The applicant has proposed a 24-unit PUD-R consisting of 12 existing apartment units and 12 new units on two properties totaling 8.4 acres in the R2 district. The applicant has requested a 350% density bonus for the provision of exclusively multi-family housing, with 25% of them being provided at an affordable rate. The four new apartment buildings (total of seven) would be clustered along two driveways on a 3.3-acre portion of the property, leaving the majority of the land (including some streams, floodplains, and wetlands) undeveloped. Changes to the driveway designs are recommended to allow better access by fire trucks. The dwellings would use on-site septic disposal and municipal water service. The applicant has not presented any plans for stormwater management, pedestrian connectivity, landscaping, or usable open space, and additional buffers from adjacent single-family properties may be required.
PUD-R and Boundary Adjustment – Sketch Plan
79 & 81 Susie Wilson Road
September 12, 2019

Applicant

Richard Bouffard
PO Box 1068
Jericho, VT 05465

Proposal

The applicant has proposed a 24-unit Residential Planned Unit Development (PUD-R)
including two properties at 79 and 81 Susie Wilson Road, which are combined on the official tax
maps under tax map 54, Parcel 3. “Parcel 1” (81 Susie Wilson Road) is approximately 1.4 acres
with an existing duplex and garage. It shares a driveway with “Parcel 2” (79 Susie Wilson Road),
which is approximately 7.0 acres with one 4-unit and one 6-unit apartment building for a total of
10 units.

The proposal includes dissolving the boundary line between the parcels and constructing
december new dwellings across four new buildings with three 2-bedroom units each, for a total of
twenty-four (24) units. The existing garage on Parcel 1 would be removed. The existing
driveway would serve 13 of the units, with a new driveway serving the remaining units. Three
new septic systems would be installed for a total of five systems to serve all the units.
Approximately 5.1 acres of common land would be left undeveloped.

Background

The applicant has indicated that the project includes two separate properties. However, staff
research in the land records indicates that all the land under review was conveyed to the current
landowner in a single deed, and no subdivision has occurred since that time.

It is unknown when the building at 81 Susie Wilson Road (currently a duplex) was constructed;
however, a dwelling is shown at this location on the 1913 Milton, VT USGS topographic map,
and warranty deeds from the 1970s refer to an existing dwelling on the site.

Zoning permit records indicated that the two existing buildings at 79 Susie Wilson Road (a 4-
plex and a 6-plex) were constructed in 1976, each with its own septic system.

I. Article II of the Subdivision Regulations: Subdivision Procedures

The applicant has submitted the following plans:

- Plan Sheet 1: “Existing Conditions Plan, Bouffard Property, 81 Susie Wilson, Essex, Vermont” prepared by O’Leary-Burke Civil Associates, PLC, dated 2/27/19;
- Plan Sheet 2: “Sketch Plan, Bouffard Property, 81 Susie Wilson, Essex, Vermont” prepared by O’Leary-Burke Civil Associates, PLC, dated 2/27/19, revised 7/15/19;

(A) SR Section 2.2: Classification

The applicants have requested approval for a Boundary Adjustment and Residential
Planned Unit Development (PUD-R) as well as a boundary adjustment to combine two
parcels. According to Section 2.2(D) of the *Town of Essex Outside the Village of Essex Junction Official Subdivision Regulations* (SR), planned unit developments and multiple-family housing projects are considered major subdivisions and require sketch, preliminary, and final approval.

The applicant has indicated that the project includes two separate properties. However, staff research in the land records indicates that all the land under review was conveyed to the current landowner in a single deed, and no subdivision has occurred since that time. If this is the case, no boundary adjustment is needed. However, if it is needed, a boundary adjustment involving a transfer of acreage greater than the minimum lot size for the zoning district (in this case, 30,000 square feet or 0.69 acres) is considered a minor subdivision and requires sketch 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. Planned Unit Developments must also conform to Article VI of the Zoning Regulations (ZR)

As noted in Finding I(A) above, the project may or may not involve a boundary adjustment, which would require sketch and final approval as a minor subdivision. If needed, these review steps could be conducted in tandem with preliminary and final review of the PUD-R. Prior to the preliminary plan submission, the applicant must provide further information to indicate if a boundary adjustment is necessary.

Upon sketch plan approval, the Planning Commission must also make a preliminary residential phasing allocation review in accordance with Article III.

Because the project will not be developed in phases, and the remaining developable land is less than three times the district’s minimum lot size, a Master Plan is not required.

Finally, the project will require site plan review at the preliminary and final review stages, as required under ZR Section 5.0(A) for planned unit developments and multi-family housing developments.

**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.
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 covered by 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.

Goal 2d: The attraction and retention of employers, and employees, is supported by the increasing availability of affordable housing.

Specific Policy 2(S).15: New housing shall be directed to areas identified as suitable for growth, specifically the Town Center and the Susie Wilson Road corridor.

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

Goal 4c: Housing is located in areas convenient to employment, shopping, schools, and public transportation.

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

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

The parcel is located in the Medium-Density Residential (R-2) zoning district and must conform to the dimensional requirements and development standards listed in Table 2.5 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.

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

The project reflects the purpose of the R-2 district by promoting residential development within the sewer service core. It is noted that sewer service is not currently available to this location, and the applicant does not plan to connect to sewer because it would be cost-prohibitive to extend the line from its current terminus at Kellogg Road. However, these units will be able to connect to sewer in the future when it becomes available.
(b) ZR Table 2.5(B): Permitted Uses

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

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

Though multi-family dwellings are normally a conditional use within this district, they are classified as a permitted use within a PUD-R.

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

The proposal generally conforms to Table 2.5(D), District Dimensional Requirements of the AR District, with PUD provisions as noted in the table below. Though the proposal exceeds the normal density requirements, this is because the applicant is requesting a density bonus for affordable housing, which is reviewed in Finding III(A)(9).

<table>
<thead>
<tr>
<th>Dimensional Requirement</th>
<th>Required – off-site water and sewer</th>
<th>Required – on-site water or sewer</th>
<th>Proposed (on-site septic, off-site water)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>20,000 sq. ft.</td>
<td>30,000 sq. ft.</td>
<td>364,161 sq. ft.</td>
</tr>
<tr>
<td>Minimum Lot Area per Dwelling Unit</td>
<td>20,000 sq. ft.</td>
<td>30,000 sq. ft.</td>
<td>15,173 sq. ft.</td>
</tr>
<tr>
<td>Minimum Lot Frontage (a)</td>
<td>75 ft.</td>
<td>75 ft.</td>
<td>100 ft.</td>
</tr>
<tr>
<td>Minimum Front Setback (from ROW) (a)</td>
<td>20 ft. (b)</td>
<td>20 ft. (b)</td>
<td>534 ft.</td>
</tr>
<tr>
<td>Minimum Side Setback – Multi-family (a)</td>
<td>30 ft.</td>
<td>30 ft.</td>
<td>10 ft.</td>
</tr>
<tr>
<td>Minimum Rear Setback (a)</td>
<td>15 ft.</td>
<td>15 ft.</td>
<td>156 ft.</td>
</tr>
<tr>
<td>Maximum Lot Coverage – Multi-family</td>
<td>40 %</td>
<td>40 %</td>
<td>&lt; 40 %</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>40 ft.</td>
<td>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-Rs), which is encouraged in the R-2 district and follows standards that supersede the normal district standards, as noted in Finding I(A)(2)(d).

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

The property contains several natural features that should be preserved or avoided during development. Indian Brook forms the northern border of the parcel, and a state-designated river corridor encompasses the northern quarter of the property. In addition, there is a small tributary that runs southeast to northwest through the property, and the areas around both streambanks are mapped flood hazard areas and Class II wetlands. The streambanks themselves have areas of steep slopes (greater than 15% and some greater than 20%).
All proposed development appears to be well outside these natural constraints, and all are encompassed by the proposed open space. Prior to preliminary plan submission, the applicant should contact the State Wetlands Office and River Management Program to confirm the approximate boundaries of wetlands and river corridors. If state representatives determine that development will not impact these resources, the normal requirements for delineation of wetland and riparian buffers may be waived. Otherwise, the preliminary plan submission shall include full delineation of buffers.

4. SR Standard 4.1(C): Flood Safety

The Federal Emergency Management Agency (FEMA) has designated a flood hazard zone within the property (Type A) that has a 1-percent annual chance of flooding, but no flood elevations are mapped. However, the proposed development lies well outside the flood hazard area.

5. SR Standard 4.1(N): Clustering of Lots

The proposed development does not include separate residential lots, but all of the dwellings are clustered in the western portion of the site.

6. SR Standards 4.1(D) and 4.1(I): Access

The proposed subdivision provides sufficient access to dwellings via two private shared driveways connected to a Class 3 paved collector street (Susie Wilson Road). As the development numbers fewer than 50 dwelling units, a second permanent connection meeting the standard for a public road is not required. However, a looped access is highly recommended to allow easier access by fire trucks.

In a memorandum dated September 4, 2019, Public Works staff stated:

a) The applicants engineer shall provide a traffic analysis, pre and post development, and how the additional traffic will impact the Susie Wilson Road / Kellogg Road signalized intersection.

b) The [sight] distance for both the existing drive curb cut and the new drive curb cut [are] adequate...for exiting and entering vehicles.

c) All drives internal to the project shall meet the requirements of the Town of Essex Standard Specifications for Construction.

d) Additional comment will be provided after the Preliminary plans have been submitted for this project.

The traffic analysis and further information on driveway construction will be reviewed at the preliminary stage.

In an e-mail dated August 5, 2019, the Fire Chief stated that the layout of buildings and septic systems would make it difficult to allow access by a ladder truck. The Fire Department generally requires access to a minimum of three sides of the buildings if
they are sprinklered, four if not. Access may be provided using structural soil if needed, but fire trucks should not be required to travel over septic systems.

7. **SR Standard 4.1(E) and 4.1(L): Pedestrian and Recreation Facilities**

   The proposal does not include any provisions for pedestrian traffic and connections to existing sidewalks on the west side of Susie Wilson Road or the north side of Abare Avenue. In a memorandum dated September 4, 2019, Public Works recommended that the applicant extend the sidewalk along the east side of Susie Wilson Road from the corner of Abare Avenue, to be constructed to ADA standards. This must be included in the preliminary plans.

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. This section of Susie Wilson Road is classified as a collector street; however, because it is a dead-end street after Abare Avenue, it functions more as a minor local road. Nevertheless, because two new access drives are proposed with multiple buildings located off each access, the driveways should be considered private roads with separate names and addressing.


   The property currently has a gravel driveway that provides parking for the existing buildings. As part of the proposal, this driveway and the new driveway would be paved, and a total of 46 marked parking spaces would be provided. This slightly exceeds the minimum required parking spaces (40) based on the parking ratio of 1.67 spaces per dwelling unit listed in ZR Table 3.3, and will provide sufficient parking for residents as well as visiting guests.

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

    No landscaping plans have been presented with the sketch plan application. At minimum, the proposal must include street trees, landscaping for parking areas, and lawn and building enhancement as noted in the landscaping objectives for multi-family lots in ZR Section 5.6(F) and ZR Table 5.1. Additional buffer requirements for multi-family projects in PUD-Rs are reviewed in Finding III(B)(5).

11. **SR Standard 4.1(K): Public Safety**

    In an e-mail dated August 5, 2019, the Police Chief stated that there were no concerns with this particular proposal, though he noted that the Town’s steady residential growth has outstripped the Police Department’s capacity, and further resources are needed to meet the increased demand for services.
12. SR Standard 4.1(J): Utilities

Though sketch plan applications need not include detailed engineering details, the plan indicates that private septic systems will be used instead of public sewer, but the buildings will connect to the existing 8-inch water main along Susie Wilson Road. Full engineering details and information on water infrastructure must be provided with the preliminary submission.

In a memorandum dated September 4, 2019, Public Works staff stated:

a) The 24 Unit PUD as proposed consists of 12 existing units currently connected to municipal water, and 12 new units. The water services, curb stops and existing water metering infrastructure must be upgraded to current standards as part of this project.

b) An analysis of the water distribution system will be required to determine issues of water pressure and flow caused by future demands of the proposed project within the Town’s service area. The Town will require the applicant to provide the data for the proposed water system to the Town’s design consultant for input into the water model. The model will be run by the Town’s consultant. Any deficiencies within the proposed or existing water distribution system shall be addressed by the applicants engineer prior to Preliminary review. All costs associated with running the Town’s water model shall be the responsibility of the applicant.

c) New water service connections with curb stops will be required for each of the 12 new units proposed. All service curb stops must be located outside pavement and concrete. Each individual water service shall have a Town water meter.

d) The project as proposed will require an additional 1,680 GPD of water allocation, (12 units X 140 GPD/Unit). The municipal water connection fees for the project as proposed will be as follows;

i. Water: \(1,680 \text{ GPD} \times \$5.73\) = \$9,626.40

e) In addition to water initiation fee based on flow, there is a component of the initiation fee consisting of a connection cost of \$1000 per connection. With 12 individual water connections on the proposed plan, an additional \$12,000.00 in water fees would be charged. The total water fee for the project as proposed is \$21,626.40.

f) Public Works will review technical content at the Preliminary submittal of this project.

The proposal must also meet Town and State requirements for stormwater treatment, plans for which must be presented with the preliminary application. In a memorandum dated September 4, 2019, Public Works staff stated:
This project is located within the Indian Brook watershed. This has been identified as an impaired watershed by the State. The applicant shall make every effort to contain any additional storm water generated by this project onsite.

This site will require a State General Permit for Construction as the area of disturbance will be more than one acre.

EPA issued the Lake Champlain TMDL Implementation Plan which calls for higher levels of phosphorus removal for all storm water discharges to the Lake or its tributaries. Because of this Plan, the applicant will need to provide the pounds of phosphorus to be removed by the proposed system with the permit applications.

The applicant’s engineer will need to meet with the Town staff regarding the storm water design during development of the preliminary plans. Detailed storm calculations shall be provided to public works for review. A “Pre” and “Post” build out impact study on the existing infrastructure must be provided for review.

Public Works Staff would like to review and offer input before any storm water application is made to the state for a storm water permit.

Additional comment will be provided after the Preliminary plans have been submitted for this project.

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

It is noted that the layout of buildings, parking, and open space lacks cohesive flow and connectivity and limit the ability to expand the development in the future. This is due in part to the required locations for septic systems. However, p. 113 of the 2016 Town Plan notes that there are plans to extend sewer service to this neighborhood in the future, at which point those septic systems would become unnecessary. On the other hand, if the requested density bonus is granted, the proposal will exceed the normally-allowed density of the R2 district, even under the minimum lot size for off-site water and sewer, so no further expansion would be possible under the current zoning regulations.

Though future expansion is unlikely, a design that provides for a looped road would provide better access by the Fire Department as well as easier access to the rear of the property. The applicant is encouraged to consider a more cohesive building and parking layout for the preliminary submission.

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

The new homes will be subject to recreation impact fees as well as new water service connection fees and road impact fees.

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 VI(A)(2)(e), PUD-Rs are allowed in the R-2 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 to the 2016 Essex Town Plan and the provisions of the Zoning Regulations.

   The proposal fulfills the purpose of PUDs by promoting clustered development that advances the Town’s affordable housing goals and uses land efficiently while protecting agricultural potential, natural features, and open space.

2. Multiple Buildings

   The proposal involves multiple buildings on a single lot, which is expressly allowed under this section to achieve the purposes of planned unit development.

3. Density Calculations

   The 8.36-acre parcel contains 3.66 acres of private roadways, floodplains, wetlands, and slopes greater than 20% that must be subtracted from the developable area, leaving 4.70 acres of developable area remaining.

4. Density

   The proposed homes are clustered on the western portion of the property, as is allowed under this section. The plans incorrectly show the base density as 0.5 acres per dwelling unit; it is in fact 0.689 acres per dwelling unit (30,000 square feet per dwelling). Given a developable area of 4.70 acres, the base density would allow for only 6.8 (rounded down to 6) dwelling units to be constructed.

   As noted in Finding II(A)(2), the overall density of the development is 15,173 square feet per dwelling unit, which exceeds the maximum density allowed in the R2 district even for lots with public water and sewer. However, this is because the applicant has
requested a density bonus for construction of permanently affordable housing, which is reviewed in Finding III(A)(9).

5. Roads

Two shared driveways are proposed to serve the new residences; there is no need for this to be a public road dedicated to the Town at this time.

6. Open Space

The applicant has proposed retaining 5.1 acres of the parcel as common open space, covering the wetlands, floodplains, and river corridor areas and the remaining undeveloped lands. The common land could potentially be used as active recreation space, either privately or publicly owned and managed. The applicant is encouraged to consider presenting plans for recreation space at preliminary submission.

7. Covenants

Protective covenants to ensure orderly and controlled development of the PUD must be included no later than 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

ZR Section 6.4(K) allows the Planning Commission to grant density bonuses of up to 25% of the normal district density for provision of affordable housing, construction of energy-efficient buildings, contribution to the Conservation Reserve Fund, and construction of extra public recreation facilities. This section also allows for a bonus of up to 400% of the density normally allowed in the zoning district if the development consists of exclusively multi-family housing, and 25% of the units are perpetually affordable.

As noted in Finding III(A)(4), the base density for the project is 30,000 square feet per dwelling (assuming off-site water and on-site septic), or 0.689 acres per dwelling unit, which would allow for up to 6.8 (rounded down to 6) dwelling units.

The applicant has requested a density bonus for 350% of the normal density allowed in the R2 district for a total of 24 units by making them exclusively multi-family and providing 25% of them at a perpetually affordable rate. This would provide 6 new units of much-needed affordable housing in a desirable neighborhood that is conveniently located to transit lines, shopping and services, and community resources.

As noted in Finding II(A)(1), this would advance several goals in the 2016 Town Plan related to affordable housing, including Goal 2d, Specific Policy 2(S).15, Goal 4b,
and Goal 4c. The provision of affordable housing, particularly 2-bedroom rental housing, helps fill the gap in this market identified in the Essex Housing Needs Assessment and Action Plan, since the number of smaller households seeking rental housing will continue to increase for the foreseeable future.

(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 physical and visual impact of the development by locating buildings, parking areas, and septic systems in a smaller portion of the parcel, thus preserving a significant amount of open space. The proposal also uses land efficiently and creatively to provide greater housing opportunities and a greater variety of development types in the Pinecrest neighborhood.

2. General Requirements for PUD-R

Though the proposal does not meet normal density requirements, the applicants have requested a density bonus as noted in Finding III(A)(9). The proposal also meets the minimum requirement for dwelling units (2) and consists of multiple-family dwellings, which are permitted uses within PUD-Rs in the R2 district. Building elevations must be submitted with a preliminary plan application.

3. Minimum Lot Size and Lot Area per Dwelling Reductions

Separate lots are not proposed, but the applicant has requested a density bonus noted in Finding III(A)(9) that effectively reduces the lot area per dwelling.

4. Setbacks and Frontage Minimums

The proposal conforms to the lot setbacks and frontage requirements for PUD-Rs in the R2 district. The proposal does not involve creation of footprint lots, but each apartment could be converted to a condominium with a footprint lot in the future.

5. Buffers

The proposal includes multiple family dwellings adjacent to existing single-family dwellings; therefore, a 50-foot landscaped buffer is required on the periphery of the project. Two of the existing buildings (the 6-plex and duplex) are located within this 50-foot buffer area. These are considered existing non-conformities, but the 50-foot buffer must be landscaped where possible on the project’s southern periphery.

Two of the proposed buildings would be within the 50-foot buffer area along Susie Wilson Road. This front buffer is also the area where street trees would be planted. Landscaping plans must be including in the preliminary plan submission; at this time, the Planning Commission will determine if the front buffer landscaping is sufficient to provide screening from single-family dwellings across Susie Wilson Road.
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 proposed open space is at least one acre in area, and undevelopable recreation areas have been excluded from density considerations in Finding III(A)(3). The proposed open space is fully contiguous and generally flows around the proposed dwellings. However, it is not at all integrated into the design of the dwellings or parking areas, and there are not clear connections from the dwellings to provide equal access to the open space from each unit. The applicant is encouraged to consider a more thoughtful open space design in the preliminary plan application, including play areas, community gardens, or pocket parks between the units in addition to more active recreation areas in the larger parcel.

(f) Management of Open Space

Since the dwellings will be occupied as rental properties, it appears that the open space will be retained and managed by the developer or landowner. The applicant must include with the preliminary submission protective covenants and restrictions on the use of any open space, rights of access by the occupants, and how the open space will be managed. There does not appear to be a need for the Town to appoint an ex-officio representative to help manage the open space.

8. Justification

Justification for the coordination of the PUD-R with surrounding development shall be included in the preliminary plan submission. The impact of the proposed development on the community will be moderated through the residential phasing policy, reviewed in Finding IV, and financially recaptured through 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 within the sewer core is allowed to add 20 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 inside the sewer core area and consists of twelve (12) new dwelling units, all of which are two-bedroom units (2 EPEs each). The applicants have proposed constructing 6 units (12 EPEs) each in 2019 and 2020. If granted final approval along with other projects seeking approval at present, this project would bring the town-wide total phasing allocation to 24 dwelling units with 68 EPEs in 2019 and 14 dwelling units with 40 EPEs in 2020. This is below the targeted mid-point of 205 EPEs and would leave 137 total EPEs available for allocation in 2019, 25 of which would be available outside the sewer core; for 2020, 165 EPEs would be available, with up to 41 outside the sewer core. A summary of the running phasing tabulation is attached.

V. Additional Findings by the Planning Commission

- 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. At the time of submission for Preliminary Review, the plans shall be revised as follows:
   a) The density calculation shall be corrected to show the base density at 0.689 acres per dwelling unit, for a maximum of 6.8 (rounded down to 6) dwelling units prior to application of density bonuses.

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. Per Finding I(B), prior to the preliminary plan submission, the applicant must provide further information to indicate if a boundary adjustment is necessary.

6. Per Finding II(A)(3), prior to preliminary plan submission, the applicant shall contact the State Wetlands Office and River Management Program to confirm the approximate boundaries of wetlands and river corridors. If state representatives determine that development will not impact these resources, the normal requirements for delineation of
wetland and riparian buffers may be waived. Otherwise, the preliminary plan submission shall include full delineation of buffers.

7. Per Finding II(A)(6)(a), the preliminary submission shall include a pre- and post-development traffic analysis demonstrating how the additional traffic will impact the Susie Wilson Road / Kellogg Road signalized intersection.

8. Per Finding II(A)(12)(b), the preliminary submission shall include data to be submitted to the Public Works Department for an analysis of the sufficiency of the water distribution system. The analysis shall be completed by the Town’s consultant at the applicant’s expense. Any deficiencies within the proposed or existing water distribution system shall be addressed by the applicant’s engineer prior to Preliminary review.

9. The applicants shall be approved for a preliminary phasing schedule of 6 dwelling units with 12 EPEs in 2020 and 6 dwelling units with 12 EPEs in 2021.

10. 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 Graham Tidman, O’Leary-Burke Civil Associates, PLC, dated 06/20/2019
- Response to Notice of Incomplete Application, from Graham Tidman, O’Leary-Burke Civil Associates, PLC, dated 07/16/2019
- Density Bonus Request, from David Burke, O’Leary-Burke Civil Associates, PLC, dated 09/03/2019
- Residential Phasing Record, dated 09/12/2019.

cc: David Burke, O’Leary-Burke Civil Associates, PLC
     Graham Tidman, O’Leary-Burke Civil Associates, PLC
     Richard Bouffard

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