



SELECT BOARD  
NADINE SCIBEK  
JEFFREY BARTLEY  
HERBERT DOWNING  
MARC LANDRY  
THOMAS MULCAHY

TOWN MANAGER  
DAWN FRANCIS  
264-5501

DIRECTOR OF PLANNING &  
ZONING  
SARAH HADD  
264-5602

ZONING ADMINISTRATOR  
LISA RIDDLE  
264-5604

ASSISTANT ZONING  
ADMINISTRATOR  
JANE DION  
264-5603

BUILDING INSPECTOR  
DEREK SHEPARDSON  
264-5607

ADMINISTRATIVE ASSISTANT  
264-5606

WASTEWATER OFFICIAL &  
HEALTH OFFICER  
DENISE JOHNSON-TERK  
264-5601

FAX NUMBER  
(802) 264-5503

April 7, 2014

Faith Ingulsrud, Planning Coordinator  
Vermont Department of Economic, Housing & Community Development  
National Life Building, 6<sup>th</sup> Floor  
One National Life Drive  
Montpelier, VT 056320

Dear Ms. Ingulsrud:

Enclosed please find the materials that Colchester is submitting to the Vermont Downtown Board in support of the first five-year review of the town's new town center and growth center designations. This includes a report describing the current status of each finding of fact in the board's original decision approving the growth center. That is supplemented with further documentation in the following attachments:

1. Permitted Development Tables and Map (2009-2013)
2. Relevant excerpts from Colchester's draft Town Plan (final public hearing on the draft plan is scheduled for April 8 and review by CCRPC for April 16)
3. Updated zoning provisions
4. Transportation related materials
5. New Town Center Community Investment Agreement

The first five years of Colchester's growth center designation have been challenging and not without a few surprises, but meaningful progress has been made towards our goal of creating a new town center at Severance Corners. It is important to remember that we are building something new from the ground up rather than building upon something that already exists. As with any new venture, the time and effort invested in the early years may not seem to be producing immediate results but are creating a sound foundation for the long-term future.

Development is proceeding more gradually than envisioned as a result of the recession and slow recovery. However, this has given the town more time to refine the zoning regulations for development at Severance Corners, partner with South Burlington to successfully complete a wastewater treatment plant expansion to provide ample capacity for development within the growth center, and work to bring transit service to Colchester.

The state's decision to abandon plans for the Circumferential Highway led to further study of planned transportation improvements within the growth center as part of the larger regional picture. This has set the implementation schedule for those improvements back somewhat, but has brought new funding sources and opportunities that should be very beneficial for the growth center over the long-term. It now looks like the town will

be able to allocate more future TIF revenues to bike and pedestrian improvements rather than to roadway and intersection improvements within the growth center.

As detailed in Attachment 1, there have been 56 dwelling units (two 28-unit buildings) built within the new town center between 2009 and 2013. That represents approximately 35% of all the new residential units built in Colchester over that period. Severance Corners has been the only large-scale residential development occurring in town – no other project has included more than 10 new dwellings. At this time, most new housing outside the growth center is occurring as a build-out of small subdivisions and lots that were created prior to 2009.

The economic downturn has significantly affected the rate of commercial development townwide. Between 2009 and 2013, Colchester has issued only 16 permits for new non-residential construction. One of those was for an approximately 4,000 square foot building within the growth center, which now houses the Movement Center School of Dance, Music and Theater. This is the only new commercial space created in the growth center between 2009 and 2013. The commercial space that was built prior to 2009 at Severance Corners has experienced some turnover but remains largely occupied.

Seven permits were issued for new commercial and industrial space in the Exit 16 area. This included a hotel, office space, and health laboratory building. These were primarily larger-scale projects, which Colchester envisions will continue to locate in the hub around the exit while more neighborhood-scale commercial development will occur within the growth center. There were also several permits issued for commercial projects in the vicinity around St. Michael's College and the Fort, as well as a few small, individual buildings distributed elsewhere around town.

The amount of non-residential development occurring within the growth center during this first five years has been disappointing. There has been strong demand for residential development within the growth center to provide housing for students at the Albany College of Pharmacy. As a result, the developer has focused more heavily on meeting that need rather than seeking commercial tenants. With the college at its full enrollment level and housing built for those students, we anticipate that the developer will have more interest in pursuing commercial projects over the next several years. Town staff is working with the developer to attract commercial tenants to the growth center. To summarize, Colchester has taken a number of important steps during the past five years that will improve the town's ability to achieve the vision of a new town center at Severance Corners. Solutions to our infrastructure challenges have been or are being implemented. We have refined our plans and regulations. Our TIF district provides a funding source for turning those plans into real world improvements. All of these create a hospitable environment for the private development we want to attract to the growth center.

Sincerely,



Sarah Hadd  
Colchester Director of Planning & Zoning

## Colchester Growth Center Status Report 2009-2013

---

1. The proposed growth center growth cannot reasonably be achieved within an existing designated downtown, village center, or new town center located within the applicant municipality (24 V.S.A. § 2793c(e)(1)(G)(ii)).
- 

**FINDINGS OF FACT.** Through its projections, the town anticipates about 1,300 additional households and 2,300 additional jobs over the next 20 years. This translates to about 665 dwelling units and 478,550 SF of commercial space needing to be accommodated in the growth center. For the 10-acre New Town Center to accommodate this amount, or even 50% of this amount, the density would have to exceed the maximum density of 12 units per acre allowed under the current zoning. The current zoning density is enabled, not required. Higher densities would require a zoning change.

**CURRENT STATUS.** It remains accurate that the proposed growth center growth could not reasonably be achieved within Colchester's 10-acre New Town Center. The boundaries of both the New Town Center and the Growth Center remain as originally approved in 2007 and 2009, respectively.

Seven years after its designation, the New Town Center development as originally planned and permitted is largely constructed and occupied. In 2013, Colchester replaced the zoning within the Severance Corners Growth Center with a new form-based code (FBC) district. The FBC does not have a maximum density and will allow for future infill within the New Town Center. However, even with those changes, Colchester anticipates that the majority of future growth within the Growth Center will occur outside the 10-acre New Town Center.

2. The proposed growth center is of an appropriate size sufficient to accommodate a majority of the projected population and development over a 20-year planning period. The proposed growth center does not encompass an excessive area of land that would involve the unnecessary extension of infrastructure to service low-density development or result in a scattered or low-density pattern of development at the conclusion of the 20-year period (24 V.S.A. § 2793c(e)(1)(F)).

The proposed growth center will result in a settlement pattern that, at full build-out, is not characterized by development that is not serviced by municipal infrastructure or that requires the extension of municipal infrastructure across undeveloped lands in a manner that would extend service to lands located outside compact village and urban centers (24 V.S.A. § 2791(13)(1)(iv)).

The proposed growth center will result in a settlement pattern that, at full build-out, is not characterized by linear development along well-traveled roads and highways that lacks depth, as measured from the highway (24 V.S.A. § 2791(13)(1)(v)).

---

**FINDINGS OF FACT.** The proposed growth center is 273 acres. Only about 161 acres are developable. More than 50% of the projected growth can fit into these 161 acres, especially if they are built out to the maximum feasible extent according to the applicant.

Much of the area has been permitted at less than maximum feasible density permitted. It is not characterized by linear development. While the PUDs within the growth center

are each planned at a higher density pattern, there was some concern that that these areas do not unify into one compact form. Future infill development could help diminish a scattered appearance between the developments. The area is currently served by water and sewer. Given the configuration of the growth center, and the growth projections over 20 years (even if there is a slowing in the growth over the next couple of years), the growth center is appropriately sized.

**CURRENT STATUS.** It remains accurate that the 273-acre Growth Center is appropriately sized to accommodate a majority of Colchester's projected growth over the 20-year planning period. Colchester adopted a form-based code for Severance Corners in 2013, which was intended to promote higher-density and infill development. The state's 2011 decision to abandon plans for the Circumferential Highway, which would have bisected the Growth Center, is anticipated to create new opportunities for a better integrated and connected development pattern at Severance Corners than could have been achieved if the highway had been built as originally planned.

- 
3. The proposed growth center will support and reinforce any existing designated downtown, village center, or new town center located in the municipality or adjacent municipality by accommodating concentrated residential neighborhoods and a mix and scale of commercial, civic, and industrial uses consistent with the anticipated demand for those uses within the municipality and region (24 V.S.A. § 2793c(e)(1)(G)(i)).

The proposed growth center is planned to develop compact mixed-use centers at a scale appropriate for the community and the region (24 V.S.A. § 2791(13)(8)).

---

**FINDINGS OF FACT.** The application includes an analysis of retail activity in Chittenden County. The scale and mix of commercial uses proposed for the growth center is not destination in nature and thus not proposing to compete with other major retail centers in Chittenden County, including Colchester's own Exit 16. There will be no big box retail stores, as no buildings greater than 10,000 square feet will be permitted within the proposed growth center. Only 25% of the proposed commercial space proposed in the growth center will be retail, and is projected to mainly serve the residents of Colchester, especially those living in the area. These limitations are key to minimizing the impact on other parts of Colchester and surrounding downtowns and village centers, including Burlington, Essex Junction, Winooski, Williston and Jericho. The residential growth within the growth center is expected to reinforce the designated new town center of Colchester, especially if the town is successful in funneling a majority of their commercial and residential growth into the growth center.

**CURRENT STATUS.** It remains accurate that Severance Corners is not envisioned to become a major regional retail center. The Severance Corners form-based code requires multi-story buildings and incorporates architectural standards that will effectively prevent big box retail development and promote mixed-use development.

- 
4. The proposed growth center promotes densities of land development that are significantly greater than existing and allowable densities in parts of the municipality that are outside a designated downtown, village center, growth center, or new town center, or, in the case of municipalities characterized predominately by areas of existing dense urban settlement, it encourages infill development and redevelopment of historically developed land (24 V.S.A. § 2791(12)(B)(iv)).

The proposed growth center results in compact concentrated areas of land development that are served by existing or planned infrastructure and are separated by rural countryside or working landscape (24 V.S.A. § 2791(12)(B)(vi)).

The proposed growth center is planned to maintain the historic development pattern of compact village and urban centers separated by rural countryside (24 V.S.A. § 2791(13)(A)).

The proposed growth center will result in a settlement pattern that, at full build-out, is not characterized by scattered development located outside of compact urban and village centers that is excessively land consumptive (24 V.S.A. § 2791(13)(1)(i)).

The approved plan and the implementing bylaws further the goal of retaining a more rural character in the areas surrounding the growth center, to the extent that a more rural character exists (24 V.S.A. § 2793c(e)(1)(D)(iv)).

---

**FINDINGS OF FACT.** Colchester has an incentive approach to development in the growth center; they are trying to attract smart growth development to the growth center through incentives by making it a better option for the developer than conventional development. Tools in place to achieve smart growth include: higher base density in the growth center than some (but not all) areas of the town, density bonuses, a fledgling Transfer of Development Rights (TDR) program that has the growth center as just one of the receiving areas though with additional bonus points, in-place infrastructure in the growth center, open space planning, Planned Unit Development (PUD), and design guidelines for compact mixed use GD3 zoning district.

The following concerns were raised during the designation review processes about the town's regulatory program (responses from the applicant shown in italics):

- The regulations allow low-density development including one-story buildings within the growth center. *Higher densities are optional but the design guidelines for the district make multi-storied buildings more likely to be proposed and approved than low-density development.*
- Integrating the four quadrants of the growth center into an interconnected whole rather than as four separate PUDs may be difficult given the layouts approved for three of the PUDs and the separation created by the Circ Highway right-of-way. *The town has proposed connections through pedestrian and vehicular infrastructure and expects that the design guidelines for the district, over time and with infill development, will lead to a better-integrated pattern as envisioned in the concept drawing.*
- It may be a challenge to direct 50% or more of the projected growth into the growth center, since there are other areas of the town where commercial, residential and industrial growth can and will occur. In particular, the growth center identified in

the Town Plan for Exit 17 could detract from the designated growth center at Severance Corners. *The town plan targets the Exit 17 area for growth only after the Severance Corners growth center is built out. There is no existing sewer service at Exit 17. A recent study indicated that provision of necessary sewer, water, and transportation networks to support the mixed-use compact growth that zoning defines for Exit 17 would be exorbitant and not likely to occur within the foreseeable future.*

- If developers do not take advantage of density bonuses, the actual density may not be much higher in the growth center than in other parts of the town. Since the growth center is not the only receiving area in the TDR program, the incentive may be diluted. Furthermore the town's incentives in the growth center may be undermined by Act 250 requirements for off-site mitigation for any impacts to agricultural soils in the growth center regardless of any development rights that may have been purchased on farm land. *Development in the growth center is eligible for double the bonus densities available in other receiving areas and with the other incentives available for development in the growth center will tip the balance to favoring use of the TDR bonuses in the growth center.*

The incentive based tools - including TDRs and density bonuses - are still in the development stage, so their ability to direct smart growth development will not be known for some time. Understanding that Colchester has made the effort to lead at least 51% of development to the growth center over the next 20 years, but that the results of this effort is not certain, the Board believes that reporting on progress at less than the 5-year renewal period is an appropriate way to move forward with the growth center designation.

**CURRENT STATUS.** It remains accurate that Colchester is actively working to promote smart growth development within the Growth Center and to protect rural character in outlying areas of town. During the past five years, the town has revised its regulatory tools in response to changing market conditions and feedback from various stakeholders, including the discussion and findings associated with the Growth Center planning and approval process.

The zoning at Severance Corners that was in place when the Growth Center was approved has been replaced in its entirety by a form-based code (FBC). The FBC eliminates the maximum density, requires multi-story buildings, eliminates minimum parking requirements, and establishes architectural standards for new buildings and design standards for new parking lots.

The Transfer of Development Rights (TDR) program Colchester envisioned establishing when the Growth Center was approved has not been possible to implement given market conditions over the past 5 years. A viable TDR program would require a level of growth pressure that currently does not exist in Colchester. Seeing that TDRs were not going to be effective in the near term, the town rezoned the Agricultural Mixed Use district to incorporate fixed area based zoning, which requires new residential lots to be between ½ and 1 acre in area in order conserve open space and working lands.

- 
5. The proposed growth center incorporates a mix of uses that typically include or have the potential to include the following: retail, office, services, and other commercial, civic, recreational, industrial, and residential uses, including affordable housing and new residential neighborhoods, within a densely developed, compact area (24 V.S.A. § 2791(12)(B)(i)).

The proposed growth center is planned to support a diversity of viable businesses in downtowns and villages (24 V.S.A. § 2791(13)(G)).

The proposed growth center is planned to provide for housing that meets the needs of a diversity of social and income groups in each community (24 V.S.A. § 2791(13)(H)).

---

**FINDINGS OF FACT.** Residential units can range from single-family homes, to multi-family dwellings to boarding houses and temporary homes.

The application discusses the housing options that both the Town Plan and the regulations attract within the proposed growth center. These include density bonuses for affordable housing, senior housing and congregate housing. The dwelling units within the new town center-typical of what will be found throughout the growth center-are within a price range that meet the state's definition of affordable housing for Chittenden County (affordable to households earning between \$38,000 to \$87,000 per year).

**CURRENT STATUS.** It remains accurate that Colchester is actively working to promote mixed-use development, including affordable housing, within the Growth Center. The 2013 form-based code for Severance Corners expands the range of uses allowed in the Growth Center in conjunction with architectural standards to ensure compatibility. The housing constructed at Severance Corners during the past five years is a mix of rental apartments and ownership condominiums – the majority of which qualify as affordable housing under the state's definition.

---

6. The applicant has adopted a capital budget and program in accordance with 24 V.S.A. § 4426 and the existing and planned infrastructure is adequate to implement the growth center (24 V.S.A. § 2793c(e)(1)(E)).

The proposed growth center is planned to balance growth with the availability of economic and efficient public utilities and services (24 V.S.A. § 2791(13)(F)).

---

**FINDINGS OF FACT.** The application includes Colchester's 2008-2010 Capital Improvement Plan, which focuses on transportation improvements, though none of those improvements are in the proposed growth center. This is not the only tool that the town uses for infrastructure improvements within the growth center. There is also the MOU between the town and the major developers of the properties within the growth center, signed in July 2007, covering specifically transportation improvements within the growth center. The MOU included in the application is general in its identification of responsibilities, but has been supplemented by a 4/7/09 memo by the town presenting an outline for how bike and pedestrian improvements will be implemented over the next 20 years.

The town also has an Official Map, but the level of detail is not sufficient to focus on planned public infrastructure within the growth center. The town plans on refining the MOU and using that as the main tool for future improvements, instead of revising the Official Map.

As stated above, public sewer and water is currently available within the growth center. The developers will pay for extensions and hook-ups. In terms of wastewater capacity, additional capacity needed by the growth center by 2011 will be supplied by expansion of South Burlington's treatment plant. The application stated that construction was expected to start in the spring of 2009. The applicant clarified and ANR concurred, that a fall 2009 or spring 2010 construction date was more likely, which still meets the town's needs for having the additional capacity by 2011. The applicant also explained at the PCG meeting that there is no prioritization for the new allocation between Exit 16 and the growth center, but since Exit 16 is mostly built out, in reality the growth center will receive most if not all of this allocation.

**CURRENT STATUS.** Colchester continues to maintain a current Capital Improvement Plan (CIP) and an Official Map. There have not been any changes to those documents that relate directly to the growth center since 2009. Plans for transportation improvements at Severance Corners have evolved considerably during the past five years. As a result, the anticipated timing of those improvements remains beyond the five-year horizon of the CIP.

Colchester applied for and received a tax increment financing (TIF) district for the growth center in 2010. The town had sought the TIF district primarily to fund the transportation improvements at Severance Corners. The state's decision to pursue alternatives to the Circ has changed the timing and funding for those improvements from what was anticipated in 2009. The current status of the transportation improvements at Severance Corners is discussed in greater detail below.

Capacity from the expanded South Burlington wastewater treatment plant that serves this area became available in 2013. Colchester is currently updating its sewer allocation ordinance, which will dedicate the majority of the additional capacity (approximately 200,000 gallons per day) to the growth center.

- 
7. The proposed growth center incorporates existing or planned public spaces that promote social interaction, such as public parks, civic buildings (e.g., post office, municipal offices), community gardens, and other formal and informal places to gather (24 V.S.A. § 2791(12)(B)(ii)).
- 

**FINDINGS OF FACT.** Most of the town's civic buildings are already located outside of the proposed growth center. Because of Colchester's traditional pattern of development over the years, growing in separate nodes of development including the Village, Malletts Bay area and Exit 16 off I-89, the town's civic functions and other public spaces are also scattered throughout the town. However, Colchester will also locate several civic functions within the growth center (a satellite library and office space for their economic development department and the local chamber of commerce). There will also be community spaces, such as public greens, gazebos, recreation pathways, play areas, and open air markets, incorporated into the three approved developments within the growth center.

**CURRENT STATUS.** It remains accurate that community functions, spaces and amenities will be provided within the Growth Center. The current Severance Corners development is organized around a central green with a gazebo. The conceptual plans for future development within the growth center envision extending that green across Blakely Road. There is also playground within the development. One of the original tenants in the New Town Center is a daycare center. The approved plans for the Sunderland development (across Route 7 from the New Town Center) include a farmers' market.

Since the approval of the Growth Center in 2009, Colchester has built a new town office on Blakely Road less than two miles east of the Growth Center. The planned extension of the town's bike path through the Growth Center will connect Severance Corners to the town office, and the schools and public recreation facilities just beyond.

- 
8. The proposed growth center is organized around one or more central places or focal points, such as prominent buildings of civic, cultural, or spiritual significance or a village green, common, or square (24 V.S.A. § 2791(12)(B)(iii)).

The proposed growth center will result in a settlement pattern that, at full build-out, is not characterized by linear development along well-traveled roads and highways that lacks depth, as measured from the highway (24 V.S.A. § 2791(13)(1)(v)).

---

**FINDINGS OF FACT.** There are several focal points within the growth center including central greens within the individual PUDs. Sunderland Corners PUD will include a clock tower, which will provide a visual focal point. All these areas are open to the general public. The proposed roundabout for the intersection of Route 7 with Blakely Road and Severance Road will provide a central focus that will help integrate the separate PUDs into a single growth center, especially if a compact streetscape around that intersection is built as planned. This central focus would help draw together the separate areas of the growth center, so this could be a key element. While VTrans has no plans at the moment to design or construct the roundabout, the town and developers are looking to include some local responsibility for it in their MOU, including financing mechanisms.

**CURRENT STATUS.** As described above, the first phase of development within the Growth Center is organized around a central green. The 2013 form-based code will make further infill development fronting on the intersection of Route 7, Blakely Road and Severance Road possible. As part of the visioning associated with development of the FBC, a 3D model was developed illustrating that desired development pattern and that was used to help calibrate the code. That model can be viewed online at <http://youtu.be/KqmHE8YRHrw>.

- 
9. The proposed growth center is supported by existing or planned investments in infrastructure and encompasses a circulation system that is conducive to pedestrian and other non-vehicular traffic and that incorporates, accommodates and supports the use of public transit systems (24 V.S.A. § 2791(12)(B)(v)).

The proposed growth center is planned to enable choice in modes of transportation (24 V.S.A. § 2791(13)(C)).

The proposed growth center will result in a settlement pattern that, at full build-out, is not characterized by development that limits transportation options, especially for pedestrians (24 V.S.A. § 2791(13)(1)(ii)).

---

**FINDINGS OF FACT.** Several transportation-related issues were identified during the designation review process. One concerned proposed transit as described in the application (the plans for transit described in this section were terminated after the application was submitted). This plan was supplemented by a 4/7/09 memo from the town describing Colchester's efforts to date in bringing transit to the growth center. The memo outlines how it will approach joining with CCTA over the next five years, including a survey of townwide demand, continued discussions with CCTA and a more energetic education effort to build public support.

Public transit is a requirement of growth center designation. Because the growth center is still under development the Board will condition designation approval on the town submitting a transit plan in keeping with PCG recommendations within 24 months of this approval. The PCG recommended submission of a plan and implementation timetable for establishing a meaningful public transit system serving the growth center that is interconnected with the regional system.

Another issue that came up was the proposed sidewalks/bike paths. Developers are financially responsible for sections within their developments, but public connections between developments will be covered under the evolving MOU that shares responsibility between the developers and the town. It was noted that the sidewalks and path alignments shown on the map on page 9-3 are conceptual (except those that are part of an approved development project), and the ones shown in state highway ROW (along Route 7 and the Circ) have not yet been agreed to by VTrans, which has recommended that the town to put these paths on developer land, not in state highway ROW. One of the challenges of this application is that the growth center is affiliated with a developing New Town Center and not an already developed downtown. Thus much of the infrastructure is not already in place. The applicant has provided a schedule for implementing these improvements in a 4/7/09 memo.

Because measures to implement the pedestrian and bicycle interconnections are dependent on development occurring in the area, the Board will condition designation approval on submission of an update report on progress in implementing the improvements described in the April 7, 2009 memo on Bike and Pedestrian Improvements. The report shall be submitted within 24 months of this approval.

**CURRENT STATUS.** Colchester has made progress with regard to planning for transit, and bicycle and pedestrian connections since 2009. The state's decision to abandon

plans for the Circ highway in 2011 has resulted in changes to the envisioned scope, timing and funding of transportation improvements within the growth center.

Colchester signed a three-year agreement with CCTA for a pilot project to provide transit along the Route 7 corridor, which will include service to the Severance Corners Growth Center in 2013. That service will commence on July 1, 2014. The pilot project will provide an opportunity to build ridership and demonstrate the demand for transit service in Colchester.

Since approval of the growth center in 2009, Colchester and VTrans have selected a preferred alternative for the Route 7, Blakely Road and Severance Road intersection. A widening of the intersection with turning lanes was ultimately selected (at the time of the growth center application, a roundabout was being considered). The intersection is now going to be fully funded as a Phase II Circ Alternative project. In FY 2014, \$250,000 will be spent on engineering and right-of-way acquisition. Construction is anticipated to occur in FY 2019.

The development within the New Town Center has built an internal sidewalk network. The sidewalk network has not yet been extended along Route 7, Blakely Road and Severance Road. The plans and MOU for pedestrian and bicycle facilities within the Growth Center remain in place, as do the conceptual plans to link the Growth Center with other areas of Colchester via the town's multi-use path system. It is currently envisioned that work on the sidewalk and path infrastructure around the main roads will commence with work on the intersection. It has not made sense to build sidewalks along Route 7 or Blakely Road before the plans for the intersection were final.

Given that federal and state funding has been secured for the intersection project, Colchester is currently exploring alternative uses for the funding that could be generated from the TIF district. One potential use would be the linkages to the town's bike path system within the Growth Center, along with related public improvements such as landscaping, pedestrian and bicycle amenities, and placemaking elements.

- 
10. The applicant has identified important natural resources and historic resources within the proposed growth center, anticipated impacts on those resources and has proposed mitigation (24 V.S.A. § 2793c(e)(1)(B)).

The approved plan and the implementing bylaws provide reasonable protection for important natural resources and historic resources located outside the proposed growth center (24 V.S.A. § 2793c(e)(1)(D)(iv)).

The proposed growth center is planned to protect the state's important environmental, natural and historic features, including natural areas, water quality, scenic resources, and historic sites and districts (24 V.S.A. § 2791(13)(D)).

---

**FINDINGS OF FACT.** The application identifies natural resources within and outside the growth center. Most of the important resources within the growth center lie in the southwest quadrant, south of the Circ ROW. Responding to PCG concerns and specifically those of the Agency of Natural Resources about these sensitive natural areas within the Growth Center, the town submitted a revised growth center boundary entirely eliminating parcels 29 and 30 and including just a narrow portion at the

northern line of parcel 13 closest to the Sunderland Comers development. By excluding those areas from the growth center, the Board's concerns about impacts on natural resources within the growth center are satisfied.

Colchester has mechanisms in place to help protect resources outside the growth center. Colchester's Open Space Plan includes specific recommendations for natural resource protection. The town's regulations also help protect important resources through applying site plan, conditional use, PUD and subdivision standards as well as through designated sending areas in the new TDR program. Colchester has a Historic Preservation overlay district to help protect historic resources.

**CURRENT STATUS.** It remains accurate that Colchester has mechanisms in place to protect natural and historic resources outside the Growth Center. These have not changed significantly since 2009. As described above, Colchester has enacted fixed area zoning to maintain working farmland and open space within the Agricultural Mixed Use district.

- 
11. The most recently adopted guidelines of the Secretary of Agriculture, Food and Markets have been used to identify areas proposed for agriculture and the proposed growth center has been designed to avoid the conversion of primary agricultural soils, wherever possible (24 V.S.A. § 2793c(e)(1)(C)).

The proposed growth center serves to strengthen agricultural and forest industries and is planned to minimize conflicts of development with these industries (24 V.S.A. § 2791(13)(E)).

The proposed growth center will result in a settlement pattern that, at full build-out, is not characterized by the fragmentation of farm and forest land (24 V.S.A. § 2791(13)(1)(iii)).

---

**FINDINGS OF FACT.** The application identifies 174 acres of primary agricultural soils within the growth center. Fifty of these acres have already been impacted or lie within the Circ ROW. Other portions of prime ag soil lie within lots 13, 29 and 30. The 174 acres represents less than 1.5% of the total acreage of primary agricultural soils in the town.

The application describes how the town plan and bylaws support protection of primary agricultural soils outside the proposed growth center and what primary agricultural soils have already been conserved. Mechanisms that the town employs to conserve agricultural lands include their Open Space Plan, their Agricultural Zoning District (minimum requirement of 25 acres per dwelling unit), their proposed TDR program (where farmland would be the sending areas) and partnering with the Vermont Land Trust. The Agency of Agriculture believes the Colchester application has adequately addressed agricultural soils as a resource.

**CURRENT STATUS.** It remains accurate that Colchester has mechanisms in place to protect agricultural soils and agricultural activities outside the Growth Center. These have not changed significantly since 2009. As described above, Colchester has enacted fixed area zoning within the Agricultural Mixed Use district to minimize fragmentation of farmland.

- 
12. The applicant has a regionally confirmed planning process and an approved municipal plan. The approved plan contains provisions that are appropriate to implement the designated growth center proposal. The applicant has adopted bylaws in conformance with the municipal plan that implement the provisions in the plan that pertain to the designated growth center (24 V.S.A. § 2793c(e)(1)(D)).

The proposed growth center is planned to reinforce the purposes of 10 V.S.A. Chapter 151. The proposed growth center is planned in accordance with the planning and development goals under 24 V.S.A. § 4302 (24 V.S.A. § 2791(12)(B)(vii) and (viii)).

---

**FINDINGS OF FACT.** The Chittenden County Regional Planning Commission approved Colchester's 2007 municipal plan and planning process on June 25, 2007. The Plan contains provisions that support the growth center. The town's zoning bylaws were last amended in September 2008, and their subdivision regulations were last amended in July 2008 to conform to the Plan's land use policies and further implement the growth center. The town planning process and the growth center support the goals of 10 VSA Chapter 151 and the goals under 24 VSA § 4302.

**CURRENT STATUS.** Colchester has a currently adopted and regionally approved plan. The town plan was re-adopted in 2011, but that was a re-adoption of the prior plan to provide Colchester with more time to complete a major update of the plan. That new plan is currently moving through the adoption process. The final Selectboard hearing on that plan is scheduled for April 8 and the CCRPC review of the plan is scheduled for April 16. A number of updates, several of which have been described above, have been made to Colchester's zoning and subdivision regulations since 2009.

Attachment 1. Permitted Development Tables and Map

**Residential Development in Colchester**

	Single Family Dwellings	Two/Multi Family Dwellings		Units within Growth Center	
		Permits	Units	Total #	% Townwide Units
1996	52	2	4		
1997	41	6	29		
1998	36	1	2		
1999	52	2	4		
2000	50	7	14		
2001	45	6	14		
2002	29	9	54		
2003	22	13	36		
2004	42	6	32		
2005	27	7	14		
2006	23	7	34	32	56%
2007	20	2	32	30	58%
2008	9	4	37	31	67%
2009	6	3	36	28	67%
2010	13	-	-	-	-
2011	14	2	31	28	62%
2012	18	2	4	-	-
2013	21	6	15	-	-
<b>Total 2009-2013</b>	72	13	86	56	35%

**Non-Residential Development in Colchester**

2009	2010	2011	2012	2013
Office building on Hercules Dr Hotel on Water Tower Circle Commercial building on Rt 7	Convenience store on College Pkwy Commercial building on Troy Ave	Com bldg on Commerce Dr	Shopping center on Macrae Rd Student center on Campus Rd Office building on West View Dr Industrial building on Rathe Rd	Com bldg on Porters Point Rd Health lab on South Park Dr Mechanic shop on Red Can Dr Com bldg on Brentwood Rd Wholesale bldg on Rathe Rd Office on Water Tower Circle

### Residential Development in Colchester 2009-2013

158 DU total

56 DU within the Growth Center

102 DU outside the Growth Center

43 DU on lots outside the GC existing/approved prior to 2009

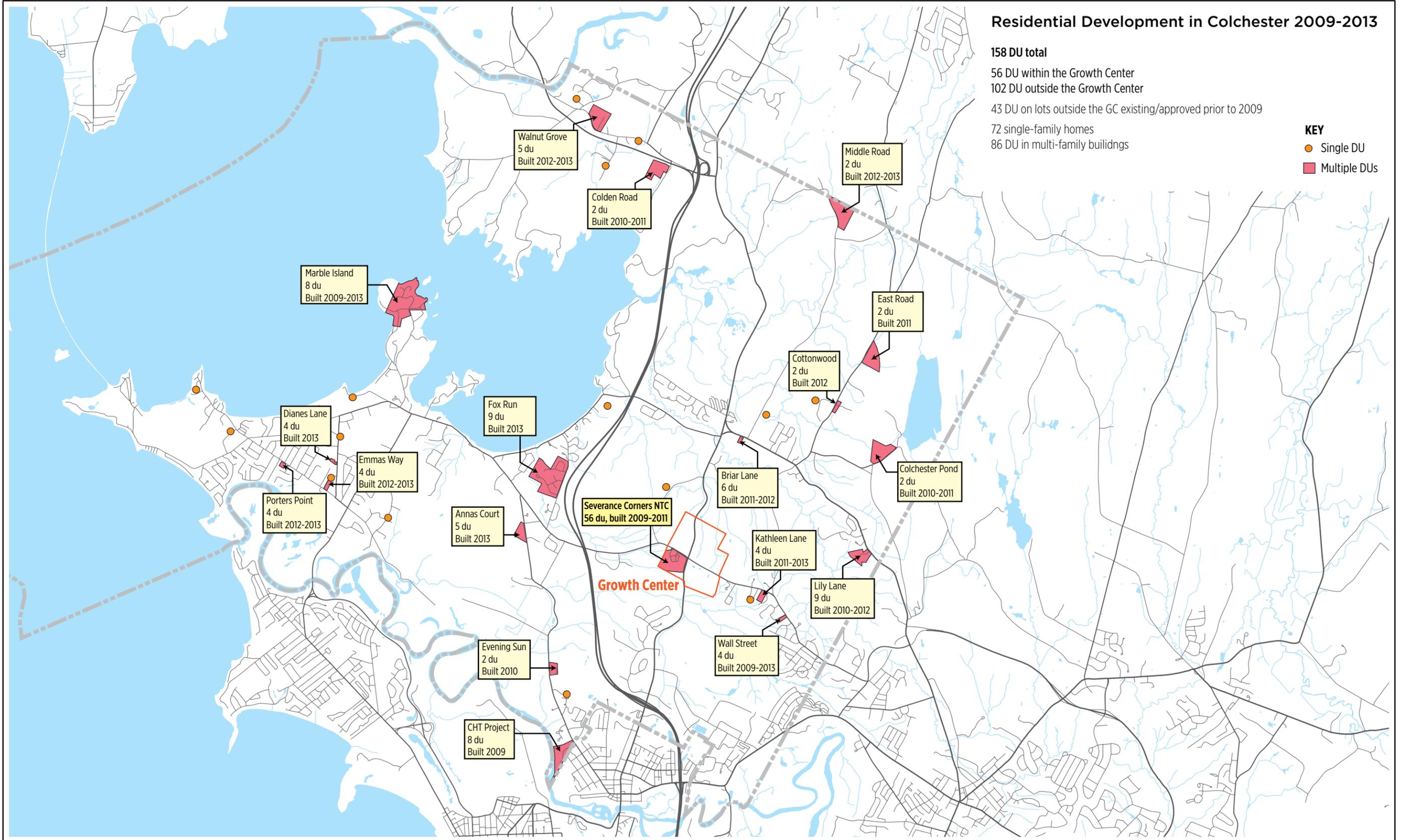
72 single-family homes

86 DU in multi-family buildings

#### KEY

● Single DU

■ Multiple DUs

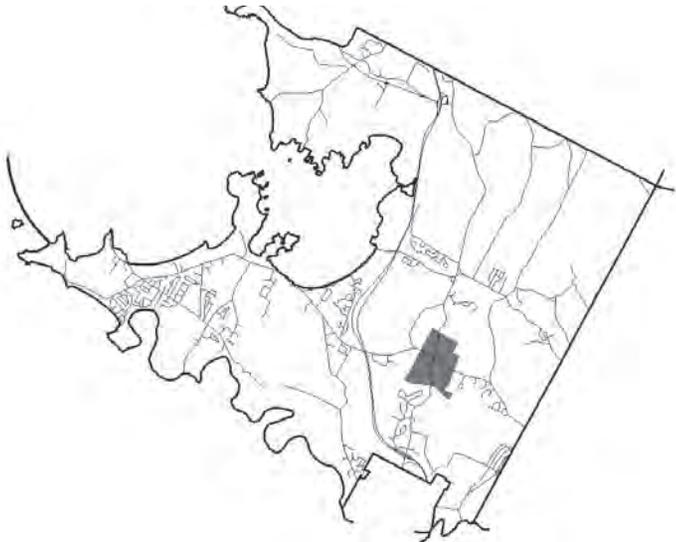


## NEIGHBORHOOD AREAS

Within land use categories are individual neighborhood areas. Neighborhoods are more easily recognized by community members. Neighborhood areas sometimes overlap land use categories, however, more often serve as subsets of land use categories. When focusing on individual neighborhood areas, care should be taken to ensure that continuity throughout the neighborhood areas and the larger community is examined particularly for natural resources and pedestrian and bicycle circulation. Neighborhood areas provide for specific implementation strategies for future land use plans and recognize the specific characteristics and qualities of an area as well as physical limitations and opportunities. The Neighborhood Area Map should be looked to for guidance on the location and boundaries of these areas.

## SEVERANCE CORNERS GROWTH CENTER

Severance Corners is located at an important transportation hub at the intersection of Route 7, Blakely/Severance Road. The area is confined to properties around the intersection and future interchange and is surrounded by low and rural density zoning districts. The Town adopted General Development Three zoning for this area



to promote a dense, mixed use village type development pattern for this area. The area is intended to contain pedestrian amenities and connectivity, community spaces, and access to public transportation.

Development for this area should be balanced in terms of residential and commercial development. As the growth center develops, residential density increases may be considered especially to help the commercial uses be more viable. Form based zoning was implemented for the growth center in 2013 to encourage higher densities and additional commercial development.<sup>1</sup> This area is entirely within an approved sewer district and is served by municipal water. This area is a high priority for infrastructure. The Town completed a study with the Chittenden County Regional Planning Commission to determine the scope and location of pedestrian and bicycle facilities within the growth center. These recommendations should be implemented as the area develops and links made to surrounding neighborhoods. While civic uses are permitted and encouraged in the growth center, the Town will maintain its core service area in the Town Services Neighborhood. Satellite town facilities, churches, and private schools could be developed within the growth center as it develops.

The Town obtained State New Town Center designation and Growth Center designation for Severance Corners in order to help facilitate the development of this area. One of the predominant benefits of State designation of a growth center is prime agricultural soil mitigation rights which makes it advantageous to develop within growth centers and in-fill development and more restrictive to build on agricultural soils outside of these areas. Under Vermont State Title 24 Section 2791, the Town may only designate one growth center for a period of twenty years. A growth center must accommodate the majority of the Town's growth over this twenty year period. At this time, the majority of new development is occurring in the growth center. It should be noted that although commercial growth has stagnated due to the economic recession it is anticipated that it will help balance the growth center as this sector rebounds. Penalty ordinances such as growth caps in other

<sup>1</sup> Correlates to the Colchester Heritage Project's Community Strategic Plan 2012-2022, Economic Development recommended action three.

areas of Town are not appropriate at this time.

As the growth center develops and background traffic continues to increase, traffic improvements will be necessary including improvements to the Severance Corners intersection. The Town should continue to work with the State of Vermont and developers within the growth center to preserve options for this intersection and ensure that improvements occur in a manner that will continue to facilitate growth within the neighborhood.

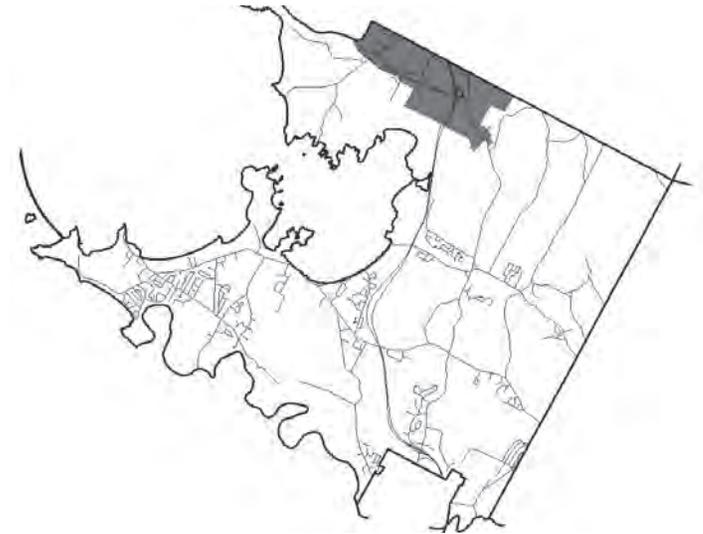
## **POLICIES**

1. Form based zoning should be implemented in the growth center to create higher densities and additional commercial development.
2. Development for this area should be balanced in terms of residential and commercial development with a greater emphasis on commercial development during the term of this plan.<sup>2</sup>
3. This area is a high priority for infrastructure.
4. The Town should work to implement the recommendations of the bicycle and pedestrian study of this area conducted by the Regional Planning Commission.
5. The Town should maintain State New Town Center designation and State Growth Center designation for Severance Corners.
6. The Town should continue to work with the State of Vermont and developers within the growth center to preserve options for this intersection and ensure that improvements occur in a manner that will continue to facilitate growth within the neighborhood.
7. Severance Corners is designated as a growth center on the Future Land Use Map.

## **EXIT 17**

This neighborhood is bounded on the north by the Milton Town Line, on the south and east by the rural lands of the Northeast Quadrant, and on the west by Niquette Bay Road, Route 2, and the Lamoille River. This neighborhood, classified as Village Mixed Use, will need additional infrastructure to support its development. The Exit 17 neighborhood is bounded on the south and east by the

rural lands of the Northeast Quadrant, on the south by Niquette Bay Road, on the west by the intersection of Raymond Road to the north, and on the north by Jasper Mine Road and the Milton Town Line. It is bisected by the Interstate 89 Exit 17 interchange and US Route 2: a limited access highway. Originally adopted as a growth center in 2000 (see Exit 17 Growth Center Plan), this area is best



characterized as a long-term economic future village mixed use area to be fully utilized after the Severance Corners growth center is completed. It is largely undeveloped with some light industrial and residential uses scattered mostly within the area east of Interstate 89. Development within this area is inhibited by poor on-site soils, a lack of water and sewage infrastructure, and limited access opportunities. Until the Town can focus on improving the infrastructure available for this area it is unlikely that significant construction will occur here. The Town should work to ensure that as development continues to occur within this neighborhood, it is compatible with the goals of the village mixed use future land use including provisions for recreation and pedestrian/bicycle circulation. The Town should also continue to work with the State to implement traffic improvements within the area, such as those detailed in the 2006 Exit 17 Traffic Scoping Project, that preserve

<sup>2</sup> Correlates to the Colchester Heritage Project's Community Strategic Plan 2012-2022, Economic Development strategy one.

less affordable. As noted, lead paint may be an issue for roughly half of the town's housing stock, including houses constructed before 1978. Energy efficiency, not addressed in the 2005 housing study, is also an issue for many older housing units especially as the cost of energy for both home heating and air conditioning continue to rise.

## HOUSING DEMAND & SUPPLY

Colchester has a more than sufficient supply of residentially zoned land to sustain projected housing growth through 2020.<sup>2</sup> It is anticipated that there will be greater demand for high-density residential zoning and less demand for moderate-density zoning such as R1 and R2 zoning as the need for smaller, more affordable dwellings, including multi-family units, increases. Colchester's land use plan should be looked to for guidance in meeting the community's residential needs.

The land use chapter of this plan denotes areas appropriate for additional residential growth: Growth Center, Suburban Residential, and Village planning areas.<sup>3</sup> High density residential development will be primarily accommodated within the Severance Corners growth center. As mentioned in the land use chapter, this growth center is anticipated to contain the majority of the Town's growth over the 20 year horizon. In order to accommodate this growth, increases in density may be considered within this planning area. Village planning areas may also be suited to provide additional residential opportunities; however not all village areas are currently conducive to additional residential opportunities and additional development should not detract from the character of these areas. Suburban Residential planning areas will continue to be appropriate areas for residential infill.

## RISING TO THE NEED

Other local initiatives for addressing housing needs include public education, developing a wastewater allocation ordinance that allocates future reserve capacity for housing, increasing wastewater

treatment capacity, density bonuses for affordable housing, streamlining the permitting process, decreasing required public infrastructure for residential developments, and re-evaluating fire prevention, fire protection, and life safety standards and related costs.<sup>4</sup> The Town should also continue to participate in regional housing efforts and form public/private partnerships that promote affordable housing development.

As noted above, two specific housing needs that will warrant further analysis are the need for affordable starter homes and senior housing. These are two sectors that have significant unmet needs in the community; however it is unclear how these two specific areas of the housing sector can be positively affected by the Town. While the Town should continue to promote accessory apartments to help meet this need, over the course of this plan the Town should evaluate other possible initiatives and look implement appropriate measures that will address the community's housing needs.<sup>5</sup>

## POLICIES AND IMPLEMENTATION

1. Colchester's land use plan should continue to guide residential development.
2. Residential density increases within the Severance Corners growth center may be considered.
3. Village planning areas may be suited to additional residential opportunities; however not all village areas are currently conducive to additional residential opportunities and additional development should not detract from the character of these areas.
4. Infill residential development should continue to occur within the Suburban Residential planning area.
5. The Town should consider developing a wastewater allocation ordinance that allocates future reserve capacity for housing
6. The Town should continue to pursue additional wastewater treatment capacity to assist in meeting residential demands in the designated growth center.
7. Density bonuses and other incentives for affordable housing,

<sup>3</sup> Correlates to the Colchester Heritage Project's Community Strategic Plan 2012-2022, Infrastructure Goal, objective five.

<sup>4</sup> Correlates to the Colchester Heritage Project's Community Strategic Plan 2012-2022, Infrastructure Goal, objective five, recommended actions three and four. While the recommended actions recommend recruiting specific developers this can not ethically be implemented by the Town nor can the town impose housing diversity standards without additional regulations such as inclusive housing regulations or growth caps that are not warranted at this time.

<sup>5</sup> Correlates to the Colchester Heritage Project's Community Strategic Plan 2012-2022, Infrastructure Goal, objective five, strategy one and recommended action five.

<sup>6</sup> Correlates to the Colchester Heritage Project's Community Strategic Plan 2012-2022, Infrastructure Goal, objective five, recommended action five.

There are benefits associated with alternative transportation modes including reduced traffic, reduced air and water pollution, less land required for parking, energy conservation and promoting healthy lifestyles. The community is served by two through bus routes, one at Exit 17 and one at the Fort, intercommunity public transportation is limited to special-needs services such as Special Services Transportation Authority (SSTA) with a service along the Routes 2 & 7 corridor set to begin in July 2014. Safe and efficient transportation alternatives are of limited extent at this time and face several barriers such as a lack of sufficient density to provide low-cost diversified solutions.

## PLANNING FOR THE FUTURE OF THE SYSTEM

In recent years, the Town has taken a much more active role in planning for its infrastructure. In 1993 a comprehensive alternative transportation path plan was developed for the community by the Chittenden County Regional Planning Commission (CCRPC). In 2002 the Town developed an Official Map that shows proposed multi-modal paths, roads, and other public facilities. Future roads



include the Lakeshore Bypass and other road connections.

Governor Shumlin announced in 2011 that planned Circumferential Highway will not be built. A Circ Alternative Task Force was formed that included all of the Circ communities, interested parties, and

the CCRPC to develop and forward for funding a list of projects that, if built, would replicate the Circ's effects. This Task Force developed prioritized lists for three years and advanced them to the Legislature for funding thus concluding its work with the 2014 legislative session. The Exit 16 area was identified and funded in the first year with the Severance Corners intersection in the second. The 2014 legislative session will see the consideration of funding improvements to the intersection of Prim Road and West Lakeshore Drive, the intersection of Blakely Road and Laker Lane, the Severance Road corridor, the Rotue 2A corridor, and a signicant rebuild of Exit 17. These improvements funded thus far are required to further commercial development of the Exit 16 area and Severance Corners growth center and are a priority for the Town.

The Official Map draws from the Alternative Transportation Path Plan, but is more specific and creates an opportunity to preserve rights-of-way. It should be noted that generally all roads are planned to have sidewalks, although the Capital Plan provides a specific list of Town sidewalk implementation projects planned in the short term. There are also several other important planning connections within the Town's various Departments and Town standards that directly influence the transportation network and how it relates to land use. The Public Works Specifications and Standards require sidewalks and/or multi-use paths along new roads. The Town's Traffic Calming Manual potentially impacts improvements to existing roads. The Town has a variety of policies, regulations, and departments that affect land use planning and infrastructure and care must be taken to achieve coordination among these various regulations and policies.

## REGIONAL TRANSPORTATION SYSTEM

In its planning efforts for transportation infrastructure, the Town is a member of the Regional Planning Commission. The CCRPC maintains a 20-year Metropolitan Transportation Plan for the County that provides goals and objectives, analysis of regional trends and planned improvement projects throughout the county in all modes of transportation. The CCRPC assists municipalities with transportation planning and provides a forum for interagency

<sup>1</sup>Correlates to the Colchester Heritage Project's Community Strategic Plan 2012-2022, Economic Development Goal, recommended action four.

and Routes 2 & 7 at Exit 16 are not uniformly constructed to accommodate bicycle travel. To the greatest extent possible, all areas of Colchester should connect its multiuse paths and tie into the paths of adjacent Towns.



*Shadow Cross Pedestrian Bridge Dedication*

Planned Multiuse paths include those shown on the Official Map linking Severance Corners to the Bay and Exit 16. The Town has undertaken several sections of the trunk-line from Colchester Pond to Airport Park and plans to construct more components of this route through the Capital Transportation Plan and the TIP. Another project likely to be completed within the near term is the first phase of the Exit 16 Pedestrian and Landscape Project along Roosevelt Highway.

## **PUBLIC TRANSPORTATION**

Existing public transit consists of bus service provided by the Chittenden County Transportation Authority (CCTA) along the Route 15 corridor and a Chittenden County to Franklin County transit line stop at the park and ride at Exit 17. In 2013 the Town of Colchester entered into an agreement with CCTA to provide service along the Roosevelt Highway Corridor (Routes 2 and 7). This service will begin

in July 2014 and will fulfill one of the requirements of the Severance Corners Growth Center Designation. The most major areas of growth in Colchester will be served and linked including the growth center at Severance Corners and commercial development at Exit 16.

The Special Services Transportation Agency provides accessible and affordable door-to-door transportation for senior citizens and persons with disabilities. The demand for this service will continue to increase as the community's population ages and distances to services from residences increase. The Town partially funds this service.

## **RIDESHARING**

There is a park and ride lot at Exit 17 as well as others identified by the recent RPC Park & Ride Plan. CCTA administers a regional ridesharing program which includes Colchester. Demand exists for additional rideshare opportunities. The Town, working with the CCRPC and a consultant, has incorporated future park and ride facilities into the Town's Official Map.

## **RAIL**

The Town of Colchester has two sections of rail with one in the Northeast Quadrant and one along Route 15. Both of these sections are designed to support heavy rail. Although light rail could function on the existing tracks, current design does not allow for faster speeds usually associated with commuter rail.

The section of rail along Route 15 leads from Essex through Winooski to Burlington. In the past, this section has been studied for commuter rail with the possibility of a multi-modal facility in Colchester along Route 15. Preliminary analysis of the corridor has indicated that current densities would not support a commuter rail line in this vicinity; however, as traffic continues to increase on Route 15, commuter rail may become economically viable.

The northern section of rail travels from Milton into Essex Junction where there is a rail station. Within Colchester the tracks

<sup>3</sup> Correlates to the Colchester Heritage Project's Community Strategic Plan 2012-2022, Infrastructure Goal, objective three.

pass through a relatively removed and rural portion of the Town. As the rail track approaches Route 2A there are a few industrial properties which front on Route 2A that have the benefit of spurs or the potential for rail spurs. These properties are adjacent to residences and care has been taken to ensure that these uses are well-screened and unobtrusive to the residential uses as much as practical. While there has been discussion in the past about relocating Burlington's rail yard to this area of Colchester, this concept is no longer feasible due to the encroachment of suburban residential use and the establishment of substantial horse farming operations. The northeast quadrant and village neighborhood areas are ill-suited to further expansion of industrial uses or rail tracks.

## **POLICIES**

1. Roadway construction and reconstruction projects must address stormwater treatment and required stormwater permitting. Stormwater treatment for all impervious surfaces, including parking lots, is a good practice to preserve and enhance water quality.
2. The Official Map delineates future transportation network improvements and other facilities. Developments, road projects, and all other plans shall take into consideration the Official Map and should implement the proposed improvements to the greatest extent possible.
3. The Town planning process shall address the expansion of utilities and provide guidance for the reconstruction of roadways, including the Route 127 corridor.
4. Traffic studies that address both capacity and safety issues shall continue to be required as part of the development review process. Where necessary, improvement to the transportation infrastructure will be required as part of development projects.<sup>3</sup>
5. The capital transportation program is a significant benefit to the community which should be sustained.
6. The Town may impose development impact assessments where private projects are anticipated to necessitate transportation improvements. The Town should evaluate methods for fairly distributing the cost of road improvements and maintenance associated with new development or redevelopment.
7. New curb-cuts to arterial roadways should be avoided, with shared curb-cuts and side streets utilized for access wherever possible. The Town should maintain its regulations on access management.
8. The Town should implement bus service along the Roosevelt Highway corridor in coordination with CCTA to serve the Severance Corners growth center and commercial development at Exit 16.
9. Light-rail solutions should be explored where feasible. If light-rail mass transit solutions are proposed through Colchester, stations or stops within the Town should be encouraged. Expansion of freight rail should be limited to existing rail corridors with the creation of rail yards being prohibited.
10. The development of alternative transportation infrastructure such as commuter lots will be encouraged by the Town.<sup>4</sup>
11. New subdivisions and other developments should provide for and encourage bicycle access, circulation and parking. Bicycle paths may be required to be built as part of subdivisions. Easements may be required to be dedicated to the Town for future bicycle paths.<sup>5</sup>
12. The Town will consider bicycle path improvements in designing, scheduling and constructing roadway improvement projects. Where possible and practical, the Town will strive to provide Class I paths along arterial and collector roadways as well as on-road facilities.
13. Sidewalks should be implemented as land use plans require. The need for sidewalks is particularly important on roads carrying heavy traffic volumes through developed areas including Exit 16.<sup>6</sup>
14. While new private roads should generally be discouraged, the Town should be afforded the opportunity to consider the use of private transportation infrastructure to facilitate sustainable development patterns or innovative development such as high-density new urbanism.
15. The CCRPC's Transportation Improvement Plan as well as other State and Federal funds are important sources of funding for transportation infrastructure and Colchester should continue to

take advantage of these opportunities to bolster local funding for improvements to the transportation network. As non-local funding sources diminish or shift priorities, it will become increasingly important for the Town to develop creative solutions for funding projects that are more self-reliant.

16. The Town shall work to implement the recommendations of the Route 127 Corridor Study.
17. **The Exit 16 improvements and Severance Corners Intersection improvements are top priorities for the community in looking to replicate the goals of the Circ Highway through alternative forms of delivery now that the highway project has been terminated.<sup>7</sup> As these projects have been funded and listed as high priorities in this process, construction should progress as expediently as feasible.**
18. Interconnectivity between developments shall be required to the greatest extent feasible. The creation of cul de sacs should be discouraged. New cul de sacs should be designed to be temporary and to provide future connections whenever possible. Future connections between neighborhoods shall be addressed by all development projects.
19. A new arterial roadway connecting Hercules Drive and Rte. 15 would decrease travel time, increase efficiency, and reduce traffic volumes in the Exit 16 area and in Winooski's central business district. This is a project with regional significance and should be pursued in conjunction with the Regional Planning Commission and the U.S. Army Administration.
20. The Public Works Standards and Specifications provide diversified standards based in part on land use. These Standards shall be updated as needed to reflect changes in land use planning and evolving technologies.<sup>8</sup>
21. Current Zoning Regulations promote Transportation Demand Management principles through the use of parking standards for large parking facilities, the requirement of bicycle parking, and enabling shared parking concepts. These efforts should be sustained and strengthened.
22. The efforts of the SSTA to provide transportation services for the disabled and the elderly should be sustained; however,

efficiencies should be looked to as demand continues to escalate.

23. A bicycle path between Colchester Pond and Airport Park shall be the priority bicycle path for Colchester to complete. This route shall act as a trunk line that all other bicycle routes shall strive to tie into. The Town shall strive to integrate this trunk-line and other bicycle paths with bicycle routes of adjacent communities.
24. While the maintenance and repair of the existing transportation network will remain a priority, the construction of new projects that build capacity shall also be of importance to the community.<sup>9</sup>
25. The Lake Champlain Byways program should continue to be supported for its importance in promoting alternative transportation and tourism.
26. The Town shall continue to partner with the Vermont Highway Bridge Program to maintain its infrastructure.
27. Intelligent Transportation Systems Architecture shall be utilized to the greatest degree possible to promote local and regional efficiencies. The Town should continue to work with the State and agencies providing mutual aid to ensure standardization of pre-emption devices.

<sup>4</sup> Correlates to the Colchester Heritage Project's Community Strategic Plan 2012-2022, Infrastructure Goal, objective three.

<sup>5</sup> Correlates to the Colchester Heritage Project's Community Strategic Plan 2012-2022, Infrastructure Goal, objective two.

<sup>6</sup> Correlates to the Colchester Heritage Project's Community Strategic Plan 2012-2022, Infrastructure Goal, objective three.

**6.04 Agricultural Mixed Use District (AMU)**

A. Purpose. To maintain and enhance agricultural uses within the Shipman Hill Neighborhood and to encourage complimentary activities that will help to sustain these agricultural uses through diversification, agri-tourism, and low impact residential growth.

B. Municipal Plan. These regulations hereby implement the relevant provisions of the Town of Colchester adopted municipal plan and are in accord with the policies set forth therein.

C. Permitted Uses. Those uses indicated in Table A-1 and accessory uses to those uses. The following additional standards shall apply to the uses indicated in Table A-1:

1. General sales with a significant component of goods sold being agricultural or other items produced on the premises shall be limited as follows:
  - (a) General sales may be permitted only on parcels of 10 acres or larger. Contiguous parcels under the same ownership may be combined to satisfy this requirement.
  - (b) Maximum permitted gross building square footage for general sales is 5% of the square footage of the lot not to exceed 10,000 sq. ft.
2. Distribution facility and warehousing with all storage within structures shall be limited as follows:
  - (a) Distribution and warehousing may be permitted only on parcels of 30 acres or greater.

D. Conditional Uses. Those uses indicated in Table A-1 and approved pursuant to Article 8, and accessory uses to those uses. Any uses not listed in Table A-1 are prohibited. Items that are not customary as accessory uses to those listed in Table A-1 are prohibited.

E. Area, Density and Dimensional Requirements. In the AMU District, all requirements of Table A-2 shall apply. In addition, the minimum lot size for a residential lot shall be one-half-of-an-acre and the maximum lot size shall be one acre. Density shall be determined under the Fixed Area Based Zoning Provisions of Section 6.04F. The Development Review Board may, through the Site Plan Review Process of Article VIII herein, consider lot coverage maximums of up to 40% in conjunction with the uses enumerated in Section 6.04C(1) and (2).

**F. Fixed Area Based Zoning.**

1. Definitions.
  - (a) Parent parcel. A parcel of land in the AMU District that is greater than 2 acres on December 21, 2004.

- (b) Development unit. The number of units determined from density calculations for a parent parcel. One development unit equals one dwelling unit to be developed within the parent parcel, subject to Section 6.04F.3, or one unit eligible for transfer under the Transferable Development Rights program (Section 7.06).
- (c) Unbuildable Land. Class I or II wetland, floodplain or land that has an inadequate ability to support structures.

2. The maximum number of development units per parcel is based on the total acreage of the parent parcel less the unbuildable land area. An overall density of one dwelling unit per buildable acre is permitted in the AMU District.

3. A maximum of one-fifth (1/5<sup>th</sup>) of all permitted development units may be built within the parent parcel. All development units are eligible for transfer out of the AMU District under the Transferable Development Rights program (Section 7.06).

4. Procedure for Determination of Development Units. Prior to or concurrent with the first subdivision of a parent parcel, the subdivider shall submit sufficient information to enable the Development Review Board to determine the maximum number of permitted development units for the parcel and the number of dwelling units that may be developed within the parent parcel. The Development Review Board shall issue Findings of Fact supporting its determination of available development units.

(Sample calculation: The Development Review Board determines that a parent parcel contains 75 total acres and 15 acres of unbuildable land. The net 60 buildable acres enable a maximum of 60 development units for the overall parcel. One-fifth of those units, or a maximum of 12 dwelling units, may be clustered within the parent parcel. The remaining 48 development units may be transferred out of the AMU District. If no dwelling units are built within the parent parcel, 60 development units may be transferred).

5. Subsequent to or concurrent with the first subdivision of a parent parcel, development units shall be assigned and shall be identified by a sequential numbering system such that each parent parcel has a unique set of numbers, one for each development unit. The Planning and Zoning Office shall maintain a record of the total permitted development units for the parent parcel, the number of dwelling units built within the parcel, the number of transferred development units, and the unused number of units.

G. Additional Standards. In addition to the Site Plan, Conditional Use, Planned Unit Development criteria, all development in the AMU District shall also be subject to the following standards:

- 1. Agricultural operations shall be subject to the following standards:
  - (a) Farm buildings shall be a minimum of 100 feet from all property lines.
  - (b) Feed lots, fenced runs, pens, and similar intensively used facilities for animal housing shall be a minimum of 100 feet from a Residential District as defined in Article 3.

2. All lots created for non-agricultural uses and all structures shall be located to minimize adverse impact on agricultural operations. The Development Review Board may require clustering of lots or other means to accomplish this objective.
3. Auto, marine or equipment storage outside completely enclosed structures shall be fenced, landscaped, or otherwise located so as to screen the items being stored from all adjacent properties.

H. Transferable Development Rights. Development units, as determined in Section 6.04F.4, may be transferred out of the AMU District under the Transferable Development Rights program (Section 7.06). For each development unit created in the sending district, the transfer rate shall be 1.0 TDR unit to be used in the R1, R2, and R3 Districts or 1.5 TDR units to be used in all other designated receiving districts (Section 7.06D).

(Sample calculation: At the time of the first subdivision of a parent parcel, the Development Review Board determines that 60 development units are available for the overall parcel. The maximum of 12 dwelling units are approved for development within the parent parcel, leaving 48 development units to be transferred. The transfer ratio allows 48 TDR units to be developed in the R1, R2, and R3 Districts or 72 TDR units to be developed in any other receiving district).

2. Outside storage for any use shall be confined to the rear yard and shall be screened from view from any side by a sufficiently high wall or fence or by appropriate landscaping such as berms, hedges and /or shrubbery.
3. All equipment maintenance, repair or manufacturing operations shall be within enclosed structures.

#### 4.03 Severance Corners Form-Based District

A. Purpose. To facilitate a development pattern and interconnected street network within the Severance Corners Form-Based District that is modeled on traditional New England downtowns. The district shall be characterized by higher-density, mixed-use, multi-story buildings that can accommodate retail, office, commercial, light industrial, civic and residential uses. It shall have buildings set close to the sidewalk with entrances, storefronts and windows facing the street. Streets with curbs, street trees and sidewalks shall define small- to medium-sized blocks.

B. Municipal Plan. These regulations implement the relevant portions of the Town of Colchester adopted municipal plan and are in accord with the policies set forth in the municipal plan.

C. Allowed Uses. Those uses indicated in Table 1 (below) and accessory uses to those uses. Any uses not listed in Table 1 are prohibited. Items that are not customary as accessory uses to those listed in Table 1 are prohibited. Table 1 (below) includes classes of uses (i.e. office); refer to Table A-1: Table of Uses for a detailed list of uses within each class (i.e. general office, research facility or laboratory, medical office).

D. Establishment of Street Types. Development under the form-based code for this district shall be regulated by street type. Three street types are established, in order from highest to lowest: A Streets, B Streets, and C Streets. When the streets intersect, the primary street frontage is the highest order street type. The front of a principal building and its main entrance shall face the primary street frontage.

E. Classification of Streets. U.S. Route 7 & 2, Blakely Road and Severance Road shall be A Streets. The classification of any new public or private streets serving development within this district shall be approved by the Town of Colchester at the time of subdivision or site plan approval. Not more than 50% of the total length of new streets within any development shall be classified as a C Street.

F. Block Standards. No block, which includes an A or B Street, shall exceed a total perimeter length of 1,600 feet. Any block side on an A or B Street longer than 400 feet shall be broken up by a right-of-way allowing, at a minimum, through pedestrian connections.

G. Development Standards. All development in the Severance Corners Form-Based District shall be subject to the standards set forth in Tables 2-6 below.

H. Definitions. Terms specific to this section are defined as follows:  
Frontage Buildout. Frontage buildout shall be calculated based on the widest point of a building between the minimum and maximum front setback lines and the width of the lot at the front lot line.

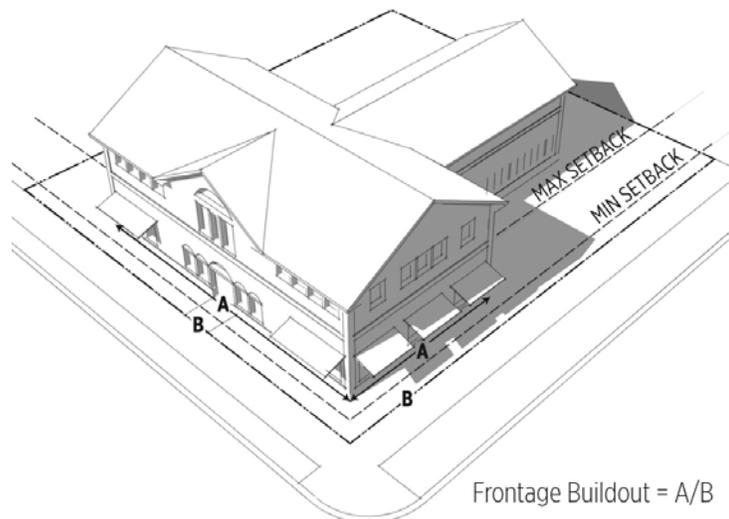
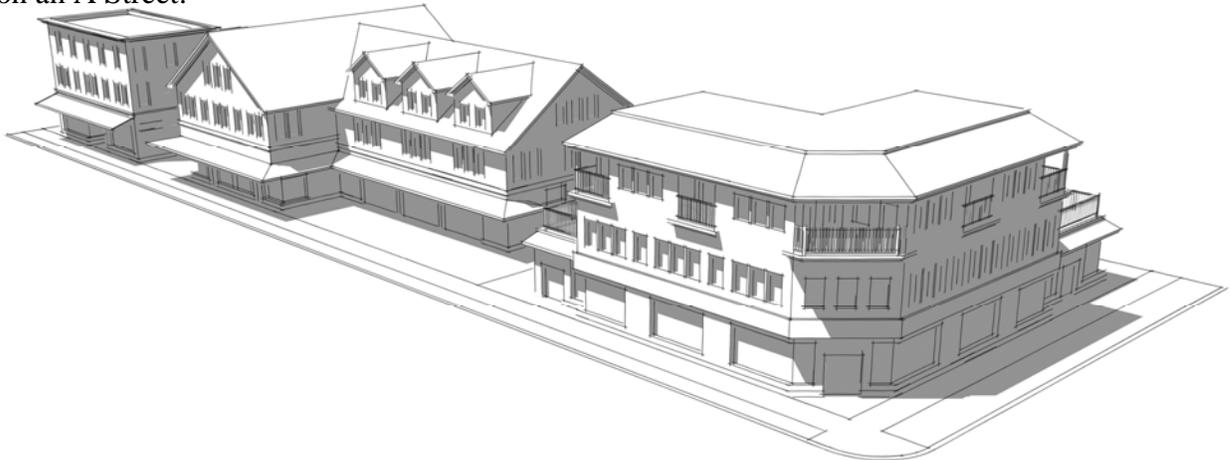


Table 1. Allowed Uses

USE (SEE SUPPLEMENT 30 (TABLE A-1: TABLE OF USES) FOR A DETAILED LIST OF USES WITHIN EACH CLASS)	A STREET		B STREET		C STREET	
	GROUND FLOOR	UPPER FLOOR	GROUND FLOOR	UPPER FLOOR	GROUND FLOOR	UPPER FLOOR
1.100 Single-Family Dwelling					P	P
1.200 Two-Family Dwelling					P	P
1.300 Multi-Family Dwelling		P		P	P	P
1.400 Dwellings (w/ services, care or treatment)	P	P	P	P	P	P
1.530 Hotel & Motel	P	P	P	P		
1.540 Extended Stay Hotel	P	P	P	P	P	P
1.550 Inn	P	P	P	P	P	P
1.600 Temporary Residences		P		P	P	P
1.700 Home Businesses		P		P	P	P
2.110 Convenience Store	P		P			
2.120 Shopping Center	P	P	P	P		
2.130 Retail Sales	P	P	P	P		
2.140 Retail Food Establishment	P	P	P	P		
2.150 Wholesale Establishment			P	P		
2.610 General Merchandise Rental	P		P			
3.100 Office	P	P	P	P	P	
3.200 General Services	P	P	P	P	P	
4.100 Manufacturing (fully enclosed)			P	P		
5.000 Edu., Cultural, Religious & Social Uses	P	P	P	P	P	P
6.100 Recreation & Entertainment (indoor)	P	P	P	P		
6.210 Private Recreational Facilities	P	P	P	P	P	P
6.220 Public Outdoor Recreation	P		P		P	
6.300 Coliseums and Stadiums	P	P	P	P		
7.000 Institutional Residence & Care Facilities		P	P	P		
8.000 Restaurants, Bars & Nightclubs	P	P	P	P		
9.100 Automobile Parking	P	P	P	P		
9.230 Archival Facility		P	P	P		
9.240 Distribution Facility			C	C		
11.030 Public & Semi-Public Facilities	P	P	P	P	P	P
11.300 Transit Center			C	C		
11.400 Public Garage	P	P	P	P		
11.500 Municipal Services	P	P	P	P		
11.800 Post Office	P	P	P	P		
11.900 Essential Service Facility	P	P	P	P	P	P
12.000 Towers and Related Structures		P		P		
13.000 Temporary Structures	P		P		P	P
14.000 PUDs	P	P	P	P	P	P

Table 2. A Street Dimensional Standards

A Streets are lined with mixed-use, multi-story storefront buildings that are positioned at the front of each lot. The following standards shall apply to all lots and buildings fronting on an A Street:



2.A Lot Configuration	
A Lot width	20 ft min, 180 ft max
B Lot depth	80 ft min
C Lot coverage	90% max
D Frontage buildout	60% min

2.B Building Placement	
Principal Building	
E Front setback	0 ft min, 18 ft max
F Side setback	0 ft min
G Rear setback	12 ft min
Accessory Building	
H Front setback	20 ft + principal bldg setback min
I Side setback	3 ft min
J Rear setback	3 ft min

2.C Building Form	
Principal Building	
K Stories	3 min, 5 max
L Ground floor ceiling height	12 ft min, 24 ft max
M Upper floor ceiling height	8 ft min, 16 ft max
N Portions of a building not meeting the minimum height shall not be used to calculate frontage buildout.	
Accessory Building	
O Stories	2 max
P Ground floor ceiling height	16 ft max
Q Upper floor ceiling height	12 ft max

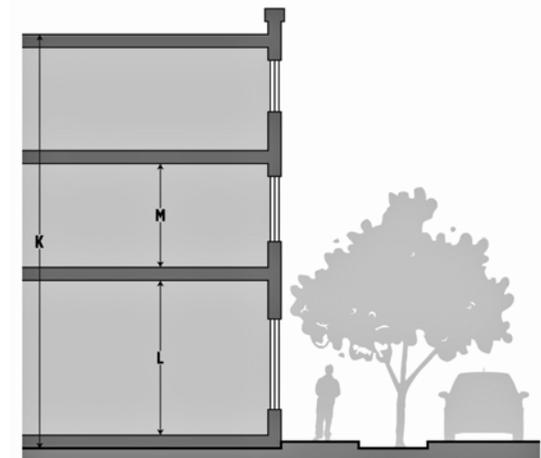
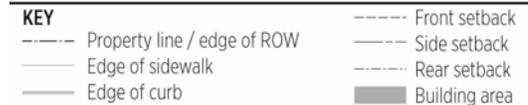
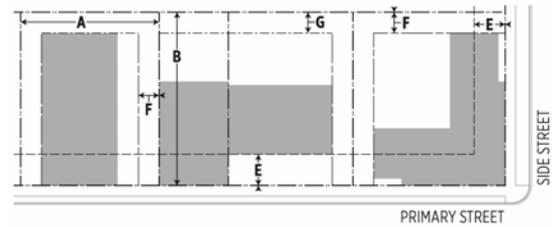
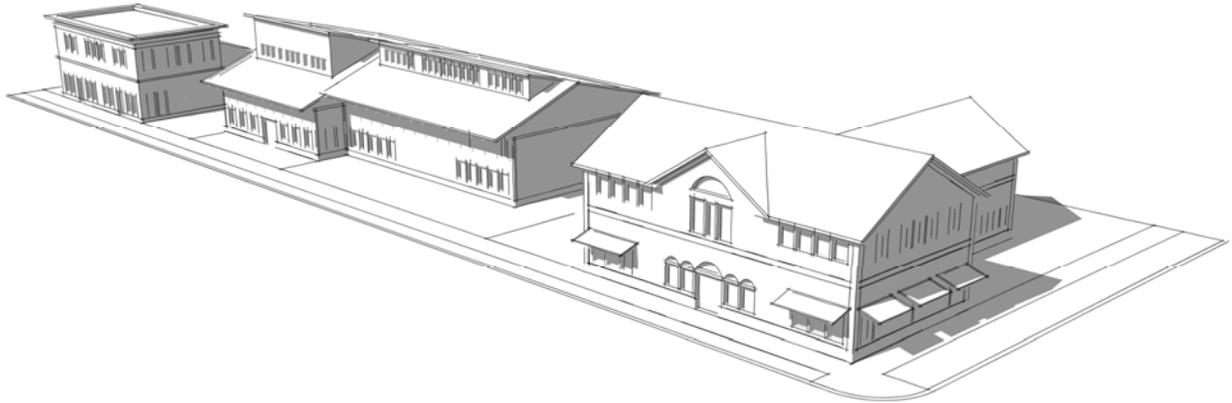


Table 3. B Street Dimensional Standards

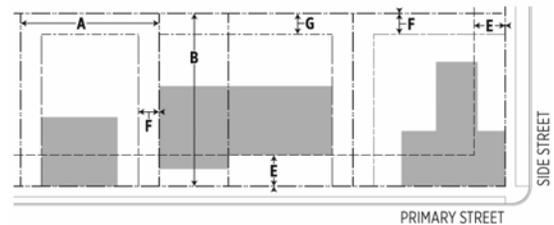
B Streets feature mixed-use, multi-story buildings that are positioned near the front of each lot. The following standards shall apply to all lots and buildings fronting on a B Street:



3.A Lot Configuration	
A Lot width	20 ft min, 150 ft max
B Lot depth	80 ft min
C Lot coverage	85% max
D Frontage buildout	50% min

3.B Building Placement	
Principal Building	
E Front setback	0 ft min, 18 ft max
F Side setback	0 ft min
G Rear setback	12 ft min
Accessory Building	
H Front setback	20 ft + principal bldg setback min
I Side setback	3 ft min
J Rear setback	3 ft min

2.C Building Form	
Principal Building	
K Stories	2 min, 3 max
L Ground floor ceiling height	10 ft min, 24 ft max
M Upper floor ceiling height	8 ft min, 16 ft max
N Portions of a building not meeting the minimum height shall not be used to calculate frontage buildout.	
Accessory Building	
O Stories	2 max
P Ground floor ceiling height	16 ft max
Q Upper floor ceiling height	12 ft max



<b>KEY</b>	----- Property line / edge of ROW	----- Front setback
----- Edge of sidewalk	----- Side setback	----- Rear setback
----- Edge of curb	■ Building area	

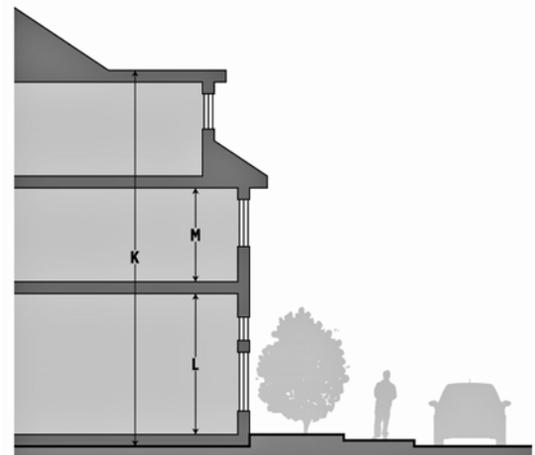


Table 4. C Street Dimensional Standards

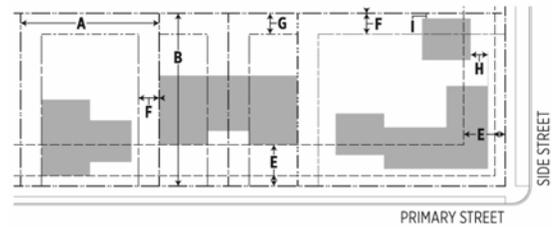
C Streets feature multi-story residential and compatible mixed-use buildings that are set back from the street behind a shallow green strip. The following standards shall apply to all lots and buildings fronting on a C Street:



4.A Lot Configuration		
A	Lot width	30 ft min, 120 ft max
B	Lot depth	80 ft min
C	Lot coverage	85% max
D	Frontage buildout	40% min

4.B Building Placement		
Principal Building		
E	Front setback	6 ft min, 24 ft max
F	Side setback	0 ft min
G	Rear setback	12 ft min
Accessory Building		
H	Front setback	10 ft + principal bldg setback min
I	Side setback	3 ft min
J	Rear setback	3 ft min

4.C Building Form		
Principal Building		
K	Stories	1.5 min, 3 max
L	Ceiling height	8 ft min, 12 ft max
Accessory Building		
M	Stories	2 max
N	Ceiling height	12 ft max



**KEY**

--- Property line / edge of ROW	--- Front setback
--- Edge of sidewalk	--- Side setback
--- Edge of curb	--- Rear setback
	■ Building area

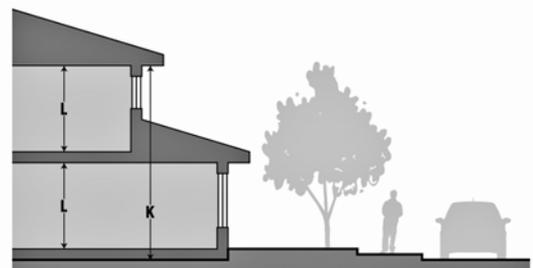
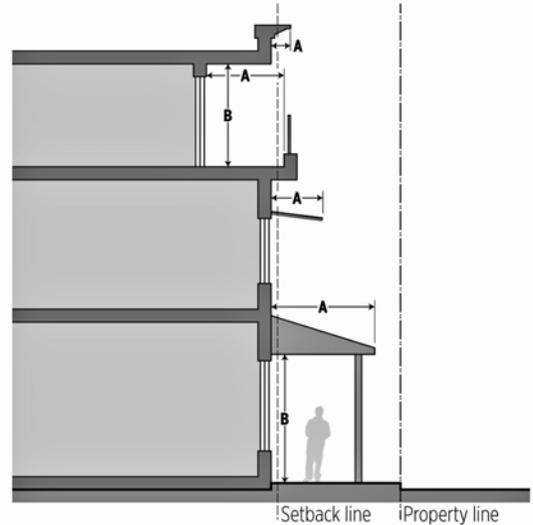


Table 5. Architectural Standards

The following standards shall apply to all buildings within the Severance Corners Form-Based District:

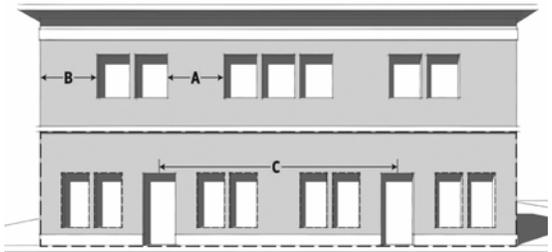
5.A Projecting Façade Elements	
Projecting facade elements may encroach within setbacks as specified below, but shall not extend beyond lot lines.	
Projecting facade elements shall not be used to meet frontage buildout requirements, with the exception of a colonnade or arcade with enclosed upper floor space above.	
Awnings and Marquees	
<b>A</b> Depth	4 ft min, 12 ft max
<b>B</b> Vertical Clearance	10 ft min
<b>C</b> Length	25% of façade min
Porches and Balconies	
<b>A</b> Depth	6 ft min, 16 ft max
<b>B</b> Vertical Clearance	8 ft min
<b>C</b> Length	8 ft min
Porches and balconies shall be open and unenclosed. Ground-floor, front porches shall not be screened.	
Colonnades and Arcades	
<b>A</b> Depth	8 ft min, 20 ft max
<b>B</b> Vertical Clearance	10 ft min
<b>C</b> Length	75% of façade min
Colonnades and arcades shall only be permitted on street-facing facades along an A or B Street.	
Stoops and Patios	
<b>A</b> Depth	6 ft min
<b>D</b> Height Above Sidewalk	2 ft max
<b>C</b> Length	6 ft min
Stoops and patios shall not restrict sidewalk width to less than 4 feet on a C Street or 6 feet on an A or B Street.	
Bay Windows	
<b>A</b> Depth	6 ft max
<b>C</b> Length	8 ft max
Bay windows shall have fenestration on both front and side surfaces.	
Eaves and Cornices	
<b>A</b> Depth	18 in min, 36 in max
Overhang depth for secondary roofs over building elements such as porches or dormers, or for primary roofs on small accessory buildings may be reduced to 9 inches.	



<b>5.B Walls &amp; Facades</b>	
Composition	
Street-facing building facades shall have a defined base, middle and top formed by an articulated cornice and roof.	
An expression line shall delineate the division between the first and second story on facades facing an A or B Street.	
Cornices and expression lines shall either be moldings or jogs in the surface plane of the building wall with a minimum depth of 2 inches.	
All building facades facing an A or B Street shall incorporate at least one of the following elements at ground level: awnings, porches, colonnades, arcades, or storefronts.	
All building facades facing a C Street shall incorporate at least one of the following elements: porches, balconies, stoops, or bay windows.	
Bays	
Street-facing building facades greater than 60 feet in width shall be divided into bays.	
<b>A Bay Width</b>	20 ft min, 60 ft max
<b>B Depth Between Bays</b>	4 ft min

<b>5.C Roofs</b>	
Type	
Buildings fronting on C Streets shall have pitched roofs. Buildings fronting on an A or B Street may have pitched or flat roofs.	
Pitched Roofs	
Pitched roofs shall be a symmetrical gable, hip, gabled hip, hipped gable or cross gable with a pitch no less than 5:12.	
Secondary shed roofs with a pitch no less than 2:12 may be used over building elements such as porches or dormers.	
Flat Roofs	
Flat roofs shall incorporate a cornice and parapet designed to screen views of the roof surface and any roof-mounted equipment from street level.	

5.D Windows & Doors	
Openings in Street-Facing Facades	
Ground Floor (A Street)	40% min
Ground Floor (B Street)	30% min
Ground Floor (C Street)	30% min
Upper Floor (all streets)	10% min
<b>A</b> Blank Walls (all streets)	20 ft max
Windows	
All windows facing streets, except for storefront display windows, shall be rectangular or arched & shall be oriented vertically. Vertical windows may be grouped in a horizontal opening.	
Windows facing streets shall use transparent glazing materials and shall provide view of interior spaces.	
<b>B</b> Except as part of a storefront, windows shall not be closer than 2 feet to building corners.	
Shutters shall be sized so as to equal the width required to cover the window opening and shall be installed with the hardware necessary to make them functional.	
Drive-through service windows may be permitted on the rear facade of buildings except for corner buildings.	
Doors	
<b>C</b> Pedestrian-entry doors shall be provided at intervals no greater than 50 feet along all street-facing facades.	
Sliding, patio-style doors shall not be located on ground-floor, street-facing facades.	
Service, security or garage doors shall not be located on street-facing facades, except for residential garages on C Streets (see 6.A below).	
Storefronts	
<b>D</b> Storefronts shall have transparent display windows covering no less than 70% of the portion of the wall between 1 and 7 feet above the adjoining sidewalk or ground.	
<b>E</b> Display windows shall sit on a 1- to 2-foot high bulkhead and shall be a minimum of 5 feet high. Display windows may be oriented horizontally. Residential style windows shall not be used on a storefront.	



Wall openings  
 Total facade area

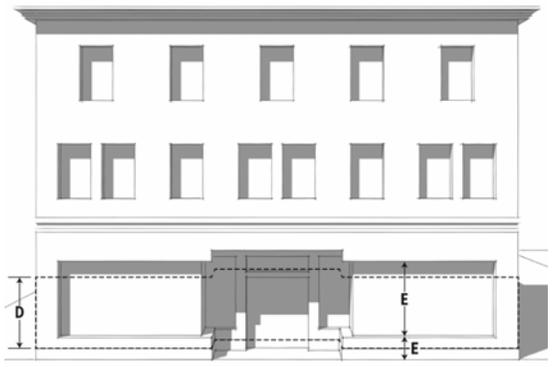
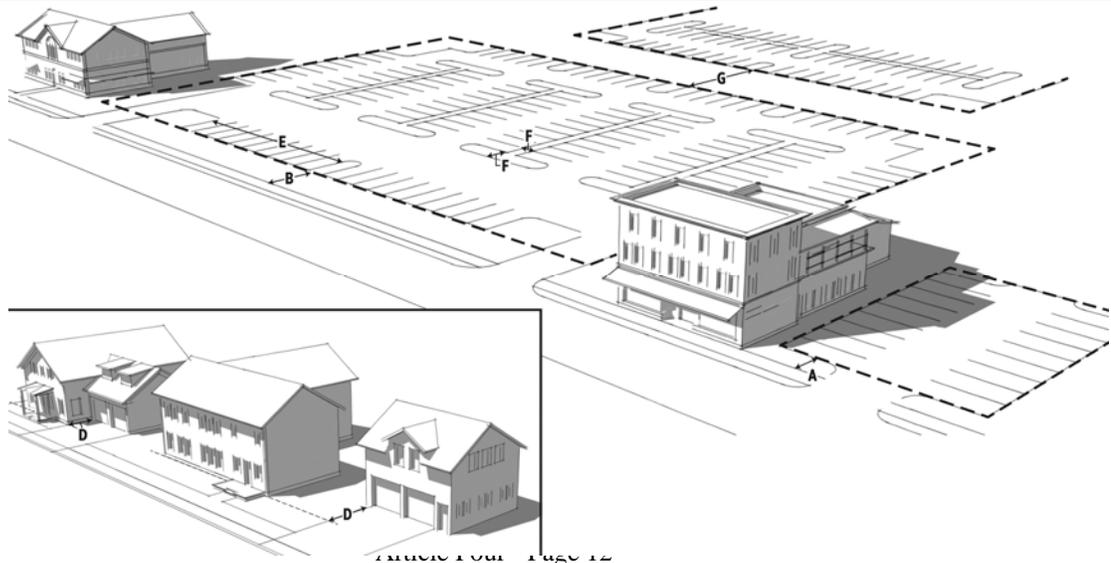


Table 6. Parking Standards

It is the intent of these standards to ensure a balance between compact pedestrian-oriented development and necessary vehicle storage. The following standards shall apply to all surface and structured parking within the Severance Corners Form-Based District in addition to all other applicable provisions of these regulations (in the case of a conflict, the standards below shall govern):

6.A Placement	
Surface Parking	
<b>A</b>	Surface parking located on a lot with a principal building shall be located behind the principal plane of the building and a minimum of 9 feet from the front lot line.
<b>B</b>	Surface parking located on a lot without a principal building shall be set back from streets with landscaped green spaces as follows:
	Setback (A Street) 30 ft min
	Setback (B Street) 20 ft min
	Setback (C Street) 10 ft min
Parking Structures	
Liner buildings shall be provided between above ground parking structures and streets. Liner buildings may be attached to or detached from parking structures.	
<b>C</b>	Liner Building Depth 24 ft min
Residential Garages	
Residential garages may front on C Streets, but wherever possible they should face the side or rear.	
<b>D</b>	Residential garage doors facing a C Street shall be set back a minimum of 8 feet behind the principal plane of the building and shall not exceed 10 feet in width when the door faces the street.
6.B Design	
<b>E</b>	Consecutive Surface Parking Spaces Per Row 10 max
<b>F</b>	Landscape strips at least 6 feet in width shall be provided between aisles of surface parking and islands at least 9 feet in width shall be provided at the end of and within aisles (to divide consecutive rows of parking). Use of LID approaches to stormwater management within surface parking lots is encouraged and landscape strips may be used to collect and infiltrate runoff.
6.C Amount	
There are no minimum number of parking spaces required for any use within this district.	
Parking spaces do not have to be contiguous with the building or use they serve.	
<b>G</b>	No surface parking lot shall include more than 150 spaces. This calculation shall include all contiguous parking areas not separated by buildings, streets, or green spaces at least 50 feet in width.







**CHITTENDEN COUNTY RPC**  
*Communities Planning Together*

# **Transportation Improvement Program for Fiscal Years 2014-2017**

**Adopted July 17, 2013**

Chittenden County Regional Planning Commission  
110 West Canal Street, Suite 202  
Winooski, VT 05404  
(802) 876-4490 / (802) 846-4494(fax)  
[www.ccrpcvt.org](http://www.ccrpcvt.org)

CCRPC # Project Location	FY14-17 Federal Funds				Other Project Information					
	FY14 Phase	FY15 * Phase	FY16 * Phase	FY17 * Phase	Total Cost fed+state+local in 2013 Dollars	Fed. Funds Obligated Thru FY12	FY13 Fed Funds Phase	Project Use Category	Federal Funding Source	Remarks
HP110 <b>Severance Corners Intersection Project</b>	\$250,000 PE/ROW				Total: \$6,000,000 PE: ROW: CON:			Function and Performance Preservation	STP 80 % Federal 20 % State 0 % Local	CIRC Alternatives Phase II implementation project. Design to be funded under project HC0011 CIRC Alternatives.
<b>VTrans Number:</b>					<u>Constraint Status:</u> <b>VTrans PM:</b> CIRC Alternative					
HP112 <b>US2 Surfacing</b>					Total: \$6,665,000 PE: ROW: CON:		\$1,190,000 CON	Function and Performance Preservation	STP 80 % Federal 20 % State 0 % Local	
VT78 in Alburgh to US7 in Colchester <b>VTrans Number:</b> STP SURF(36)	<b>Funds to be obligated in FY13</b>				<u>Constraint Status:</u> <b>VTrans PM:</b> Constrained					
HP069 <b>VT127 Corridor Improvements</b>					Total: \$10,400,000 PE: \$900,000 ROW: \$500,000 CON: \$9,000,000			Function and Performance Preservation	STP 80 % Federal % State % Local	Scoping completed October 2001. Project approved by PDT on June 7, 2001. Project is being included for illustrative purposes pending the availability of federal funds.
Heineberg Bridge to Lakeshore Drive <b>VTrans Number:</b>	<u>Constraint Status:</u> <b>VTrans PM:</b> Constrained						Illustrative			
HP003 <b>VT2A Reconstruction</b>					Total: \$3,510,000 PE: \$300,000 ROW: \$250,000 CON: \$2,959,946			Function and Performance Preservation	STP 80 % Federal 20 % State 0 % Local	Scoping completed April 2001. Project approved by the PDT July 5, 2001. Project is included for illustrative purposes pending the availability of federal funds.
Essex Town Line to US7 <b>VTrans Number:</b> STP 0207( )	<u>Constraint Status:</u> <b>VTrans PM:</b> Constrained						Illustrative			
HP037 <b>VT2A/US7/Creek Rd/Bay Rd Intersection</b>		\$515,000 CON	\$1,990,121 CON		Total: \$5,745,707 PE: \$848,101 ROW: \$1,924,000 CON: \$2,973,600	\$2,194,622		Function and Performance Preservation	STP 80 % Federal 20 % State 0 % Local	
<b>VTrans Number:</b> STP 5600(9)S	<u>Constraint Status:</u> <b>VTrans PM:</b> Constrained						Schultz, Josh			

\* Future project costs escalated at a rate of 3% per year.



Colchester Selectboard  
August 27, 2013

**ACTION SHEET**

**Public Transit Service Agreement**

**RECOMMENDED ACTION: The Colchester Selectboard moves to authorize the Town Manager to enter into the Public Transit Service Agreement as presented in the Selectboard Packet on August 27, 2013.**

## **PUBLIC TRANSIT SERVICE AGREEMENT**

This Public Transit Service Agreement (the "Agreement") is entered into as of the \_\_\_ day of August, 2013, between the Town of Colchester, a chartered Vermont municipality with a place of business of 781 Blakely Rd. Colchester, Vermont ("Colchester"), and the Chittenden County Transportation Authority, a chartered Vermont municipality with a place of business at 15 Industrial Parkway, Burlington, Vermont ("CCTA").

### ***PURPOSE***

This Agreement provides for Colchester's participation in the funding of certain CCTA existing public transit services serving Colchester (the "Essex Junction Route") and for CCTA to alter service on its current Milton Commuter route to serve Rt. 7 in Colchester (as modified to serve Rt. 7 in Colchester, the "Milton Commuter").

### ***SECTION 1: TERM AND RENEWAL***

The term of this Agreement shall commence on July 1, 2014 (the "Commencement Date") and expire on June 30, 2017, unless terminated earlier in accordance with this Agreement. Should Colchester become a member of CCTA in accordance with CCTA's Charter within the term of this Agreement, this Agreement shall terminate on the initial date of Colchester's membership in CCTA.

Continuation beyond the term would require Colchester to become a member of CCTA or entering into an additional three year agreement on mutually acceptable terms prior to May 21, 2017.

Service provided under this Agreement for the Milton Commuter may begin up to 30 days prior to the Commencement Date, consistent with CCTA's June 2014 schedule change. Should the Agreement not be renewed after three years, the Milton Commuter may terminate at CCTA's June 2017 schedule change. Should there be less than 1,088 days (three years minus one week) between the first day and the last day of the Milton Commuter, CCTA will pro-rate and proportionally refund Colchester's last year of financial contribution towards the Milton Commuter based on the temporal gap in service between the first day of the year of service and last day of the year of service on the Milton Commuter pursuant to this Agreement.

### ***SECTION 2: AVAILABILITY OF FUNDING***

This Agreement will be contingent on the availability of CMAQ or CIRC alternatives funding for the federal share of the additional cost of re-aligning the current Milton Commuter to serve Rt. 7 in Colchester.

This Agreement is subject to funding availability from CCTA's current members as well as federal and state sources. If Milton's membership status changes or its share of the Milton Commuter service falls below 50% of the local match in years FY15, FY16, or FY17, CCTA or Colchester may request the re-negotiation or termination of this Agreement by providing written notice of termination not less than thirty (30) days prior to the effective date of termination. Any re-negotiation of the Agreement shall be mutually agreeable to the CCTA member communities and Colchester. References to FY or fiscal year in this Agreement are to CCTA's fiscal year.

### ***SECTION 3: CCTA RESPONSIBILITIES***

CCTA expressly acknowledges, understands, and agrees that:

- a. After engaging businesses along the Rt. 7 Corridor, CCTA shall revise the service proposal for the Milton Commuter and share the revised service proposal with the businesses along the Rt. 7 corridor as well as the Colchester Selectboard and current route ridership.
- b. CCTA shall apply for additional funding to expand the Milton Commuter to serve Route 7 in Colchester.
- c. If CCTA is successful in obtaining funding, CCTA shall initiate a public process, including public hearings in both Milton and Colchester, to change the current Milton Commuter to serve Rt. 7 in Colchester.
- d. CCTA shall bring the service change to the CCTA board for review and approval following public hearings.
- e. If the CCTA Board approves the service change, CCTA shall initiate the Milton Commuter change in June 2014.
- f. CCTA shall assist Colchester in efforts towards a membership vote should Colchester decide to call a vote on membership in CCTA.
- g. CCTA shall provide Colchester with reports on route ridership by providing Colchester's town manager with CCTA's monthly board packet, excluding items to be considered in executive session.
- h. CCTA shall comply with all Federal, State and local laws, rules, ordinances, executive orders and other legal requirements that apply to the public transit services provided pursuant to this Agreement.

### ***SECTION 4: COLCHESTER RESPONSIBILITIES***

Colchester expressly acknowledges, understands, and agrees that:

- a. Colchester shall continue to pay its ADA assessment at the 100% non-member rate rather than the 50% discounted member rate. The FY 15 non-member Colchester ADA assessment is estimated to be \$26,895. This Agreement does not address or alter ADA assessments.
- b. Colchester shall contribute funding to support the existing Essex Junction Route within Colchester. If Colchester were a member, this contribution would be \$26,914 for FY 15. Considering that Colchester is paying the non-member ADA cost, CCTA has discounted the FY 15 Colchester contribution to the Essex Junction Route from \$26,914 to \$13,467. This contribution of \$13,467 shall increase at 3% annually over the term of the three year Agreement. This shall be payable annually on July 31.

Should Colchester join CCTA as a member, Colchester must pay its full Essex Junction Route assessment, which will increase consistent with other municipal assessments, and will also be entitled to the 50% discounted member rate for the ADA Assessment

- c. Half the local share of the Milton Commuter service in FY15 will be \$27,818. The Agreement would be for \$27,818 in FY 15 and increasing at 3% annually. The Milton Commuter service could be implemented as early as mid-June 2014. The amount due from Colchester shall be payable annually as follows: 50% by July 31 and 50% by January 31, only if the Milton Commuter service is in place and operating in Colchester.

As a non-member, Colchester will not be assessed a capital buy-in. Should Colchester become a member, the capital buy-in would be assessed per CCTA's Charter. CCTA shall permit Colchester to pay the buy-in costs over a period of the first five years of membership assuming Colchester becomes a member within the term of this Agreement or immediately upon the expiration of this Agreement.

#### ***SECTION 5: MUTUAL RESPONSIBILITIES***

Colchester and CCTA expressly acknowledge, understand, and agree that:

- a. Prior to Colchester becoming a member pursuant to the CCTA Charter, Colchester would not have representation on CCTA's Board. Given that this Agreement provides for Colchester's participation in funding a regional transportation service, with no service exclusive to Colchester, Selectboard and municipal staff input may be provided by the Colchester Town Manager or designee to the CCTA General Manager or designee. Colchester public input will be considered through public participation according to CCTA's fare and service changes public hearing policy.
- b. The current Milton Commuter service requires additional CMAQ and or Circ Alternatives funding of approximately \$22,000 annually for the incremental new costs to serve Route 7 in Colchester. CCTA will pursue this funding after entering into this Agreement with Colchester. Colchester's payments under this Agreement will be contingent on CCTA obtaining this funding.
- c. Should a single service change to the Milton Commuter add or remove more than 10% of the service to or from Colchester, measured by driver pay hours, CCTA and Colchester will discuss the change prior to the public process with consideration of a reduction or addition to Colchester's contractual share in a similar percentage to the service change.
- d. In fall 2013 CCTA and Colchester staff shall engage businesses along Route 7, including at least one meeting including the Albany College of Pharmacy, the Water Tower Hill Business Owners Association, the Mountain View Drive businesses, the Severance Corners businesses, and the Creek Farm/2/2A/7 businesses.
- e. CCTA shall not be liable to Colchester, and it shall not be grounds for terminating this Agreement or assessing any damages against CCTA, in the event there should be any

delay, failure, or interruption of the public transit services under this Agreement or any delay, failure or interruption in the performance of CCTA's other obligations under this Agreement, caused by any of the following:

Force Majeure. Acts of nature, governmental restrictions, civil commotion or insurrection, any kind of armed attack by a foreign power, a public health emergency caused, for instance, by an epidemic, and other similar causes beyond CCTA's ability to control, commonly known as force majeure.

Labor Problems. Labor actions or in-actions, such as blue collar flu, sit-in or slow-down.

Should any of the above, individually or cumulatively, result in a gap of service in a fiscal year of more than three days of service, however, Colchester's contribution for the Essex Junction Route and Milton Commuter shall be pro-rated so that Colchester does not contribute its local share to the service for any unplanned service gap exceeding three days within a given fiscal year as described above.

#### ***SECTION 6: DISPUTE RESOLUTION; REMEDIES***

a) Notice of Dispute:

If either party believes that the performance of the other party pursuant to this agreement is inconsistent with its provisions, it shall notify the other party in writing. The written notice shall describe the nature of the concerns, the names of all parties involved, the date of the occurrence, and any previous steps taken to address the matter. The party notified shall respond in writing within thirty (30) calendar days from receipt of the original letter either denying, clarifying, or proposing a solution. The notices shall be in writing and addressed pursuant to this Agreement. Both parties shall make a good faith effort to resolve the dispute within thirty (30) calendar days. If the parties are unable to resolve the dispute within thirty (30) calendar days, either party may terminate the Agreement pursuant to Section 7 below.

#### ***SECTION 7: TERMINATION***

Colchester and CCTA each reserves the right, at its option and sole discretion, to terminate this Agreement in accordance with this Section 7.

Termination of this Agreement shall only be with cause, as defined below, upon providing sixty (60) calendar days prior written notice.

Cause for termination exists in the event that: (i) the other party terminates or suspends business operations for any reason; (ii) the other party shall admit in writing its inability to pay its debts as they become due, or shall make a general assignment for the benefit of creditors, or any proceeding shall be instituted by or against such party seeking to adjudicate it bankrupt or insolvent, or seeking liquidation, reorganization, arrangement, protection of it or its debts under any law relating to bankruptcy, insolvency, or reorganization, which proceeding shall remain unresolved within sixty (60) days of commencement; (iii) if Milton's membership status changes or its share of the Milton Commuter service falls below 50% of the local match in years FY15, FY16, or FY17; or (iv) either

party fails to comply with the provisions of the Agreement and the failure to comply is not resolved pursuant to the process provided in Section 6(a) above.

Termination of this Agreement by either party shall not prejudice or be deemed to be a waiver of any rights or remedies which that party might have against the other due to any default or failure in performance by that other party under the terms of this Agreement up to and including the date of termination.

***SECTION 8: INDEMNIFICATION***

Each party to this Agreement agrees to defend, indemnify, save and hold harmless the other (and each of their respective directors, officers, agents and employees) from and against all liabilities, suits, obligations, claims, demands, damages, fines, costs, and expenses (including reasonable attorney's fees) arising under this Agreement to the extent that such are attributable, directly or indirectly, to the indemnifying party's negligence, error, omission, or intentional act.

***SECTION 9: CHANGES REQUIRED BY LAW, ORDER OR REGULATION***

If any provision of this Agreement violates or conflicts with, or is determined to violate or conflict with applicable laws, regulations or ordinances, or any judgment of any court of competent jurisdiction, the parties shall amend or reform such provision so it complies fully with such laws, regulations, ordinances, orders or judgment; provided, however, that in the event such amendment would frustrate the purpose of the Agreement or make it financially impractical for one or the other party to perform its obligations hereunder, such party may terminate this Agreement pursuant to Section 7.

***SECTION 10: RELATIONSHIP OF PARTIES***

Each party to this Agreement shall act in its individual capacity and not as an agent, employee, partner, joint venture, associate, or any other representative capacity of the other. Each party shall be solely responsible for its acts or the acts of its agents and employees during the performances of this Agreement.

***SECTION 11: INTEGRATION***

This Agreement represents the entire Agreement of the parties with respect to the subject matter hereof, and all agreements entered into prior hereto with respect to the subject matter hereof are revoked and superseded by this Agreement, and no representation, warranties, inducements or oral agreements have been made by any of the parties except as expressly set forth herein. This Agreement may not be changed, modified or rescinded except in writing, signed by all parties, hereto, and any attempt at oral modification of this Agreement shall be void and of no effect.

***SECTION 12: ATTORNEY'S FEES***

In the event suit is brought or an attorney is retained by any party to this Agreement to enforce the terms of this Agreement or to collect any monies due hereunder, or to collect money damages for breach hereof, the prevailing party shall be entitled to recover, in addition to any other remedy, reimbursement for reasonable attorneys' fees, court costs, costs of investigation and other related expenses incurred in connection therewith.

***SECTION 13: SEVERABILITY***

If any provision of this Agreement is declared void or unenforceable, such provision shall be deemed severed from this Agreement and the balance of the Agreement shall otherwise remain in full force and effect.

***SECTION 14: WAIVER***

The failure of either party to insist upon the strict compliance with any of the terms, covenants, or conditions herein shall not be deemed a waiver of any such terms, covenants, or conditions, nor shall any waiver or relinquishment of any such right or power hereunder at any time be deemed a waiver or relinquishment of any such right or power at any other time.

***SECTION 16: REMEDIES CUMULATIVE***

The rights and remedies herein are cumulative and not exclusive of other rights and remedies which may be granted or provided by law.

IN WITNESS WHEREOF, the parties have executed this Agreement, as of the date first written above.

**Chittenden County  
Transportation Authority**

**Town of Colchester**

By: \_\_\_\_\_  
Bill Watterson,  
General Manager

By: \_\_\_\_\_  
Dawn Francis  
Town Manager

## **COMMUNITY REINVESTMENT AGREEMENT**

### **TOWN OF COLCHESTER New Town Center Development Program**

This Agreement, executed and entered into on May 14, 2007, by and between the Town of Colchester, a Vermont municipal corporation, acting by and through its duly elected legislative body, the Colchester Select Board (the "Town"), and Severance Corners Village Center, LLC, a Vermont limited liability company, with its principal place of business in the City of South Burlington, State of Vermont, the owner and developer of the property located within the existing designated town center district (more particularly shown on the Map referenced below as the "Town Center" and herein attached).

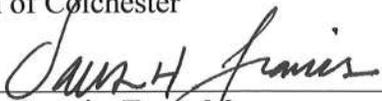
The undersigned, by executing this Agreement, hereby affirm their continued commitment and willingness to participate, to date as well as in the future, in activities and programs that will support and enhance the economic and social health and viability of the area proposed for "town center" designation.

The undersigned hereby renew their agreement and commitment to participate in planning for and developing the Town Center as the community's central business district and that the Town Center shall be composed of compact, pedestrian-friendly, multi-story, and mixed use development characteristic of a traditional downtown supported by planned or existing urban infrastructure, including curbed streets with sidewalks and on street parking, storm water treatment, sanitary sewers, and water supply.

NOW THEREFORE, BE IT RESOLVED THAT the undersigned continue in their support of the designation of the Town Center District and affirm and agree to the above listed commitments as part of this Community Reinvestment Agreement.

Executed at Colchester, Vermont this 17<sup>th</sup> day of March, 2014.

Town of Colchester

  
Dawn Francis, Town Manager

Executed at Williston, Vermont this 14 day of March 2014.

Severance Corners Village Center, LLC

  
by ROBIN E. JEFFERS  
Duly Authorized