Re: UNDO A PREVIOUS BOUNDARY LINE ADJUSTMENT APPROVAL, INCLUDING A MINOR BOUNDARY ADJUSTMENT LOCATED AT 1, 3, & 5 VALLEYVIEW DRIVE, ESSEX, VT PLANNING COMMISSION APPROVAL #PC: 2019-22

Dear Mr. Marcotte:

The Town of Essex Community Development Department received your application August 7, 2019, restore the property boundaries to its original form consisting of 3 lots, including a slight boundary shift, for lands known as 1, 3 & 5 Valleyview Drive, Essex, VT.

Pursuant to Article V, Section 5.1(D)(1)(c) of the Town of Essex Official Subdivision Regulations, staff determined that the application was complete and did not involve substantial changes to the approved project. Staff prepared a draft decision for review by the Planning Commission as a minor amendment. The Planning Commission considered and approved the proposed amendment under its consent agenda on September 12, 2019, subject to the following Findings and Conditions:

FINDINGS:

1. The owner of record is Pinewood Manor, Inc. The parcels are identified as 2:024/010/000 (1 Valleyview Drive); and 2:024/012/000 (5 Valleyview Drive), in the Town of Essex, Chittenden County, and State of Vermont.

2. The parcels are located in the Medium Density Residential (R2) Zoning District. The R2 zone 30,000 square feet of lot area, with 100 feet of frontage. Restoring the lots would meet these requirements.
The proposal is to reverse the 2004 approval and restore the boundary lines back to its original form prior to the administrative approval granted on September 27, 2004, by the then Community Development Director. Specifically, the 2004 boundary adjustment combined 3 lots into 2 lots. A mylar was recorded in Slide 417 of the Essex Land Records relating to the 2004 approval.

The proposal also restores the 2 lots back to 3 with a minor change due to the location of an accessory garage constructed on Lot A5. The boundary lines between lots A3 and A5 were altered to comply with setback requirements for the R2 zone.

The applicant’s narrative states, in part,

- Preliminary review of the site shows suitable driveway access that will meet the town zoning requirements and public works specifications.
- Preliminary review of the site shows soils that are conducive to onsite septic for primary and replacement systems.
- The restored lots meet depth to width ratios based on current zoning regulations.

A ‘Notice of Hearing’ was provided to the applicant for posting on the site. The abutting property owners and landowner were mailed a copy of this draft approval prior to the hearing.

This application was reviewed under Section 2.5(B) (“Boundary Adjustments”) of the Town of Essex Official Subdivision Regulations.

The following plat plan was submitted on behalf of the applicant and prepared by O'Leary-Burke Civil Associates, PLC, 13 Corporate Drive, Essex Jct., VT:

- Subdivision Plat of Pinewood Manor Inc., 1, 5, & 7 Valleyview Drive – Essex, dated 08/07/19.

The address needs to be corrected to read, “1, 3 & 5 Valleyview Drive”; and the Planning Commission signature block needs to be corrected.

A Wastewater Permit will be required prior to the issuance of a zoning permit.

The Police Chief and Recreation Director did not provide comments, however, recreation impact fees will be required for the buildable lots when a zoning permit is submitted for construction.

In an e-mail dated August 26, 2019, the Fire Chief said, The Fire Department has no objection to the current application to separate these lots back to their original status. We would request that any homes that may be constructed, be labeled with their new street address.
10. In an email dated September 4, 2019, Public Works said,

Public Works has reviewed the request for a Boundary Line Adjustment and Simple Parcel Subdivision for the above referenced project. Staff recommends that the additional comments below be addressed by the applicant’s engineer prior to any approval.

Transportation
1. The curb cut locations for Lots A1 and A3 shown on the subdivision plat may differ after review and approval by Public Works. As each of the new lots are developed, the applicant will be required to complete a curb cut application with the Public Works office.

Water
1. The existing 6 – Inch AC water main that runs along the north side of Valley View Drive dead ends approximately 50-Feet west of the existing Driveway to 5 Valley View Drive. The Plat does not accurately depict the water utility in its current use.

2. The applicant has one of two options to connect to municipal water. Descriptions of both options are provided below. Option b is the preferred alternative.

   a. The applicant can install a service tap on the 12-Inch water transmission main that runs within the easement to the north of Lots A1 and A3. This water main is owned and maintained by the Champlain Water District and will require approval by the district.

   b. The existing 6-Inch water main fronting the south side of Lot A5 shall be extended approximately 125-Feet west, with a new fire hydrant installed at the end. Each lot will require separate service line taps off of this new extension.

CONDITIONS:

1. The plat plan as noted in Finding is hereby approved with the following changes:
   - The Title Box shall be corrected to read “1, 5, 7 Valleyview Drive”; and
   - The PC signature block shall be changed to read,

     “Approved by the Planning Commission of the Town of Essex, Vermont, on the ____ day of __________, 20__, subject to all requirements and conditions of said approval. Signed this ____ day of ____________, 20__ by ____________________________

     Chair”

2. A mylar shall be recorded in the Land Records no more than 180-days from the date of written approval, otherwise the subdivision is void. The mylar and 3 paper copies shall be submitted to the Community Development Department at least two weeks prior to the 180 day expiration.
3. Pursuant to Section 4.11 of the Subdivision Regulations all lot markers, consisting of metal pipes or rebar with a minimum outside diameter of three-fourths inch and at least three feet (9.1 dm) long, shall be set at all un-monumented corners and a minimum of four subdivision’s perimeter points. The applicant’s engineer shall certify, in writing, when completed.

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 Plan Coordinates.

5. Prior to the issuance of a Zoning Permit, the applicant shall pay a Recreation Impact Fee for the new single-family home on each re-established lot in the amount of Six Hundred Twenty-Eight Dollars ($628.00).

6. Prior to the issuance of a Zoning Permit, the applicant shall meet to determine the location and/or installation of the water lines for each lot. Public Works shall determine which option is in the best interest of the Town for the installation of this utility.

7. The driveways and homes for the restored lots shall be clearly marked with reflective numbers identifying the street address for emergency vehicles.

8. Prior to the issuance of a Zoning Permit, the applicant shall secure submit a curb-cut application on the restored lots. Public Works shall determine if a shared driveway is required. The curb cuts shall be located as approved by Public Works.

9. Pursuant to Section 2.11 of the Town Subdivision Regulations, all legal documents required as a result of this approval shall be prepared by the landowner’s attorney and reviewed and approved by the Town Attorney prior to recording in the Land Records. The applicant is responsible to pay all Town legal fees regarding the review of legal documents. The documents shall be submitted to the Zoning Administrator for processing.

10. The applicant shall secure all State permits that may be required of this development approval.

11. The applicant shall schedule a Certificate of Occupancy (CO) inspection with the Zoning Administrator prior to occupancy of a new house. Prior to sign-off on the CO, the applicant shall provide a copy of the engineer’s certification regarding septic installation and the driveway construction, noting that it does not exceed required grade; and evidence that the Energy Certification has been recorded in the Town Clerk’s office.

12. Any and all conditions from previous approvals shall remain in effect as they may still apply.
By acceptance of the conditions of this approval without appeal, the applicant confirms and agrees 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 will be binding upon and enforceable against the applicant and all assigns and successors in interest.

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

This decision may be appealed to the Vermont Environmental Court pursuant to Section 5.2 of the Town of Essex Official Subdivision Regulations and 24 V.S.A.§ 4471. Any appeal must be filed by certified mail to the Environmental Court and by mailing a copy to the Essex Town Clerk within 30 days of the date of this approval.

TOWN OF ESSEX PLANNING COMMISSION

Dustin R. Bruso, Chair
Joshua Knox, Vice-Chair

John Mangan, Clerk
Johnathan Schumacher

David P. Raphael
Ned Daly

John Alden

cc: Joe Flynn, O’Leary-Burke Civil Associates
David Burke, O’Leary-Burke Civil Associates, via email