

1 **ESSEX PLANNING COMMISSION**
2 **August 11, 2016**

3
4 **STAFF REPORT**

5 Prepared by Greg Duggan, Town Planner

6
7 **SKETCH PLAN**

8 **MASTER PLAN**

9 **PLANNED UNIT DEVELOPMENT - RESIDENTIAL**

10 **RESIDENTIAL PHASING**

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13 **I. Applicant**

14 Tom Chase d/b/a
15 Jericho Road Associates
16 66 Bowdoin Street, Suite 100
17 South Burlington, VT 05403
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21 **II. Proposal**

22
23 The applicant has applied for Sketch Plan review of a Residential Planned Unit Development
24 (PUD-R) on 10.02 acres at 73 Jericho Road, Tax Map 51, Parcel 14. The bulk of the property is
25 located in a Medium Density Residential (R2) zoning district, although approximately 0.2 acres
26 are located in the Resource Preservation District – Industrial (RPD-I) zoning district.

27
28 The sketch plan calls for 21 three-bedroom units spread through 10 duplexes and one single-
29 family home. The applicant is requesting a density bonus as part of the PUD-R.

30
31 To the north, east, and west the property is bordered by an R2 district that includes residential
32 uses and Lamell Lumber. To the south, the RPD-I district contains industrial and commercial
33 uses.

34
35 The residential lots would be subject to the Town’s Residential Phasing Policy.
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38 **III. Background**

39
40 The Planning Commission approved a boundary line adjustment between 73 Jericho Road and 7
41 Corporate Drive in May 2015. The boundary adjustment transferred 0.18 acres from 7 Corporate
42 Drive to 73 Jericho Road.
43

44 The applicant came before the Planning Commission in April 2016 for sketch plan review for a
45 28-unit PUD-R. The public hearing was continued to allow further discussion about a wetlands
46 permit, street trees, location of sewer lines, pedestrian facilities along Jericho Road/VT Route
47 117, and affordable housing density.

48
49 The property contains an abandoned house that would be removed if the project receives Final
50 subdivision approval.
51

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53 **IV. Article II, Section 2.6 of the *Subdivision Regulations*: Sketch Plan**

54
55 The applicant has applied for Sketch Plan approval pursuant to the *Town of Essex Outside the*
56 *Village of Essex Junction Official Subdivision Regulations* (Articles II, III, IV). Section 2.6 of the
57 *Zoning Regulations* requires Sketch Plan approval “for all subdivisions except boundary
58 adjustments and simple parceling.” Sketch Plan Review is meant

59

60 *to explore the options for the overall subdivision concept and layout, including uses and*
61 *open spaces, in relation to the objectives of the Town Plan, the characteristics of the site*
62 *and characteristics of the surrounding area, and to determine that the proposed*
63 *subdivision appears consistent with the requirements of these Regulations and the*
64 *Town’s Zoning Regulations.*

65

66 Per Section 2.6(D)(12) of the *Subdivision Regulations*,

67

68 *The Planning Commission shall modify and approve or disapprove the Sketch Plan,*
69 *including preferred layout. If the applicant has submitted more than one plan, the*
70 *Commission may take action on one of the proposed alternative layouts submitted with*
71 *the application. Written comments on the Sketch Plan which clearly express the results of*
72 *the Commission’s review shall be sent to the applicant. Sketch Plan approval constitutes*
73 *authorization to proceed to the next step in the subdivision approval process. Sketch Plan*
74 *Approval is not binding and does not guarantee Preliminary or Final Subdivision*
75 *Approval.*

76

77 The proposed project is considered a major subdivision because it would have more than six lots
78 and would require a new road and the extension of public water and sewer lines. Major
79 subdivisions must receive Sketch, Preliminary and Final plan approval.

80

81 **(A) Plans:**

82

83 The applicant has submitted the following plan:

84

- 85 • Plan Sheet 1, “50-Scale Site Plan, Jericho Road Associates, Planned Unit Development,
86 Jericho Road, Essex Junction, VT,” prepared by O’Leary-Burke Civil Associates, PLC,
87 dated 6/24/16.

88

89 **(B) Article IV: Subdivision Standards of the *Subdivision Regulations***

90

91 The Planning Commission must evaluate any proposed subdivision based on the standards

of Article IV of the *Subdivision Regulations*. Standards include conformance to the *Town Plan* and *Town of Essex Outside the Village of Essex Junction Official Zoning Regulations*. Other applicable standards relate to public safety, natural features, streets, sidewalks, open space, availability of water and sewer, and stormwater management.

1. Section 4.1, Standards Applicable to All Subdivisions

- a) **Conformance with the *Town Plan*.** Section 4.1(P) of the *Subdivision Regulations* requires all subdivisions to conform to the *Town Plan*. The project complies with the following goals and objectives of the 2016 *Town Plan*:

Goal 4a: The housing needs of Essex's projected resident population are met, particularly for low- and moderate-income residents.

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

- b) **Conformance to the *Zoning Regulations*. Table 2.5, Medium Density Residential District (R2), and Table 2.14, Resource Preservation District – Industrial (RPD-I).** Section 4.1(G) of the *Subdivision Regulations* requires all subdivisions to conform to the *Zoning Regulations*. Although the project site spans two zoning districts, R2 and RPD-I, 98 percent of the land lies in the R2 district. Section 2.2(E) of the *Zoning Regulations* specifies,

When a zoning district boundary established by these regulations divides a lot, the dimensional requirements for the more restrictive zone may be applied to the lot. Criteria such as site conditions, location of sewage disposal and water systems, and house siting may be factored into the decision by the Planning Commission.

Staff recommends that the Planning Commission apply the dimensional requirements of the R2 district. Table 2.5 of the *Zoning Regulations* describes the purpose of the R2 district:

The purpose of the Medium Density Residential District is to facilitate residential development in areas inside the "Sewered Core Area" as defined in the most recently adopted Town of Essex Sewer Allocation Policy. Connection to municipal water service shall be required. Connection to municipal sewer service shall be required where installation of these facilities is feasible or deemed necessary. Densities and lot sizes are based either on the provision of off-site services or the ability to accommodate on-site services.

- i) **Permitted Uses.** Single-family and two-family dwellings are allowed in R2 districts, as are PUD-Rs.

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ii) District Dimensional Requirements.

| Dimensional Requirement | R2 | PUD-R | Proposed |
|------------------------------------|----------------------------|------------------------|-------------------|
| Minimum Lot Area | 20,000 sf | 10 acres | 10.02 acres |
| Minimum Lot Area per Dwelling Unit | 20,000 sf | | 20,784 sf |
| Average Lot Area per Dwelling Unit | | 10,000 sf | 20,784 sf |
| Minimum Lot Frontage | 100 ft. | 75 ft. | Approx. 1,810 ft. |
| Minimum Front Setback (from ROW) | 40 ft. | 20 ft. | Approx. 23 ft. |
| Minimum Side Setback | 15 ft. | 10 ft. | 50 ft. |
| Minimum Rear Setback | 20 ft. | 20 ft. | 50 ft. |
| Minimum Buffer/Surface Waters | 50 ft. (class II wetlands) | 50 ft. | 50 ft. |
| Minimum Lot Coverage – Multifamily | 40% | PUD requirements apply | |
| Maximum Height | 40 ft. | | |

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Within a PUD-R, the Planning Commission can allow for greater density and less restrictive setbacks than would be allowed through a conventional subdivision. PUD requirements will be covered in more detail in Section VI of this staff report.

Side setbacks on the overall lot would be at least 50 feet. Within the lot, the closest distance between duplexes is shown as 25 feet.

The RPD-I district has a 200-foot buffer next to residential zoning districts. The lot at 73 Jericho Road contains a portion of that buffer. Setback requirements for the lot will ensure that no development occurs in the buffer, apart from a water line and a sewer force main. Underground utility easement crossings are permitted in the 200-foot buffer.

2. Section 4.3, Preservation of Natural Features

a) Natural Features. The *Subdivision Regulations* specify,

Outstanding natural features of the site, including groves of trees, watercourses and falls, historic sites, exceptional views, and similar irreplaceable assets, shall be preserved. The Planning Commission may require building envelopes to be specified for some or all buildings where it is necessary to carefully define building locations and heights in order to protect the natural features listed in this section or identified on the Significant Features Reference Map.

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The site is mostly an open field, with some wooded areas along the western and southern property boundaries. The southeast corner contains a mature stand of trees.

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168 The southwest corner of the property contains a wetland with open water.
169
170 The field is primarily flat. Steeper areas along the southern and western property
171 boundaries slope downward to the wetland; some of the slopes on the western portion
172 of the lot exceed 20 percent grade.
173

174 The Significant Features Map, Map 19 in the 2016 *Town Plan*, does not show any
175 features on the property.
176

177 The Vermont Agency of Natural Resources' Natural Resource Atlas shows statewide
178 prime agricultural soil on the open portion of the property.
179

180 **i. Natural contours.** Section 4.3(A)(1) of the *Subdivision Regulations* specifies that
181 subdivisions shall retain the natural contours of land and conserve natural cover
182 and soil as much as possible.
183

184 Grading would occur for the installation of a new public road, as well as for the
185 townhomes and their driveways. Building envelopes, setbacks, and wetland
186 buffers would largely prohibit development on the steeper slopes. The applicant
187 did not specify whether existing trees would be removed, and should be required
188 to do so with a Preliminary Plan application. Staff recommends minimizing
189 clearing as much as possible to allow the existing trees to serve as visual buffers
190 for existing and future residents.
191

192 **ii. Erosion and Stormwater Control.** Section 4.3(A)(2) of the *Subdivision*
193 *Regulations* requires erosion and stormwater control plans when subdivision
194 improvements on slopes, unvegetated areas, or areas with fragile soil conditions.
195 The Sketch Plan shows an infiltration swale on the north side of the new public
196 road. Section IV(B)9 of this Staff Report covers stormwater management and
197 erosion control in more depth.
198

199 **iii. Topsoil Removal.** Per Section 4.3(A)(3) of the *Subdivision Regulations*, "topsoil
200 removed in the process of grading the subdivision site shall be replaced to an
201 average depth of four (4) inches (10 cm) with a minimum depth of two (2) inches
202 (5 cm) and the site seeded in accordance with Soil Conservation Service
203 recommendations and the Town's Public Works Specifications."
204

205 **iv. Wetlands.** The property contains a small pond in its southwest corner, which the
206 Site Plan designates as a Class II wetland. The wetland continues onto the
207 neighboring property to the south, and the 50-foot wetland buffer runs along
208 much of the lot's southern boundary. The *Subdivision Regulations* specify,
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210 *No building, building envelope, road, sidewalk or utility shall be located*
211 *within wetlands ... and associated buffers, except as specified in Section*
212 *3.11(F) of the Town's Zoning Regulations.*

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The PUD is designed to rely on a sewer line that runs through a wetland and buffer. The Planning Commission can require an applicant to obtain wetland permits prior to preliminary plan approval if it is likely that the wetland permitting agency will require significant changes in the proposed subdivision layout. Staff recommends that a state wetlands permits be obtained prior to Preliminary Plan review.

The Preliminary Plan will need to be revised to show a building envelope that remains outside the wetland buffer.

- v. **Lot sizes.** The *Subdivision Regulations* encourage the smallest possible lot sizes that can site the primary use, accessory buildings, and access driveways. Small lot sizes are intended to maximize the amount of open space.

With Planning Commission authorization, PUD-Rs in the R2 district can have an average lot area per dwelling unit of 10,000 square feet. With 21 units, the proposed PUD-R would have an average of 20,784 square feet per dwelling unit before subtracting undevelopable acreage.

The townhouses would have footprint lots, and would share a common area of approximately 2 acres in the center of the lot.

- vi. **Forested areas.** When a subdivision is proposed in a forested area, the *Subdivision Regulations* require the developer to submit recommendations from a professional forester regarding the location of subdivision improvements and the removal of trees.

Staff does not believe the wooded area along the south and west property boundaries is large enough to require input from a professional forester, but staff does recommend that the Preliminary Plan show existing and proposed tree lines. The portion of the property that lies within the RPD-I's 200-foot buffer must remain forested, and staff recommends that the applicant retain as many trees on the site as possible.

- b) **New Trees.** The *Subdivision Regulations* require new street trees in areas where none exist, or where existing trees would suffer life-shortening damage during construction. At least one street tree needs to be provided for each 50 feet of frontage.

The Sketch Plan does not show street trees. If the Planning Commission approves the Sketch Plan, the Preliminary Plan will need to show the appropriate number of street trees on Jericho Road and the new road. The Preliminary Plan should also indicate which species will be used for street trees.

Street trees would need to be guaranteed for five years after the Town takes over the

258 public road.

259

260 c) **Water Bodies and Adjacent Buffer Areas.** The *Subdivision Regulations* prohibit the
261 piping, damming, or alteration of any natural watercourse without the approval of the
262 Town and, where applicable, the State Department of Environmental Conservation.
263 Construction and site modifications to streams and their associated buffers are only
264 allowed in conformance with Section 3.11 of the *Zoning Regulations*, which provides
265 protections for surface waters and wetlands. Approved construction along streams
266 and buffers must conform to the applicable requirements of the Town’s Stormwater
267 Management Ordinance.

268

269 The site contains a small pond, which the applicant identifies as a Class II wetland.
270 The applicant will need to adhere to applicable buffer and stormwater management
271 requirements.

272

273 3. Section 4.4, Blocks and Lots – Planning and Design Standards

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275 The proposed subdivision does not contain any blocks.

276

277 The applicant would create footprint lots for the individual residential units. Each unit
278 would have access to a public street, with driveways coming off the new road.

279

280 Lots also need to be laid out to provide positive drainage away from all buildings. The
281 applicant will need to provide more details about grading and stormwater management
282 with a Preliminary Plan.

283

284 4. Section 4.5, Streets

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286 Streets need to be suitably located, of sufficient width, and adequately constructed to
287 accommodate prospective traffic, emergency vehicles, and road maintenance equipment.
288 The arrangement of streets needs to be coordinated with existing and planned major and
289 collector streets. Streets need to adhere to design standards established in the
290 *Subdivision Regulations*.

291

292 The applicant plans to build a new street coming off Jericho Road/VT Route 15 to serve
293 the residences. The street would need to meet the standards for Type I Urban Design,
294 which requires a 30-foot wide paved road, full or partial curbs, a collected storm
295 drainage system, concrete sidewalks or paved walkways, streetlights, and other
296 amenities set forth in the Public Works specifications.

297

298 Along with reducing the number of proposed homes from 28 to 21, the applicant has
299 decreased the length of the proposed street to 800 feet, down from approximately 890
300 feet. The road, which ends in a cul-de-sac, meets length and width requirements for
301 dead-end roads.

302

303 The applicant should be required to submit traffic projections as part of a Preliminary
304 Plan application.

305
306 The applicant has received a letter of intent from VTrans, dated May 2, 2016, to access
307 VT Route 15.

308
309 The applicant has not proposed a name for the new street. The Selectboard would need
310 to approve a name in accordance with E-911 requirements.

311
312 **a) Fire Department.** The Fire Chief, in an email dated July 11, 2016, wrote,

313
314 *I have no objections to this plan as presented.*

315
316 *I would request that all residences be marked with their respective street*
317 *address number in contrasting / reflective numbering for ease of location*
318 *during emergencies.*

319
320 **b) Police Department.** The Police Chief did not have any concerns with the Sketch Plan
321 for the proposed subdivision.

322
323 **c) Public Works Department.** Public Works commented on traffic and road design in a
324 memorandum dated July 14, 2016:

325
326 *A traffic study will be required to determine the impact of the development as*
327 *proposed. Earlier traffic studies within the area have been prepared by the*
328 *applicant's engineer and these studies will need to be expanded to include the*
329 *traffic generated by the proposed development. The study shall include traffic*
330 *impacts at the new proposed intersection and analyze the impacts to the*
331 *intersections of Allen Martin Drive and VT RT 15.*

332
333 *It appears that the proposed road will only be curbed on one side to allow for*
334 *surface flow off of the road edge to the storm infiltration swale. It appears this*
335 *swale is outside of the proposed ROW. Will there be an easement provided to*
336 *the Town for the storm water BMP?*

337
338 **5. Section 4.6, Sidewalks – Planning and Construction Standards**

339
340 The *Subdivision Regulations* require the installation of sidewalks or paved paths on at
341 least one side of a dead-end road. The *Subdivision Regulations* also require the
342 installation of sidewalks on the adjacent side of an existing street when the street is
343 located in a medium density residential zone. Sidewalks need to be installed in
344 accordance with the requirements of the Public Works Specifications.

345
346 The Sketch Plan shows a 5-foot-wide sidewalk running between the new road and the
347 townhomes. The applicant has not proposed a sidewalk along Jericho Road/VT Route

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348 15. The closest sidewalks on VT Route 15 are approximately 600 feet to the west and
349 800 feet to the east.

350
351 Public Works, in a memorandum dated July 14, 2016, wrote,

352
353 *The applicant shall provide an easement and a 10-foot wide paved multiuse*
354 *pedestrian path along the entire lot frontage with Jericho Road, (VT RT 15). This*
355 *paved path must meet current VTrans standards for a multiuse path with a State*
356 *Highway ROW.*

357
358 *Public Works is concerned that 21 new residential units will be constructed with*
359 *no pedestrian connection on a highly trafficked roadway. In lieu of a path along*
360 *the frontage of the property as noted in comment #1, consideration could also be*
361 *given to either providing equivalent funds to the Town so that a path/sidewalk*
362 *can be extended to Allen Martin Drive or 2) construct a paved path via an*
363 *easement to connect to the path on Corporate Drive.*

364
365 Paved paths cannot be installed through the RPD-I's 200-foot buffer. If the Planning
366 Commission approves the Sketch Plan, staff recommends including a condition that the
367 Preliminary Plan show a 15-foot-wide non-motorized, multi-use access easement along
368 VT Route 15.

369
370 **6. Section 4.7, Land for Public Open Space and Recreational Use**

371
372 The *Subdivision Regulations* allow the Town to accept land reserved for public
373 recreation purposes in lieu of all or part of recreation impact fees. Trails and
374 conservation greenways identified in the *Town Plan* must be accommodated within open
375 space and recreation areas.

376
377 As noted in a February 5, 2016 memorandum from the Parks and Recreation Director,
378 the project will be subject to recreation impact fees:

379
380 *The proposed site plan ... will have an impact on the delivery of municipal*
381 *recreational services. Each residential unit would be subject to Recreational*
382 *Impact Fees.*

383
384 Several *Town Plan* maps show proposed trail networks in the vicinity of the project. The
385 proposed horseback map (Map 5) shows a trail along the southern property boundary,
386 and maps for proposed cross-country ski (Map 6), footpath (Map 7), and bicycle (Map
387 8) networks identify the RPD-I as a "parcel with extensive trails." The Sketch Plan
388 shows existing trails on abutting properties to the south; a sliver of one trail crosses the
389 southeast portion of 73 Jericho Road.

390
391 The project design calls for an open space area between VT Route 15 and the new road.
392 The Parks and Recreation Director requested more information about how the open

393 space at the front of the PUD would be used.

394

395 In a project narrative submitted April 13, 2016, the applicant's engineer wrote,

396

397 *The open spaces shall be owned and controlled by the Home Owners Association.*

398 *The Home Owners Association will decide what they want to do with the open*

399 *spaces. They may choose to make a ball field, gardening area, sitting area with*

400 *benches, or even put up a swing set. With Sand Hill Park being so close,*

401 *proposing to put a park in the open space would be repetitive.*

402

403 Because much of the site features statewide prime agricultural soil, staff strongly
404 recommends that the applicant consider a community garden area on a portion of the
405 open space.

406

407 **7. Section 4.8, Utility and Access Easements and Improvements**

408

409 **a) Easements for Utilities, Drainage and Access.** When utilities or drainage facilities
410 cannot be installed in street rights-of-way, applicants must provide the Town with
411 perpetual, unobstructed easements. The easements shall be centered on rear or side
412 lot lines and have satisfactory access to the street.

413

414 The Planning Commission can require perpetual, unobstructed easements to
415 facilitate non-motorized, multi-use facility user access to public open space or
416 adjacent properties as part of a proposed contiguous access plan.

417

418 As mentioned earlier in this report, staff recommends that the applicant provide
419 easements over the stormwater infiltration swale and along VT Route 15.

420

421 The applicant should also be required to provide water and sewer easements to the
422 Town where public lines lie outside the right-of-way. Although Section 4.8(A)(2) of
423 the *Subdivision Regulations* requires easements to be at least 30 feet wide for
424 pipelines buried 10 feet or less in the ground, Public Works requested a 20-foot-wide
425 easement in its July 14, 2016 memorandum. The Sketch Plan shows 20-foot-wide
426 easements over water and sewer lines that lie outside the right-of-way.

427

428 **b) Utility Improvements.** Public utility improvements shall be installed in accordance
429 with Public Works Specifications, and shall be installed underground unless doing so
430 is infeasible.

431

432 **8. Section 4.9, Water Supply and Waste Water Systems**

433

434 **a) Water Supply.** When a public water supply is reasonably accessible, applicants are
435 required by the *Subdivision Regulations* to connect to the public system. The
436 applicant intends to connect to the municipal water system at an existing water main
437 on VT Route 15, and by extending an 8-inch waterline from the abutting parcel to

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438 the south.

439

440 Public Works, in a memorandum dated July 14, 2016, wrote,

441

442 *An analysis of the water distribution system will be required to determine*
443 *issues of water pressure and flow caused by future demands of the proposed*
444 *project within the Town's service area. The Town will require the applicant to*
445 *provide the data for the proposed water system to the Town's design*
446 *consultant for input into the water model. The model will be run by the*
447 *Town's consultant. Any deficiencies within the proposed or existing water*
448 *distribution system shall be addressed by the applicants engineer prior to*
449 *Preliminary review. All costs associated with running the Town's water model*
450 *shall be the responsibility of the applicant.*

451

452 *Water service connections with curbstops will be required for each of the (21)*
453 *proposed units. All service curb stops must be located outside pavement and*
454 *concrete. Each individual water service shall have a Town water meter.*

455

456 *The Town will require a 20-Foot wide permanent easement centered on the*
457 *proposed water line.*

458

459 *The municipal water connection fees have increased since the last review of*
460 *this project. The updated fees for this project as proposed will be as follows*
461 *under the current fee schedule*

462 *Water: (140 GPD X 21 units X \$5.73/GPD of capacity) + (21 units*
463 *x \$1,000 per unit) = \$37,846.20*

464

465 *Public Works will review technical content at the Preliminary submittal of this*
466 *project.*

467

468 **b) Waste Water Systems.** The property lies inside the Town's sewer core area. The
469 applicant plans to connect to the municipal wastewater system by extending a sewer
470 line from the property to the south. Sewer lines would also be added along the
471 property's eastern border to give Circle Drive residents the possibility of a future
472 connection.

473

474 In the project narrative dated June 28, 2016, the applicant's engineer wrote,

475

476 *The sewage will gravity feed to an on-site pump station and will then exit the*
477 *site through a force main extended from Revision Eyewear.*

478

479 Public Works commented on wastewater in a memorandum dated July 14, 2016:

480

481 *Public Works requires the applicants engineer submit a sanitary sewer impact*
482 *study, documenting all the downstream impacts to the existing sewer*
483 *infrastructure caused by the proposed development.*

484
485 *The proposed development is located within the Town's sewer core and has*
486 *5,000 GPD of assigned sewer allocation. The development as proposed*
487 *requires 3,920 GPD of sewer allocation. The project has sufficient sewer*
488 *allocation to proceed. The applicant will be required to purchase this*
489 *allocation for each unit prior to construction.*

490
491 *The municipal sewer connection fees for the project as proposed will be as*
492 *follows;*

493 *Sewer: (140 GPD X 21 units X \$10.30/GPD of capacity) + (11*
494 *connections x \$1,000) = \$41,282*

495
496 *Public Works agrees with the location and design of the new gravity sewer*
497 *infrastructure along the eastern boundary of the property with residents of*
498 *Circle Drive. Staff recommends that sewer service connections be provided to*
499 *the boundary line of each property along the route of this new gravity sewer*
500 *line, whether or not a connection will be made at this time.*

501 *Furthermore, Public Works agrees with the design of the sanitary sewer*
502 *infrastructure in concept. Staff will provide further comment on the design at*
503 *Preliminay review.*

504 **9. Section 4.10, Stormwater Management and Erosion Control**

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506
507 *The Subdivision Regulations require all proposed subdivisions to include a stormwater*
508 *management and erosion control plan that adheres to the Town's Stormwater*
509 *Management Ordinance. The plan must address stormwater management and erosion*
510 *control during and after construction.*

511
512 *In the project narrative dated June 28, 2016, the applicant's engineer said the site's*
513 *sandy soils should allow all stormwater to infiltrate on the property. Although the Sketch*
514 *Plan shows a stormwater infiltration swale near the new road on the site, the applicant*
515 *will need to provide more detailed information about stormwater management and*
516 *erosion control with a Preliminary Plan application.*

517
518 *Public Works wants to meet with the applicant prior to Preliminary Plan submittal to go*
519 *over stormwater plans. In a memorandum dated July 14, 2016, Public Works wrote,*

520
521 *The applicant's engineer will need to meet with the Town staff regarding the*
522 *storm water design during development of the preliminary plans. Detailed storm*

523 *calculations shall be provided to public works for review. A “Pre” and “Post”*
524 *build out impact study on the existing infrastructure must be provided for review.*

525
526 *Public Works Staff would like to review and offer input before any storm water*
527 *application is made to the state for a stormwater permit.*
528

529 **10. Section 4.11, Monuments and Lot Markers**

530
531 If the project obtains Final Plan approval, the applicant shall install concrete monuments
532 and lot markers to the standards specified in Section 4.11 of the *Subdivision*
533 *Regulations.*
534
535

536 **V. Article II, Section 2.7 of the *Subdivision Regulations*: Master Plan**

537
538 *Subdivision Regulations* require a Master Plan “for any project which is intended to be developed
539 in phases and for which approval of only one phase is currently requested, or for any project
540 where development of only part of the parcel is proposed and the remaining land exceeds in area
541 three times the minimum lot size in the district in which the subdivision is located.”
542

543 Per Section 2.7(B) of the *Subdivision Regulations*, a Master Plan serves the following purpose:

544
545 *The purpose of the preparation and review of a Master Plan by the Planning Commission is*
546 *to acquaint the Commission with the entire tract of land without requiring the presentation*
547 *of extensive surveying, engineering, or design data, to identify significant features*
548 *warranting future protection, and to facilitate anticipated future development in an orderly*
549 *manner. Applicants are encouraged to explore different schemes by presenting alternative*
550 *plans that represent thoughtful site planning and are in conformance with the Town Plan*
551 *and Bylaws.*
552

553 Staff believes the Sketch Plan provides an adequate development plan for the site, and does not
554 believe a Master Plan is required for the proposed project.
555
556

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

558
559 Planned Unit Developments are allowed in various zoning districts as authorized in Article II of
560 the *Zoning Regulations*. PUDs must also meet the requirements of Article VI of the *Zoning*
561 *Regulations*. Section 6.0(B) describes the purpose of PUDs:
562

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

567
568 Planned Unit Developments – Residential (PUD-Rs) are allowed in R2 zoning districts. Section
569 6.3(A) of the *Zoning Regulations* lays out the review procedures for PUDs. When PUDs involve
570 the subdivision of land, including the creation of footprint lots, the Planning Commission must
571 review the PUD as a major subdivision. The subdivision review appears above in Section IV of
572 this Staff Report.

573
574 **(A) Section 6.4, General Standards (Applicable to All Planned Unit Developments)**
575

576 **1. Conformance**
577

578 PUDs must conform to the *Town Plan* and meet all other applicable provisions of the
579 *Zoning Regulations*. Section IV(B)(1) of this Staff Report details the proposed PUD's
580 conformance to the *Town Plan* and dimensional requirements of the *Zoning*
581 *Regulations*.

582
583 **2. Uses**
584

585 Uses within a PUD cannot differ substantially from the allowed uses of the underlying
586 zoning district. Single-family homes and duplexes are permitted in R2 districts.

587
588 **3. Purposes**
589

590 A PUD must be consistent with the purposes of the district in which it is located and
591 with Section 6.0 of the *Zoning Regulations*. Section IV(B)(1)(b) and Section VI of this
592 Staff Report detail the proposed PUD's consistency with the zoning districts and
593 Section 6.0 of the *Zoning Regulations*, respectively.

594
595 **4. Multiple Buildings**
596

597 The Planning Commission can approve multiple buildings on a single lot if doing so
598 achieves the purposes of a PUD. The applicant has proposed 10 duplexes and one
599 single-family home on a single lot.

600
601 **5. Density Calculations**
602

603 To calculate density on a PUD, public and private roads, floodplains, floodways,
604 wetlands, and lands with slopes greater than 20 percent must be subtracted from the
605 total acreage of the lot.

606
607 In a project narrative submitted April 13, 2016, the applicant's engineer calculated the
608 developable acreage of the lot at 347,838 square feet, or 7.99 acres:
609

610 *Parcel Size:* 436,471 *sf*
611 *Wetland Area* 21,393 *sf*
14 of 24

| | | |
|-----|------------------------|-------------------------|
| 612 | <i>Steep slopes</i> | <i>11,499 sf</i> |
| 613 | <i>ROW Area</i> | <i><u>59,065 sf</u></i> |
| 614 | <i>Net Developable</i> | <i>344,514 sf</i> |

615
616 **6. Density**

617 The Planning Commission can allow greater density within developable portions of a
618 PUD if the shift is necessary to enable innovation in design and layout for a more
619 efficient use of land.

620
621
622 Conventional developments in R2 districts require 20,000 square feet per dwelling unit
623 when off-site water and sewer are provided. After subtracting undevelopable land from
624 the lot acreage, such density requirements would allow the applicant to have 17
625 dwelling units on the property ($344,514 \text{ sf} / 20,000 \text{ sf} = 17.23$). The applicant is seeking
626 a density bonus to build 21 units on the site – including at least one affordable unit –
627 which would result in an average density of 20,784 square feet per dwelling unit for the
628 total lot. On the developable portions of the lot, the average density would be 16,405
629 square feet per dwelling unit. The applicant is concentrating the units on the eastern and
630 southern portions of the property.

631
632 When approving greater concentration or density on developable portions of a PUD, the
633 Planning Commission shall require that it be offset by a lesser concentration in other
634 areas, or that an amount of land at least equal to that needed to support the shifted
635 density under normal density requirements be set aside as common or open space and
636 be secured by a grant, easement, or covenant to the Town.

637
638 The applicant's engineer spoke to the project layout in the project narrative submitted
639 April 13, 2016, writing,

640
641 *Consideration has been given to multiple site layouts. The proposed design was*
642 *chosen for aesthetic and open space reasons. While a double loaded road would*
643 *reduce the length of the required roadway, the proposed design provides for a*
644 *more attractive view from Route 15 by eliminating views of backyards and*
645 *places emphasis on the large, open space in the center of the project.*

646
647 Density bonuses are covered in more detail in Section VI(A)11 of this staff report.

648
649 **7. Roads**

650
651 Certain roads in a PUD may be required as public roads, including the principal entry to
652 a PUD and cul-de-sac roads 300 feet or longer.

653
654 The applicant plans to construct an 800-foot-long public road to serve the PUD.

655
656 **8. Open Space**

657
658 Open spaces within a PUD shall include lands identified on the Significant Features
659 Reference Map, land determined to be undevelopable, and land intended for
660 recreational uses.

661
662 The property does not contain any resources shown on the Significant Features Map.
663 The property does contain a wetland, and the applicant has also designed the PUD to
664 contain open space in the middle of the lot.

665
666 As described in the project narrative submitted on April 13, 2016, a homeowners
667 association would own and control the open space in the PUD.

668
669 **9. Covenants**

670
671 The developer must supply protective covenants to insure orderly and controlled
672 development of the PUD.

673
674 **10. Impact Fees**

675
676 PUDs are subject to impact fees enacted by the Town in accordance with state law. If,
677 however, the applicant is required to provide land or construct facilities explicitly
678 included in the calculation of impact fees, the applicant can apply for a credit against
679 the impact fees.

680
681 If approved, the PUD will be subject, at a minimum, to recreation impact fees.

682
683 **11. Residential Density Bonuses**

684
685 The Planning Commission can grant density bonuses in R2 districts for developments
686 that meet certain criteria.

687
688 The Planning Commission can grant a 25 percent density bonus if at least a quarter of
689 all bonus units are classified as perpetually affordable, per Section 6.4(K)(3) of the
690 *Zoning Regulations*.

691
692 The applicant is proposing 21 units, a density bonus of 24 percent. The PUD would
693 include one affordable unit, although in the project narrative dated June 28, 2016, the
694 applicant's engineer wrote,

695
696 *The developer is proposing that a minimum of one (1) unit be affordable in*
697 *perpetuity (based on the 80% of the average income affordability criteria). The*
698 *applicant is willing to designate two (2) units as affordable if the Planning*
699 *Commission will consider raising the affordability requirement to 100% of the*
700 *average income.*

701

702 State law and the *Town Plan* define affordable housing as a unit affordable to a
703 household earning up to 80 percent of the area median income. Moderate income
704 housing, as defined in the *Town Plan*, typically refers to homes that are affordable to
705 households earning between 80 percent and 120 percent of area median income.

706
707 The *Zoning Regulations* do not specify any incentives for the provision of moderate
708 income housing.

709
710 When a development receives a density bonus, the *Zoning Regulations* require that all
711 units meet the Energy Star standards as defined by Efficiency Vermont.

712

713 **(B) Section 6.8, Planned Unit Development – Residential (PUD-R)**

714

715 PUD-Rs are allowed in R2 zoning districts if they meet the requirements and intent of
716 Article VI of the *Zoning Regulations*, Planned Unit Development. Section 6.8(A) describes
717 the purpose of a PUD-R:

718

719 *The purposes of the PUD-R provision are to promote the creative and efficient use*
720 *of land which respects the topography and other natural features, to encourage the*
721 *preservation of open space, to provide for the efficient development of the site and*
722 *use of public services and facilities, to minimize the visual impact of development,*
723 *to encourage creative design, appropriate variety and aesthetic development, and*
724 *to provide greater housing opportunities.*

725

726 Some portions of a PUD-R may have a higher density than is normally allowed in a zoning
727 district to provide open space for recreational purposes. PUD-Rs with higher than normal
728 density must demonstrate exceptional design in terms of respect for natural features of the
729 site, innovative layout, and efficient use of land.

730

731 **1. Section 6.8(C), Minimum acreage and dwelling units**

732

733 PUD-Rs must have a minimum of 10 acres and six dwelling units.

734

735 The proposed PUD has 10.02 acres and 21 dwelling units.

736

737 **2. Section 6.8(D), Types of dwelling units**

738

739 A PUD-R can consist of single-family, two-family, and multi-family dwellings if those
740 uses are allowed in the underlying zoning district. Homes can be owner or renter
741 occupied.

742

743 The proposed PUD would include duplexes and a single-family home.

744

745 **3. Section 6.8(E)(1), Elevations**

746

747 Elevations are only required for multifamily structures.

748

749 **4. Section 6.8(E)(2), Maximum allowed dwelling units**

750

751 The maximum number of dwelling units allowed on a PUD-R is determined by
752 dividing the developable area by the smallest minimum lot size for the district. With
753 344,514 square feet of developable land and a 20,000-square foot minimum lot size for
754 the district, the property could have 17 units, before accounting for residential density
755 bonuses.

756

757 **5. Section 6.8(F), Minimum Lot Size and Lot Area per Dwelling**

758

759 The Planning Commission can authorize a reduction in minimum lot size and minimum
760 lot area per dwelling unit on PUD-Rs if it determines that a reduction would enable a
761 creative, efficient use of the site. In R2 districts, the average lot area per dwelling unit
762 cannot be less than 10,000 square feet.

763

764 With 21 units, the average lot area per dwelling unit would be 20,784 square feet on the
765 entire lot.

766

767 **6. Section 6.8(G), Front, Side, Rear Yard and Frontage Minimums**

768

769 As noted in Section IV(B)(1)(b)(ii) of this Staff Report, the proposed building
770 envelopes adhere to the minimum setbacks and frontage requirements.

771

772 Section 6.8(G)(5) of the *Zoning Regulations* refers to footprint lots, specifying,

773

774 *To provide for the development and sale of land under townhouse units as lots,*
775 *the footprints of individual units may be approved as lots and the minimum*
776 *frontage, setback and size provisions specifically waived by the Planning*
777 *Commission as part of project approval. Said lots shall have no independent*
778 *existence as a property interest apart from the unit with which they are initially*
779 *conveyed and may not be conveyed separately there from. The lots under*
780 *townhouse units that may have been damaged or destroyed may be sold only*
781 *with a deed restriction limiting future use of the lot to the reconstruction of the*
782 *units, the format and content of which shall be approved by the Town Attorney*
783 *prior to conveyance.*

784

785 **7. Section 6.8(H), Buffers**

786

787 A 50-foot buffer area is required when multiple-family dwellings are proposed in an
788 area adjacent to existing single-family dwellings, and the buffer needs to be planted
789 with trees, evergreens, or landforms as approved by the Planning Commission.

790 Although the applicant is proposing primarily duplexes, the Sketch Plan shows 50-foot
791 buffers on the east and west property boundaries, which abut single-family homes. The

792 eastern buffer contains a berm with cedars.

793

794 In addition to the cedars, staff recommends that the applicant retain as many existing
795 trees as possible.

796

797 **8. Section 6.8(I), Mobile Home Parks**

798

799 Mobile home parks may be allowed in PUD-Rs, but the applicant has not proposed a
800 mobile home park.

801

802 **9. Section 6.8(J), Open Space**

803

804 Open space in PUD-Rs must meet several general requirements about size and location.
805 The open space must also have protective covenants that specify any restrictions, uses,
806 ownership and management.

807

808 For general requirements, open space must be at least 1 acre; must have a flowing
809 pattern that keeps the open space connected; can be excluded from density
810 considerations, with Planning Commission discretion, if it cannot be adapted for
811 recreational purposes; must be accessible to all dwelling units in the PUD; must be an
812 integral part of the PUD's design; and must be designed to protect any agricultural soils
813 or features identified on the Significant Natural Features Reference Map if it is
814 established to protect those features. Any plans for development of recreational areas
815 on the open space must be presented along with all other plans.

816

817 For the management of open space, the applicant must submit protective covenants
818 specifying the restrictions and uses of the land, the ownership of the land, and how the
819 land will be maintained and controlled. If the Planning Commission approves the PUD,
820 the board shall determine when development of the open space will be completed. If
821 open space development is not complete prior to the conveyance of lots, the applicant
822 shall post a cash escrow or performance bond with the Town.

823

824 The applicant did not provide the acreage of the open space, but it exceeds 1 acre. The
825 centerpiece of the open space would be an open area fronted by all of the units. The
826 land would be managed by the home owners association.

827

828 Staff recommends that the applicant and homeowners association be required to allow
829 access over the waterline easement, which will ensure that residents can reach existing
830 trails in the RPD-I.

831

832 The applicant plans to provide covenants with a Preliminary Plan application.

833

834 **10. Section 6.8(K), Justification**

835

836 A developer must demonstrate that a PUD-R will be coordinated with proposed

837 development of surrounding land and have land use compatible with the surrounding
838 area. The developer must also provide a statement indicating the planned rate of
839 development and an assessment of the impact on schools, traffic, water, and more.

840
841 The impacts are described in Section IV(B) of this Staff Report.

842
843 **11. Section 6.8(L), Flexibility**

844
845 When permitting a PUD-R the Planning Commission can establish additional
846 requirements or conditions to ensure that development occurs in harmony with the
847 surrounding area and the Town as a whole. Conditions can include the following:
848 preservation of light, air and view; elimination of undue congestion; designated sites for
849 recreational facilities; designation of school sites; provision of adequate internal traffic
850 circulation; provision of suitable landscaping or screening.

851
852
853 **VII. Article III of the *Subdivision Regulations*: Residential Phasing**

854
855 The goal of Residential Development Phasing is to maintain an annual population growth
856 between 184 and 226, a rate set forth in the 2016 *Town Plan*. The Town aims for an annual
857 population increase of 205, the midpoint of the targeted range. Population figures are estimated
858 based on a conversion of dwelling units to EPEs. Each bedroom in a dwelling unit translates to
859 one person, so that 1 bedroom equals 1 person, 2 bedrooms equals 2 persons, 3 bedrooms equals
860 3 persons, and so forth. Section 3.2(D) of the *Subdivision Regulations* directs the Planning
861 Commission to consider the number and type of dwelling units proposed in a development, as
862 well as the number of bedrooms in the units.

863
864 Any single project is allowed to add 20 dwelling units per calendar year if the development is
865 within the sewer core, and five units if the development is outside the sewer core. EPEs outside
866 the sewer core cannot exceed 41, or 20 percent of the targeted total of 205, in any calendar year.
867 The Planning Commission can allow exceptions to achieve *Town Plan* objectives related to
868 affordable housing, or if the project contains three or fewer dwelling units. The Planning
869 Commission must act on a preliminary phasing request when a proposed development obtains
870 sketch plan approval. Final allotment is granted if the development secures Final Plan approval.

871
872 The proposed project lies within the sewer core area. The applicant expects all homes to have
873 three bedrooms. The applicant requested a preliminary phasing schedule of 11 homes in 2016
874 and 10 homes in 2017.

875
876 Such a schedule would bring total number of preliminary and final EPEs for the entire Town to
877 175 in 2016 and 70 in 2017.

878
879 A summary of the running phasing tabulation is attached.

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VIII. Planning Commission comments

While reviewing the project on August 11, 2016, the Planning Commission determined ...

IX. Proposed Conditions

1. All construction shall be in conformance with the plans listed in Finding No. IV(A) above and as may be amended subject to other conditions and approvals.
2. The Preliminary Plan shall show the existing tree line and proposed clearing limits.
3. The Preliminary Plan shall show building envelopes that remain outside wetland buffers.
4. The Preliminary Plan application shall include a state wetlands permit to extend water and sewer lines through the wetland and buffer, unless the Vermont Department of Environmental Conservation determines that such a permit is not necessary.
5. The Preliminary Plan shall show the appropriate number of street trees and indicate which species will be planted.
6. The Preliminary Plan application shall include a traffic study that analyzes the impact of the development and includes traffic impacts at the proposed intersection as well as the intersection of VT Route 15 and Allen Martin Drive.
7. The Preliminary Plan shall show an easement to the Town for the property’s infiltration swale, or the swale shall be relocated to inside the Town right-of-way.
8. The Preliminary Plan shall show a 15-foot-wide non-motorized, multi-use access easement along VT Route 15, and prior to the issuance of a zoning permit the applicant shall be prepared to provide the Town with funding for a future path or sidewalk that can be extended to Allen Martin Drive.
9. Prior to Preliminary Plan submittal, the applicant shall provide the data for the proposed water system to the Town’s design consultant for input into the water model in order to analyze the water distribution system to determine issues of water pressure and flow caused by future demands of the proposed project within the Town’s service area. The model will be run by the Town’s consultant. Any deficiencies within the proposed or existing water distribution system shall be addressed by the applicant’s engineer prior to Preliminary review. All costs associated with running the Town’s water model shall be the responsibility of the applicant.

Sketch Plan Review
73 Jericho Road
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- 924 10. Water service connections with curbstops will be required for each unit. All service curb
925 stops must be located outside pavement and concrete. Each individual water service shall
926 have a Town water meter.
927
- 928 11. The Preliminary Plan shall include a sanitary sewer impact study that documents all the
929 downstream impacts to the existing sewer infrastructure caused by the proposed
930 development.
931
- 932 12. The Preliminary Plan shall show sewer service connections provided to the boundary line of
933 each property along Circle Drive, regardless of whether a connection will be made at this
934 time.
935
- 936 13. The Preliminary Plan shall include detailed storm water calculations for review by Public
937 Works. Prior to submitting the Preliminary Plan and prior to applying for a state stormwater
938 permit, the applicant shall also meet with Public Works regarding the storm water design.
939
- 940 14. The Preliminary Plan shall include details about how one of the units will remain perpetually
941 affordable.
942
- 943 15. The Preliminary Plan shall include details about how the residences will meet Energy Star
944 standards as defined by Efficiency Vermont. The applicant will need to record Residential
945 Building Energy Standards (RBES) certifications in the land records for each home prior to
946 the issuances of certificates of occupancy.
947
- 948 16. The Preliminary Plan shall include covenants.
949
- 950 17. The applicant shall be approved for a preliminary Residential Phasing allocation of 11
951 dwelling units and 33 Estimated Population Equivalents in 2016, and 10 dwelling units and
952 30 EPEs in 2017. A final allotment shall be granted if the development secures Final Plan
953 approval.
954
- 955 18. Prior to the issuances of zoning permits, the applicant shall pay recreation fees in place at the
956 time of submittal.
957
- 958 19. All utilities shall be installed underground unless doing so is infeasible.
959
- 960 20. Prior to the issuance of a zoning permit, the applicant shall submit any and all covenants,
961 deeds, and legal documents resulting from this approval for review by the Town Attorney.
962 The applicant shall pay any legal fees associated with the review.
963
- 964 21. Prior to the issuance of a zoning permit, the applicant shall pay water fees of \$37,846.20 and
965 sewer fees of \$41,282, or the fees in place at the time of submittal.
966
- 967 22. Prior to the issuance of a zoning permit, the applicant shall install concrete monuments and
968 lot markers to the standards specified in Section 4.11 of the *Subdivision Regulations*.

**Sketch Plan Review
73 Jericho Road
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23. Prior to the issuance of a zoning permit, the applicant shall obtain any and all applicable State approvals and permits.
24. By acceptance of the conditions of this approval without appeal, the applicant confirms and agrees for himself and all assigns and successors in interest that the conditions of this approval shall run with the land and the land uses herein permitted, and would be binding upon and enforceable against the applicant and all assigns and successors in interest.

979 **X. Attachments**

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- Letter, “Jericho Road Associates – Planned Unit Development, 73 Jericho Road, Essex Junction, VT, Sketch Plan Application,” from Shawn Cunningham, O’Leary-Burke Civil Associates, PLC, dated 2/1/16.
- Narrative, “Jericho Road Associates – Planned Unit Development, 73 Jericho Road, Essex Junction, VT, PUD-R Narrative,” submitted by Shawn Cunningham, O’Leary-Burke Civil Associates, PLC, 2/3/16.
- Narrative, “Jericho Road Associates – Planned Unit Development, 73 Jericho Road, Essex Junction, VT, PUD-R Narrative,” submitted by Shawn Cunningham, O’Leary-Burke Civil Associates, PLC, 2/10/16.
- Narrative, “Jericho Road Associates – Planned Unit Development, 73 Jericho Road, Essex Junction, VT, PUD-R Narrative,” submitted by Shawn Cunningham, O’Leary-Burke Civil Associates, PLC, 4/13/16.
- Email, “RE: Items for 73 Jericho Road,” from Paul O’Leary, O’Leary-Burke Civil Associates, PLC, dated 4/20/16.
- Memorandum, “73 Jericho Road – 28 Unit Development,” from Ally Vile, Parks and Recreation Director, dated 2/5/16.
- Email, “RE: 73 Jericho Road,” from Chief Bradley J. LaRose, Essex Police Department, dated 2/9/16.
- Memorandum, “Jericho Road Associates Sketch Plan, 73 Jericho Road,” from Dennis Lutz, P.E., and Public Works Director; and Aaron Martin, P.E., Town Engineer/Utilities Director, dated 4/2/16.
- Email, “Re: Comments for 73 Jericho Road,” from Charlie Cole, Essex Fire Chief, dated 4/22/16.
- Letter of Intent, “Essex, VT15, L.S. 334+65 RT,” from James Clancy, Permit Coordinator, Permitting Services, State of Vermont Agency of Transportation, dated 5/2/16.
- Letter, “Jericho Road Associates – Planned Unit Development, 73 Jericho Road, Essex Junction, VT, Sketch Plan Application,” from Paul O’Leary Jr., P.E., O’Leary-Burke Civil Associates, PLC, dated 6/28/16.
- Email, “RE: 73 Jericho Road,” from Paul O’Leary, dated 8/4/16, 11:24 a.m.
- Email, “RE: 73 Jericho Road,” from Paul O’Leary, dated 8/4/16, 12:22 p.m.
- Email, “RE: 73 Jericho Road,” from Paul O’Leary, dated 8/5/16, 12:22 p.m.

**Sketch Plan Review
73 Jericho Road
August 11, 2016**

- 1013 • Email, "RE: comments back," from Chief Bradley J. LaRose, Essex Police Department,
1014 dated 7/11/16.
- 1015 • Email, "Re: comments back," from Charlie Cole, Essex Fire Chief, dated 7/11/16.
- 1016 • Memorandum, "Jericho Road Associates Sketch Plan, 73 Jericho Road," from Dennis
1017 Lutz, P.E, Public Works Director; and Aaron Martin, P.E., Town Engineer/Utilities
1018 Director, dated 7/14/16.
- 1019 • "Residential Phasing Report," from Town of Essex Community Development, dated
1020 8/4/16.

1021

1022

1023 cc: Paul O'Leary, O'Leary-Burke Civil Associates, PLC

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1026

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