
TOWN OF COLCHESTER APPLICATION FOR GROWTH CENTER DESIGNATION

Decision to Approve Growth Center Designation Vermont Expanded Downtown Board *April 27, 2009*

Introduction

The Expanded Downtown Board considered the Town of Colchester's application for growth center designation at their March 23, 2009 warned public meeting. The decision was tabled until their next regular meeting. On April 27, 2009 the Board voted unanimously to formally approve Colchester's application and award growth center designation, based upon their review of the application materials, the Planning Coordination Group's March 11, 2009 recommendation, and the statutory designation criteria (24 V.S.A. §2791). Below is a summary of the Board's findings and conclusions, with attached conditions.

Proposed Growth Center includes or is adjacent to a Designated Downtown, Village Center or New Town Center

The Growth Center includes Colchester's newly designated New Town Center. FIGURE 1-3 IN THE APPLICATION (PAGE 1-3) SHOWS THE RELATIONSHIP BETWEEN THE NEW TOWN CENTER AND THE GROWTH CENTER.

Rationale for Growth Center

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)).*

Through its projections, the town anticipates about 1300 additional households and 2300 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 fifty percent 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. SEE SECTION ONE OF THE APPLICATION, INCLUDING FIGURE 1-15 ON PAGE 1-14.

Size and Configuration of Growth Center

- 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)(l)(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)(l)(v)).

The proposed growth center is 273 acres. Over 100 acres south of this area—the 54 acre Robenstein property (lot 29), 50 acres of forestland as part of the Sunderland Corners PUD (lot 13), state ROW along Sunderland Brook (lot 30)—were originally included in the growth center but withdrawn from the growth center application by the town. SEE 3/27/09 LETTER BY SARAH HADD TO KEVIN DORN. The same area had been excluded from the build-out calculations so removing these properties from the growth center does not affect the results of the build out analysis. Within the remaining properties, 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. SEE SECTION ONE OF THE APPLICATION, INCLUDING FIGURE 1-15 ON PAGE 1-14.

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. SEE CONCEPT FIGURE ON PAGE 4-5 OF THE APPLICATION. The area is currently served by water and sewer. SEE PAGES 6-1 TO 6-6 AND FIGURE 6-2 IN THE APPLICATION. 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. SEE DISCUSSION BELOW UNDER CRITERION 10.

Appropriateness of Growth Center

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)(B)).

The application includes an analysis of retail activity in Chittenden County in Section 3 of the application. 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.

Development Pattern

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)(l)(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)).

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. SEE PAGES 4-3 – 4-22 IN THE APPLICATION FOR A DISCUSSION OF THE PLANNING AREAS AND THE ZONING DISTRICTS.

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 discussed below under criterion 9, 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 on page 4-5.*
- 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. The map on page 6-3 is incorrect in that 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.*

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- 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 TDR's 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 the Town 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.

Diversity of Development

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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)).

The application demonstrates that there is and will continue to be a variety of uses located within the growth center, including residential, commercial, some civic, and parks and other open space. SEE PAGE 5-1 OF THE APPLICATION. Residential units can range from single family homes, to multi-family dwellings to boarding houses and temporary homes.

Section 5-2 of 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).

Capital Budget and Program

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)).

Appendix C of 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 Appendix C of 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.

Public Spaces

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)).

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. SEE FIGURE 6-4 ON PAGES 6-4 IN THE APPLICATION. However, the Town 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. SEE ATTACHMENTS C-4, C-5, AND C-6.

Spatial Pattern

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)(I)(v)).

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 and Severance Roads, 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. SEE FIGURE 4-6 ON PAGE 4-5 OF THE APPLICATION. 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.

Transportation and Other Infrastructure

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)(I)(ii)).

Several transportation-related issues were identified during the designation review process. One concerned proposed transit as described in the application on pages 9-5 and 9-6 of 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 time table 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.

Natural and Historic Resources

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)).

The application identifies natural resources within and outside the growth center SEE FIGURES 10-1 THROUGH 10-3 IN THE APPLICATION. Most of the important resources within the growth center lie in the southwest quadrant, south of the Circ ROW (lots 13, 29 and 30 as shown on the Ecological Resources Map, Figure 10-3). 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 Corners development. By excluding those areas from the growth center, the Board's concerns about impacts on natural resources within the growth center are satisfied.

The Town has mechanisms in place to help protect resources outside the growth center. Colchester's Open Space Plan includes specific recommendations for natural resource protection. SEE ATTACHMENT A-7. 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.

Agriculture

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)(I)(iii)).

Figure 11-1 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.

Pages 11-1 through 11-5 of the application describe 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.

Planning Process

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)).

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.

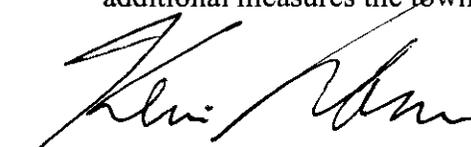
Expanded Downtown Board Approval

The Board concludes that Colchester has demonstrated that its growth center will meet the statutory criteria for growth center designation as discussed herein. The town has worked to implement the proposed growth center as envisioned in their application and has demonstrated through their plan and implementation tools that they will concentrate compact development within the growth center and guide over 50% of the town's growth into this area over the next 20 years. They have tools in place to protect important resource lands and are conducting the kind of planning expected in the growth center statute.

The Board hereby approves Colchester's application on a unanimous vote, based on these findings and conclusions, and on the following condition.

Because the growth center is primarily undeveloped at the time of this approval and key tools adopted to ensure smart growth development in the growth center are still untried, Colchester's progress shall be reviewed by the Board within 24 months of this approval, no later than May 23, 2011. The town shall submit the following items by April 25, 2011:

- a. A report on progress in implementing the pedestrian and bicycle connections described in the April 7, 2009 memo on Bike and Pedestrian Improvements.
- b. A transit plan and implementation time table and budget for establishing a meaningful public transit system serving the growth center and that is interconnected with the regional transit system.
- c. An assessment of the incentive based mechanisms including the TDR program, that reports on whether they have made a tangible impact on rural land preservation and compact, higher density pattern of development in the growth center, and if not, what additional measures the town will take to achieve those goals.



Kevin Dorn, Chair
Expanded Downtown Board

6-16-09

Date