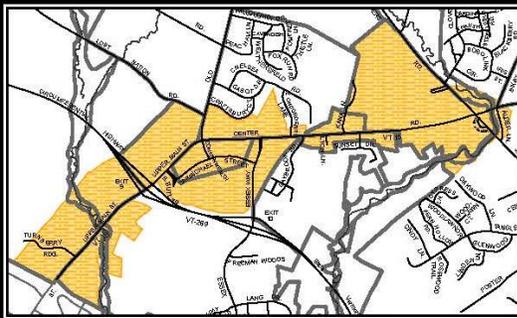


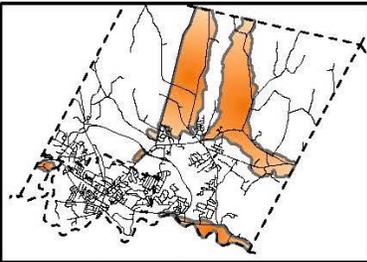
RPD-I Buffers

OFFICIAL ZONING MAP TOWN OF ESSEX VERMONT

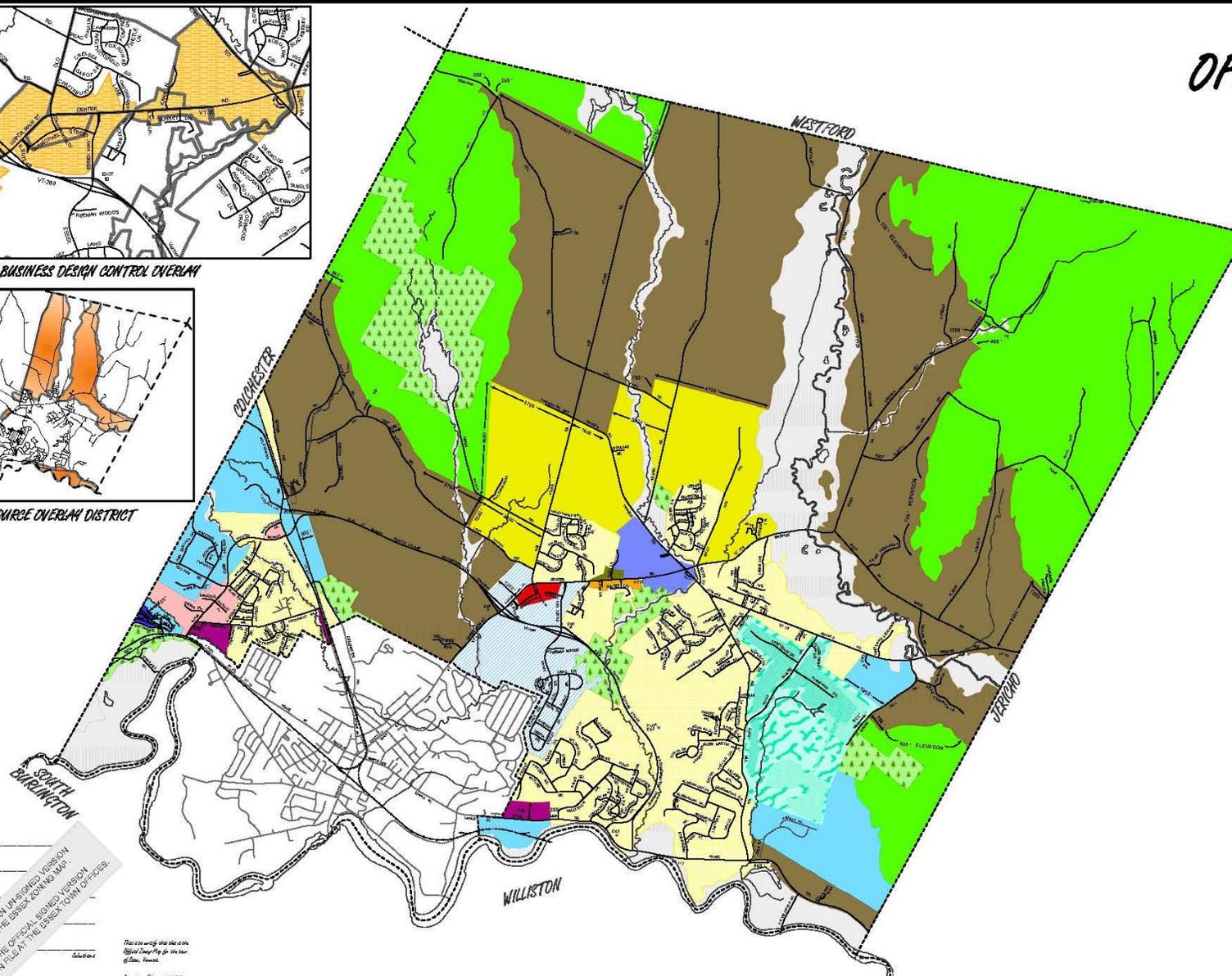
2017



BUSINESS DESIGN CONTROL OVERLAY



SCENIC RESOURCE OVERLAY DISTRICT



LEGEND

- +—+—+ ROAD
- SURFACE WATER
- (AR) AGRICULTURAL - RESIDENTIAL
- (B) RETAIL - BUSINESS
- (C) CONSERVATION
- (C2) FLUDDPLAIN
- (GT) CENTER
- (HP-DC) HISTORIC PRESERVATION - DESIGN CONTROL
- (I) INDUSTRIAL
- (M) MIXED USE
- (M2-PND) MIXED USE - PLANNED UNIT DEVELOPMENT
- (MC) MIXED USE COMMERCIAL
- (O) OPEN RECREATION
- (R) LOW DENSITY RESIDENTIAL
- (R2) MEDIUM DENSITY RESIDENTIAL
- (R3) HIGH DENSITY RESIDENTIAL
- (RB) RESIDENTIAL - BUSINESS
- (RPD-I) RESOURCE PRESERVATION DISTRICT - INDUSTRIAL
- (RPD-I) 60% (represents only a portion of the 60% - see the Formidable Technology Park Official Zoning Map)
- (RPD-I) 20% (for the RPD-I districts)
- (RPD-I) 10% (Refer to the Formidable Technology Park Official Zoning Map, effective Nov 6, 2007 for specific delineations)



DATE: 02/14/17 Date
 PREPARED BY: [Name]
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]
 TITLE: [Name]

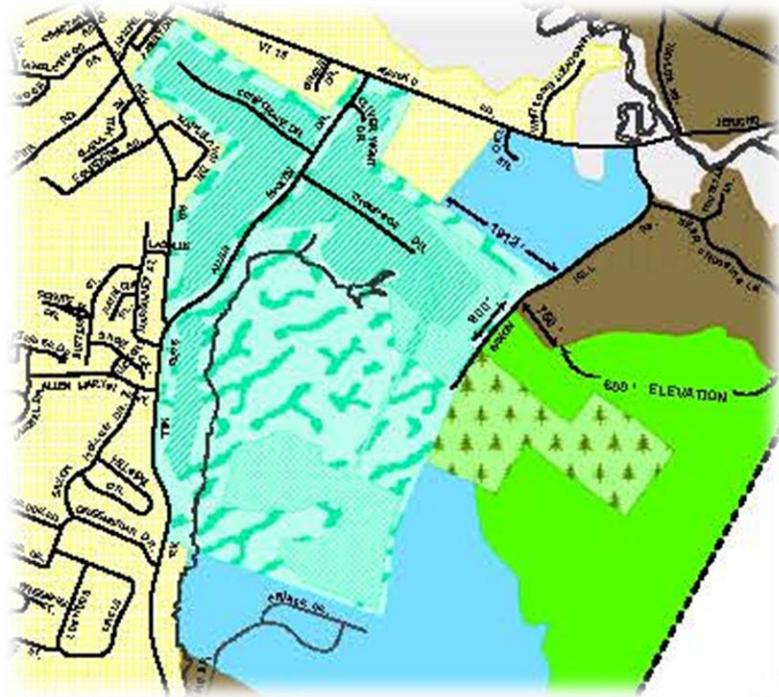
THIS IS AN UN-SIGNED VERSION OF THE OFFICIAL ZONING MAP. THE OFFICIAL SIGNED VERSION IS ON FILE AT THE ESSEX TOWN OFFICES.

This community has the title Official Zoning Map of the Town of Essex, Vermont.
 Adopted February 6, 2017
 Updated February 12, 2017

Source:
 Essex Official Zoning Map, 2nd page of town of Essex
 Ordinance No. 1-2010 (see official zoning map and water table
 Plan Booklet and also see the 2014 VT Zoning of Transportation
 and Roadway Map, Single Sheet - 10000, water table
 Plan Booklet, Official Zoning Map, 2017, Vermont State
 GIS Database

Printed Date: 02/14/2017 by [Name]
 Official Zoning Map, 2017, Vermont State
 GIS Database, 2017
 Last revised February 14, 2017 by Tom G. Cox, S. E. Office

RPD-I Purpose



Purpose: The RPD-I District is established for land that is comprised of forests, bodies of water, high elevations, scenic overlooks, or similar natural settings. The RPD-I District acreage in combination with the 90-acre parcel zoned O1 (presently owned by the Essex Junction School District) totals 751.7 acres. The objective of the RPD-I and the related O1 District parcel is to protect such natural attributes for public enjoyment, and, to carry out development activities in harmony with the natural surroundings. Of the 751.7 acres in this district, 60 percent has been formally designated for recreation/conservation use (including all of the related O1 District acreage) and the remaining 40 percent for permitted uses as set forth in (B) below that satisfy all other district requirements. Residential uses are not allowed in this district.

Specific Buffer Language in the RPD-I Zoning Table 2.10

- (9) **Buffers.** Buffer areas shall be maintained in the RPD-I district, as required below and under Section 3.2 (Buffers), in order to provide visual screening between industrial development and adjacent streets and residential areas, as well as to maintain trails and the natural environment to the greatest extent possible.
- (a) A 200-foot buffer shall be maintained along adjacent residential areas and streets, including VT Route 15, Sand Hill Road and Saxon Hill Road. It shall also apply to areas where development abuts a residential property not located in a residential district. The 200-foot buffer shall be maintained in an undisturbed, vegetated state. No tree clearing or removal of vegetation shall be allowed with the exception of such activities authorized pursuant to a Forest Management Plan (FMP) approved by the Planning Commission. Parking areas, access drives and components of stormwater management systems may not be located within the 200-foot buffer, although underground utility easement crossings are permitted. The Planning Commission, upon recommendation of the Town Engineer, may approve overhead utility line crossings if ledge, underground water or other conditions make underground installation infeasible. Areas cleared for utility crossings shall be re-vegetated in accordance with a landscape plan approved by the Planning Commission. The Planning Commission may not waive buffer requirements in the 200-foot buffer.
- (b) A 100-foot buffer shall be maintained along Allen Martin Drive. The 100-foot buffer shall be maintained to establish a continuous mixed age stand that will enhance the rejuvenative capacity of the understory. No tree clearing or removal of vegetation shall be allowed with the exception of such activities authorized pursuant to a FMP approved by the Planning Commission, or for accesses approved by the Planning Commission. Parking areas and components of stormwater management systems may not be located within the 100-foot buffer, although underground utility easement crossings are permitted. The Planning Commission, upon recommendation of the Town Engineer, may approve overhead utility line crossings if ledge, underground water or other conditions make underground installation infeasible. Areas cleared for utility crossings shall be re-vegetated in accordance with a landscape plan approved by the Planning Commission. The Planning Commission may not waive buffer requirements in the 100-foot buffer.
- (c) A 50-foot buffer shall be maintained along all interior streets other than Allen Martin Drive, unless waived by the Planning Commission. Applicants seeking a waiver of buffer requirements in the 50-foot buffer shall make such a request from the Planning Commission during the site plan review process. Any such waiver request shall include an explanation of why a waiver is necessary, a description of the extent of disruption in the 50-foot buffer, and a proposal for mitigation through additional landscaping and/or re-vegetation. If a waiver is granted, the Planning Commission shall state this determination in its approval, along with any conditions for mitigation, including a landscaping plan.

Section 3.2 Buffers (waiver language)

(3) RPD-I District.

- (a) The 200-foot buffer requirement shall apply where development abuts a residential property that is not located in a residential district.
- (b) The Planning Commission may not waive buffer requirements in 100 - or 200 - foot buffers but may waive buffer requirements in the fifty-foot (50') buffer area. If waived, the Planning Commission shall explicitly state in its approval that a waiver has been granted, the basis for the waiver, and any conditions it deems necessary to mitigate the loss of vegetation with additional landscaping.
- (c) Parking areas, access drives and components of stormwater management systems may not be located within 100 - or 200-foot buffers in this district but may be allowed within fifty-foot (50') buffers.
- (d) All existing trees and other vegetation shall be preserved except in an area of not more than twenty feet (20') on each side of required driveways, which must be maintained in grass or other groundcover that does not obstruct driveway sight distances. Buffer areas shall remain fully vegetated with the exception of tree clearing pursuant to a forest management plan (FMP) approved by the Planning Commission.

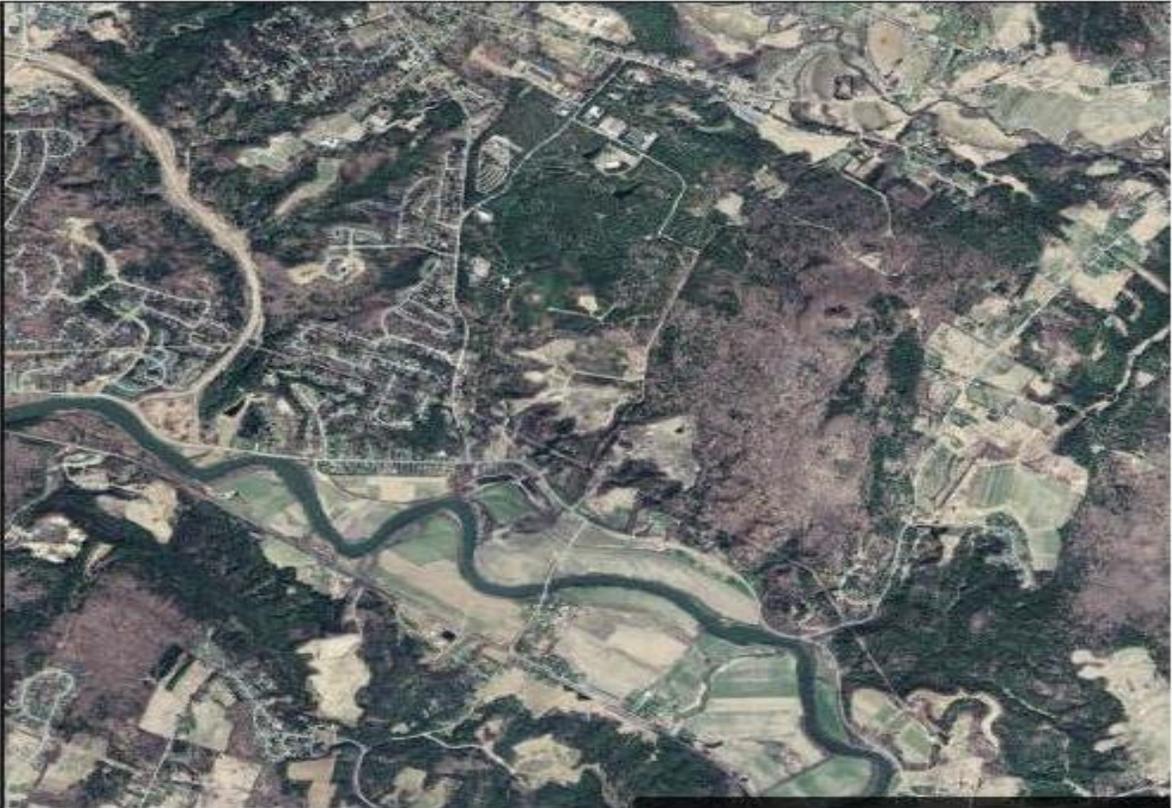
(B) General Requirements.

- (1) Parking areas and access drives, except as specified above for the RPD-I District, may be located within the side and rear yards, but may not be located within required buffer areas.
- (2) Buffer areas may be crossed by utility easements. Where this occurs, the buffer area shall be planted with bushes, shrubs, or trees, if allowed by the utility. Otherwise, the portion of the buffer area crossed by the utility shall be grassed and removable fencing shall be used as a screening device as may be determined to be necessary by the Planning Commission.
- (3) The Planning Commission may waive specific buffer area requirements, except as specified above within the RPD-I District, if it determines that the purposes of this section are met by alternative measures.

- (4) Where the proposed development abuts a residential property which is not in a residential district, separation between the proposed development and the adjacent residential property shall be provided by either a twenty-foot (20') buffer area and fence or a fifty-foot (50') buffer area. The Planning Commission may modify this requirement, except as specified above in the RPD-I District, if it determines that adequate protection is provided by other means or if it determines that the protection is not necessary.
- (5) The buffer area shall be provided with dense plantings, decorative fencing and/or land forms which will provide a year-round visual screen between the non-residential use and the residential districts. New external light fixtures shall not be permitted within the buffer area.
- (6) If a combination of land forms and plantings or decorative fencing is used such that the height of the screening at the time of planting is at least five feet (5') above the elevation at the nearest point on the property line, the width of the required buffer area may be reduced to twenty feet (20') in the Business Districts and to thirty five feet (35') in the Industrial District. This provision shall not apply in the RPD-I District.
- (7) If decorative fence is used as a part of the screening on the buffer area, said fence shall not be more than five feet (5') in height, shall not be more than ten feet (10') from the affected property line, may not be completely opaque, and shall not be continuous along the entire stretch of affected property line unless the Planning Commission determines that a continuous fence is necessary to achieve the purposes of this Section.
- (8) Where new nonresidential uses are located adjacent to existing residential buildings in adjacent residential districts, the buffer area and plantings shall be designed, to the extent practicable, to screen all outdoor lighting from the view of the ground floor of the adjacent residential buildings. New external light fixtures shall not be permitted within the buffer area.
- (9) Any forest management that needs to occur in the buffer area shall be conducted in consultation with the Town Tree Warden and subject to approval from the Planning Commission and as based upon any applicable forest management plan or agreement then in effect.

History of Indian Brook and Saxon Hill

Figure 3. Saxon Hill Forest, 2017 orthophoto (VCGI)



Saxon Hill

Since its establishment in the early 20th century, the Saxon Hill Forest has decreased in size by 88%. Originally around 800 acres, most of the area is now zoned as a semi-industrial district and predominantly owned by private landowners. However, the Essex-Westford School District owns 90 acres that contain 5.7 miles of hiking and mountain biking trails, and the Town of Essex recently acquired 245 acres that will likely be used for recreation and/or a town forest. Saxon Hill is currently composed of three primary forest types; 1) red scotch pine plantation, 2) natural white pine forest, and 3) dominantly red oak forest, with red maple, hemlock, ash, beech, and aspen as associate species.

The town recognized the need for this forest as early as 1905, when 2 preliminary acres were obtained before a large acquisition of 550 acres in 1915 (GWC Turner, 1954). In 1924, a 125-acre plot and a 30-acre plot were purchased, followed by a 15-acre plot in 1928, a 5-acre plot in 1929, and a 33-acre plot in 1933. Between 1933 and 1954, an additional 48 acres were purchased. This area contributed to the original 806 acres of conserved land owned by the town.

Between 1924 and 1944, the area was planted with 574,600 trees, a combination of scotch pine, red pine, white pine, and white cedar trees (Batchelder, 1998).

History of Indian Brook and Saxon Hill

In 1951, the Village of Essex Junction and the Winooski Soil Conservation District (now the Winooski Natural Resources Conservation District) entered into a joint conservation agreement. Their goal was to organize and plan specific uses for the different parts of the Essex town forest system. The Winooski Conservation Plan dictated that some of the town forest lands should be used for grazing, including part of Saxon Hill, but most should be managed for timber. Their management plan for the 800-acre Saxon Hill Forest included fire prevention, silvicultural objectives to guide tree harvesting, and a plan for a plantation using over 3,000 red pine seedlings (*Essex Junction Water Department Conservation Plan*, 1951).

In 1959, harvest for softwood timber began, and intermittent logging operations followed. 500 white pine and 500 Norway spruce seedlings from the Vermont State Tree Nursery in Essex Junction were planted in the spring of 1963 and cross country ski trails were established in 1967 (Cooperator's Woodland Record, 1946-1973).

Due to its continued rapid growth from the 1970s onward, the Village decided to abandon its municipal water supply systems in favor of connecting to the Champlain Water District (CWD). To recoup the financial burden of connecting to CWD and paying taxes on the land, the Trustees explored options for reusing or selling Saxon Hill. One proposal put forth in 1972 was to develop a winter sports recreational area, which would include a bobsled run, toboggan hill, and several ski tows and trails (Mayo et al., 1972).

In the summer of 1974, residents of Essex Junction voted their desire to retain ownership of the lands (Hall, 1977 and *Essex Town Records*, vol. 8 pp. 64-65). Anticipating the potential for Saxon Hill to see increased development if the Village sold it to private developers, the Town of Essex passed zoning amendments creating a new "Resource Preservation District – Industrial" district that followed the boundaries of the Village land. Potential developers advocated for zoning a large portion of the land as industrial, while the Town wanted to retain a certain portion as open space. In the end, they agreed that 60% of the land would be retained for recreation and conservation use industrial development would be allowed on 25%, and the remaining 15% would be held in reserve for conservation/recreation unless the Planning Commission decided to allow industrial development there (which it did in 2001, making a total of 40% of the land zoned industrial).

Forestdale Heights, Inc., officially acquired the former Saxon Hill Reservoir area from the Village of Essex Junction on August 15th of 1978 (*Essex Land Records*, vol. 141 pp. 68-71). At this time, Forestdale deeded 90 acres to the Essex Junction School District, currently the Essex Westford School District, for recreation, conservation, and educational purposes, leaving 650 acres for Forestdale (vol. 41 pp. 72-74). Forestdale Heights continued to acquire small parcels of surrounding land, including 13.03 acres of land from the Whitcombs in 1984 (*Essex Land Records*, vol. 172 pp. 390-392), and 8.93 acres of land from the Dodds in 1985 (*Essex Land Records*, vol. 187 pp. 95-96).

In 1986, Forestdale began a six-month thinning project to improve species composition, growth rates, and stand quality, while also providing Forestdale Heights with a mix of hardwood, softwood, logs, and pulp (Batchelder, 1986).

History of Indian Brook and Saxon Hill

In 1991, Forestdale Heights proposed a 10-year sand extraction operation within Saxon Hill, which was approved by the town's Planning Commission (Scagliotti, 1991) with conditions that the extraction would be phased in ten "cells," and that each cell would be reclaimed and replanted after extraction was complete. However, the Chittenden County Forester Bill Hall wrote a testimony criticizing Forestdale Heights over extension of their land use permit (Batchelder, 1998). The Essex Selectboard appealed the decision on the grounds that the Planning Commission did not have the authority to approve such a permit under the Zoning Regulations, but the court decided in favor of the Planning Commission and its decision to grant Forestdale's permit (Chittenden Superior Court, 1992).

In 1996, shelterwood cutting began to promote young pine growth, and intermittent thinning occurred until 2011.

In 2011, Forestdale Heights submitted an application to extract sand on 54.3 acres outside of the original sand extraction area, which would have shifted the delineation of the 60%/40% conservation/ industrial areas in the RPD-I. The Planning Commission denied the application on the grounds that it did not meet the intent of the RPD-I district in maintaining "broad belts of trees and contiguous blocks of forest," and Forestdale appealed the decision to environmental court (Planning Commission minutes, Feb. 10, 2011). Before the case was heard, Forestdale sold all of its Saxon Hill land to Al Senecal of Allen Brook Development, including the proposed sand extraction area. Allen Brook and the Town reached an agreement in 2015, whereby Allen Brook would extract sand on 27.5 acres, while 250 acres would be given to the Town for conservation and recreation purposes (Dover, 2015), settling the exact boundaries of the conservation and industrial development areas.

Currently, what was the original Saxon Hill Town Forest is broken up into three areas. The first is the 90 acres that were deeded to Essex Junction School District, now Essex Westford School District, for recreation, conservation, and educational purposes in 1978, represented in blue on the Saxon Hill map (Figure 4). Since 2004, the school district has leased this land to the Town of Essex for public recreation, including hiking and mountain biking (*Essex Land Records* vol. 627, p. 403). On September 29, 2017, the town re-acquired 250 acres of the historic Saxon Hill forest from Allen Brook Development, to be used for conservation, forest management, and recreational purposes shown in Figure 4 as the cross-hatched section. This leaves 410 acres that are privately-owned and developed or developable, shown in orange in Figure 4. As of the time of this writing, the town intends to develop a management plan for the 250 acres, with the goal of providing public recreation in an area where economic growth can continue without unduly impacting the community and ecological value of the Saxon Hill Forest.

History of Indian Brook and Saxon Hill

Saxon Hill Town Forest: Past and Present

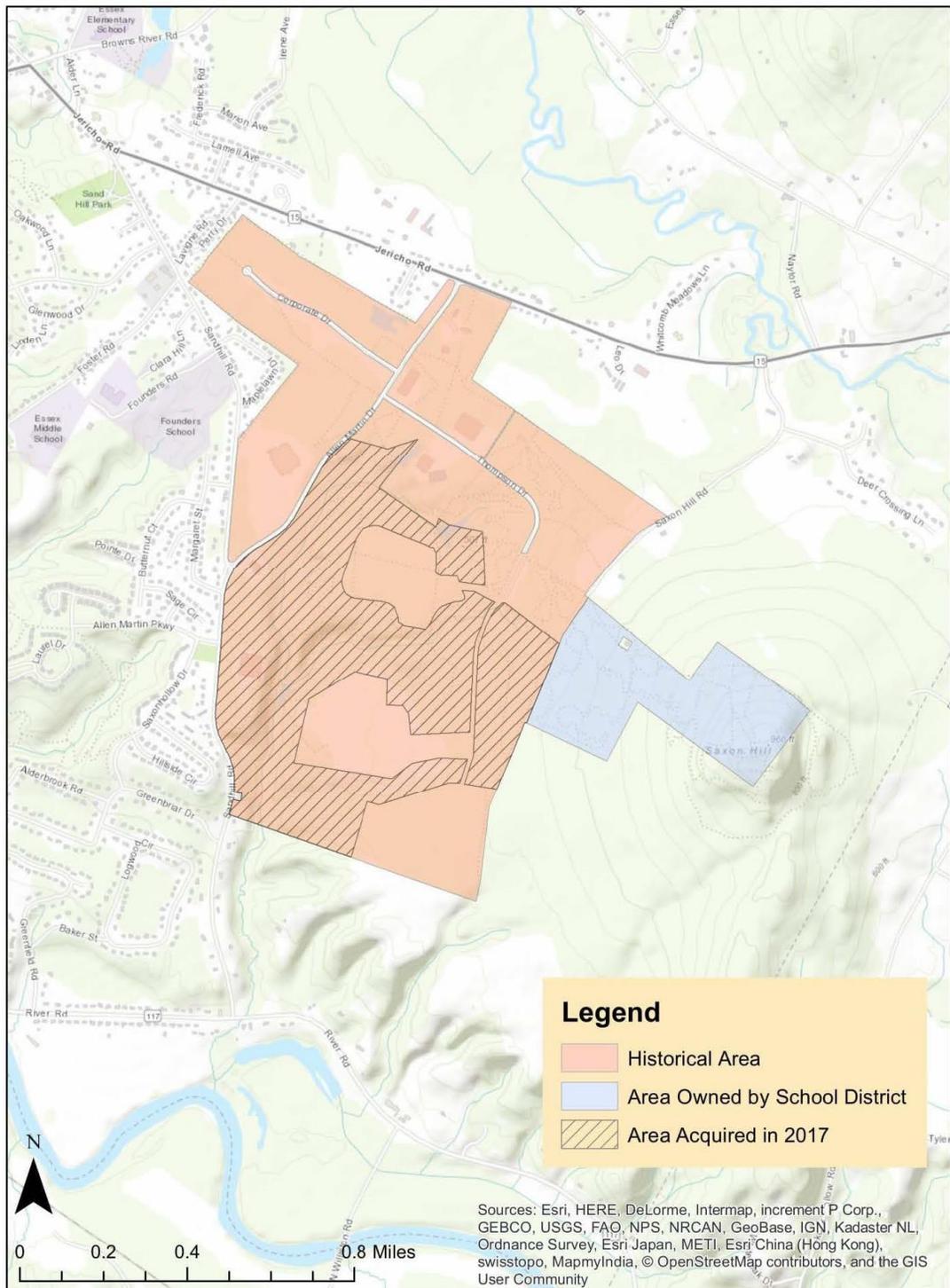


Figure 4. Historical and current areas of Saxon Hill forest (credit to Chittenden County Forester Ethan Tapper).

2016 Settlement Agreement Between the Town & Allen Brook Development (ABD)

- ABD approved for Sand Extraction
- ABD gave Town 245 acres of conservation land – this is the remaining 60% of the conservation land
- ABD's remaining land is part of the 40% for industrial development.
- The Town's land and ABD's land is clearly laid out in a subdivision plat.
- The buffers on the undeveloped land of ABD will not count toward the 40% industrial land.
- ABD has a reclamation plan for the extraction and cannot clearcut their remaining land until a site plan is approved.
- Town receives trail easements within buffer areas to connect to existing trails. The Town gives back easements outside of buffer areas.
- Buffers are to remain fully vegetated with the exception of a Planning Commission (now DRB) approval to waive the requirements of the 50-foot buffer.











