................................................................................................................... 2
Findings............................................................................................................................................... 2

I. Article II of the Subdivision Regulations: Subdivision Procedures .................................................. 3
   (A) SR Section 2.2: Classification ........................................................................................................ 3
   (B) SR Section 2.3: Review Process ..................................................................................................... 3

II. Article IV of the Subdivision Regulations: Subdivision Standards .................................................. 4
   (A) SR Section 4.1: Standards Applicable to All Subdivisions ............................................................. 4

III. Article VI of the Zoning Regulations: Planned Unit Development ............................................... 9
   (A) ZR Section 6.4: General Standards Applicable to All Planned Unit Developments ................... 9
   (B) ZR Section 6.8: Planned Unit Development – Residential ............................................................. 11

IV. Article III of the Subdivision Regulations: Residential Phasing .................................................... 12

V. Additional Findings by the Planning Commission ............................................................................. 13

Conditions of Approval .......................................................................................................................... 13

List of Attachments ............................................................................................................................... 15

Summary

The applicants have proposed a 2-lot PUD-R on a 48-acre lot in the R1 and SRPO districts. The PUD will include an existing single-family home and new home on a separate driveway. The proposal conforms to all requirements for subdivision and PUD review, and the site layout preserves a majority of the lot – including wetlands, floodplain, and forested wildlife habitat – as privately-owned open space. Though the proposed home is not clustered with the existing one, it is clustered with existing homes on adjacent properties to better protect scenic roadside views.
Applicants

Joseph & Kimberly Rotunda
97 Chapin Road
Essex, VT 05452

Proposal

The applicants have proposed a two-unit residential planned unit development (PUD-R) for property at 97 Chapin Road, Tax Map 11, Parcel 2, Lot 4. The proposal would involve subdivision of a 48-acre lot into a 28-acre lot with an existing single-family home (Lot 1) and a 20-acre lot (Lot 2) for a new single-family home, located behind the property at 67 Chapin Road. Each lot would have 100 feet of frontage on Chapin Road, split up over three narrow strips of land totaling 200 feet (60 feet, 72 feet, and 68 feet). Each lot would have a separate driveway, well, and septic system; however, the lots would share 15 acres of conserved open space encompassing the wetland, floodplain, and open meadow between the homes. Furthermore, building envelopes would limit any future development within the PUD.

Background

The parcel under review was at one point a 70-acre parcel owned by the Bixby family and conveyed to Arthur and Angela Desilets in 1964. This parcel later became 5 separate properties currently known as 67, 75, 81, 95, and 97 Chapin Road. On October 6, 1986, the Zoning Administrator approved a subdivision application by Angela Buttura (formerly Desilets) to create a 2.34-acre lot, shown as Lot 1 on Land Records slide 176 at what is now 75 Chapin Road. The remaining lands were addressed as 81 Chapin Road at the time (but later that number was assigned to a different parcel). On April 14, 1988, the Planning Commission approved a further subdivision of the remaining lands to create a 2.68-acre lot, which is now known as 67 Chapin Road (shown as Lot 3 on slide 205). This approval also captured a small boundary adjustment with 95 Chapin Road, as well as a requirement for a 10-foot-wide easement for a non-motorized path along Lot 2 (remaining lands currently known as 97 Chapin Road) and the subdivided lot (Lot 3, 67 Chapin Road). On June 25, 1992, the Planning Commission approved a conveyance of 2.5 acres from the remaining Buttura lands (97 Chapin Road) to Lot 1 (75 Chapin Road), which became 4.84 acres. On December 8, 1994, the Planning Commission approved another subdivision by Susan Midworth and Stuart Monteith of the property formerly owned by Angela Buttura (97 Chapin Road). Lot 2, a 7.06-acre parcel as shown on the plat in slide 298, contained the original Desilets/Buttura home and became known as 81 Chapin Road. Also, the 10-foot-wide non-motorized path easement was required to be extended over all lots comprising the original 70-acre parcel except 95 Chapin Road; however, it appears this easement...
was never executed, so it is possible the Town easement (recorded in Land Records book 283 pages 615-617) only extends over 67, 81, and portions of 97 Chapin Road.

The findings of the 1994 approval noted that the remaining lands totaling 48 acres addressed as 97 Chapin Road was considered an undevelopable lot to be used for agricultural and forestry purposes unless a septic design was approved. In that event, the driveway access would be located across from Colonel Page Road, at the northernmost of three “dog leg” strips of land between the neighboring lots. The other “dog legs” were to be used as secondary access points suitable for a public road if the remaining lands were intensely developed. Abutting landowners at 75 Chapin Road generally opposed the subdivision due to wetland impacts, and specifically opposed using the middle (72-foot-wide) strip as an access due to impacts to their property.

On January 10, 2008, the Planning Commission approved 97 Chapin Road as a buildable lot, since the applicant had received a State Wastewater System and Potable Water Supply Permit (#WW-4-2859). An amended mylar showing the lot as buildable was recorded in slide 441, and a single-family home was built on the property as of 2010, owned by the current applicants.

The applicants now seek approval to further subdivide the remaining lands at 97 Chapin Road.

Surrounding properties are generally used for single-family homes or small townhouse developments; agriculture and forestry; or undeveloped open space. There is one bed and breakfast use on an abutting property at 75 Chapin Road.

**Findings**

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

The applicants have submitted the following plans:

- Drawing C-100: “Preliminary PUD Subdivision, Rotunda Property, 97 Chapin Road, Essex, Vermont” prepared by Krebs & Lansing Consulting Engineers, dated 09/25/2019;

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

The applicants have requested approval for a two-lot 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.

The Planning Commission must also study the Plan to ensure that it conforms to the General Requirements in SR Article IV, as well as other requirements of the Subdivision Regulations and other relevant regulations.

The Planning Commission must also confirm and make final the residential phasing allocation approved during Sketch Plan review in accordance with Article III.

Because the project will not be developed in phases and the remaining land will be conserved through designated open space and building envelopes, a Master Plan is not required.

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 addressed through 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.

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.

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

The following specific policy also applies to the proposal, since the development is located near a large wetland complex in the Alder Brook watershed that provides flood protection and groundwater storage:

Specific Policy 3(S).2: Development within water supply protection areas shall be carefully designed to prevent adverse impacts to groundwater resources.
The applicants must provide further information on impacts to groundwater resources at the preliminary stage.

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

The parcel is located in the Low-Density Residential (R-1) zoning district and must conform to the dimensional requirements and development standards listed in Table 2.4 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.

The parcel is also located within the Scenic Resource Protection Overlay zone and must conform to the requirements of ZR Table 2.20, which is reviewed in Finding II(A)(3).

(a) **ZR Table 2.5(A): District Purpose**

The project reflects the purpose of the Low Density Residential district in that it is a low-density PUD that will utilize private water supply and sewage disposal systems, since it lies outside the sewer service area.

(b) **ZR Table 2.5(B): Permitted Uses**

Single-family dwellings and residential planned unit developments (PUD-Rs) are permitted in this district.

(c) **ZR Table 2.5(C): Conditional Uses**

No conditional uses are proposed for this project.

(d) **ZR Table 2.5(D): District Dimensional Requirements**

The proposal conforms to Table 2.4(D), District Dimensional Requirements, with PUD provisions as noted below.

<table>
<thead>
<tr>
<th>Dimensional Requirement</th>
<th>Required</th>
<th>Proposed Lot 1</th>
<th>Proposed Lot 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>1 acre</td>
<td>20 acres</td>
<td>20 acres</td>
</tr>
<tr>
<td>Minimum Lot Area per Dwelling Unit</td>
<td>1 acre</td>
<td>28 acres</td>
<td>20 acres</td>
</tr>
<tr>
<td>Minimum Lot Frontage</td>
<td>100 ft.</td>
<td>100 ft.</td>
<td>100 ft.</td>
</tr>
<tr>
<td>Minimum Front Setback (from ROW)</td>
<td>20 ft.</td>
<td>1,560 ft.</td>
<td>459 ft.</td>
</tr>
<tr>
<td>Minimum Side Setback – Single-family</td>
<td>10 ft.</td>
<td>120 ft.</td>
<td>48 ft.</td>
</tr>
<tr>
<td>Minimum Rear Setback</td>
<td>25 ft.</td>
<td>600 ft.</td>
<td>310 ft.</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>40 ft.</td>
<td>&lt;40 ft.</td>
<td>&lt;40 ft.</td>
</tr>
</tbody>
</table>

(a) PUD-R standards supersede normal district standards
(b) With creative design
(e) ZR Table 2.3(E): PUD Requirements

The applicants have proposed a Residential Planned Unit Development (PUD-R), which is encouraged in the R-1 district and follows standards that supersede the normal district standards.

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

Several natural features identified on the Significant Features Reference Map are present on the site, including: extensive areas of presumed Class II wetlands; a small stream with less than 0.5 square miles in drainage area; areas of national and statewide primary agricultural soil; and an area of forestland mapped as a priority level 5 habitat block by the Vermont Department and Fish and Wildlife due to its significance as a priority interior forest block, as noted in BioFinder. The applicants have proposed building envelopes that generally protect these features. No significant historic features are known to exist on the property.

The proposed development also lies within the Scenic Resource Protection Overlay (SRPO) district, and must conform to the standards in ZR Table 2.20. There are no significant features located on the property that are identified in Views to the Mountain, and the property is located along a “least scenic” segment of Chapin Road. However, it is adjacent to a “most scenic” segment due to the large open meadow located just south of the property, which provides several spectacular views of Camel’s Hump and Mt. Mansfield. The open meadow in the foreground of these views is contiguous with the proposed single-family dwelling, which may be visible from the existing Meadow’s Edge development.

The site plan shows building envelopes as well as existing forested lands, open meadows, wetlands, and streams; no significant historic features are known to exist on the property. The current proposal meets the purpose of the SRPO by averting and minimizing the adverse impact of the development on scenic resources, specifically open meadows, by designing development to fit in the particular context of the site.

View corridors from public roads, building elevations, and plans for parking, landscaping, signage, and lighting, are not required at sketch plan review, but will be required with the preliminary plan submission at which time a full review of conformance to ZR Table 2.20 will be conducted. It is not necessary to employ a qualified professional to review the project’s scenic impact at this time.

4. SR Standard 4.1(C): Flood Safety

The property is not located within the Floodplain (C2) District. However, the Federal Emergency Management Agency has also mapped a flood hazard area with a 0.2 percent annual chance of flooding at the very southern portion of the property; the proposed development would take place well outside this area.
5. **SR Standard 4.1(N): Clustering of Lots**  
As noted in Finding II(A)(3), the PUD clusters new development near existing homes along Chapin Road in order to preserve contiguous open space.

6. **SR Standards 4.1(D) and 4.1(I): Access**  
The proposed subdivision provides sufficient access to dwellings via one existing and one proposed private driveway connected to a Class 3 paved collector street (Chapin Road). In an e-mail dated October 18, 2019, Public Works staff stated that the applicants must apply for a curb cut permit at the time of application for a zoning permit, and that the new driveway must be constructed to current Public Works standards due to its length. Full driveway details shall be presented with the preliminary plan application.

As the development numbers fewer than 50 dwelling units, a second permanent connection meeting the standard for a public road is not required. However, as noted in the review of the 1994 Midworth / Monteith subdivision, there were conditional plans to upgrade the existing driveway for 97 Chapin Road to a full public road, with an alternate access through one of the other “dog leg” strips of land along Chapin Road, should a larger subdivision be proposed. At this time, the Town does not support further subdivision or creation of a new public road at these locations.

7. **SR Standard 4.1(E) and 4.1(L): Pedestrian and Recreation Facilities**  
No new streets are proposed, and Chapin Road is not located within a medium or high density residential zone. The volume of pedestrian traffic on Chapin Road does not necessitate construction of new sidewalks at this time.

Chapin Road is classified as a community connector bicycle route on Map 8 in the 2016 Essex Town Plan. As a result of the 1994 Midworth / Monteith subdivision, a 10-foot-wide non-motorized path easement (book 283 pages 615-617 and slide 272) was granted to the Town of Essex over portions of the eastern side of Chapin Road along numbers 67, 81, and 97. There is a discrepancy between what is depicted on the slide and what is recorded in the easement deed; therefore, as a condition of the proposed subdivision, the 10-foot-wide easement shall be extended over any portion of the current parcel known as 97 Chapin Road, and references to the easement shall be included in the deeds for any subdivided lots.

The applicants have not proposed any additional public open or recreational space, but maps 5, 6, 7, and 9 of the 2016 Essex Town Plan respectively show proposed horseback, cross-country ski, footpath, and snowmobile trail networks that extend through the eastern portion of the proposed Lot 1 over the existing Vermont Association of Snowmobile Travelers (VAST) trail, which is actively used but not formalized. As a condition of final approval, the applicants shall convey a multi-use trail easement or equivalent provision for public access over proposed Lot 1 to the...
Town of Essex centered on the existing VAST trail. The proposed access easement language shall be included in the final plan submission.

8. SR Standard 4.1(F): Street Planning Standards

This standard requires that subdivisions fronting on a major or collector street must provide access to lots via a new minor road. Because the proposal is only for an additional single-family home, a new minor road is not necessary to meet the subdivision’s access needs at this time. However, if future development is considered, the existing and proposed driveways may need to be upgraded to minor road standards to accommodate access needs, as noted in Finding II(A)(6).


The proposed single-family home and building envelope must include sufficient parking per the requirements of ZR Section 3.9(B). Said parking must be located to minimize its visibility per ZR Table 2.20(F)(5)(d).

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

Landscaping plans are not included in the sketch plan application, but by locating the building envelope near an existing hedgerow, the proposal takes advantage of existing vegetation to screen the new building and provide roadside vegetation, which will serve in lieu of street trees. The proposed house may be partially visible from the south along Chapin Road and from the east from the Meadow’s Edge development; trees and shrubs located along the south and east sides of the building would help further screen it from public view. Because the proposal is for single-family dwellings only, there are no additional requirements for buffers or screening under ZR Sections 3.2 or 6.8(H).

11. SR Standard 4.1(K): Public Safety

In an e-mail dated October 17, 2019, the Police Chief stated that there were no concerns with the proposed subdivision from a public safety perspective.

12. SR Standard 4.1(J): Utilities

Existing overhead electric, telephone, and cable TV lines are located on the east side of Chapin Road on the subject property line; new domestic service lines must be installed underground, preferably along the proposed driveway. No other public utility lines are anticipated or proposed.

Extension of public sewer service to the area is inconsistent with the 2016 Essex Town Plan. Therefore, the new lot would be served by a private septic system tentatively located southwest of the proposed building envelope. The applicants must secure approval for the septic system from the State of Vermont prior to final approval.
The Town’s water distribution system extends partway along Chapin Road to serve the Alder Brook condominiums at 66 Chapin Road. Public Works did not comment on the feasibility of extending the water supply system to the parcel in question, assuming that water would be supplied through an on-site well. The applicants shall verify this prior to preliminary plan submission.

It appears that the project will disturb less than 1 acre of soil and would create less than 0.5 acre of new impervious surface, and would therefore be exempt from the Town’s stormwater ordinance, Section 10.20 of the Municipal Code. Regardless, the applicants shall follow the Town’s Small Site Erosion Control Guide. Requirement of a driveway culvert along Chapin Road will be reviewed upon submission for a curb cut permit.

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

Extension of public water and sewer service is not applicable under this application, nor is public management of stormwater discharge. As noted in Findings II(A)(6) and (8), there is no need for over-sized improvements of driveways or streets, as no future expansion of the site is anticipated or supported by the Town at this time.

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

The new dwelling would be subject to the recreation impact fee. The applicants have not proposed any additional public open or recreational space in lieu of said fee.

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 I(A)(2)(e), PUD-Rs are allowed in the R1 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 above 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 with the 2016 Essex Town Plan and the Zoning Regulations.

The proposal fulfills the purpose of PUDs in that the development is clustered and maximizes land use and development of housing while protecting agricultural potential, natural features, and open space.

2. Multiple Buildings

The proposed subdivision does not involve multiple buildings on a single lot.

3. Density Calculations

As noted on the plan, the 48-acre parcel contains areas of wetlands (15 acres), slopes greater than 20%, (5 acres) and private roadways (1.2 acres existing and 1.0 acre proposed) that must be subtracted from the developable area. As noted in Finding II(C)(4), there is approximately 0.4 acres of a flood hazard area with a 0.2 percent annual chance of flooding floodplain, but this need not be subtracted from the developable area of the parcel. This leaves approximately 25.8 developable acres.

4. Density

Given a developable area of 25.8 acres, the effective density of the proposed development would be 12.9 acres per dwelling unit, or 0.078 dwelling units per acre, which is well below the maximum density in the R1 zone (1 acre per dwelling unit). Furthermore, the clustering of the building envelope for the proposed Lot 2 does not increase apparent density beyond the maximum allowed for the R1 zone.

5. Roads

A new driveway is proposed to serve the proposed Lot 2; there is no need for this to be a public road dedicated to the Town.

6. Open Space

As shown on the plans, the undevelopable areas shown on the Significant Features Reference Map are included in the “conserved open space area” to be shared between the two lots of the PUD. The proposal also conforms to the Town’s scenic resource protection standards, as noted in Finding II(A)(3). Conformance to surface waters and wetlands protection standards will be conducted at preliminary review. As noted in Finding III(B)(5), there is no requirement for buffers under ZR Section 3.2.

7. Covenants

The applicants must include a draft of the protective covenants specifying development restrictions and/or conditions for the PUD with 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 facilities in lieu of fees.

9. Residential Density Bonuses

The applicants have not requested a density bonus for this project.

(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 visual and aesthetic impact of the development and preserves open space by locating new buildings near each existing buildings in areas of lower elevation. The design does not maximize the density of the parcel, but the layout does allow for possible future development while ensuring natural resource protection.

2. General Requirements for PUD-R

As noted in Finding III(A)(4), the PUD-R meets overall density requirements. The proposal also meets the minimum requirement for dwelling units (2) and consists of single-family dwellings, which are allowed in the R1 district. No multifamily buildings are proposed, so neither building elevations nor conditional use review are required.

3. Minimum Lot Size and Lot Area per Dwelling Reductions

The applicants have not requested reduction of the minimum lot size or area per dwelling.

4. Setbacks and Frontage Minimums

The proposal conforms to the lot setbacks and frontage requirements for PUD-Rs in the R1 district. The proposal does not involve creation of footprint lots, but does include building envelopes.

5. Buffers

The proposal does not involve multifamily housing, so no additional, landscaped buffer is required.

6. Mobile Home Parks

The proposal does not involve development of mobile homes or mobile home parks.
7. Open Space

(a) General Requirements of Open Space

The plans show that an approximately 15-acre area inclusive of the stream, wetland, and associated buffers running through the center of the site would be designated as a shared, conserved open space area within the PUD. No further open space area, including any for active recreational purposes, is proposed.

The open space generally meets the requirements of ZR Section 6.8(J)(1) in that it is greater than one acre and is equally accessible to all lots within the PUD. It also has a general flowing pattern that is integral to the design of the development and includes important natural and scenic resources. The open space tract could be further enhanced by including primary agricultural soils and forest habitat identified in Finding II(A)(3) as well as passive or active recreational space above and beyond the public multi-use easement required under Finding II(A)(7).

(b) Management of Open Space

The final plan submission must include protective covenants and shared maintenance agreements for the open space, in addition to other shared assets and responsibilities. The covenants must specifically provide for access and enjoyment of the open space by each unit in the development. These covenants also must be included in the individual deeds for each lot.

8. Justification

As noted in Finding II(A)(3), the proposal is closely coordinated and compatible with surrounding land uses by conforming the scenic resource protection standards. The applicants have not submitted a statement of impact on the development of the community and region, but it is clear that any impacts will be minimal and adequately mitigated by the proposed plan, conditions herein, and impact fees.

9. 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 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 1 total dwelling
unit with four-bedrooms (4 EPEs), presumably in year 2020. If granted final approval along with
other projects seeking approval at present, this project would bring the town-wide total phasing
allocation to 15 dwelling units and 44 EPEs in 2020. This is below the targeted mid-point of 205
EPEs and would leave 161 total EPEs available for allocation in 2020, 37 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

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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. A zoning permit and fee shall be submitted prior to the start of construction.

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 the required elements detailed in Section 2.8 of the Zoning Regulations, the
preliminary review submission shall include the following:

a) Consideration for protection of groundwater resources per Finding II(A)(1);

b) Results of a wetlands delineation performed by a wetlands consultant and any required
state or federal permits, per Finding II(C)(2)(b);

c) Building elevation or equivalent depiction of the proposed single-family home’s massing,
relation to adjacent buildings, and impact on scenic resources, per Finding II(C)(1)(c)(iv);

d) Lighting plans for the proposed single-family home per Finding II(C)(1)(c)(ix)

e) Consideration for protection of primary agricultural soils and forest habitat, as discussed
in Findings II(C)(2)(a) and (d);
f) Detailed driveway designs conforming to the *Public Works Specifications* per Findings II(C)(1)(c)(v) and II(E);

g) Verification of the potable water source (public distribution system or private well) per Finding II(I).

6. Any future development of the lot or changes to the development plans shall require Planning Commission review and approval.

7. The applicants shall be approved for a preliminary phasing schedule of 1 dwelling unit and 4 EPEs in 2020.

8. Prior to the issuance of a zoning permit, the applicants shall pay recreation fees in place at the time of submittal.

9. At the time of submission for final plan review, the applicants shall submit all covenants, deeds, and legal documents resulting from this approval to the Community Development Department for review by the Town Attorney. The applicants shall pay any legal fees associated with the review. The legal documents shall include but are not limited to:

   a) A 10-foot-wide non-motorized path easement to the Town of Essex along the frontage of the entirety of Lots 1 and 2, unless such an easement is already executed and recorded;

   b) A 15-foot-wide multi-use recreational trail easement to the Town of Essex along the existing VAST trail on the eastern side of Lot 1, or equivalent form of public access;

   c) Protective covenants to ensure orderly development of the PUD-R per ZR Section 6.3(I);

   d) Covenants for protection and management of open space per ZR Section 6.8(J);

   e) Deed restrictions for the individual lots detailing all of the above.

10. The applicants shall record a mylar in the Land Records no more than 180 days from the date of the written final approval, otherwise the subdivision is void. The mylar and three (3) paper copies shall be submitted to the Community Development Department for review and Planning Commission signature at least two weeks prior to the 180-day statutory recording deadline.

11. Upon recording of the mylar, the applicants shall install concrete monuments and lot markers according to the standards specified in Section 4.11 of the *Subdivision Regulations*.

12. Any topsoil removed through grading shall be replaced to an average depth of four inches with a minimum depth of two inches and seeded in accordance with the Public Works Specifications.
13. Utility lines shall be installed underground; domestic electric, telephone, and cable TV service shall be located along the shared driveway unless extenuating circumstances require otherwise.

14. No occupancy of structures 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.

15. Prior to the issuance of a certificate of occupancy, the applicants shall obtain all applicable State permits and approvals, and submit copies to the Community Development Department for review.

16. Prior to the issuance of a certificate of occupancy, address labels for both lots shall be installed at the driveway entrances on Chapin Road in clearly visible and reflective material for E911 wayfinding purposes.

17. 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

- Project narrative, from Greg Dixson, P.E., Krebs & Lansing Consulting Engineers, dated 09/20/2019
- Residential Phasing Record, dated 10/24/2019

cc: Greg Dixson, Krebs & Lansing Consulting Engineers
    Joe & Kimberly Rotunda

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