

1 **ESSEX PLANNING COMMISSION**

2 **December 9, 2021**

3 **87 Pinecrest Drive – Major Subdivision / PUD-R (Sketch)**

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21 **Summary**

22 The proposal for a 32-unit PUD-R with two new roads and a private community garden
23 generally meets the standards of the *Zoning and Subdivision Regulations*. A minor wetland
24 buffer impact is tentatively supported by the State. Requests for a 25% density bonus (7
25 additional units) as well as waivers to lot size, frontage, and setback standards are consistent with
26 PUD-R criteria, though given the proximity of new dwellings to adjacent parcels, a modest
27 amount of additional landscaping is recommended.

28 The applicant also has requested modifications to street design standards, which must be
29 approved by the Town Engineer. The preliminary engineering will need to address design
30 challenges for interconnection of sidewalks and sewer; because the parcel does not currently
31 have assigned sewer capacity, special approval of the Selectboard will be required.

33 **Applicant**

34 JMW Investments, LLC (c/o Don Weston)
35 349 Commerce Street
36 Williston, VT 05495

37 **Proposal**

38 A 32-unit residential planned unit development (PUD-R) is proposed on a 21.1-acre parcel at 87
39 Pinecrest Drive, located in the Medium-Density Residential (R-2) zone, Tax Map 48, Parcel 4,
40 Lot 1. The existing single-unit dwelling would remain, but all new dwellings would be duplexes
41 located along a dead-end road with another cul-de-sac extending to the side. All dwellings would
42 be served by public water and sewer with on-site stormwater treatment; the 8.22-acre open space
43 lot includes the Indian Brook floodplain / river corridor and associated wetlands as well as a
44 community garden area.

45 The proposal includes a request for a 25% density bonus (7 additional units over a base density
46 of 27) in consideration of providing 2 perpetually affordable units. The applicant also requests
47 modifications to street design standards to reduce impervious area.

48 **Background**

49 The existing dwelling on the parcel was constructed as a three-bedroom home with on-site septic
50 under Zoning Permits #1977-17 and #1977-39-S.

51 On September 14, 2017, the Planning Commission approved a boundary adjustment conveying
52 1.16 acres of land from property at 87 Pinecrest Drive to the property at 124 Colchester Road,
53 with the former becoming a 20.12-acre lot and the latter becoming a 5.04-acre lot.

54 Neighboring uses to the north and west are single-unit dwellings in the R-2 district; across Indian
55 Brook to the northeast lies a Mixed-Use District including an automotive repair shop and several
56 single-unit dwellings. To the south lies the Champlain Valley Exposition property, specifically
57 its auxiliary parking and storage areas.

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

59 The applicant has submitted the following plans:

- 60 • Sheet #1, “Sketch Plan, JMW Investments, 87 Pinecrest Drive, Essex, VT,” prepared by
61 O’Leary-Burke Civil Associates, PLC, dated 10/25/2021;
- 62 • Sheet #PL-1 of 2, “Boundary & Boundary Line Adjustment Plat between Lands Owned
63 by Jason Leo and Lands Owned by Jeannette C. Villeneuve Trust,” prepared by
64 O’Leary-Burke Civil Associates, PLC, dated 11/29/2017;
- 65 • Sheet #PL-2 of 2, “Boundary & Boundary Line Adjustment Plat between Lands Owned
66 by Jason Leo and Lands Owned by Jeannette C. Villeneuve Trust,” prepared by
67 O’Leary-Burke Civil Associates, PLC, dated 11/29/2017;

68

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

70 The applicants have requested approval for a Residential Planned Unit Development
71 (PUD-R). According to Section 2.2(D) of the *Town of Essex Outside the Village of Essex*
72 *Junction Official Subdivision Regulations* (SR), planned unit developments and multiple-
73 family housing projects are considered major subdivisions and must undergo sketch,
74 preliminary, and final review.

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

76 As noted in SR Section 2.4, the purpose of sketch plan review is

77 *to explore the options for the overall subdivision concept and layout, including uses*
78 *and open spaces, in relation to the objectives of the Town Plan, the characteristics of*
79 *the site and characteristics of the surrounding area, and to determine that the*
80 *proposed subdivision appears consistent with the requirements of these Regulations*
81 *and the Town's Zoning Regulations.*

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

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

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

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

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

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

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

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

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

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

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

106 ***Goal 1a:** Essex West is developed as a sub-regional growth center that provides*
107 *employment opportunities, a diversity of housing opportunities, and retail and*
108 *personal services.*

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

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

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

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

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

118 The parcel is located in the Medium-Density Residential (R-2) district and must
119 conform to the dimensional requirements and development standards listed in Table
120 2.5 of the *Town of Essex Outside the Village of Essex Junction Official Zoning*
121 *Regulations (ZR)*, as well as Article III, General Standards, and any applicable
122 provisions of Article IV, Specific Standards.

123 **(a) Table 2.5(A): Medium-Density Residential (R-2) District Standards**

124 **i. Purpose**

125 The project reflects the purpose of the R-2 district as an infill housing
126 project in an area served by municipal water and sewer.

127 **ii. Permitted and Conditional Uses**

128 Single- and two-family dwellings are permitted in this district. No
129 conditional uses are proposed.

130 **iii. District Dimensional Requirements and PUD Requirements**

131 The existing single-unit dwelling (Proposed Unit 30) would retain land for
132 a lot which appears to exceed the conventional dimensional standards for
133 the R-2 zone. For the remaining 31 units, the applicant has requested a
134 waiver to lot size, frontage, and setback requirements for the creation of
135 footprint lots as allowed for PUD-Rs, standards for which are addressed in
136 Finding III. The plans indicate that overall lot coverage would be far
137 below the normal maximums; structure height will be reviewed upon
138 submission of building elevations at final review.

139 **3. SR Standards 4.1(B), 4.1(C), 4.1(H), and 4.1(M): Natural Features / Flood Safety**

140 The property contains several natural features that should be preserved or avoided
141 during development. The northeast side of the parcel includes part of the floodplain
142 and river corridor for Indian Brook, classified by the Federal Emergency
143 Management Agency (FEMA) as Type A – which has a 1-percent annual chance of
144 flooding with mapped flood elevations. Associated with this floodplain are steep
145 embankments and Class 2 wetlands, all of which have been delineated and verified
146 with the Vermont Agency of Natural Resources (ANR). The wetlands and their
147 buffers extend southwest to nearly bisect the parcel. The main road as well as the
148 existing primitive trail to the community gardens have been designed to minimize
149 impacts to a small area of wetland buffer, for which the applicant will seek a permit
150 from the Vermont Wetlands Office. All other development appears to be outside
151 these natural constraints.

152 **4. SR Standard 4.1(N): Clustering of Lots**

153 The proposed development includes only one separate residential lot, but all
154 dwellings are clustered in two areas of the western and southern portions of the site.

155 **5. SR Standards 4.1(D), 4.1(F) and 4.1(I): Access and Street Planning Standards**

156 The proposed subdivision would provide access to dwellings from Pinecrest Drive
157 using a new branched set of paved dead-end collector streets, with driveways shared
158 by each duplex. As the development numbers fewer than 50 dwelling units, a second
159 permanent connection meeting the standard for a public road is not required.

160 In the project narrative, the applicant noted that the plans show a standard 30-foot-
161 wide curbed road design per Detail 503.1 of the *Town of Essex Standard*
162 *Specifications for Construction* (SSC). However, the applicant requests approval from
163 the Town Engineer to modify this design to a 26-foot paved width with no curbs to
164 reduce impervious area and the need for stormwater treatment. Any modifications to
165 the requirements of the SSC must be approved by the Town Engineer and may not be
166 modified or waived by the Planning Commission.

167 In a memorandum dated November 5, 2021 Public Works staff stated:

168 a) *Public Works has labeled each of the roads as Road A and Road B for*
169 *convenience. Road A is the main drive into the proposed development and will be*
170 *a public road. Road B, being less than 300 feet, will be considered an access*
171 *drive or private road. Public Works will not recommend taking on responsibility*
172 *for this road.*

173 b) *The applicant has provided a 60-foot Right of Way centered on Road A as*
174 *required per the Town's specifications. A portion of the ROW decreases at the*
175 *border with the Village of Essex Junction. The Right of Way shall remain 60-feet*
176 *wide for the entire length of Road A.*

- 177 c) *The length of Road A appears to be more than 900-feet as shown. Per Table 1 of*
178 *Section 502.1, Geometric Standards, of the Town of Essex Standard*
179 *Specifications for Construction allows for a maximum length of dead end road to*
180 *be 900-feet. The 90-foot diameter cul de sac proposed needs to be increased to a*
181 *minimum of 100-feet.*
- 182 d) *The applicant's engineer has proposed a 30-foot wide road. Public Works is open*
183 *to discuss a hybrid cross-section with a narrower width as an alternative to*
184 *Detail A-2, but the road will be a paved cross-section.*

185 In an e-mail dated November 29, 2021 the applicant's engineer responded:

- 186 • *Side Road: DPW stated in their initial review comments that this road would*
187 *not be accepted due to its short length. While I find this an odd reason, can we*
188 *eliminate the right-of-way which would allow for us to provide increased*
189 *separation from exterior property lines?*
- 190 • *Entry Road: The proposed entry Road is 1,088 linear feet to the center of the*
191 *cul-de-sac which does exceed the 900' PW Standard...Due to site constraints,*
192 *including not impacting the Class 2 wetland and buffer we knew we exceeded*
193 *900 feet and neglected to point this out and the submittal and to include the*
194 *rationale for waiver consideration. The Regulations allow for a waiver as was*
195 *grated for Freeman Woods if it finds special circumstances. Our*
196 *understanding of cul-de-sac length limits in most Chittenden County towns*
197 *stems from the number of houses and/or Units that are served with a double*
198 *sided road. We request Waiver consideration based on the following:*
- 199 ○ *No Units on the first 205' due to the parcel width along this section.*
 - 200 *This results in a 883' length with Units;*
 - 201 ○ *The road only directly serves 17 Units;*
 - 202 ○ *Class 2 wetland bisects the parcel into two areas. A loop road is not*
 - 203 *feasible due to the same. Reducing the 1,088 linear feet length to 900'*
 - 204 *or less would create Class 2 wetland / buffer impacts which is contrary*
 - 205 *to the Town Regulations.*
- 206 • *Cul-de-sac diameter: The 90' diameter cul-de-sac is excessive and easily*
207 *accommodates all emergency vehicles. We will change to a 100' diameter if*
208 *not waived. To reduce the impervious caused by such a cul-de-sac, we ask for*
209 *consideration of a center island that would leave the outside pavement width*
210 *at the same as the road (currently 30').*

211 The additional requested waivers / modifications, as well as a full traffic analysis and
212 details of roadway construction will be reviewed at the preliminary stage.

213 In an e-mail dated November 3, 2021 the Fire Chief stated:

214 *The Fire Department would prefer this design with the 30' wide curbed street as*
215 *proposed, HOWEVER we want to be one voice so will defer to Public Works on*
216 *that portion. Beyond that, the fire department recommends this layout as*
217 *submitted and would only request that each unit be marked with their respective*

218 *street address for ease of locating an address. The fire department also requests*
219 *an opportunity to comment on proposed street names just to ensure that whatever*
220 *is chosen is not similar to other locations.*

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

222 The proposal includes sidewalks along the south side of both new roadways,
223 extending around each cul-de-sac to serve most (though not all) of the proposed
224 dwellings. This is acceptable given that SR Section 4.6(A) allows for construction of
225 sidewalks on only one side of a dead-end road, or road with low traffic volumes.
226 Construction details for sidewalks shall be included in the preliminary submittal and
227 meet the requirements of the *Town of Essex Standard Specification for Construction*.

228 In a memorandum dated November 5, 2021 Public Works staff stated:

229 *The applicant's engineer has proposed a sidewalk that runs the entire length of*
230 *Road A. The Town of Essex recently installed a new concrete sidewalk along the*
231 *north side of Pinecrest Drive. The applicant will be required to explore*
232 *alternatives to connect the proposed pedestrian facility into the Town's existing*
233 *network in a safe manner.*

234 The proposal includes a community garden area accessible via an 8-foot “primitive”
235 footpath extending from the end of the road between Units 25 and 26. As noted in e-
236 mails between the Parks & Recreation Director and the applicant’s engineer dated
237 November 10, 2021, these would be available exclusively to the homeowners’
238 association, which would also bear maintenance responsibility. Since these are not
239 public amenities, each new home would be subject to a recreation impact fee.

240 **7. SR Standard 4.1(L): Parking**

241 The plans show that driveways would be shared between each set of duplex units,
242 which will provide sufficient space for 2 spaces per unit (not including any garage
243 spaces, if provided). Though this falls slightly below the minimum required parking
244 ratio of 2.3 spaces per dwelling unit listed in ZR Table 3.3, it will provide sufficient
245 parking for the site.

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

247 No landscaping plans have been presented with the sketch plan application. At
248 minimum, the proposal must include street trees as noted in the landscaping
249 objectives in ZR Section 5.6(F) and ZR Table 5.1. As noted in Finding III(B)(3), an
250 additional 50-foot buffer is not recommended under ZR Section 6.8(H) as long as
251 existing vegetation along the exterior of the site is retained to the extent possible, and
252 additional landscaping enhancements around individual units are provided.

253 The Parks & Recreation Director also noted that a Town-owned recreation parcel
254 (part of the Shillingford Crossing open space network) abuts proposed Units 1-10,

255 and required that the Town Tree Warden be notified if there is uncertainty about the
256 location of property lines for the purpose of tree trimming and removal.

257 **9. SR Standard 4.1(K): Public Safety**

258 The Police Chief did not comment with any concerns about the proposal.

259 **10. SR Standard 4.1(J): Utilities**

260 Though sketch plan applications need not include detailed engineering information,
261 the proposal states that public water and sewer would be used.

262 In a memorandum dated November 5, 2021 Public Works staff stated:

263 **Water**

- 264 a) *The project has access to municipal water off the existing 8-inch water main*
265 *located on the south side of Pinecrest Drive.*
- 266 b) *There appears to be adequate water pressure and flow in this area. The*
267 *applicant's engineer will be required to provide flow test data of the existing*
268 *water system and run the Town's water system model to verify impacts on the*
269 *existing distribution system.*
- 270 c) *Public Works will require a valve cluster on the tee to Road B. Although this will*
271 *not be a public road, the water line and all utilities that will be transferred to the*
272 *Town of Essex will require a 20-foot easement centered on the utility.*

273 **Sewer**

- 274 d) *This proposed project is located within the Town of Essex Sewer Core but does*
275 *not have assigned sewer allocation. The applicant will be required to apply for*
276 *sewer allocation from the Town Selectboard. Staff estimates the allocation*
277 *required to be 4,400 GPD. Per Section 211.0, No. 6 of the Town of Essex*
278 *Standard Specifications for Construction, the applicant will be responsible to*
279 *apply for and receive sewer allocation prior to submittal for Preliminary review.*
- 280 e) *The applicant's engineer has not provided any proposed sewer system for review.*
281 *Per discussion in the past with both the applicant and the applicant's engineer,*
282 *Public Works will not allow for an additional connection into the existing sewer*
283 *manhole located in front of 82 Pinecrest Drive. An additional concern is the*
284 *isolation distance from the waterline and the existing sewer infrastructure, not to*
285 *mention this road was paved this year. Public Works recommends seeking*
286 *alternate routes for the sewer force main.*
- 287 f) *This project will require a sewer pump station. All new pump stations shall meet*
288 *the requirements found in Section 513, Municipal Wastewater Pump Stations, of*
289 *the Town of Essex Standard Specifications for Construction.*

290

291 **Stormwater**

292 g) *The applicant's engineer has provided locations of possible stormwater treatment*
293 *only. Additional design information will be required to provide a thorough staff*
294 *review. Public Works will provide further comment at future reviews of this*
295 *project.*

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

297 Future expansion within the site is impossible given the constraints of natural
298 features. The main roadway's location along the boundary of the Champlain Valley
299 Exposition property could provide for future interconnection to this parcel. However,
300 this is unlikely, and no over-sized improvements are required at this time.

301 **12. SR Standard 4.1(O) and 4.1(T): Municipal Services and Impact Fees**

302 The new homes will be subject to recreation impact fees as well as new water and
303 sewer service connection fees; other Town services are expected to be sufficient to
304 serve the project. Because the project involves creation of more than 10 dwelling
305 units, the Essex Westford School District was notified but did not provide any
306 comments.

307 **III. Article VI of the Zoning Regulations: Planned Unit Development**

308 As a Residential Planned Unit Development (PUD-R), the project must conform to Article VI of
309 the *Zoning Regulations (ZR)*. ZR Section 6.0(B) describes the purpose of PUDs:

310 *PUDs shall be allowed in order to fulfill the purpose of these Regulations as set forth in*
311 *Article I, and to meet the purposes, goals and objectives set forth in the Essex Town Plan*
312 *– specifically those goals and objectives relating to land use, clustering of development,*
313 *affordable housing, and protection of agricultural soils and natural features.*

314 As noted in Finding VI(A)(2)(e), PUD-Rs are allowed in the R-2 district. ZR Section 6.3 lays out
315 the review procedures for PUDs. When PUDs involve the subdivision of land, including
316 multiple-family housing projects as well as mixed-use development that includes housing, the
317 Planning Commission must review the PUD as a major subdivision. PUD criteria which overlap
318 with the subdivision standards addressed in Finding II are not included here in Finding III.

319 **(A) ZR Section 6.4: General Standards Applicable to All Planned Unit Developments**

320 **1. Conformance, Uses, and Purposes**

321 PUDs are required to conform to the town plan of record and the *Zoning and*
322 *Subdivision Regulations*, including uses and purposes of the district in which the PUD
323 is located, except where allowed under PUD regulations. Findings II(A)(1) and (2)
324 respectively address conformance to the *2016 Essex Town Plan* and the provisions of
325 the *Zoning Regulations*.

326 The proposal fulfills the purpose of PUDs and PUD-Rs by promoting clustered
327 development that advances the Town’s affordable housing goals and uses land
328 efficiently by minimizing the physical and visual impact of the development. This is
329 achieved by locating buildings, parking areas, and utilities in a smaller portion of the
330 parcel, thus preserving a significant amount of open space and protecting the existing
331 topography and natural features.

332 **2. Density Calculations and Density Bonuses**

333 The 21.12-acre parcel contains 7.5 acres of private roadways, floodplains, wetlands,
334 and slopes greater than 20% that must be subtracted from the developable area,
335 leaving 12.62 acres of developable area remaining.

336 The proposed homes are clustered on the southern and western portions of the
337 property, as is allowed under this section. Given a developable area of 12.62 acres,
338 the base R-2 density of 20,000 square feet per dwelling unit would allow for 27.49
339 (rounded down to 27) dwellings to be constructed.

340 The applicant has requested a 25% density bonus to construct 7 additional units (for a
341 total of 32) by providing 2 units (28.6% of the bonus units) at a perpetually affordable
342 rate as defined under state law (24 V.S.A. §4303(1)). This falls within the density
343 bonus parameters outlined under ZR Section 6.4(K).

344 As noted in Finding II(A)(1), this would advance several goals in the *2016 Town Plan*
345 related to affordable housing, including Goal 2d, Specific Policy 2(S).15, Goal 4b,
346 and Goal 4c. In particular, new smaller condominium-style units would help fill a
347 local market gap identified in the *Essex Housing Needs Assessment and Action Plan*.

348 Prior to preliminary review, the applicant should consult with the Essex / Essex
349 Junction Housing Commission to address any concerns related to the affordable units.
350 The applicant should also identify a local non-profit or land trusts which would
351 accept a deed or covenant to ensure continued affordability, as required by ZR
352 Section 6.4(K)(3).

353 **(B) ZR Section 6.8: Planned Unit Development – Residential**

354 **1. General Requirements for PUD-R**

355 As noted in Finding III(A)(1), the proposal fulfills the purposes of PUDs and PUD-
356 Rs. Even with the requested density bonus, the proposal does not exceed the overall
357 density of the parcel under conventional zoning. The proposal also meets the
358 minimum requirement for dwelling units (2) and consists of two-unit dwellings,
359 which are permitted uses within PUD-Rs in the R-2 district. The proposal does not
360 involve development of mobile homes or mobile home parks. Submission of building
361 elevations is not required for single- and two-unit dwellings.

362

363 **2. Lot Size, Setback, and Frontage Requirements**

364 Only one separate dwelling lot is proposed, and it exceeds the conventional standards
365 for minimum lot area, setbacks, and frontage in the R-2 district.

366 The applicant has requested a waiver for the remaining units to be sited on footprint
367 lots, which is expressly allowed under ZR Section 6.8(G)(5) to allow for the creation
368 of multi-family townhouse developments. This reflects a precedent development
369 pattern for at least three other PUD-Rs approved by the Planning Commission.

370 **3. Buffers**

371 Under ZR Section 6.8(H), a 50-foot landscaped buffer is required between new multi-
372 unit dwellings existing single-unit dwellings. In this proposal, all structures include
373 fewer than 3 dwelling units and meet the PUD-R setbacks required for single-unit
374 dwellings in the R-2 district, both between themselves and existing single unit
375 dwellings on adjacent properties. Therefore, Community Development staff do not
376 recommend a 50-foot buffer in addition to the required setbacks. However, it is
377 recommended that the landscaping plan include retention of existing vegetation along
378 the exterior boundaries of the parcel to the extent possible, as well as additional
379 landscaping enhancement of individual units.

380 **4. Open Space**

381 The applicant has proposed retaining 8.22 acres of the parcel as common open space,
382 covering the wetlands, floodplains, and river corridor areas and the remaining
383 undeveloped lands. This meets the requirement of being at least one fully contiguous
384 acre in area integrated into the design of the PUD and equally accessible to all
385 dwellings.

386 The open space also includes a short, 8-foot-wide “primitive” trail would provide
387 access to a community garden space, all of which would be exclusively accessed and
388 by the homeowners’ association. The final plan submission must include protective
389 covenants and restrictions on the use of any open space, rights of access by the
390 occupants, and how the open space will be managed. There does not appear to be a
391 need for the Town to appoint an ex-officio representative to help manage the open
392 space.

393 In an e-mail dated November 10, 2021 the Parks & Recreation Director asked
394 whether the garden would have access to water, which the applicant’s engineer has
395 not yet clarified. Water supply to the garden is strongly recommended to ensure
396 functional use of the gardens and may be more feasible if the garden is located closer
397 to Units 30-32.

398 **5. Justification**

399 Justification for the coordination of the PUD-R with surrounding development shall
400 be included in the preliminary plan submission; at minimum, this shall include
401

402 integration of sidewalks with the existing network on Pinecrest Drive, coordination of
403 tie-ins to water and sewer service, and landscaping plans to minimize visual impacts
404 to adjacent properties. Because the PUD will be developed in one phase, protective
405 covenants related to the development of the PUD are not necessary. The impact of the
406 proposed development on community services will be moderated through the
407 residential phasing policy, reviewed in Finding IV, and financially recaptured through
408 impact fees.

409 **6. Flexibility**

410 No further conditions are needed to ensure protect the interests of surrounding
411 property, the neighborhood, or the municipality.

412 **IV. Article III of the *Subdivision Regulations*: Residential Phasing**

413 Any proposed development that contains dwelling units and requires Subdivision Approval is
414 subject to Article III, Residential Development Phasing. The goal of residential phasing is to
415 maintain an annual population growth rate set forth in the *2016 Town Plan* of between 184 and
416 226, aiming for the midpoint of the range at 205. Population growth is allocated to new
417 developments through Estimated Population Equivalents (EPEs), essentially equivalent to the
418 number of bedrooms in new dwelling units (5-bedroom units are counted as 4.5 EPEs).

419 Any single project within the sewer core is allowed to add 20 dwelling units per calendar year.
420 The Planning Commission must act on a preliminary phasing request when a proposed
421 development obtains sketch plan approval. Final allocation is granted if the development secures
422 Final Plan approval.

423 The proposed project lies within the sewer core area and would add a total of 31 dwelling units
424 over three years (eleven in 2022, eleven in 2023, and nine in 2024). The applicant has not
425 indicated how many bedrooms would be included in each unit; based on prior similar projects,
426 the preliminary phasing allocation will include three bedrooms each for a total of 93 EPEs. This
427 may be modified prior to final approval.

428 If granted final approval along with other projects seeking approval at present, there still would
429 be sufficient allocation below the targeted mid-point of 205 for each year of the project's
430 construction. A summary of the running phasing tabulation is attached.

431 **V. Additional Findings by the Planning Commission**

- 432 •

433 **Conditions of Approval**

434 1. All conditions from previous approvals shall continue to apply except as amended herein.

435 2. Prior to submission for Preliminary Review, the applicant shall secure sufficient sewer
436 allocation for the project pursuant to Chapter 10.18 of the *Essex Municipal Code*.

- 437 3. In addition to standard requirements, the Preliminary plans shall include the following:
438 a) A sidewalk connection to the existing network on Pinecrest Drive.
439 b) A water valve cluster on the tee to Road B (the shorter road).
440 c) A sewer pump station meeting the requirements of Section 513 of the *Town of Essex*
441 *Standard Specifications for Construction*.
442 d) Retention of landscaping along the boundary of the parcel abutting existing dwellings and
443 landscaping enhancements for each new dwelling.
- 444 4. An electronic copy of the plans as may have been revised shall be submitted to the E911
445 coordinator in .PDF file format. Another copy shall be submitted in geodatabase or shapefile
446 in Vermont State Plane Meters, NAD83 (NSRS or most current); alternatively, coordinated
447 CAD data – Vermont State Plane Coordinates, US Survey Feet, Grid Zone 4400, NAD 83
448 (2011) epoch 2010.0, NAVD 88 (geoid12b); alternatively, paper showing three (3) values of
449 State Plane Coordinates.
- 450 5. The preliminary submission shall include data to be submitted to the Public Works
451 Department for an analysis of the sufficiency of the water distribution system. The analysis
452 shall be completed by the Town’s consultant at the applicant’s expense. Any deficiencies
453 within the proposed or existing water distribution system shall be addressed by the
454 applicant’s engineer prior to Preliminary review.
- 455 6. The preliminary submission shall include written approval from the Town Engineer for any
456 modifications to street design standards, pursuant to Section 503 of the *Town of Essex*
457 *Standard Specifications for Construction*.
- 458 7. The applicants shall be approved for a preliminary phasing schedule of 11 dwelling units
459 with 33 EPEs in 2022, 11 dwelling units with 33 EPEs in 2023, and 9 dwelling units with 27
460 EPEs in 2024.
- 461 8. By acceptance of the conditions of this approval without appeal, the applicants confirm and
462 agree for themselves and all assigns and successors in interest that the conditions of this
463 approval shall run with the land and the land uses herein permitted, and would be binding
464 upon and enforceable against the applicants and all assigns and successors in interest.

465 **List of Attachments**

- 466 • Residential Phasing Record, dated 12/09/2021.
 - 467 • Project narrative, “RE: JMW Investments, LLC – 32 Unit PRD, 87 Pinecrest Drive,
468 Essex Junction, VT 05452, Subdivision Application – Sketch,” prepared by Dan Heil,
469 P.E., O’Leary-Burke Civil Associates, PLC, dated October 25, 2021
- 470 cc: David Burke and Dan Heil, P.E., O’Leary-Burke Civil Associates
471 G:\PC\REPORTS\Pinecrest Drive 87 PUD-R Sketch 20211209.docx