



**Sketch Plan – 5-Lot Subdivision  
35 Discovery Road  
August 25, 2016**

47 In August 1980, the Planning Commission approved an eight-lot subdivision on the property.  
48

49 The Planning Commission approved a Final Plan for a three-lot subdivision on the property in  
50 September 1994. The subdivision created Lot 14 and Lot 15, which have frontage on Lamore  
51 Road. Both lots were to be accessed by a driveway off of Lamore Road.  
52

53 In April 2002, the Town issued a zoning permit for the construction of a single-family home on  
54 Lot 15. The permit allowed the owners of Lot 15 to access the home from a driveway off  
55 Discovery Road.  
56

57 The applicant obtained Planning Commission approval in June 2009 for a three-lot residential  
58 subdivision for property located at 35 Discovery Road. The approval led to the creation of Lot 16  
59 and Lot 19.  
60

61 The Planning Commission approved a Sketch and Master Plan Amendment to create two 3-acre  
62 lots – Lot 49 and Lot 50 – on an existing five-lot subdivision in June 2010. The Planning  
63 Commission approved the Final Plan for the subdivision in February 2011. In July 2011, the  
64 Planning Commission approved a Final Plan amendment to convert a shared driveway into two  
65 driveways at 186 Lost Nation Road.  
66

67 In November 2011, the Planning Commission approved a Sketch and Master Plan application for  
68 a Planned Unit Development-Residential (PUD-R) that included eight rental units and 76 acres  
69 of open space. The approval included a boundary adjustment between properties at 11 and 15  
70 Lamore Road.  
71

72 The Planning Commission permitted another Final Plan Amendment in March 2012, allowing  
73 the applicant to remove the access easement from Lots 49 and 50, also known as 186 and 190  
74 Lost Nation Road. A new access to Lot 19 was to be proposed as part of a future Master Plan  
75 Amendment application.  
76

77 In June 2013, the Planning Commission approved a Minor Subdivision-Boundary Adjustment  
78 between 176 Lost Nation Road and Lot 19 of 35 Discovery Road.  
79

80 In August 2013 the Planning Commission approved a Final Plan Amendment to build a single-  
81 family home on the 169 acres of 35 Discovery Road. The Planning Commission also approved a  
82 waiver allowing the home to use an existing private drive that was already being used by two  
83 homes.  
84

85  
86 **IV. Article II, Section 2.6 of the *Subdivision Regulations*: Sketch Plan**  
87

88 The applicant has applied for Sketch Plan approval pursuant to the *Town of Essex Outside the*  
89 *Village of Essex Junction Official Subdivision Regulations* (Articles II, III, IV). Section 2.6 of the

**Sketch Plan – 5-Lot Subdivision  
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90 *Zoning Regulations* requires Sketch Plan approval “for all subdivisions except boundary  
91 adjustments and simple parceling.” Sketch Plan Review is meant  
92

93 *to explore the options for the overall subdivision concept and layout, including uses and*  
94 *open spaces, in relation to the objectives of the Town Plan, the characteristics of the site*  
95 *and characteristics of the surrounding area, and to determine that the proposed*  
96 *subdivision appears consistent with the requirements of these Regulations and the*  
97 *Town’s Zoning Regulations.*  
98

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

100  
101 *The Planning Commission shall modify and approve or disapprove the Sketch Plan,*  
102 *including preferred layout. If the applicant has submitted more than one plan, the*  
103 *Commission may take action on one of the proposed alternative layouts submitted with*  
104 *the application. Written comments on the Sketch Plan which clearly express the results of*  
105 *the Commission’s review shall be sent to the applicant. Sketch Plan approval constitutes*  
106 *authorization to proceed to the next step in the subdivision approval process. Sketch Plan*  
107 *Approval is not binding and does not guarantee Preliminary or Final Subdivision*  
108 *Approval.*  
109

110 With five proposed lots and no plans to create a new road or extend public water or sewer lines,  
111 the proposed project is considered a minor subdivision. Minor subdivisions must receive Sketch  
112 and Final Plan approval.  
113

114 (A) Plans:

115  
116 The applicant has submitted the following plan:  
117

- 118 • Plan Sheet #S1, “Sketch Plan, Lots 17, 20, 22, 23 + 24, Lands of LeClerc, 35 Discovery  
119 Road + 186 Lost Nation Road, Essex Jct., VT,” prepared by O’Leary-Burke Civil  
120 Associates, PLC, dated 7/27/16.
  - 121 • Plan Sheet #M1, “Master Plan, Lands of LeClerc, 35 Discovery Road + 186 Lost Nation  
122 Road, Essex Jct., VT,” prepared by O’Leary-Burke Civil Associates, PLC, dated  
123 11/30/10, last revised 6/28/16.
- 124

125 (B) **Article IV: Subdivision Standards of the *Subdivision Regulations***  
126

127 The Planning Commission must evaluate any proposed subdivision based on the standards  
128 of Article IV of the *Subdivision Regulations*. Standards include conformance to the *Town*  
129 *Plan* and *Town of Essex Outside the Village of Essex Junction Official Zoning Regulations*.  
130 Other applicable standards relate to public safety, natural features, streets, sidewalks, open  
131 space, availability of water and sewer, and stormwater management.  
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133 **1. Section 4.1, Standards Applicable to All Subdivisions**

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

b) **Conformance to the *Zoning Regulations*. Table 2.3, Agricultural Residential District (AR)2.** Section 4.1(G) of the *Subdivision Regulations* requires all subdivisions to conform to the *Zoning Regulations*. Table 2.3 of the *Zoning Regulations* describes the purpose of AR districts:

*The purpose of this district is to protect lands with an economic capability for agriculture and which are now essentially undeveloped except for uses associated with agriculture or forestry. In this district, planned residential developments which do not remove the potential of the land for agricultural production such as open space, conservation and certain forms of outdoor recreation, are encouraged. Further road development and the extension of public water supply and sewage disposal systems are not planned for this district. Therefore only low density residential and recreation development which uses existing facilities, which can adequately dispose of its sewage, and is compatible with the district’s purpose and guidelines should be allowed.*

- i) **Permitted Uses.** Single-family dwellings are allowed in AR districts.
- ii) **District Dimensional Requirements.**

Dimensional Requirement	Standard	Proposed
Minimum Lot Area	3 acres	3.01 acres
Minimum Lot Area per Dwelling Unit	3 acres	3.01 acres
Minimum Lot Frontage	200 ft.	201 ft.
Minimum Front Setback (from ROW)	50 ft.	
Minimum Side Setback	20 ft.	
Minimum Rear Setback	25 ft.	
Minimum Buffer/Surface Waters	50 ft. (class II wetlands)	50 ft.
Maximum Height	40 ft.	

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The sketch plan does not show building envelopes, but all structures would need to conform to setback requirements.

**2. Section 4.3, Preservation of Natural Features**

169           **a) Natural Features.** The *Subdivision Regulations* specify,  
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171                           *Outstanding natural features of the site, including groves of trees, watercourses*  
172                           *and falls, historic sites, exceptional views, and similar irreplaceable assets,*  
173                           *shall be preserved. The Planning Commission may require building envelopes*  
174                           *to be specified for some or all buildings where it is necessary to carefully define*  
175                           *building locations and heights in order to protect the natural features listed in*  
176                           *this section or identified on the Significant Features Reference Map.*  
177

178           The site is mostly forested. Class II wetlands are mapped on the Sketch Plan,  
179           although only one of the proposed lots – Lot 24 – contains any wetlands. The site,  
180           including the proposed lots, features rolling hills, steep slopes, and ledge.  
181

182           The Significant Features Map, Map 19 in the 2016 *Town Plan*, shows deer yards and  
183           contiguous habitat on much of the property.  
184

185           The Vermont Agency of Natural Resources’ Natural Resource Atlas does not show a  
186           deer wintering area, but it shows the property as being in a habitat block that is scored  
187           5 on a scale of 1 to 10, with 10 being the highest priority.  
188

189           The ANR Atlas identifies the large wetland on the site as a Red Maple-Sphagnum  
190           Acidic Basin Swamp – significant natural community.  
191

192           **i. Natural contours.** Section 4.3(A)(1) of the *Subdivision Regulations* specifies that  
193           subdivisions shall retain the natural contours of land and conserve natural cover  
194           and soil as much as possible.  
195

196           The proposed lots show driveways running over steep slopes, with homes set atop  
197           plateaus or, in the case of Lot 24, on a slope. According to the ANR Atlas, some  
198           of the slopes that would be impacted exceed 20 or even 25 percent. If the  
199           Planning Commission approves the Sketch Plan, staff recommends that the Final  
200           Plan show areas where slopes are 20 percent or greater. The applicant should also  
201           be required to include any blasting plans, if blasting is expected to be necessary  
202           for lot development.  
203

204           In addition to the steep slopes, the site is primarily forested.  
205

206           To minimize the impact to steep slopes, staff suggests that the applicant consider  
207           alternative lot layouts that take advantage of flatter areas of the property. Staff  
208           believes a residential planned unit development (PUD-R) would be appropriate  
209           for the site by providing more flexibility from the dimensional requirements while  
210           better allowing the applicant to create lots within the confines of the land. If the  
211           applicant prefers to continue with the conventional subdivision and the Planning  
212           Commission approves the Sketch Plan, staff recommends that the Final Plan

213 include building envelopes that limit the amount of clearing that occurs.

214

215 **ii. Erosion and Stormwater Control.** Section 4.3(A)(2) of the *Subdivision*  
216 *Regulations* requires erosion and stormwater control plans when subdivision  
217 improvements on slopes, unvegetated areas, or areas with fragile soil conditions.  
218 The applicant did not provide information about erosion or stormwater  
219 management.

220

221 **iii. Topsoil Removal.** Per Section 4.3(A)(3) of the *Subdivision Regulations*, “topsoil  
222 removed in the process of grading the subdivision site shall be replaced to an  
223 average depth of four (4) inches (10 cm) with a minimum depth of two (2) inches  
224 (5 cm) and the site seeded in accordance with Soil Conservation Service  
225 recommendations and the Town’s Public Works Specifications.”

226

227 **iv. Wetlands.** The property contains several Class II and Class III wetlands. The  
228 *Subdivision Regulations* specify,

229

*No building, building envelope, road, sidewalk or utility shall be located  
230 within wetlands ... and associated buffers, except as specified in Section  
231 3.11(F) of the Town’s Zoning Regulations.*

232

233  
234 Proposed Lot 24 contains a small portion of Class II wetland, with an existing  
235 private driveway running alongside the wetland buffer. Lots 17, 22, and 23 do not  
236 contain wetlands.

237

238 Wetlands may become an issue for further development on the property.

239

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

243

244 AR districts have a minimum lot size of 3 acres. Lot 17 would have 10.99 acres, if  
245 the proposed subdivision and boundary adjustment are approved. Lots 22 and 23  
246 would have just over 3 acres, and Lot 24 would have 5.11 acres.

247

248 Although the lots meet the dimensional requirements, staff would prefer to see a  
249 proposal for a PUD-R that would allow the applicant to create smaller lots that  
250 better suit the terrain.

251

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

256

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257 The site is primarily forested. If the Sketch Plan is approved, staff recommends  
258 the Final Plan include building envelopes that minimize the amount of disturbed  
259 area on each lot.

260  
261 **b) New Trees.** The *Subdivision Regulations* require new street trees in areas where none  
262 exist, or where existing trees would suffer life-shortening damage during  
263 construction. At least one street tree needs to be provided for each 50 feet of frontage.

264  
265 The Sketch Plan does not show street trees. Because the site is primarily forested,  
266 staff does not believe street trees need to be planted on the site at this time.

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

276  
277 The site contains two streams: one flows through a northern portion of the site; the  
278 other flows along the western boundary. It does not appear as if either stream would  
279 be affected by the proposed subdivision, but if the Planning Commission approves the  
280 Sketch Plan, the streams would need to be shown on the Final Plan.

281  
282 **3. Section 4.4, Blocks and Lots – Planning and Design Standards**

283  
284 The proposed subdivision does not contain any blocks.

285  
286 In addition to meeting the dimensional requirements of the *Zoning Regulations*, lots  
287 need to be of sufficient size to provide an adequate building site and suitable areas for  
288 septic disposal and water supply. Lots need to have satisfactory access to a public street,  
289 and must be laid out to provide positive drainage away from all buildings. Individual lot  
290 drainage needs to be coordinated with the stormwater management plan for the entire  
291 subdivision.

292  
293 The applicant’s engineer described the lots in the project narrative dated July 27, 2016:

294  
295 *Proposed Lot #17 would have 465’ of frontage on Lamore Road in addition to*  
296 *direct access from LeClerc Woods Road, would have an area of 10.99 acres, and*  
297 *includes the existing LeClerc residence. Access would continue to be from the*  
298 *existing driveway on Discovery Road that also serves the Weston and Cicaloni*  
299 *properties. The proposed lot has an existing septic system and drilled well.*

300

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301 *Proposed Lot #22 would have 201' of frontage on Discovery Road and would*  
302 *have an area of 3.01 acres. Access would be from a new driveway cut on*  
303 *Discovery Road and the driveway will conform to the Town of Essex access*  
304 *standards as defined in Section 3.1(G)(4)). The lot will have an onsite drilled*  
305 *well and share offsite septic system(s) with Lot #23 and Lot #24.*  
306

307 *Proposed Lot #23 would have 201' of frontage on Discovery Road and would*  
308 *have an area of 3.14 acres. Access would be from a new driveway cut on*  
309 *Discovery Road and the driveway will conform to the Town of Essex access*  
310 *standards as defined in Section 3.1(G)(4). The lot will have an onsite drilled well*  
311 *and share offsite septic system(s) with Lot #22 and Lot #24.*  
312

313 *Proposed Lot #24 would have 239' of frontage on Discovery Road and would*  
314 *have an area of 5.11 acres. Access would be from the existing driveway and*  
315 *easement on Discovery Road that serves Lot #19. The new portion of the*  
316 *driveway will conform to the Town of Essex access standards as defined in*  
317 *Section 3.1(G)(4). The lot will have an onsite drilled well and share offsite septic*  
318 *system(s) with Lot #23 and Lot #24.*  
319

320 *The remainder of the parcel would remain as Lot #20 – approximately 105.7*  
321 *acres.*  
322

323 *The plan also shows a future boundary line adjustment between Lot #16*  
324 *(Weston) and Lot #17. Since the boundary adjustment requires both parties as*  
325 *applicant, a separate application will be prepared.*  
326

327 *Any future boundary line adjustment between Kranz (Lot 14) and LeClerc (Lot*  
328 *20) will also be submitted as a separate application.*  
329

330 **a) Fire Department.** The Fire Chief, in an email dated July 11, 2016, expressed  
331 concerns about the driveways on the property:  
332

333 *This should be denied as submitted. They should be made to upgrade the*  
334 *private road to conform to Town of Essex standards and then resubmit their*  
335 *plans for 'lots.'*  
336

337 *Specifically, we are presented with private driveways that will be in excess of*  
338 *1000' in length, and perhaps percent grades that exceed 10%. We cannot*  
339 *allow this type of infrastructure to occur as we cannot adequately provide fire*  
340 *protection.*  
341

342 The Fire Chief had additional concerns about lot frontage, which have been addressed  
343 with a revised plan.  
344

345           **b) Public Works.** Public Works commented on the lots and driveway in a memorandum  
346           dated July 18, 2016:

347  
348           *The proposed curb cut locations for Lot’s 22, 23, and 24 are clearly noted on*  
349           *the plans. Public Works takes no exception to the locations as proposed. The*  
350           *curb cut to Lot #24 will utilize the existing driveway to Lot #19. The applicant*  
351           *will be required to submit a curb cut application noting the use of the existing*  
352           *curb cut. The proposed curb cut for Lot #23 is an existing logging road. The*  
353           *applicant will be required to submit a curb cut application and upgrade the*  
354           *existing logging cut to current Town standards. The applicant currently has a*  
355           *curb cut application submitted for a new logging road for 35 Discovery Road*  
356           *at the future location of Lot #22. It is the applicant’s intent to leave the curb*  
357           *cut in place for the future driveway to Lot #22.*

358  
359           *Proposed Lot #17 will gain access via the existing drive and curb cut off of*  
360           *Discovery Road. This existing curb cut and drive currently service Lot’s 15*  
361           *and 16. Existing Lot #14 gains access off of a curb cut and drive off of*  
362           *Lamore Road. The current Land Development Code only allow a total of two*  
363           *lots to be served by a single driveway / curb cut. As proposed, the additional*  
364           *drive to Lot #17 will make the third curb cut of the existing curb cut on*  
365           *Discovery Road. The Planning Commission has provided the applicant a*  
366           *waiver to allow up to three units off of the existing Discovery Road curb cut*  
367           *as part of a previous approval dated September 26, 2013.*

368  
369           *It should be noted, any further lots created as part of future applications for*  
370           *the remaining lands will not be able to gain access by the existing drive off of*  
371           *Discovery Road without upgrading this drive to Town road standards.*  
372           *As a general comment, he applicant shall submit applications for a Curb Cut*  
373           *to the Town for each new drive. The applicant shall install a new drainage*  
374           *culvert at the new drive entrance in accordance with the Curb Cut Application*  
375           *and requirements in the Town of Essex Standard Specifications for*  
376           *Construction. Other improvements may be required because of the impact on*  
377           *the existing road drainage system*

378  
379           Staff believes a PUD-R could better accommodate the proposed number of lots, and  
380           recommends that the applicant consider such an approach instead of the more  
381           conventional subdivision.

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383           If the Planning Commission approves the Sketch Plan, the Final Plan will need to  
384           include more details about the proposed driveways, including length and slope. Staff  
385           also recommends that the applicant consider using a shared driveway for Lots 22 and 23  
386           instead of creating a new curb cut and driveway for Lot 22.

387  
388           As noted earlier in this staff report, Lot 24 is almost entirely on steep slopes. Staff

389 questions if the lot has an adequate building site, and reiterates the need for a Final Plan  
390 to show building envelopes.

391  
392 Water and wastewater will be covered in more detail in Section IV(B)8 of this staff  
393 report.

394  
395 Staff recommends that the boundary adjustments with Lot 14 and Lot 16 be approved  
396 prior to Final Subdivision approval.

397

#### 398 **4. Section 4.5, Streets**

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

405

406 The applicant has not proposed any new streets with the subdivision. Staff would prefer  
407 to see a PUD-R, which would likely require a new public road.

408

409 **a) Police Department.** The Police Chief did not have any concerns with the Sketch Plan  
410 for the proposed subdivision.

411

412 **b) Public Works Department.** Public Works, in a memorandum dated July 18, 2016,  
413 noted that the subdivision would be subject to traffic fees:

414

415 *A fee for the additional traffic from the additional lots needs to be assessed.*  
416 *The fee shall be equivalent to installing 3" of crushed gravel along the length*  
417 *of the road frontage multiplied by the width of half the road. The fee is based*  
418 *on the cost of material only. The Town will apply the gravel as determined by*  
419 *the Public Works Department.*

420

#### 421 Lamore Road

422

$$465.0 \text{ ft.} \times 0.25 \text{ ft.} \times 12 \text{ ft.} = 1,395 \text{ ft}^3$$

423

$$1,395 \text{ ft}^3 \times 1 \text{ cy}/27 \text{ ft}^3 = 51.7 \text{ cy}$$

424

$$51.7 \text{ cy} \times \$35.00/\text{cy} = \mathbf{\$1,809.50}$$

425

#### 426 Discovery Road

427

$$641.0 \text{ ft.} \times 0.25 \text{ ft.} \times 12 \text{ ft.} = 1,923 \text{ ft}^3$$

428

$$1,923 \text{ ft}^3 \times 1 \text{ cy}/27 \text{ ft}^3 = 71.2 \text{ cy}$$

429

$$71.2 \text{ cy} \times \$35.00/\text{cy} = \mathbf{\$2,492.00}$$

430

#### 431 **5. Section 4.6, Sidewalks – Planning and Construction Standards**

432

433 The *Subdivision Regulations* require the installation of sidewalks along existing streets  
434 when a street is located in a high- or medium-density residential zone or when the  
435 Planning Commission determines that a significant amount of pedestrian traffic will  
436 exist.

437  
438 The Sketch Plan does not show sidewalks. Because the property is located in a low-  
439 density residential zone that does not see much pedestrian traffic, staff does not believe  
440 sidewalks are necessary.

441

#### 442 **6. Section 4.7, Land for Public Open Space and Recreational Use**

443

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

448

449 The applicant has not proposed any public open space. The *Town Plan* Map 5 shows a  
450 proposed horseback trail running through the property, approximately along the location  
451 of the private LeClerc Woods Road.

452

#### 453 **7. Section 4.8, Utility and Access Easements and Improvements**

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

459

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

463

464 The Sketch Plan shows access easements to lots 15, 16, and 17. A 20-foot-wide  
465 pedestrian path easement is shown along the southern property boundary. The Trails  
466 Committee, at its meeting on August 9, 2016, noted that the terrain along the  
467 southern property boundary would make it difficult to create a footpath in the  
468 easement.

469

470 If the Planning Commission approves the Sketch Plan, the Final Plan should include  
471 a multi-use, non-motorized access easement over the location of the proposed horse  
472 trail.

473

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

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

a) **Water Supply.** When a public water supply is reasonably accessible, applicants are required by the *Subdivision Regulations* to connect to the public system. If a connection to a public water system is not appropriate, the applicant needs to provide an alternative system. Any connection to a non-municipal system requires all applicable state approvals and permits.

As noted in the project narrative dated July 27, 2016, Lot 17 has an existing well. Lots 22, 23, and 24 would have on-site wells.

b) **Waste Water Systems.** The property is located outside of the Town’s sewer core area. Lot 17 has an existing septic system. Lots 22, 23, and 24 would share an off-site septic system.

The applicant would need to receive state approval for the septic system prior to Final Plan approval, and the Final Plan will need to show the location of the septic system.

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

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

If the Planning Commission approves the Sketch Plan, the applicant will need to submit a stormwater management and erosion control plan for Final Plan review. Public Works, in a July 18, 2016 memo, wrote,

*The Applicant shall clearly provide on the plans, all information relative to disturbed areas and impervious areas that will be a result of this project. The Applicant shall verify the need of State or Town Sediment and Erosion Control Plans or Stormwater Permits.*

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

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

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

521  
522 *Subdivision Regulations* require a Master Plan “for any project which is intended to be developed  
523 in phases and for which approval of only one phase is currently requested, or for any project  
524 where development of only part of the parcel is proposed and the remaining land exceeds in area  
525 three times the minimum lot size in the district in which the subdivision is located.”

526  
527 Per Section 2.7(B) of the *Subdivision Regulations*, a Master Plan serves the following purpose:

528  
529 *The purpose of the preparation and review of a Master Plan by the Planning Commission*  
530 *is to acquaint the Commission with the entire tract of land without requiring the*  
531 *presentation of extensive surveying, engineering, or design data, to identify significant*  
532 *features warranting future protection, and to facilitate anticipated future development in*  
533 *an orderly manner. Applicants are encouraged to explore different schemes by presenting*  
534 *alternative plans that represent thoughtful site planning and are in conformance with the*  
535 *Town Plan and Bylaws.*

536  
537 The applicant has requested a Master Plan Amendment. In the project narrative dated July 27,  
538 2016, the applicant’s engineer wrote,

539  
540 *The Master Plan has been updated to show the proposed new lots. Previously, the Master*  
541 *Plan showed LeClerc Woods Road being upgraded to a Town road and the road looping*  
542 *back to Discover Road. A number of PUD lots (less than 3 acres) were proposed along*  
543 *the new Town road frontage. The current Master Plan now shows a future Town road*  
544 *ending in a cul-de-sac, eliminating the looped Town road and the PUD (less than 3*  
545 *acres) lots. All of the proposed future lots would be greater than 3 acres in size. The plan*  
546 *continues to show 20 “footprint lot” units in the southwest corner of the property to be*  
547 *accessed from Lamore Road.*

548  
549

550 **V. Article III of the *Subdivision Regulations*: Residential Phasing**

551  
552 The goal of Residential Development Phasing is to maintain an annual population growth  
553 between 184 and 226, a rate set forth in the 2016 *Town Plan*. The Town aims for an annual  
554 population increase of 205, at the midpoint of target range. Population figures are estimated  
555 based on a conversion of dwelling units to Estimated Population Equivalents (EPEs). Each  
556 bedroom in a dwelling unit translates to one person, so that 1 bedroom = 1 person, 2 bedrooms =  
557 2 persons, 3 bedrooms = 3 persons, and so forth. Section 3.2(D) of the *Subdivision Regulations*  
558 directs the Planning Commission to consider the number and type of dwelling units proposed in  
559 a development, as well as the number of bedrooms in the units.

560  
561 Any single project is allowed to add 20 dwelling units per calendar year if the development is  
562 within the sewer core, and five units if the development is outside the sewer core. The Planning  
563 Commission can allow exceptions to achieve *Town Plan* objectives related to affordable housing,  
564 or if the project contains three or fewer dwelling units. The Planning Commission must act on a

565 preliminary phasing request when a proposed development obtains sketch plan approval. Final  
566 allotment is granted if the development secures Final Plan approval.

567  
568 The proposed subdivision would result in the addition of three dwelling units outside the sewer  
569 core. The applicant expects each lot to have a four-bedroom home, which would translate to a  
570 preliminary phasing schedule of three homes and 12 EPEs in 2016. Such a schedule would bring  
571 the total number of preliminary and final EPEs for the entire Town to 187 in 2016, including 27  
572 EPEs outside the sewer core.

573  
574 A summary of the running phasing tabulation is attached.

575  
576

### 577 **VIII. Planning Commission comments**

578  
579 While reviewing the project on August 25, 2016, the Planning Commission determined ...

580  
581

### 582 **VII. Proposed Conditions**

583  
584 Staff believes the site is better suited for a residential planned unit development, and strongly  
585 encourages the applicant to reconsider the Sketch Plan as presented. Other site concerns  
586 notwithstanding, however, the plan does adhere to dimensional requirements of the *Zoning*  
587 *Regulations*, so if the Planning Commission approves the Sketch Plan and the applicant wishes  
588 to continue the review with a Final Plan application, staff recommends the following conditions  
589 of approval:

590  
591 1. All conditions from previous approvals shall remain in effect except as modified herein.

592  
593 2. All construction shall be in conformance with the plans listed in Section IV(A) of this  
594 Staff Report and as may be amended subject to other conditions and approvals.

595  
596 3. Prior to Final Plan submittal, the applicant shall obtain State water and wastewater  
597 permits.

598  
599 4. Prior to Final Plan approval, the applicant shall finalize boundary adjustments between  
600 Lots 14 and 20 and Lots 16 and 20.

601  
602 5. The Final Plan shall show soil types, streams, areas where slopes are 20 percent or  
603 greater, building envelopes, and locations of wells and septic systems.

604  
605 6. The Final Plan application shall include a blasting plan, if blasting will occur on the site.

606  
607 7. The Final Plan application shall include details about how the driveways will conform to  
608 the Town of Essex specifications, and consideration shall be given to a shared driveway

**Sketch Plan – 5-Lot Subdivision  
35 Discovery Road  
August 25, 2016**

- 609 for Lots 22 and 23.  
610  
611 8. The Final Plan application shall include a stormwater management and erosion control  
612 plan, and shall clearly provide on the plans, all information relative to disturbed areas and  
613 impervious areas that will result from the project. The applicant shall also verify the need  
614 for State or Town Sediment and Erosion Control Plans or Stormwater Permits.  
615  
616 9. Final Plan shall show a multi-use, non-motorized access easement in the area of the  
617 proposed horse trail identified in the *Town Plan*.  
618  
619 10. The applicant shall submit curb cut applications to the Town for each new driveway, and  
620 the applicant shall install a new drainage culvert at the new drive entrance in accordance  
621 with the Curb Cut Application and requirements in the Town of Essex Standard  
622 Specifications for Construction.  
623  
624 11. All utility lines shall be installed underground.  
625  
626 12. Prior to the issuance of a zoning permit, the applicant shall submit any and all deeds and  
627 legal documents as a result of this approval for review by the Town Attorney.  
628  
629 13. Prior to the issuance of a zoning permit, the applicant shall pay traffic fees totaling  
630 \$4,301.50.  
631  
632 14. Prior to the issuance of a zoning permit, the applicant shall pay Recreation Impact Fees in  
633 place at the time of submittal.  
634  
635 15. Prior to the issuance of a zoning permit, the applicant shall obtain all applicable state  
636 approvals and permits.  
637  
638 16. Prior to the issuance of a certificate of occupancy, the 911 street address for each home  
639 shall be labeled with 6-inch reflective street numbers in a way that is immediately  
640 noticeable by approaching emergency vehicles.  
641  
642 17. By accepting the conditions of this approval without appeal, the applicant confirms and  
643 agrees for himself and all assigns and successors in interest that the conditions of this  
644 approval shall run with the land and the land uses herein permitted, and will be binding  
645 upon and enforceable against the applicant and all assigns and successors in interest.  
646  
647

**VIII. Attachments**

- 648  
649  
650 • Narrative, “LeClerc Property, 35 Discovery Road, Sketch Plan – Five Lot Subdivision &  
651 Master Plan Amendment,” from Paul O’Leary Jr., P.E., O’Leary-Burke Civil Associates,  
652 PLC, dated 7/27/16.

**Sketch Plan – 5-Lot Subdivision  
35 Discovery Road  
August 25, 2016**

- 653 • Email, “RE: 35 Discovery Road,” from Paul O’Leary, dated 8/12/18.
- 654 • Email, “RE: Discovery Road 35 A/K/A LeClerc,” from Chief Bradley J. LaRose, Essex  
655 Police Department, dated 7/11/16.
- 656 • Email, “Re: Discovery Road 35 A/K/A LeClerc,” from Charles J. Cole, Fire Chief, Essex  
657 Fire Department, dated 7/11/16.
- 658 • Memorandum, “Sketch Review – LeClerc 4-Lot Subdivision, 35 Discovery Road,” from  
659 Dennis Lutz, P.E., Public Works Director/Town Engineer; and Aaron Martin, P.E., Utilities  
660 Director/Town Engineer, dated 7/18/16.
- 661 • Map, “35 Discovery Road – Slopes, Wetlands, Streams,” created by Greg Duggan, Town  
662 Planner, dated 8/12/16.
- 663 • “Residential Phasing Report,” from Town of Essex Community Development, dated 8/12/16.

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666 cc: Paul O’Leary, O’Leary-Burke Civil Associates

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