

Appeal Period Expires 7/17/08
 Zoning District D1

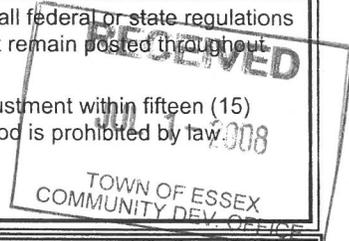
Town of Essex, Vermont
Application for Zoning Permit
 www.essex.org

Application Date 7/1/08
 Permit Number 2008-77

All construction is to be completed in accordance with the Town of Essex Zoning Regulations and any/all federal or state regulations now in effect. You are required to post this permit in a conspicuous location on the property and it must remain posted throughout the construction period.

Any interested person may appeal the decision of the Zoning Administrator to the Zoning Board of Adjustment within fifteen (15) days of the permit's date of issuance. Commencing construction within this fifteen (15) day appeal period is prohibited by law.

Occupancy of the premises shall not take place until a Certificate of Occupancy is obtained.
 Approval is subject to accuracy of information provided by the applicant.



A Parcel Account Numb. (Map-Parcel-Lot) 2-047-012-000
 (found in Town Assessor's Office)
 Property Address: 27 Susie Wilson Rd
 Owner: Hanoy's Hotels + Rentals LLC
 Owner Address: _____
 Owner Phone: (work) _____ (home) _____
 (cell) 3433292 (Email) _____
 Contractors name: _____ Phone: _____
 Cell: _____
 Estimated Construction Dates: Start: 7/2/08 Completion: 7/1/09
 Sq. Feet: _____ Estimated Cost (labor & materials): \$ 25,000

G

Check box(es) which describe proposed use or construction (circle choice in parenthesis).
 N = New A = Addition R = Remodel

<i>Residential:</i>	N	A	R
Single Family	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Two-family (duplex)(other)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Multi-family	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Condominium / Townhouse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mobile home	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Inclusions or Additions:</i>			
Garage (attached) (detached)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Porch (enclosed) (open)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deck	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pool (in) (above) ground	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barn (residential) (agriculture)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Non-residential:</i>			
Commercial Industrial	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Stormwater:</i>			
Stormwater	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Erosion Control	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Other:</i>			
Change in use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Miscellaneous	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Renewal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

B Sewage Disposal (Please attach Sewer or Septic Application).
 Public Private Connection Fee \$ existing Date Paid: N/A
 Proposed New Bedrooms: _____ Existing Bedrooms N/A

C Water (Please attach Water Service Application).
 Public Private Fee \$ existing Date Paid: N/A

D Driveway (Please attach copy of approved Curbcut / Utility Application).
 Date of approval 1/1/08 existing N/A

E Stormwater
 Project disturbs an area greater than or equal to 1 acre - Erosion Control Permit Required. Attach completed permit application.
 Project creates new or expands existing impervious surface greater than or equal to 1/2 acre - Erosion Control Permit and Stormwater Management Permit required. Attach completed permit application.

F Diagram - Show a sketch of project on reverse of this application with property lines, building, and setbacks or attach separate sheet. (Instruction sheet available upon request.)
over

G Signature of Owner Robert Hanoy

Office Use Only

Fees:	Type	Amount	Date Pd
	Permit	\$ <u>100</u>	<u>7/1/08</u>
	School	\$ _____	<u>1/1</u>
	Recreation	\$ _____	<u>1/1</u>
	Recording	\$ <u>8.00</u>	<u>7/1/08</u>
	Other	\$ _____	<u>1/1</u>

Building Permit
 Approved Rejected Date 7/1/08

Issued to: Hanoy's Hotels + Rentals LLC
 Zoning Administrator: Sharon L. Kefley
 Notes: Erosion control to be completed

C.O. Required Yes No

F Diagram - Provide diagram here and include all setbacks

7/1/08 Planning Commission approval # 2005-25, stipulation 7 required the applicant to commence construction prior to the expiration date of 8-25-08. The applicant has activated the site plan approval by completing the Leboeuf parking + landscaping (pursuant to stip 7). Also, pursuant to stip 7, the permit is to move the dumpster to the new location and reconfigure the parking; to complete the pedestrian way to Susie Wilson Road and to relocate the snow storage area.

* Note that when the applicant is ready to construct the Remaining rooms, a permit will need to be obtained. A certificate of occupancy will be required at that time.

Sharon L. Kelly, zoning Administrator



TOWN OF ESSEX VERMONT

81 MAIN STREET, ESSEX JUNCTION, VERMONT 05452
Fax: 878-1353 • E-mail: manager@essex.org • Website: www.essex.org

file

6 August 2008

Gabe Handy
66 College Parkway
Colchester, VT 05446



Dear Gabe:

The Selectboard acted favorably on your request to extend your sewer allocation for the remainder of the Mainstay Suites units until the 31st of July 2009. You will have to reapply prior to this date for another extension.

It should be noted that the short extension time was selected because of ongoing issues relative to the sewer allocations that have been previously provided. Up until recently, the time frame between receipt of sewer allocation and use of that allocation has been relatively short. With many developers now postponing approved projects to some undesignated time frame, capacity is being saved by the Town for these projects at no cost to the developer. As the Town reserve sewer capacity diminishes, the project delays are tying up capacity that other projects may be able to use now.

The Selectboard has directed the staff to look at the current Allocation Ordinance and revise it such that a cost will be associated with reserve of allocation. We have not started to develop what those costs may be but we will be coming up with a plan and cost schedule over the next few months.

Sincerely,

Dennis Lutz, P.E.,
Public Works Director/Town Engineer

CC: Dana Farely
Sharon Kelley

TOWN MANAGER	PARKS AND RECREATION	COMMUNITY DEVELOPMENT	PUBLIC WORKS	ASSESSOR	FINANCE	TOWN CLERK	LIBRARY	POLICE
878-1341	878-1342	878-1343	878-1344	878-1345	878-1359	879-0413	879-0313	878-8331

Gabriel Handy
66 College Parkway
Colchester, VT 05446
802-655-0911

June 24, 2008

Town of Essex
Dennis Lutz, Public Works Director
81 Main Street
Essex Junction, VT 05452

Dear Dennis,

I am writing in regards to the 40 unit expansion project that I still fully intend on beginning in the near future at 27 Susie Wilson Road. I would like to ensure that the sewer allocation originally approved by the Select Board for this project is still available for this future expansion.

Please feel free to call me with any questions in regards to this project at the above office number or on my cell phone – 343-3292.

Sincerely,


Gabriel Handy

Memorandum

TO: Patrick C. Scheidel, Town Manager and the Selectboard
FROM: Dennis Lutz, P.E., Public Works Director/Town Engineer 
DATE: 26 June 1008
SUBJECT: Expiration of Sewer Allocation Permits and the Request from Gabe Handy to Extend the Sewer Allocation Approval for MainStay Suites

ISSUE: The issues are 1) whether or not the Selectboard will authorize an extension to the sewer allocation provided to the MainStay Suite project on Susie Wilson Road and 2) whether or not the Town should revise the sewer allocation policy for future applicants to reflect the addition of a fee for continuation of approved allocation in situations where an action to extend the allocation is required under the Allocation Ordinance.

DISCUSSION: The owner of MainStay Suites recently approached the Town to request an extension to his current sewer allocation (see attached letter). Although a portion of the project has been constructed, no construction on the last forty units has occurred within the last 3 years. Under the Allocation Ordinance (excerpt provided), his allocation will expire. To guarantee the viability of the project approval obtained from the Planning Commission, he has requested that the sewer allocation approval for the last 40 units be extended.

It is recommended that his allocation be extended until 31 July 2009. It could be renewed again beyond that date.

On a more general note, this request raises broader issues that have not been addressed to date by the staff. There have been a number of developments over the past two years that have been approved and a few older than two years that have received Planning Commission approval and an accompanying sewer allocation. However, no action has been taken on these approvals to obtain a building permit or even start site construction. Some have requested extensions of their Subdivision or Site Plan approval but nothing has been requested relative to extension of their sewer allocation. Some project approvals could be renewed well into the future but the project approvals may be worthless without an extension to the sewer allocation approval.

Also, extending the allocation approvals into the future has the potential to lock up sewer capacity that is counted against the Town's overall treatment plant capacity and therefore potentially limit the ability to provide service to others in the future. So far, this is not an issue because of the Town's reserve; but the future potential is there.

The staff recommends that a review be made of the allocation ordinance with the goal of drafting a change that would impose a portion of the sewer initiation fee on any sewer allocation that extends beyond the 3 year expiration provisions. To prevent a sewer allocation from expiring, an applicant would have to pay a portion of the sewer initiation fee to hold that capacity beyond the expiration date. If not paid, the allocation would

expire and project approvals would be compromised due to a lack of ability to sewer the project. Under the current system, the Town is reserving capacity for a developer with an approved project at no cost to the developer. Projects currently can obtain approval and remain un-built for a substantial period of time with no risk to the developer and with loss of capacity by the Town for which no revenue can be obtained.

RECOMMENDATION: It is recommended that the Sewer Allocation for the 40 units at MainStay Suites be extended until 31 July 2009 and that the Selectboard authorize the staff to develop proposed changes to the Sewer Allocation Ordinance for a fee structure for extensions beyond the initial permit period.

C. The proposed use of wastewater capacity complies with the allocation principles and is not in conflict with any other enactment adopted by the Board or municipality. (Ord. passed 11/03/03 (part); Ord. passed 12/7/98 (part))

10.18.110 Effect of preliminary approval.

A. The Manager or Board, after making the approval findings above, may issue a preliminary connection approval, which approval shall be a binding commitment of capacity to the project contingent on compliance with any conditions attached to the preliminary approval and the subsequent issuance of a final connection approval. Preliminary connection approvals shall be effective until sixty days after all applicable local, state and federal permits for the project have been secured; except that preliminary approvals shall not exceed two years without subsequent approval by the Manager or Board.

B. Preliminary allocations must be approved by the Manager or Board prior to an applicant requesting final subdivision approval (or site plan approval if subdivision approval is not required). Determination of annual phasing for residential projects shall be the responsibility of the planning commission. Approval of a preliminary sewer allocation by the Manager or Board shall not imply final subdivision approval or granting of a residential phasing allocation by the planning commission. (Ord. passed 11/03/03 (part); Ord. passed 12/7/98 (part))

**10.18.120 Allocation procedures—
Final approvals.**

The Manager on making affirmative findings that all conditions of the preliminary connection approval have been fulfilled

shall issue the final connection approval permit which approval shall be conditioned as follows:

A. The permit shall specify the allowed volume, flow rate, strength, frequency and any other characteristics of the proposed discharge determined appropriate by the Manager.

B. The capacity allocation shall not be transferable to any other person or project.

C. Capacity allocated in conjunction with the final connection permit for building development shall revert to the town if the permit recipient has failed to initiate construction within one year of the issued date on the final connection permit.

D. The permit shall expire for all uncompleted construction three years from the date of issuance. Provided that a project has received a residential phasing allocation from the planning commission, the permit shall expire three years after the final phasing date. The permit also shall expire if no substantial construction activity occurs on a project for a consecutive three-year period. Within the three-year period a revised development plan and connection application may be approved by the Manager or Board in the same manner as the original, which may or may not extend the time period of the permit. If the Manager or Board approves an amended connection application, it will issue a revised final connection permit with reduced or increased capacity allocation determined in accord with the allocation principles. Where a portion of the committed allocation is unused after expiration of the permit or where reduced capacity is granted in a revised connection permit, the excess capacity will revert to the town.

E. When the owner/developer of a subdivision sells individual lots within the time frame of the permit, the ownership of the final connection permit shall transfer with the own-

put w/ rec'd 2. permit
2008-77

Handy's Hotels & Rentals, LLC.

27 Susie Wilson Road
Essex Junction, VT 05452
802-655-0911



July 30, 2008

Sharon Kelley
Town of Essex
81 Main Street
Essex, VT 05453

Dear Sharon,

This letter is to inform you that I have completed the relocation of the dumpster, the newly paved area, and the snow storage area for Handy Suites located at 27 Susie Wilson Road. I also had a temporary asphalt sidewalk put in that was approved by Dennis. Once the new addition and the Lowe's road construction is completed then the final sidewalk will be put in. I also added seven parking spaces in front of the old dumpster area.

I hope that the above listed items resolve any prior permit conditions. Please feel free to contact me at 343-3292 with any questions. Thank you for all of your help and cooperation.

Sincerely,


Gabe Handy