

**TOWN OF ESSEX
PLANNING COMMISSION
AGENDA
February 10, 2022-6:30 P.M.
MUNICIPAL CONFERENCE ROOM,
81 MAIN ST., ESSEX JCT., VT**

Anyone may attend this meeting in person at the above address or remotely through the following options:

- Join via Zoom link: <https://www.essexvt.org/1043/8225/Join-Zoom-Meeting-Essex-PC>
Depending on your setup, you may need to call in for audio (below).
- Join via call (*audio only*): [1-888-788-0099](tel:1-888-788-0099) | Meeting ID: 950 6840 0813 # | Passcode: 426269
- Public wifi is available at the Essex municipal offices, libraries, and hotspots listed here:
<https://publicservice.vermont.gov/content/public-wifi-hotspots-vermont>

1. **Public Comments**
2. **FINAL PLAN-PUBLIC HEARING: Richard Jenny:** Proposal to create a 3-lot residential subdivision on a 33-acre vacant parcel located at 44 Brigham Hill Lane in the Conservation (C1) Zone. Tax Map 17, Parcel 3.
3. **CONCEPTUAL DISCUSSION: Scott A. Lee & Pamela P. Schirner:** Request to proceed with a 2-lot PUD application for property located at 247 River Road in the Industrial (I1) & Agricultural Residential (AR) Zones. Tax Map 33, Parcel 17.
4. **Minutes:** January 27, 2022
5. **Other Business**

Please visit our website at www.essex.org to view agendas, application materials, and minutes.

1 **ESSEX PLANNING COMMISSION**

2 **February 10, 2022**

3 **44 Brigham Hill Lane – Minor Subdivision (Final)**

4

5 **Summary**

6 The proposal for a conventional 3-lot subdivision meets all applicable standards of the
7 *Zoning & Subdivision Regulations*. The project also provides for protection of interior forest
8 habitat and wildlife connectivity through specific forest management practices. Several concerns
9 identified by Public Works during sketch review still must be resolved prior to construction.

10 **Applicant**

11 Richard Jenny
12 31 Brigham Hill Lane
13 Essex Jct., VT 05452

14 **Proposal**

15 The applicant proposes a conventional subdivision of a 33.4-acre parcel at 44 Brigham Hill Lane
16 (Tax ID 2-017-003-000) into three new lots (10.1 acres, 10.2 acres, and 13.2 acres), all located
17 within the Conservation (C1) zoning district. Each new lot would accommodate a new single-
18 unit dwelling with individual driveways and on-site wells and septic systems (though Lots 1 and
19 2 would share a mound system).

20 **Background**

21 The parcel in question was conveyed from Harold P. and Neva H. Desso to James L. and Phyllis
22 K. Monahan by warranty deed recorded in Book 69, Pages 86-87 of the Town of Essex Land
23 Records on August 27, 1964 (with a corrective deed recorded in Book 247, Pages 318-320 on
24 September 24, 1989). The Monahans already owned lands on the west side of Brigham Hill
25 Lane, which were assessed jointly with this parcel.

26 On September 24, 1989, James and Phyllis Monahan conveyed a 10.3-acre portion of said parcel
27 to Christopher D. Monahan by warranty deed recorded in Volume 247, Page 221 and depicted on
28 a survey recorded on slide 229. It does not appear that subdivision approval from the Town was
29 obtained to create this parcel; regardless, pursuant to 24 V.S.A. §4454 the statute of limitations
30 has passed to make any action, injunction, or enforcement related to any failure to obtain a
31 subdivision approval.

32 On August 12, 2021 the Planning Commission approved a sketch plan for the current proposal.
33 Staff recommended that the project be presented as a PUD-R to provide a large contiguous open
34 space lot that could be managed as forest and wildlife habitat, but agreed with the applicant that
35 the clustered design and proposed restriction on tree cutting in the majority of the lots would
36 achieve the applicable goals of the Town Plan. Also, the applicant and staff agreed that there
37 were no known wetlands on the property.

44 Brigham Hill Lane
Minor Subdivision (Final)
February 10, 2022

Neighboring uses are all large-lot, single-unit residences as well as large expanses of forest and farmland. There is an equestrian center located at 31 Brigham Hill Lane (which is exempt from municipal regulation under 24 V.S.A. §4413).

I. Article II of the Subdivision Regulations: Subdivision Procedures

The applicant has submitted the following plans:

- Sheet #1, “Final Plan, 34 Brigham Hill Lane, Essex, VT,” prepared by O’Leary-Burke Civil Associates, PLC, dated 12/20/21;
- Sheet #2, “30 Scale Plan, 34 Brigham Hill Lane, Essex, VT,” prepared by O’Leary-Burke Civil Associates, PLC, dated 12/20/21;
- Sheet #3, “Driveway, E.C. + Storm Details + Specifications, 34 Brigham Hill Lane, Essex, VT,” prepared by O’Leary-Burke Civil Associates, PLC, dated 12/20/21;
- Sheet #4, “Sewage Disposal Details + Specifications, 34 Brigham Hill Lane, Essex, VT,” prepared by O’Leary-Burke Civil Associates, PLC, dated 12/20/21;
- Sheet #5, “Sewage + Water Details + Specifications, 34 Brigham Hill Lane, Essex, VT,” prepared by O’Leary-Burke Civil Associates, PLC, dated 12/20/21;
- Sheet PL1 of 1, “Subdivision Plat of a Portion of Lands of Richard J. Jenny, Easterly Side of Brigham Hill Lane, Town of Essex, County of Chittenden, State of Vermont,” prepared by O’Leary-Burke Civil Associates, PLC, submitted 1/12/22.

(A) SR Section 2.2: Classification

The applicant has requested approval for a 3-lot subdivision, which falls under the definition of “Minor Subdivision” according to the *Town of Essex Outside the Village of Essex Junction Official Subdivision Regulations* (SR). Minor subdivisions must receive sketch and final approval.

(B) SR Section 2.3: Review Process

As noted in SR Section 2.4, the purpose of final plan review is

to compare the plat for consistency with the approved Preliminary Plan or approved Sketch Plan, to ensure that all engineering, survey and other data are complete, and to ensure that the proposed subdivision is in compliance with all appropriate regulations and standards.

The Planning Commission must also study the plan to ensure that it conforms to the General Requirements in SR Article IV. Planned Unit Developments must also conform to Article VI of the *Zoning Regulations* (ZR). The Planning Commission must also make a final residential phasing allocation review in accordance with Article III. Because the project will not be developed in phases, and there is no remaining developable, a Master Plan is not required.

II. Section 4.2 of the Subdivision Regulations: Subdivision Standards

The Planning Commission must evaluate any proposed subdivision according to the subdivision standards in Article IV, and may require modification or phasing of the proposed subdivision in light of findings relating to those standards.

(A) SR Section 4.1: Standards Applicable to All Subdivisions

All subdivisions must conform to the general standards in SR Section 4.1. Not all provisions of this section are reviewed here, as some are not relevant to this development or are addressed through other provisions of the *Zoning and/or Subdivision Regulations*.

1. SR Standard 4.1(P): Conformance with the Essex Town Plan

The proposed project complies with the following goals and policies of the *2016 Essex Town Plan*:

***Specific Policy 2(S).14:** The provision of new housing in the community shall be balanced with impacts on the environment and on public facilities and services.*

***Specific Policy 3(S).4:** Critical wildlife habitat, including but not limited to deer wintering areas, rare and/or endangered species habitat, local fisheries, and identified travel corridors, shall be protected from in appropriate development and land management activities.*

***Goal 6a:** New development in floodplains, fluvial erosion hazard areas, and land adjacent to streams, wetlands, and upland forests is avoided.*

***General Policy 8:** To support large contiguous blocks and connectivity for wildlife, agricultural and forest lands shall be protected from fragmentation by subdivisions.*

2. Dimensional limitations and provisions of the Zoning Regulations

(a) Table 2.18(A): Conservation (C1) District Standards

The parcel is located in the Conservation (C1) district and must conform to the dimensional requirements and development standards listed in Table 2.18 of the *Town of Essex Outside the Village of Essex Junction Official Zoning Regulations (ZR)*, as well as Article III, General Standards, and any applicable provisions of Article IV, Specific Standards.

i. Purpose

The project reflects the purpose of the C1 district in that it is low-density residential development that avoids impacts to sensitive natural resources and steep slopes (specifically by limiting forest clearing) as well as avoiding additional burdens on municipal services.

ii. Permitted and Conditional Uses

Single-unit dwellings are permitted in this district. No conditional uses are proposed.

iii. District Dimensional Requirements

The proposed project generally conforms to Table 2.18(D), Dimensional Requirements of the C1 district, as noted below:

Dimensional Requirement	Standard	Proposed		
		Lot 1	Lot 2	Lot 3
Minimum Lot Area	10 acres	10.1 acres	10.2 acres	13.2 acres
Minimum Lot Area per Dwelling Unit	10 acres	10.1 acres	10.2 acres	13.2 acres
Minimum Lot Frontage	200 ft.	479 ft.	282 ft.	250 ft.
Minimum Front Setback (from ROW)	50 ft.	90 ft.	166 ft.	236 ft.
Minimum Side Setback	25 ft.	148 ft.	102 ft.	25 ft.
Minimum Rear Setback	25 ft.	920 ft.	1,078 ft.	644 ft.
Maximum Height	40 ft.	Not provided	Not provided	Not provided

iv. PUD Requirements

The proposal is not for a Planned Unit Development.

v. District Development Standards

In the C1 zone, the Planning Commission may limit the height of structures to 25 feet to avoid visual impacts. It is noted on the plans that proposed Lot 2 is set back approximately 150 feet to maintain views for the dwelling at 43 Brigham Hill Lane. Since the dwellings are not located in the Scenic Resource Protection Overlay District, and in any case would be situated against the edge of a forest on a gradually downward sloping hill, no additional height restrictions are necessary to reduce visual impacts.

3. Protection of public health, safety, and welfare

The proposed project will not impact public health, safety, or welfare. In an e-mail dated January 12, 2022, the Police Chief stated that there were no concerns with this proposal.

In an e-mail dated January 12, 2022, the Fire Chief requested that each driveway be marked with the street address visible from the approaching side for emergency vehicles.

4. Outstanding violations

The property does not have any outstanding zoning violations.

(B) SR Section 4.2: Standards Applicable to Minor Subdivisions

In addition to the General Standards in SR Section 4.1, minor subdivision applications are reviewed against the standards in SR Sections 4.2 – 4.11.

(C) SR Section 4.3: Preservation of Natural and Scenic Features

The property contains several natural features that should be preserved or avoided during

development.

There are some small areas of steep slopes (mostly 15-20%, some greater than 20%), including a ridge that runs along the overhead utility corridor. Note 5 on Sheet 1 specifies that homes shall be located in areas of 20% or less existing ground slope.

The property contains no flood hazard areas as mapped by the Federal Emergency Management Agency (FEMA), nor does it contain any wetlands mapped by the Vermont Wetlands Program.

Except for approximately two acres of cleared land on the western portion of the site, the entire parcel mapped as “contiguous habitat” in the Town Plan, which corresponds to a “highest priority interior forest block” as mapped by BioFinder (maintained by the Vermont Department of Fish and Wildlife). In addition, the Town Plan and BioFinder note that this section of Brigham Hill Lane also has value for wildlife crossing from one section of interior forest to another. According to the Vermont Conservation Design (VCD) Report¹, interior forest blocks not only maintain air and water quality and flood resilience, they also are crucial to the survival of native and sometimes rare flora and fauna by providing food and shelter. Forest blocks also allow for animals to move through varied landscapes to fulfill their needs, including at wildlife road crossing locations, which is especially important given the impacts of climate change and human development. The goal for “highest priority” blocks is to avoid permanent fragmentation from development (limited development on the margins may not have adverse effects) and to maintain ecological functions through uneven-aged forest management.

All proposed construction is located within previously cleared areas, limiting additional impacts. The applicant has proposed a restriction on tree cutting except for down, dead, and snagged trees, which generally will achieve local and state habitat preservation goals, though it is noted that dead wood can provide important habitat for wildlife. Given the extensive areas of existing forest, provision of new trees under SR Section 4.3(C) is not required. Fences along the roadside should be avoided to ensure continued ability for wildlife to cross the road.

(D) SR Section 4.4: Blocks and Lots – Planning and Design Standards

The project is relatively small in scale and involves no new roads, so no new blocks are proposed. The proposed lots meet all the requirements of SR Section 4.4(B), and the structures are as clustered as possible while allowing for adequate sewage disposal.

(E) SR Section 4.5: Streets

The proposed subdivision provides sufficient access to dwellings via individual private driveways connected to a Class 3 minor gravel road (Brigham Hill Lane). As the development numbers fewer than 50 dwelling units, a second permanent connection

¹ Sorenson, E. & Zaino, R. (2018). *Vermont Conservation Design*. Vermont Department of Fish and Wildlife. Retrieved 12 Feb., 2021 from [https://anr.vermont.gov/sites/anr/files/maps/biofinder/Vermont Conservation Design - Summary Report - February 2018.pdf](https://anr.vermont.gov/sites/anr/files/maps/biofinder/Vermont%20Conservation%20Design%20-%20February%202018.pdf)

meeting the standard for a public road is not required.

In a memorandum dated January 14, 2022, Public Works staff stated that outstanding issues from prior reviews have been addressed except for the following:

- a) *Driveways shall be constructed to meet the Town's construction standards as shown on Detail 100.09 for Rural Driveways and Detail 100.10 for Driveway (Type A) of the Town of Essex Standard Specifications for Construction, January 2017. The portion of all new driveways between the travel lane and the Right of Way line must also slope away from Brigham Hill Lane between the travel lane and the Right of Way line.*
- b) *Minimum sight distances of 250 ft. to the left and 195 ft to the right must be verified for all driveways on the final plan. Of particular concern are Lots #1 and #3.*
- i) *In consideration of the Applicant's response to Condition 4(b) of the Planning Commission's Sketch Plan Approval, please see the attached Town's Curb Cut Sight Distance Requirement Policy, dated January 13, 2022. The new Policy would require a minimum sight distance of 335ft to the left and 200ft to the right, increasing the original requirements from 250ft and 195ft respectively. However, since the conditions set forth for sight distance requirements for this subdivision predate the new policy, the original conditions will apply.*

On January 24, 2022 the applicant's engineer submitted a revision to Sheet 3 with the correct driveway specification, and also stated the following:

We request that the town (DPW) consider safe stopping distance acceptable for the Lot 3 driveway looking to the left on the dead end gravel Brigham Hill Lane for which traffic tends to be below and/or at 25 mph as it does not pose a safety issue and certainly not a "substantial danger" which is the above noted Zoning requirement.

Because the safe stopping distance standard is a requirement of the *Town of Essex Standard Specifications for Construction*, it falls outside the purview of the Planning Commission to consider this request and must be reviewed by the Public Works Department as part of the curb cut application process. If the request is not granted, staff recommend that any required changes to the Lot 3 driveway design be reviewed administratively prior to issuance of a zoning permit.

(F) SR Section 4.6: Sidewalks

Because the project is not located within a medium- or high-density residential zone, the provision of new sidewalks is not required. It is noted that Town Plan Map 5 shows the entirety of Brigham Hill Lane as part of a proposed horseback trail network. In an e-mail dated August 3, 2021, the Parks & Recreation Director stated that because Brigham Hill Lane is a low-traffic road that can accommodate horse travel within the traveled way, no additional easements are required to accommodate this mode of transportation.

(G) SR Section 4.7: Land for Public Open Space and Recreational Use

The applicant has not proposed any public or private civic or recreation space, therefore

the new dwellings will be subject to recreation impact fees.

(H) SR Section 4.8: Utility and Access Easements and Improvements

The project will not require any public utility or access easements, as the stormwater infrastructure, septic systems and water service lines will be privately owned and maintained, and non-motorized transportation can be accommodated within the existing right-of-way.

Electric service to the new lots would be provided by overhead distribution lines maintained by Vermont Electric Cooperative which run through the parcel; easements for said lines should be included in the deeds for each new lot.

(I) SR Section 4.9: Water Supply and Wastewater Systems

In a memorandum dated January 14, 2022 Public Works staff stated:

The proposed sewer system will be constructed on site and will not be utilizing the municipal sewer system. The proposed water source is also on site and not utilizing municipal water. The Applicant will be required to follow the on-site rules for sewage disposal and water well installation as per the approval of the State. Public Works will require the Applicant to submit, for their records, all permitting applications and subsequent permitting approvals.

(J) SR Section 4.10: Stormwater Management and Erosion Control

In a memorandum dated January 14, 2022, Public Works staff stated that outstanding issues from prior reviews have been addressed except for the following:

a) Please be sure to contact the District Wetland Ecologist in regards to the impacts caused to the wetland by waterline and driveway installations.

The applicant shall provide written confirmation from the District Wetland Ecologist that a state wetlands permit is not required, or else provide a copy of said permit to the Town.

(K) SR Section 4.11: Monuments and Lot Markers

Upon approval of the amendment and recording of the mylar, the applicants must adjust and/or install lot markers in accordance with SR Section 4.11.

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

Any proposed development that contains dwelling units and requires Subdivision Approval is subject to Article III, Residential Development Phasing. The goal of residential phasing is to maintain an annual population growth rate set forth in the *2016 Town Plan* of between 184 and 226, aiming for the midpoint of the range at 205. Population growth is allocated to new developments through Estimated Population Equivalents (EPEs), essentially equivalent to the number of bedrooms in new dwelling units (5-bedroom units are counted as 4.5 EPEs). Any single project outside the sewer core is allowed to add 5 dwelling units per calendar year. The Planning Commission must act on a preliminary phasing request when a proposed development obtains sketch plan approval. Final allocation is granted upon Final Plan approval.

The proposed project lies outside the sewer core area and would add a total of 2 dwelling units with an unspecified number of bedrooms likely in year 2022; the applicant states that there is no timetable for construction on the proposed Lot 2. For the purpose of assigning preliminary allocation, it is assumed that each dwelling will contain 4 bedrooms, for a total of 12 EPEs. If all these were allocated for 2022, there would be 56 total EPEs remaining, 1 of which would be available outside the sewer core. A summary of the running phasing tabulation is attached.

IV. Additional Findings by the Planning Commission

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V. Proposed Conditions

1. All conditions from previous approvals shall remain in effect except as modified herein.
2. All construction shall be in conformance with the plans listed above as may be amended herein.
3. An electronic copy of the plans as may have been revised shall be submitted to the E911 coordinator in .PDF file format. Another copy shall be submitted in geodatabase or shapefile in Vermont State Plane Meters, NAD83 (NSRS or most current); alternatively, coordinated CAD data – Vermont State Plane Coordinates, US Survey Feet, Grid Zone 4400, NAD 83 (2011) epoch 2010.0, NAVD 88 (geoid12b); alternatively, paper showing three (3) values of State Plane Coordinates.
4. The applicant shall submit the mylar and three (3) paper copies to the Zoning Administrator for review and Planning Commission signature at least two weeks prior to the 180-day statutory recording deadline, otherwise the subdivision is void.
5. Prior to the filing of the mylar, all easements, deeds, and other legal documents shall be submitted to the Community Development Department for review by the Town Attorney at the expense of the applicant. The deed for each lot shall include a restriction on tree cutting as specified in Note 5 of Sheet 1 of the plans, as well as any required easements for septic systems that are shared or located on other lots.
6. Prior to the recording of the mylar, the applicant shall install concrete monuments and lot markers to the standards specified in Section 4.11 of the *Subdivision Regulations* and shall submit a certified statement from the surveyor verifying the installation.
7. Upon recording of the mylar, the applicant shall submit to the E911 coordinator a shapefile or PDF file of the plans containing all information specified in Section 2.10(H) and 2.10(I) of the *Subdivision Regulations*.
8. The applicants shall be approved for a final phasing schedule of 3 dwelling units with 12 EPEs in 2022.

9. Prior to the issuance of any zoning permit, the applicant shall obtain all applicable state approvals and permits and submit copies to the Community Development Department.
10. Prior to the issuance of any zoning permit, the applicant shall pay a gravel road impact fee of \$3,931.55.
11. Prior to the issuance of a zoning permit for each lot, the applicant shall obtain a curb cut approval from the Public Works Department. Any required modifications to driveway design required by Public Works may be reviewed and approved administratively.
12. Prior to the issuance of a zoning permit for each dwelling, the applicant shall pay any recreation impact fees in place at the time of submittal.
13. All utility lines shall be installed underground.
14. All water, sewer, and storm water infrastructure shall be installed in accordance with the specifications and details provided within the *Town of Essex Standard Specifications for Construction* and American Water Works Association standards.
15. The applicant will be required to follow the Low-Risk Site Handbook for Erosion Prevention and Sediment Control. The guide can be found on the Town's website.
16. No occupancy of each structure shall occur until a certificate of occupancy inspection and sign off is issued by the Zoning Administrator.
17. Prior to the issuance of a certificate of occupancy, all trees and brush are to be removed in their entirety to include stumps within the Brigham Hill Lane right-of-way along the frontage of all three lots.
18. Prior to the issuance of a certificate of occupancy, each driveway entrance shall be marked with the street address clearly visible from the approaching side.
19. By accepting the conditions of this approval without appeal, the applicant confirms and agrees for themselves 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 applicants and all assigns and successors in interest.

VI. Attachments

- Residential Phasing Record, dated 02/10/2022.
- copy: David Burke, O'Leary-Burke Civil Associates, PLC
- G:\PC\REPORTS\Brigham Hill Lane 44 Final 20220210.docx

CORNER LIST

NOTE: (O.D.) indicates outside diameter of applicable monument.

- CORNER 1:** 1/2"(O.D.) metal pipe recovered 24" above grade.
CORNER 2: 3/4"(O.D.) metal pipe recovered 12" above grade.
CORNER 3: 7/8"(O.D.) metal pipe recovered 24" above grade.
CORNER 4: 1"(O.D.) metal pipe recovered 12" above grade.
CORNER 5: 3/4"(O.D.) metal pipe recovered 6" above grade.
CORNER 6: 5/8" rebar TO BE SET
CORNER 7: 5/8" rebar set in mound of stones.
CORNER 8: 3/4"(O.D.) metal pipe recovered 12" above grade.
CORNER 9: 1"(O.D.) metal pipe recovered 4" above grade.
CORNER 10: 1/2"(O.D.) metal pipe recovered 12" above grade.
CORNER 11: 1/2"(O.D.) metal pipe recovered 12" above grade.
CORNER 12: 3/4"(O.D.) metal pipe recovered 6" above grade.
CORNER 13: 1/2"(O.D.) metal pipe recovered 18" above grade.
CORNER 14: 5/8" rebar set X" above grade.
CORNER 15: 5/8" rebar set X" above grade.
CORNER 16: 5/8" rebar set X" above grade.
CORNER 17: 5/8" rebar set 1" above grade.
CORNER 18: 5/8" rebar set in mound of stones.
CORNER 19: 5/8" rebar set 7" above grade.
CORNER 20: 5/8" rebar set 5" above grade.
CORNER 21: 5/8" rebar set 6" above grade.
CORNER 22: 5/8" rebar set 3" above grade.

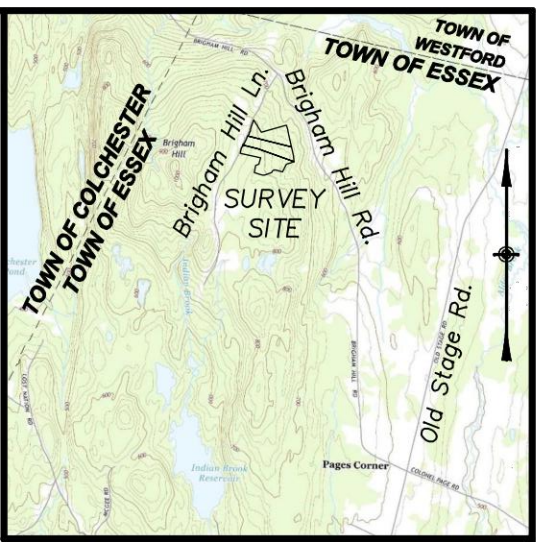
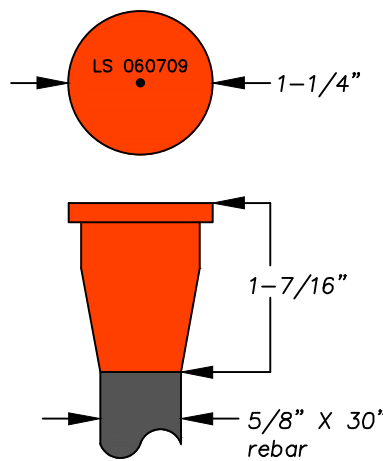
DIRECT TIES

Corners 13-14	N20°34'19"E	250.45'
Corners 14-15	N28°24'02"E	282.37'
Corners 15-1	N19°55'44"E	478.48'

TOWN OF ESSEX ZONING INFORMATION

Zoning District:	Conservation District (C1)
Min. Lot Size:	10 acres
Min. Frontage:	200'
Setbacks:	
Front:	50' (150' for Lot 2)
Side:	25'
Rear:	25'

Typical Stamped Caps on Set Monumentation (not to scale)



Approved by the Planning Commission of the Town of Essex, Vermont, on the _____ day of _____, 20____, subject to the requirements and conditions of said approval.

Signed this _____ day of _____, 20____,

by, _____
Chairman or Clerk

GENERAL SURVEY NOTES

- The purpose of this survey is to subdivide a portion of lands deeded to Richard J. Jenny in Volume 1047, Page 361 of the Town of Essex Land Records dated September 18, 2020. Said lands are more particularly identified as the third described parcel in said deed.
- The following plats recovered in the Town of Essex Land Records were used in aid of this survey:
 - Plat entitled; "Plat of Survey for Gerald F. & Lillian Desso in the Town of Essex, VT.", prepared by John A. Marsh, L.S. 256, dated April 4, 1979, revised May 1, 1979 and is recorded in Map Slide #39.
 - Plat entitled; "Property Survey for Barbara White, Essex Junction, Vermont", prepared by Henry J. Swider, L.S. 176, dated November, 1981 and is recorded in Map Slide #120.
 - Plat entitled; "Boundary Line Adjustment & Plat of Survey for Mrs. Neva Desso in the Town of Essex, VT.", prepared by John A. Marsh, L.S. 256, dated September 5, 1986 and is recorded in Map Slide #176.
 - Plat entitled; "Portion of James L. & Phylis A. Monahan Property, Brigham Hill Lane, Essex, Vermont", prepared by Kenneth W. Pinkham, L.S. 203, dated September 7, 1989 and is recorded in Map Slide #229.
 - Plat entitled; "Subdivision Plat of Lands Belonging to Paramount Properties, LLC, Reference Deed Book 919 Page 888, 218 & 222 Brigham Hill Road, Town of Essex, Chittenden County, Vermont", prepared by Donald A. Johnston, L.S. 686, dated December 20, 2014 and is recorded in Map Slide #481.
- The width of Brigham Hill Lane was held at the statutory 3 rod (49.5') wide right of way width as allowed under 19 V.S.A. 32. This survey established the locations of the sidelines of Brigham Hill Lane from the approximate center of the current traveled portion of the highway and existing monumentation recovered on site.
- Unless otherwise noted, the physical location of underground utilities were not determined by this survey.
- The locations of proposed wastewater disposal areas, house sites and driveways were provided by others and are shown as approximate.
- The subject parcel may be subject to, or benefited by, additional easements or right of ways of record not already depicted hereon.
- The information on this plat reflect conditions that were existing at the time of the survey both at the project location and within the land records of the Town of Essex as of September & October, 2021.
- All distances depicted on this plat are at ground level.
- The direction of this survey is oriented to Vermont Grid North (NAD83, VT-4400) as established by Network RTK-GPS observations made on site May 24, 2021.

THE INFORMATION ON THIS PLAT IS A COMPILATION AND REVIEW OF PERTINENT LAND RECORD INFORMATION, FIELD MEASUREMENTS, PAROL EVIDENCE AND OTHER STATE AND LOCAL DOCUMENTS. THIS PLAT IS IN ACCORDANCE WITH 27 V.S.A. 1403 AND CURRENT MEASUREMENT STANDARDS SET FORTH BY THE VERMONT BOARD OF LAND SURVEYORS. THIS PLAT IS ONLY VALID WITH MY ORIGINAL SEAL AND SIGNATURE.

PRELIMINARY PLAT
NOT FOR RECORDING

Seth W. Kittredge, L.S. 060709

BOUNDARY NOTE

The southerly line of lands of Jenny is depicted on the survey noted in 2d as following a meandering blazed line. Per the above survey, prior owners of record to lands of Jenny and lands of Garner apparently recognized these blazes as identifying their common boundary. At the time of this survey, it was discovered that logging had occurred in this area which appears to have resulted in the removal of any blazed trees. This survey has established the location of the southerly line of lands of Jenny in part by using scaled line work from a digital overlay of the survey noted in 2d, along with practical location as determined in the field. It is suggested by the undersigned that parties draft appropriate legal documents fixing their common boundary lines to that as depicted hereon.

SHORT LINE COURSES

L1)	S83°45'35"W	56.30'
L2)	S72°37'57"W	32.66'
L3)	S48°35'49"W	48.41'
L4)	N75°16'41"W	71.06'
L5)	N59°33'36"W	57.14'
L6)	N72°50'26"W	81.93'
L7)	N84°26'28"W	12.20'
L8)	S82°19'06"W	35.17'
L9)	S82°54'20"W	49.90'
L10)	N68°25'18"W	86.61'

NOTES:

THE WOODED PORTION OF THE LOTS TO THE EAST OF THE NORTH SOUTH POWER LINE IS CONTIGUOUS HABITAT(TOWN PLAN MAP 19). TREE CUTTING IN THIS AREA SHALL BE LIMITED TO DEAD, DOWNED OR SNAGGED TREES UNLESS AN AMENDMENT IS OBTAINED.

TOWN OF ESSEX CLERK'S OFFICE RECEIVED FOR RECORD

This _____ day of _____ A.D. 20____
at _____ o'clock _____ minutes _____ M,
and filed in Map Slide _____ Map # _____
Attest: _____
Town Clerk

DATE	REVISION
SURVEY OBCA	☐ RECORD DRAWING ☒ PRELIMINARY
DESIGN OBCA	☐ FINAL ☐ SKETCH
DRAWN SWK	
CHECKED DWB	
SCALE	
1" = 100'	

O'LEARY-BURKE
CIVIL ASSOCIATES, PLC

13 CORPORATE DRIVE
ESSEX, VT.
PHONE: 878-9990
FAX: 878-9989
E-MAIL: obca@olearyburke.com

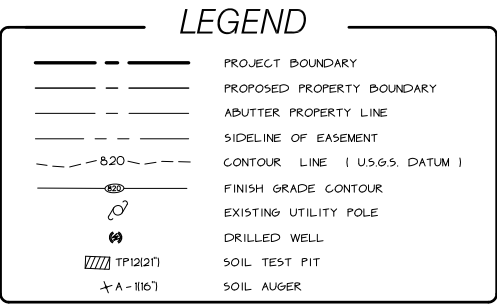
SUBDIVISION PLAT

Of a Portion of Lands of

RICHARD J. JENNY

Easterly Side of Brigham Hill Lane, Town of Essex,
County of Chittenden, State of Vermont

SWK
DATE
-/-/2021
PROJECT
2020-118
FILE
2020-118
SUB-PLAT
PLAT SHEET #
**PL1
of 1**



LOCATION PLAN

PLAN SET:

SHT. 1	FINAL PLAN
SHT. 2	30 SCALE PLAN
SHT. 3	DRIVEWAY, E.C. + STORM
SHT. 4	SEWAGE DISPOSAL
SHT. 5	SEWAGE + WATER
SHT. PLI OF 1	SUBDIVISION PLAT

PARCEL INFORMATION: +33.4 ACRE PARCEL - VACANT
SPAN # 207-067-14480
BOOK 1047, PAGES 361 - 363

ZONED: CONSERVATION DISTRICT (C1)

CONVENTIONAL LOT REQUIREMENTS:

MIN. SIZE: 10 ACRES
MIN. FRONTAGE: 200 FEET

SETBACKS:
FRONT YARD: 50' (150' LOT 2 TO MAINTAIN
VIEWS FROM 43 BRIGHAM HILL LANE HOME)
SIDE YARD: 25'
REAR YARD: 25'

LOT DEPTH TO WIDTH RATIOS (5 TO 1 MAX.):

LOT 1: 2.4 RATIO

LOT 2: 4.2 RATIO

LOT 3: 2.3 RATIO

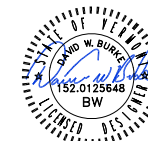
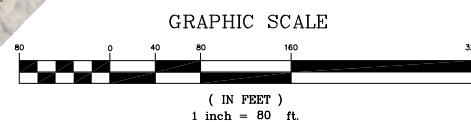
OWNER + APPLICANT:

RICHARD JENNY
31 BRIGHAM HILL LANE
ESSEX JCT., VT 05452

NOTES:

- 1) THIS PLAN IS NOT TO BE USED FOR PROPERTY CONVEYANCE PURPOSES. SEE "SUBDIVISION PLAT OF A PORTION OF LANDS OF RICHARD J. JENNY", SHT. PL1 OF 1 TO BE FILED IN THE TOWN OF ESSEX LAND RECORDS FOR PROPERTY CONVEYANCE PURPOSES.
- 2) THE WOODED PORTION OF THE LOTS TO THE EAST OF THE NORTH SOUTH POWER LINE IS CONTIGUOUS HABITAT (TOWN PLAN MAP 19). TREE CUTTING IN THIS ARE SHALL BE LIMITED TO DEAD, DOWNED OR SNAGGED TREES UNLESS AN AMENDMENT IS OBTAINED.
- 3) BRIGHAM HILL LANE IS SHOWN ON TOWN PLAN MAP 5 AS A HORSEBACK TRAIL. NEW RESIDENTS SHALL NOT INTERFERE WITH THIS USE.
- 4) THE FUTURE HOMES SHALL BE LOCATED AS DEPICTED ON THIS PLAN AND/OR AT A LOCATION THAT MEETS THE TOWN REQUIREMENTS OF 20' OR LESS EXISTING GROUND SLOPE.
- 5) THE FUTURE DRIVEWAYS ARE TO BE LOCATED AS DEPICTED ON THIS PLAN UNLESS DPW APPROVAL IS GRANTED FOR RELOCATION. REGARDLESS, THE DRIVEWAYS SHALL PROVIDE A MINIMUM OF 6' FROM PROPERTY LINES AND 30' FROM EACH OTHER.
- 6) ALL UTILITIES SHALL BE INSTALLED UNDERGROUND.
- 7) ALL TREES AND BRUSH ARE TO BE REMOVED IN THEIR ENTIRETY TO INCLUDE STUMPS WITHIN THE BRIGHAM HILL LANE RIGHT-OF-WAY ALONG THE FRONTAGE OF ALL THREE LOTS.

THE CONTRACTOR SHALL NOTIFY "DIGSAFE" AT 1-888-DIG-SAFE PRIOR TO ANY EXCAVATION.



DATE	REVISION		BY
SURVEY OBCA	☐ RECORD DRAWING	☐ PRELIMINARY	DATE 12/20/21
DESIGN OBCA	☒ FINAL	☐ SKETCH/CONCEPT	JOB# 2020-118
PLANNING OBCA	O'LEARY-BURKE CIVIL ASSOCIATES, PLC		FILE 2020-118-S
CHECKED OBCA			PLAN SHEET # 1
SCALE 1" = 80'	13 CORPORATE DRIVE ESSEX, CT, VT PHONE: 878-9000 FAX: 878-8989 E-MAIL: POLANSKY@CIVILBURKE.COM		34 Brigham Hill Lane ESSEX, VT FINAL PLAN



LEGEND	
	PROJECT BOUNDARY
	PROPOSED PROPERTY BOUNDARY
	ABUTTER PROPERTY LINE
	SIDELINE OF EASEMENT
	CONTOUR LINE (U.S.G.S. DATUM)
	FINISH GRADE CONTOUR
	EXISTING UTILITY POLE
	DRILLED WELL
	SOIL TEST PIT
	SOIL AUGER

LOT 1 ELEVATIONS:

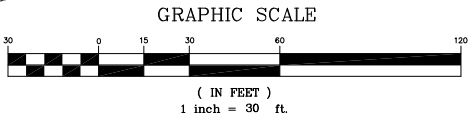
GARAGE: 822.5
TOP OF WALL: 824.0
BACK OF HOUSE (GARDEN STYLE): 820.0
4" SCH. 40 PVC HOUSE INV.: 818.0
4" SDR 35 PVC SEPTIC TANK IN: 817.75
4" SDR 35 PVC SEPTIC TANK OUT: 817.5
ADVANTECH UNIT, 4" SDR 35 PVC IN: 817.25

LOT 2 ELEVATIONS:

GARAGE: 827.0
TOP OF WALL: 828.5
BACK OF HOUSE (GARDEN STYLE): 824.0
4" SCH. 40 PVC HOUSE INV.: 822.0
4" SDR 35 PVC SEPTIC TANK IN: 821.75
4" SDR 35 PVC SEPTIC TANK OUT: 821.5
ADVANTECH UNIT, 4" SDR 35 PVC IN: 821.25

LOT 3 ELEVATIONS:

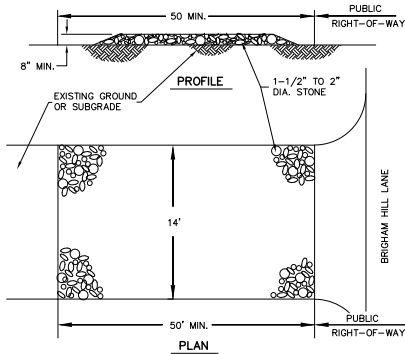
GARAGE: 830.5
TOP OF WALL: 832.0
BACK OF HOUSE (WALK-OUT): 823.0
4" SCH. 40 PVC HOUSE INV.: 821.0
4" SDR 35 PVC SEPTIC TANK IN: 820.75
4" SDR 35 PVC SEPTIC TANK OUT: 820.5
ADVANTECH UNIT, 4" SDR 35 PVC IN: 820.25



THE CONTRACTOR SHALL NOTIFY "DIGSAFE" AT 1-888-DIG-SAFE PRIOR TO ANY EXCAVATION.

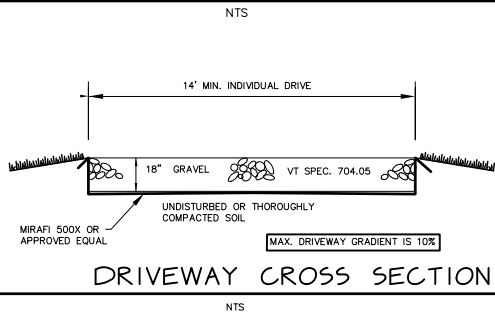


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CHECKED OBCA	ESSEX, VT	
SCALE 1" = 30'	O'LEARY-BURKE CIVIL ASSOCIATES, PLC	
	13 CORPORATE DRIVE ESSEX, VT 05730 PHONE: 878-9880 FAX: 878-9889 E-MAIL: POLEARY@OLEARYBURKE.COM	
	30 Scale Plan	
	PLAN SHEET #	
	2	



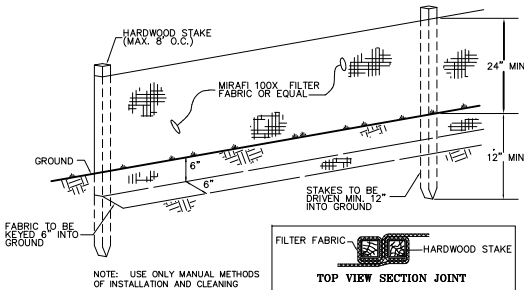
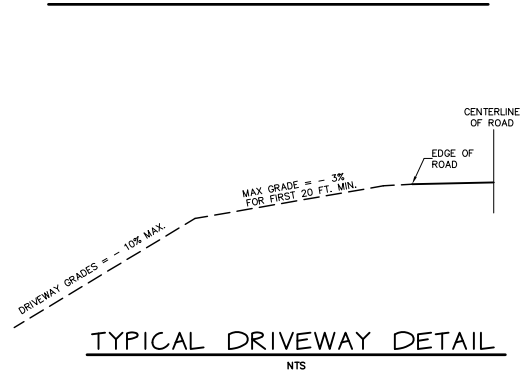
NOTES:
1. THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT TRACKED, SPILLED, OR WASHED ONTO PUBLIC RIGHTS-OF-WAY SHALL BE REMOVED IMMEDIATELY BY CONTRACTOR.
2. THE USE OF CALCIUM CHLORIDE OR WATER MAY BE NECESSARY TO CONTROL DUST DURING THE SUMMER.
3. PROVIDE APPROPRIATE TRANSITION BETWEEN STABILIZED CONSTRUCTION ENTRANCE AND PUBLIC RIGHT-OF-WAY.

STABILIZED CONSTRUCTION ENTRANCE

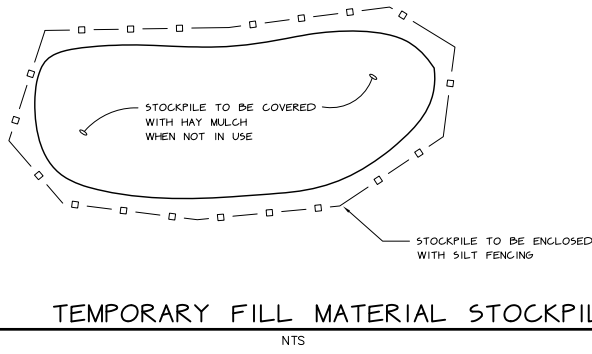


GRADATION REQUIREMENTS		
MATERIAL	SEVE SIZE	PERCENT (%) PASSING
CRUSHED GRAVEL FOR SUBBASE VT SPEC 704.05	2"	100 %
	1 1/2"	90-100 %
	#4	30-60 %
	#100	0-12 %
	#200	0-6 %

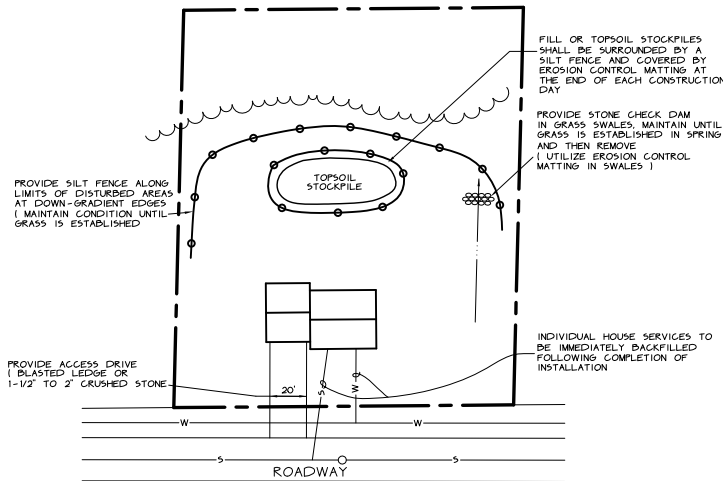
GRADATION REQUIREMENTS



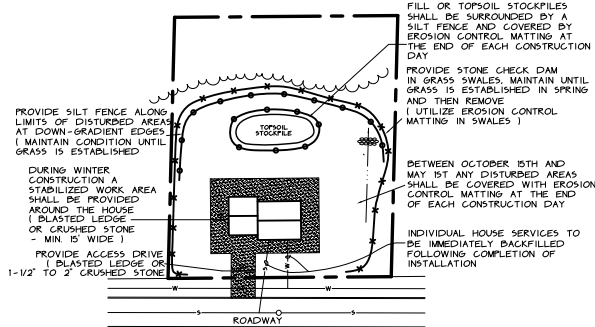
TEMPORARY SILT FENCE



TEMPORARY FILL MATERIAL STOCKPILE



INDIVIDUAL LOT EROSION AND SEDIMENT CONTROL (FOR SUMMER CONSTRUCTION)



INDIVIDUAL LOT EROSION AND SEDIMENT CONTROL (FOR WINTER CONSTRUCTION)

EROSION AND SEDIMENT CONTROL SEQUENCING :

- (WINTER STABILIZATION WORK TO BE COMPLETED PRIOR TO OCTOBER 15)
- CONSTRUCTION FENCING TO BE INSTALLED TO DEMARCATTE THE AREA TO BE DISTURBED.
 - SILT FENCING TO BE INSTALLED AT DOWN-GRADIENT LOCATIONS TO PREVENT ANY SILT FROM EXITING SITE.
 - INSTALL STONE ACCESS ONTO SITE.
 - STONE CHECK DAM(S) TO BE INSTALLED IN SWALES (AS NECESSARY).
 - EXCAVATE FOR FOUNDATION, STOCKPILE FILL AND/OR TOPSOIL AND SURROUND WITH SILT FENCING. WITHIN 24 HOURS PROVIDE MULCH OR EROSION CONTROL MATTING OVER STOCKPILES.
 - INSTALL HOUSE SERVICES AND BACKFILL ALL EXCAVATIONS. PROVIDE STABILIZED WORK AREA AROUND HOUSE.
 - EROSION CONTROL MATTING TO BE UTILIZED IN DRAINAGE SWALES AND ALL DISTURBED AREAS ON SITE.
 - EROSION CONTROL MEASURES TO BE INSPECTED AND MAINTAINED DURING THE CONSTRUCTION PERIOD.
 - AS EARLY AS POSSIBLE IN THE SPRING, THE FINISH SITE GRADING, TOPSOILING AND SEEDING WILL BE COMPLETED. THE EROSION CONTROL MEASURES ARE TO BE MAINTAINED UNTIL GRASS IS ESTABLISHED.

MULCHING SPECIFICATIONS

DISTURBED AREAS ARE TO BE MULCHED WITHIN A WEEK OF DISTURBANCE. HAY MULCH SHALL BE SPREAD UNIFORMLY OVER THE AREA AT A RATE OF TWO TONS PER ACRE OR AT A RATE THAT IS SUFFICIENT TO PROVIDE ADEQUATE COVERAGE.

WHERE FINISH GRADE AND TOPSOILED, SEEDING AND MULCHING IS TO BE APPLIED WITHIN 48 HOURS.

SNOW MANAGEMENT PLAN :

FOLLOWING THE ACCUMULATION OF ANY SNOW FALL EVENT WHICH GENERATES MORE THAT 1" OF SNOW OR ICE THE SITE SHALL BE CLEARED AND ALL SNOW AND ICE STORED IN THE IDENTIFIED SNOW STORAGE AREAS ON THE EPSC CONSTRUCTION PLANS. ALL SNOW STORAGE AREAS SHALL BE DOWN GRADIENT OF ANY DISTURBED AREAS AND THE STORAGE OF SNOW IN STORMWATER TREATMENT STRUCTURES IS PROHIBITED.

WINTER CONSTRUCTION REQUIREMENTS

- ALL WORK SHALL BE IN ACCORDANCE WITH THE LOW RISK SITE HANDBOOK FOR EROSION PREVENTION AND SEDIMENT CONTROL.
- PROVIDE ENLARGED ACCESS POINTS, STABILIZED TO PROVIDE FOR SNOW STOCKPILING.
- A MINIMUM 25 FT BUFFER SHALL BE MAINTAINED FROM PERIMETER CONTROLS SUCH AS SILT FENCE.
- DRAINAGE STRUCTURES MUST BE KEPT OPEN AND FREE OF SNOW AND ICE DAMS.
- SILT FENCE AND OTHER PRACTICES REQUIRING EARTH DISTURBANCE MUST BE INSTALLED AHEAD OF FROM GROUND.
- MULCH USED FOR TEMPORARY STABILIZATION MUST BE APPLIED AT DOUBLE THE STANDARD RATE, OR A MINIMUM OF 3 INCHES WITH AN 80-100 COVER.
- TO ENSURE COVER OF DISTURBED SOIL IN ADVANCE OF A MELT EVENT, AREAS OF DISTURBED SOIL MUST BE STABILIZED AT THE END OF EACH WORK DAY, WITH THE FOLLOWING EXCEPTIONS:
 - IF NO PRECIPITATION WITHIN 24 HOURS IS FORECAST AND WORK WILL RESUME IN THE SAME DISTURBED AREA WITHIN 24 HOURS, DAILY STABILIZATION IS NOT NECESSARY.
 - DISTURBED AREAS THAT COLLECT AND RETAIN RUNOFF, SUCH AS HOUSE FOUNDATIONS OR OPEN UTILITY TRENCHES.
- PRIOR TO STABILIZATION, SNOW OR ICE MUST BE REMOVED TO LESS THAN 1 INCH THICKNESS.
- USE STONE TO STABILIZE AREAS SUCH AS THE PERIMETER OF BUILDINGS UNDER CONSTRUCTION OR WHERE CONSTRUCTION VEHICLE TRAFFIC IS ANTICIPATED. STONE PATHS SHOULD BE 10-20 FEET WIDE TO ACCOMMODATE VEHICULAR TRAFFIC.
- IN AREAS OF DISTURBANCE THAT DRAIN TO A WATER BODY WITHIN 100 FEET, TWO ROWS OF SILT FENCE MUST BE INSTALLED ALONG THE CONTOUR.

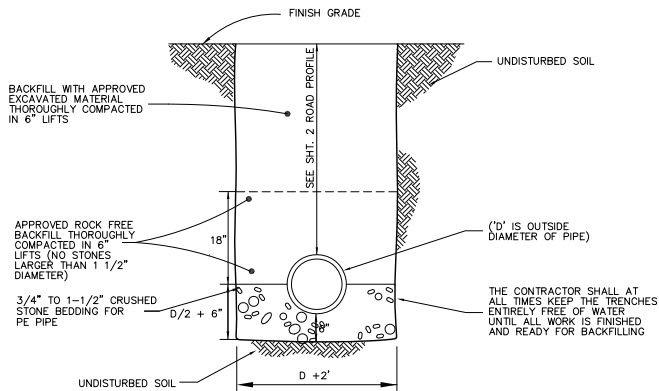
WINTER INSPECTION SCHEDULE

WINTER INSPECTION SCHEDULE	AFTER A THAW OR A RAINFALL GENERATING RUNOFF FROM SITE
INSPECT SILT FENCING WITH SKI TAPE	X
INSPECT AREAS TEMPORARILY MULCHED	X
INSPECT TEMPORARY STOCKPILES	X
INSPECT STABILIZED CONSTRUCTION ENTRANCES	X
INSPECT AREAS THAT HAVE BEEN TOPSOILED + MULCHED	X
INSPECT STORMWATER SWALES, SPREADERS, OUTFLOW DEVICES	X

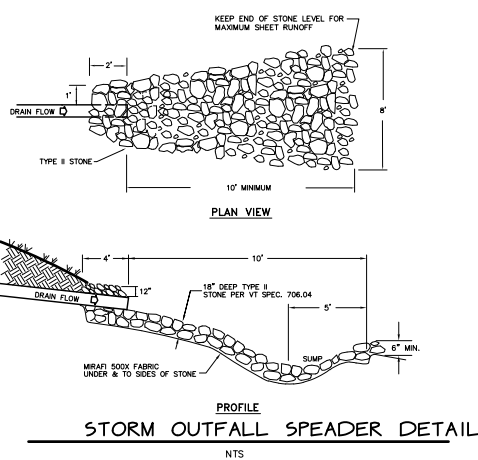
STUMP DISPOSAL SPECIFICATIONS

ALL SUITABLE TREES THAT MUST BE CUT WILL BE USED AS FIREWOOD. THE STUMPS, BRUSH + EXCESS UNSUITABLE EARTH WILL BE DISPOSED OF AT THE LOCATION DESIGNATED BY THE ENGINEER. CONTINGENT UPON APPROVAL FROM THE TOWN BUILDING INSPECTOR (SAID AREAS) SHALL BE A MINIMUM OF TWO FEET ABOVE SEASONAL HIGH GROUNDWATER OR THE STUMPS SHALL BE HAULED OFF-SITE TO A STATE-APPROVED LANDFILL. IF ON-SITE STUMP DISPOSAL IS IMPLEMENTED, THE FOLLOWING GUIDELINES SHALL BE MET:

- WHENEVER POSSIBLE, STUMP DISPOSAL SITES SHOULD BE LOCATED ON NEARLY LEVEL TO MODERATELY SLOPING LANDS (SLOPES LESS THAN 12%).
- DISPOSAL SITES WILL NOT BE LOCATED IN OR WITHIN 100 FEET OF FLOWING WATERCOURSES OR STREAMS OR IN ACTIVELY ERODING GULLIES.
- DISPOSAL SITES SHALL NOT BE LOCATED IN FLOODED OR FLOOD-PRONE LANDS, MARSHES, OR OTHER AQUIFER RECHARGE AREAS.
- STUMPS WILL BE PLACED ON THE SITE IN A SINGLE LIFT PRIOR TO BACKFILLING. WHEN ADDITIONAL STUMPS ARE TO BE DEPOSITED ON THE SAME SITE, EACH SUGGESTIVE LAYER OR LIFT OF STUMPS WILL BE BACKFILLED.
- STUMPS DEPOSITED IN DRAINAGEWAYS OR DEPRESSIONS SHALL BE BACKFILLED AND BERMED SO AS TO DIVERT OVERLAND FLOWS FROM THE DISPOSAL AREA.
- A MINIMUM OF TWO FEET (2') OF OVERBURDEN WILL BE PLACED OVER ALL DISPOSAL SITES.
- THE TWO FEET OF OVERBURDEN WILL BE COVERED WITH A MINIMUM OF FOUR INCHES (4") OF TOPSOIL, GRADED, SEEDDED, AND MULCHED IN ACCORDANCE WITH THE SPECIFICATIONS.



STORM SEWER TRENCH



THE CONTRACTOR SHALL NOTIFY "DIGSAFE" AT 1-888-DIG-SAFE PRIOR TO ANY EXCAVATION.

EROSION CONTROL SPECIFICATIONS

- ADDITIONAL EROSION CONTROL SHALL BE INSTALLED AS DEEMED NECESSARY BY THE TOWN INSPECTOR.
- SEE OTHER DRAWINGS OF THESE PLANS FOR ADDITIONAL STORMWATER AND EROSION CONTROL SPECIFICATIONS AND DETAILS.
- THE ROADWAY AND YARD FINISH GRADE SLOPES SHALL NOT BE STEEPER THAN 3 ON 1. THE FINISHED GRADE SLOPES SHALL BE IMMEDIATELY GRADED AND MULCHED.
- SHOULD ANY DISTURBED AREA REMAIN UNWORKED FOR MORE THAN 14 DAYS THEN THE AREA SHALL BE MULCHED OR TEMPORARILY SEEDDED WITH ANNUAL RYE. TOPSOIL SHALL BE PLACED, BE SEEDDED AND MULCHED WITHIN FIVE DAYS AFTER ACHIEVING FINAL GRADE.
- THE EROSION CONTROL METHODS USED DURING CONSTRUCTION OF THE DEVELOPMENT SHALL PROCEED IN THE FOLLOWING SEQUENCE:
 - THE CONTRACTOR SHALL INSTALL AND MAINTAIN SILT FENCES, CONSTRUCTION ENTRANCE, AND OTHER EROSION CONTROL MEASURES, IF REQUIRED, AS ORDERED BY THE ENGINEER. THE EROSION CONTROL MEASURES SHALL BE MAINTAINED AND REPAIRED AFTER EVERY RAINFALL UNTIL THE NEW IMPROVEMENTS ARE PAVED AND ALL DISTURBED AREAS HAVE BEEN GRASSSED. THE REPAIR OF THE EROSION CONTROL MEASURES WILL INCLUDE REMOVING ANY SEDIMENTATION. THE SEDIMENT MAY BE PLACED AS FILL IN THE LOW AREAS, IF APPROVED BY THE
 - THE TOPSOIL SHALL BE REMOVED FROM THE AREAS TO BE GRADED AND STOCKPILED. A SILT FENCE SHALL BE PLACED CONTINUOUSLY AROUND THE BOTTOM OF THE PILE.
 - IN AREAS NEAR THE NEW CONSTRUCTION, THE CONTRACTOR SHALL ENCLOSE THE TRUNKS OF TREES TO BE SAVED WITH WOODEN SNOW FENCING ALONG THE DRIPLINE TO PROTECT THE
 - THE SITE GRADING WILL THEN BE DONE, AND THE PIPELINES WILL BE INSTALLED IMMEDIATELY FOLLOWING GRADING. THE CONTRACTOR WILL INSTALL AND MAINTAIN STONE INLET PROTECTION AROUND THE CATCH BASINS UNTIL THE ROADWAY HAS BEEN PAVED AND GRASS HAS BEEN ESTABLISHED ON THE SLOPES.
 - THE CONTRACTOR WILL TOPSOIL, SEED, AND MULCH THE DISTURBED AREAS WITHIN 14 DAYS
 - OPEN CUT AREAS SHALL BE MULCHED OUTSIDE OF ACTUAL WORK AREAS, AND HAY BALES SHALL BE EMPLOYED TO CONFINE SHEET WASH AND RUNOFF TO THE IMMEDIATE OPEN AREA

WINTER CONSTRUCTION REQUIREMENTS

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- PROVIDE ENLARGED ACCESS POINTS, STABILIZED TO PROVIDE FOR SNOW STOCKPILING.
- A MINIMUM 25 FT BUFFER SHALL BE MAINTAINED FROM PERIMETER CONTROLS SUCH AS SILT FENCE.
- DRAINAGE STRUCTURES MUST BE KEPT OPEN AND FREE OF SNOW AND ICE DAMS.
- SILT FENCE AND OTHER PRACTICES REQUIRING EARTH DISTURBANCE MUST BE INSTALLED AHEAD OF FROM GROUND.
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- TO ENSURE COVER OF DISTURBED SOIL IN ADVANCE OF A MELT EVENT, AREAS OF DISTURBED SOIL MUST BE STABILIZED AT THE END OF EACH WORK DAY, WITH THE FOLLOWING EXCEPTIONS:
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 - DISTURBED AREAS THAT COLLECT AND RETAIN RUNOFF, SUCH AS HOUSE FOUNDATIONS
- PRIOR TO STABILIZATION, SNOW OR ICE MUST BE REMOVED TO LESS THAN 1 INCH THICKNESS.
- USE STONE TO STABILIZE AREAS SUCH AS THE PERIMETER OF BUILDINGS UNDER CONSTRUCTION OR WHERE CONSTRUCTION VEHICLE TRAFFIC IS ANTICIPATED. STONE PATHS SHOULD BE 10-20 FEET WIDE TO ACCOMMODATE VEHICULAR TRAFFIC.
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	DETAILS + SPECIFICATIONS	
	3	

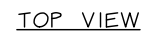
1. THE MOUND SYSTEM SHALL BE CONSTRUCTED IN ACCORDANCE WITH THESE PLANS & THE ENVIRONMENTAL PROTECTION RULES.

4. SEPTIC TANK: USE A 1,000 GALLON REINFORCED PRE-CAST CONCRETE SEPTIC TANK AS MANUFACTURED BY CAMP PRECAST PRODUCTS OR APPROVED EQUAL, WITH TWO COVERS TO GRADE; WATERPROOF JOINTS & COATING; OUTLET FILTER; AND SET ON THOROUGHLY COMPACTED SUB-BASE.

HEAD LOSSES (LOT #1):	
FORCE MAIN (2" SDR 26 PVC X 305 LF)=	4 FT
STATIC LIFT (838--813.75)=	24 FT
NETWORK LOSSES / FITTINGS=	3 FT
PRESSURE HEAD TO BE MAINTAINED=	3 FT
TOTAL HEAD LOSS=	
MIN. DISCHARGE RATE=	34 FT
USE ORENCO PUMP PF 3005	
HEAD LOSSES (LOT #2):	
FORCE MAIN (2" SDR 26 PVC X 135 LF)=	2 FT
STATIC LIFT (837.75 -- 817.75) =	20 FT
NETWORK LOSSES / FITTINGS=	3 FT
PRESSURE HEAD TO BE MAINTAINED=	3 FT
TOTAL HEAD LOSS=	
MIN. DISCHARGE RATE=	28 FT
USE ORENCO PUMP PF 3005	
HEAD LOSSES (LOT #3):	
FORCE MAIN (2" SDR 26 PVC X 280 LF)=	3 FT
STATIC LIFT (842.25 -- 816.75)=	26 FT
NETWORK LOSSES / FITTINGS=	3 FT
PRESSURE HEAD TO BE MAINTAINED=	3 FT
TOTAL HEAD LOSS=	
MIN. DISCHARGE RATE=	35 FT
USE ORENCO PUMP PF 3005	



NTS



ADVANTECH AX20-RT PRETREATMENT UNIT
WITH PF3005 DISCHARGE PUMP (123 GAL DOSE)

NTS



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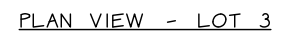


IF COVER IS LESS THAN 5' OVER FORCEMAIN, PLACE 2' WIDE BY 4" THICK INSULATION BOARD, SUITABLE FOR BURIAL, ON A 6" BED OF SAND OVER THE PIPE. IN NO CASE SHALL DEPTH OF FORCEMAIN COVER BE LESS THAN 3'. BUILDING SEWER SHALL HAVE A MIN. DEPTH OF COVER OF 2'.

NTS

SAND FILL MATERIAL SHALL MEET ONE OF THE FOLLOWING SIEVE ANALYSES:
(CONTRACTOR TO PROVIDE RECENT SIEVE ANALYSIS RESULTS MEETING BELOW)

SIEVE NO.	% PASSING	B. SIEVE NO.	% PASSING	C. SIEVE NO.	% PASSING
	85-100	4	95-100	10	85-100
40	25-75	8	80-100	40	30-50
60	0-30	16	50-85	200	0-10
100	0-10	30	25-60		
200	0-5	50	10-30		
		100	2-10		



NTS

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CHECKED OBCA			PLAN SHEET #
SCALE 1" = 80'	34 Brigham Hill Lane ESSEX, VT SEWAGE DISPOSAL DETAILS + SPECIFICATIONS		4
13 CORPORATE DRIVE ESSEX, VT 05730 PHONE: 878-9800 FAX: 878-9988 E-MAIL: POLENT@OLEARYBURKE.COM			

CONSTRUCTION REQUIREMENTS

- UTILITIES INFORMATION SHOWN HEREON WERE OBTAINED FROM THE BEST AVAILABLE SOURCES AND MAY OR MAY NOT BE EITHER ACCURATE OR COMPLETE. THE CONTRACTOR SHALL VERIFY EXACT LOCATION OF EXISTING UTILITIES AND SHALL BE RESPONSIBLE FOR ANY DAMAGE TO ANY UTILITY, PUBLIC OR PRIVATE, SHOWN OR NOT SHOWN HEREON.
- PRIOR TO CONSTRUCTION, ALL MATERIALS SHALL BE APPROVED BY THE ENGINEER.
- PLOW THE AREA TO A DEPTH OF 7" - 8", PARALLEL TO THE LAND CONTOUR WITH THE PLOW THROWING THE SOIL UPSLOPE TO PROVIDE A PROPER INTERFACE BETWEEN THE FILL AND THE NATURAL SOIL. ONCE THE PLOWING OF THE LAND IS COMPLETED, THE AREA SHALL BE FENCED TO PREVENT VEHICLES AND EQUIPMENT FROM ENTERING THE PLOWED AREA.
- TO PREVENT COMPACTION, CONSTRUCTION EQUIPMENT SHALL NOT BE MOVED ACROSS THE PLOWED SURFACE OR THE EFFLUENT DISPERSAL AREA. HOWEVER, AFTER PLACEMENT OF A MINIMUM OF SIX (6) INCHES OF SAND FILL OVER THE PLOWED AREA, LOW GROUND PRESSURE CONSTRUCTION EQUIPMENT MAY BE DRIVEN OVER THE PROTECTED SURFACE TO EXPEDITE CONSTRUCTION. CONSTRUCTION AND/OR PLOWING SHALL NOT BE INITIATED WHEN THE SOIL MOISTURE CONTENT IS HIGH.
- CONSTRUCTION SHOULD BE INITIATED IMMEDIATELY AFTER PREPARATION OF THE SOIL INTERFACE BY PLACING ALL OF THE SAND FILL NEEDED FOR THE MOUND TO THE DEPTH SHOWN ON THE PLANS. THIS DEPTH WILL PERMIT EXCAVATION OF THE TRENCHES TO ACCOMMODATE THE CRUSHED STONE AND DISTRIBUTION PIPING. AFTER THE TRENCHES ARE DUG, THE STONE SHALL BE PLACED INTO THE TRENCH, HAND LEVELED AND THE DISTRIBUTION PIPE INSTALLED. THE ENGINEER SHALL WITNESS THE TESTING OF THE DISTRIBUTION SYSTEM. AFTER THE TESTING IS COMPLETED THE HOLES DRILLED IN THE LATERALS SHALL BE ROTATED DOWN AND ORIFICE SHIELDS SHALL BE INSTALLED. THE CRUSHED STONE SHALL BE COVERED WITH MIRAFI 140N FABRIC OR EQUAL, THE ENTIRE MOUND SHALL BE COVERED WITH TOPSOIL NATIVE TO THE SITE OR SOIL OF SIMILAR CHARACTERISTICS TO SUPPORT VEGETATION FOUND IN THE AREA. THE MINIMUM DEPTH OF THE COVER SHALL BE TWELVE (12) INCHES. NATIVE SOIL FROM THE SITE IS SUITABLE, PROVIDED THE TOP FOUR (4) INCHES OF COVER IS TOPSOIL. THE ENTIRE MOUND SHALL BE SEEDED, SODDED, OR OTHERWISE PROVIDED WITH VEGETATIVE COVER TO ASSURE STABILITY OF THE INSTALLATION.
- THE FILL MATERIAL (MOUND SAND), FROM THE NATURAL SOIL (PLOWED) SURFACE TO THE TOP OF THE TRENCH, SHALL BE SAND WITH A SIEVE ANALYSIS MEETING ONE OF THE THREE GRADING REQUIREMENTS SHOWN IN THE DETAIL ON THIS SHEET. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL FURNISH A CURRENT SIEVE ANALYSIS REPORT ON THE SAND TO BE USED, SUBJECT TO APPROVAL BY THE ENGINEER.
- TRENCHES SHALL BE EXCAVATED INTO THE MOUND SAND AS SHOWN IN THE DETAIL ON THIS SHEET. THE BOTTOM OF THE TRENCHES SHALL BE ABSOLUTELY LEVEL, SIDE TO SIDE AND END TO END.
- THE PRESSURE DISTRIBUTION PIPE SHALL BE RIGID PLASTIC PIPE, SCHEDULE 40, WITH DIAMETER AS INDICATED. THE PIPE SHALL HAVE A SINGLE ROW OF HOLES, SIZE AND SPACING AS INDICATED ON THE DETAIL SHEET, ALONG THE LENGTH OF THE PIPE WITH THE Laid HOLE IN THE END CAP. ALL LATERALS SHALL BE LAID LEVEL. ALL JOINTS AND CONNECTIONS SHALL BE SOLVENT-CEMENTED.
- THE PRESSURE DISTRIBUTION PIPE SHALL BE PLACED ON 6 INCHES OF 3/4 TO 1-1/2 INCH WASHED CRUSHED STONE WITH THE HOLES DOWNWARD. THE WIDTH AND DEPTH OF THE CRUSHED STONE SHALL BE AS SHOWN ON THE PLANS. THE MATERIAL USED TO COVER THE TOP OF THE STONE SHALL BE MIRAFI 140N FABRIC OR EQUAL. BUILDING PAPER OR HAY WILL NOT BE ALLOWED.
- THE AREA SURROUNDING THE MOUND SHALL BE GRADED TO PROVIDE DIVERSION OF SURFACE RUN-OFF WATERS.

STAKE -OUT REQUIREMENTS

- THE SEWAGE SYSTEM LOCATIONS SHALL BE STAKED OR VERIFIED BY O'LEARY-BURKE CIVIL ASSOCIATES, P.L.C. PRIOR TO CONSTRUCTION.

INSPECTION REQUIREMENTS

- THE CONTRACTOR SHALL NOTIFY THE ENGINEER A MINIMUM OF 24 HOURS IN ADVANCE FOR INSPECTION OF THE BOTTOM OF THE TRENCHES PRIOR TO PLACEMENT OF STONE AND PIPING.
- THE CONTRACTOR SHALL NOTIFY THE ENGINEER A MINIMUM OF 24 HOURS IN ADVANCE FOR INSPECTION OF THE SYSTEM PRIOR TO BACKFILLING, INCLUDING THE SEPTIC TANK AND PRETREATMENT UNIT.
- PRETREATMENT UNIT: A COPY OF THE PRETREATMENT UNIT START-UP REPORT SHALL BE PROVIDED TO THE ENGINEER BY THE INSTALLER.
- SEE "TESTING REQUIREMENTS" BELOW FOR ADDITIONAL REQUIREMENTS.
- THIS DESIGN MUST BE INSPECTED BY O'LEARY-BURKE CIVIL ASSOCIATES, PLC ESSEX JUNCTION, VERMONT TO ENSURE COMPLIANCE WITH THESE PLANS. O'LEARY-BURKE CIVIL ASSOCIATES WAIVES ANY AND ALL RESPONSIBILITY AND LIABILITY FOR PROBLEMS THAT ARISE FROM FAILURE TO FOLLOW FAILURE TO FOLLOW SPECIFICATIONS, AND THE DESIGN INTENT THAT THE THE PLANS CONVEY, AND FROM FAILURE TO HAVE BEEN NOTIFIED BY THE CONTRACTOR FOR INSPECTIONS.

TESTING REQUIREMENTS

- THE CONTRACTOR SHALL FURNISH ALL FACILITIES AND PERSONNEL FOR CONDUCTING THE FOLLOWING TESTS:
- STRUCTURES TEST:
THE SEPTIC TANK SHALL BE TESTED BY FILLING WITH WATER TO A POINT ONE (1) FOOT BELOW THE ACCESS LID. A STABILIZATION PERIOD OF ONE (1) HOUR SHALL BE PROVIDED TO ALLOW FOR ABSORPTION. AT THE END OF THE STABILIZATION PERIOD, THE STRUCTURES SHALL BE REFILLED IF NECESSARY TO ONE (1) FOOT BELOW THE ACCESS LID AND THE TEST PERIOD OF 24 HOURS SHALL BEGIN. AT THE END OF THE TEST, THERE SHALL BE NO VISIBLE OR MEASURABLE EXFILTRATION OR INFILTRATION, OR THE TEST SHALL BE CONSIDERED FAILED. IF THE TEST FAILS, THE CONTRACTOR SHALL REPAIR OR WATERPROOF AND RE-TEST AT NO EXTRA EXPENSE TO THE OWNER.
 - DISTRIBUTION LINES TEST:
THE ENGINEER MUST PERFORM A PRESSURE AND DISTRIBUTION TEST OF THE MOUND LATERALS BEFORE COVERING. AFTER DRILLING THE HOLES AS SPECIFIED, TEMPORARILY ROTATE THE LATERALS SO THAT THE HOLES POINT UPWARD. WHILE BEING PRESSURIZED BY THE PUMP STATION, THE HEIGHT OF THE WATER COLUMN BEING DISCHARGED FROM EACH HOLE WILL BE MEASURED TO VERIFY ADEQUATE PRESSURE AND EVEN DISTRIBUTION. WATER COLUMNS 2.3 FT OR HIGHER WILL CONSTITUTE A PASSING TEST. FOLLOWING THE DISCHARGE TEST ROTATE THE HOLES DOWN AND ADD ORIFICE SHIELDS.
 - PRETREATMENT UNIT TEST:
A COPY OF THE PRETREATMENT UNIT START-UP REPORT SHALL BE PROVIDED TO THE ENGINEER BY THE INSTALLER.

OPERATION + MAINTENANCE RECOMMENDATIONS

- THE SEPTIC TANK'S PURPOSE IS TO SETTLE OUT SOLIDS, CONTAIN THE SCUM AND PASS TREATED EFFLUENT. BACTERIA WITHIN THE SEPTIC TANK HELPS DECOMPOSE THE SOLIDS. SHOULD ANY SOLIDS PASS THROUGH THE SEPTIC TANK INTO THE SYSTEM, PREMATURE CLOGGING OF THE PIPING, STONE OR NATIVE SOIL BENEATH THE SYSTEM IS LIKELY TO OCCUR. ONLY HUMAN WASTES SHOULD ENTER THE SEWAGE SYSTEM, WATER USE SHOULD BE CONSERVATIVE AND CLEANING AGENTS CAN NOT ENTER THE SYSTEM, AS THEY KILL BACTERIA.
- THE STATE FLOW FIGURES OF ARE BASED ON SHORT TERM PEAK USE PERIODS (E. DAILY EVENTS). ACTUAL FLOWS FOR A 4 BEDROOM HOME WITH 1-BEDROOM ACCESSORY APARTMENT SHOULD AVERAGE 200 - 300 GALLONS PER DAY.
- ONCE PER YEAR, THE DEPTH OF SCUM AND SLUDGE IN THE SEPTIC TANK SHOULD BE MEASURED AND THE TANK SHALL BE PUMPED IF:
A) THE SLUDGE LEVEL IS WITHIN 12 INCHES OF THE BOTTOM OF THE INLET TEE.
B) THE SCUM LAYER IS WITHIN 3 INCHES OF THE TOP OF THE OUTLET TEE.
C) IF A OR B IS ANTICIPATED TO OCCUR PRIOR TO THE NEXT INSPECTION.
D) IN ANY CASE, THE TANK SHALL BE PUMPED AT A MAXIMUM 5 YEAR INTERVAL.
- ONCE PER YEAR, THE PUMP STATION SHOULD BE INSPECTED. ANY SOLIDS OR SLUDGE REMOVED.
- THE ADVANTEX SYSTEM REQUIRES A THIRD PARTY MAINTENANCE CONTRACT FOR ANNUAL INSPECTIONS.
- ABOVE ITEMS 1 - 5 ARE INTENDED TO PROLONG THE LIFE OF THE SYSTEM, NOT GUARANTEE IT. A PROPERLY OPERATED & MAINTAINED SYSTEM GENERALLY FUNCTIONS PROPERLY FOR 8 - 25 YEARS.

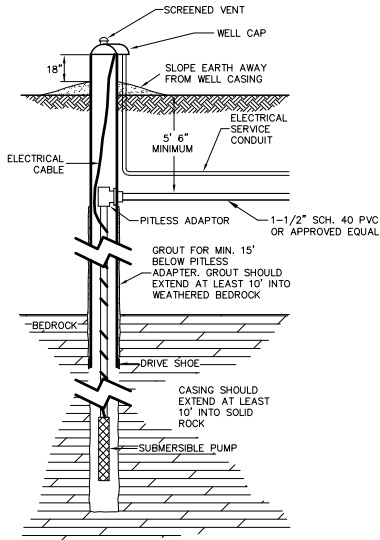
INDIVIDUAL DRILLED WELL DESIGN DATA

- THE DRILLED WELL(S) CONSTRUCTION, LOCATION, DISINFECTION AND TESTING SHALL BE IN ACCORDANCE WITH THE STATE OF VERMONT - WATER SUPPLY
- BASIS OF DESIGN (LOTS 1 - 3):
A. AVG. DAY DEMAND : 490 GPD (4 BDRM)
B. MAX. DAY DEMAND : 490 GPD/720 MIN/DAY = 0.68 GPM
C. INSTANTANEOUS PEAK DEMAND: 5 GPM X 1 HOME = 5 GPM
D. SOURCE CAPACITY: TO BE DETERMINED
E. STORAGE CAPACITY: SIZE TO BE DETERMINED BASED ON WELL YIELD (IF REQUIRED).
F. PUMP CAPACITY AT HOUSE: 1 HOME @ 5 GPM = 5 GPM MINIMUM
G. OPERATING PRESSURE RANGE: 40 - 60 PSI AT PRESSURE SWITCH

DRILLED WELL ISOLATION DISTANCES

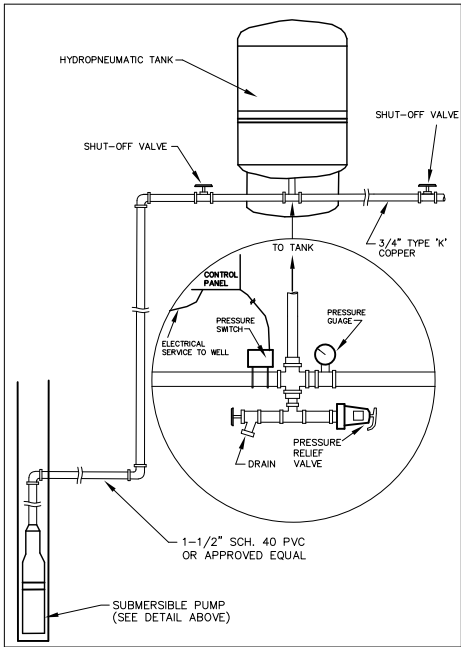
ROADWAY, PARKING	25 FEET
DRIVES, <3 RESIDENCES	15 FEET
SEWAGE PIPING / TANKS	50 FEET
PROPERTY LINE	10 FEET
SURFACE WATER	10 FEET
BUILDINGS	10 FEET

SEWAGE SYSTEM:	
DOWNSLOPE WELL	200 FEET
UPSLOPE/ SIDESLOPE WELL	100 FEET



TYPICAL INDIVIDUAL DRILLED WELL

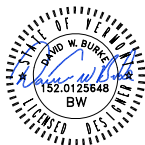
NTS



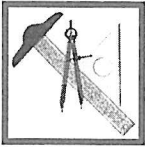
TYPICAL INDIVIDUAL WATER SYSTEM

NTS

THE CONTRACTOR SHALL NOTIFY "DIGSAFE" AT 1-888-DIG-SAFE PRIOR TO ANY EXCAVATION.



DATE	REVISION	BY
SURVEY OB/CA	☐ RECORD DRAWING ☐ PRELIMINARY	DATE 12/20/21
DESIGN OB/CA	☒ FINAL ☐ SKETCH/CONCEPT	JOB# 2020-118
DRAWN OB/CA		FILE 2020-118-S1
CHECKED OB/CA		PLAN SHEET #
SCALE 1" = 80'	O'LEARY-BURKE CIVIL ASSOCIATES, PLC 13 CORPORATE DRIVE ESSEX, VT 05732 PHONE: 878-9880 FAX: 878-9889 E-MAIL: POLEARY@OLEARYBURKE.COM	34 Brigham Hill Lane ESSEX, VT SEWAGE + WATER DETAILS + SPECIFICATIONS
		5

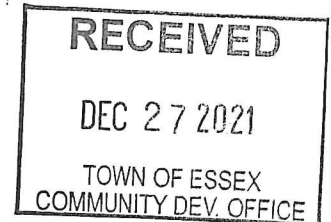


O'Leary-Burke Civil Associates, PLC

CIVIL ENGINEERING | REGULATORY AND PERMIT PREPARATION | LAND SURVEYING | CONSTRUCTION SERVICES | LAND USE PLANNING

December 27, 2021

Darren Schibler
Town of Essex
81 Main Street
Essex Jct., VT 05452



RE: Richard Jenny – 3 Lot Conventional Subdivision
44 Brigham Hill Lane
Subdivision Application - Final

Dear Darren:

We are writing on behalf of Richard Jenny to request scheduling for review of the attached Final Plan application for a three (3) lot conventional Subdivision of a 33.09-acre vacant parcel at 44 Brigham Lane.

Each lot will be for single family use only and will be served by individual driveways off Brigham Hill Lane, individual on-lot drilled wells and individual and/or shared on-lot and/or off lot sewage disposal systems (see attached plans).

As less than 1 acre of impervious will occur a State of Vermont Stormwater Permit is not required. As more than 1 acre of ground will be disturbed a State of Vermont Construction General Permit will be required. The other State Permit to be required is a Water Supply & Wastewater Disposal Permit. We understand these State Permits will be conditions of approval.

With the possible exception of the shared Lot 1 / 2 mound system to be located on Lot 2, Construction will occur at the timing of the future Lot Owners after they secure Building Permits from the Town. Each proposed Lot meets / exceeds the C1 Zoning District requirements, and no Waivers are proposed / necessary (Lot size, frontage, or setbacks). See Plan Sheet #1 for self-imposed 150-foot front yard setback on Lot 2 to maintain views from the existing home at 43 Brigham Hill Lane. The proposal conforms to Article IV: Subdivision Standards of the "Official Subdivision Regulations" as applicable *See attached Plans).

Mr. Darren Schibler
December 27, 2021
Page 2

The parcel generally has no issues as related to Town Plan Maps 1 – 26. Map 5 includes Brigham Hill Lane as a horse trail and the Owner / Developer of this proposal owns the Equestrian facility at 31 Brigham Hill Lane (Also see Note 3 above title block on plan sheet 1). Map 19 includes the back of the parcel as "Core Habitat". Note 2 has been added above the title block on plan sheet 1 in regard to preservation of the woods at the back portions of the proposed lots, except for downed, dead or snagged trees unless the future owners return to the DRB for potential Amendments.

Per the attached August 26, 2021 Sketch approval, please find the following responses to the approval conditions:

1. Understood.
2. Understood.
3. a) All homes are shown in areas with less than 20% slopes (Home on Lot #1 was slightly adjusted). It is anticipated that the homes will be placed close to where depicted but to ensure compliance with the < 20% requirement Note #4 has been added on Plan Sheet #1 above the title block stating, "The future homes shall be located as depicted on this Plan and/or at a location that meets the Town requirements of 20% or less existing ground slope".

b) The driveway for Lots 1 – 3 have been revised. To ensure compliance with the minimum requirements, Note #5 has been added above the title block stating "The future driveways are to be located as depicted on this plan unless DPW approval is granted for relocation. Regardless, the driveways shall provide a minimum of 6' from property lines and 30' from each other".
4. a) The project as proposed will create less than ½ acre of new impervious coverage and as such does not trigger Town Stormwater requirements. The actual impervious coverage will be approximately ¼ Acre.

- b) The driveway locations have been modified and the available sight distance for each driveway has been added to Plan Sheet #1. See reply to 3 b. above for additional information. Were not sure where the DPW suggestion of 250' to the left and 195' to the right comes from. The State of VT B-71 Standard for driveway access onto State Highways is 155' for Minimum stopping sight distance and 280 feet for Minimum Intersection sight distance at 25 mph. The available sight distance at the revised driveway locations is 300' plus in both directions except for Lot #3 to the left which has 200' at the best location available. While less than the DPW suggested 250 feet, this distance meets/exceeds B-71 Standards.
5. We will follow-up on these requirements with the E911 Coordinator (Shannon) directly. We understand the timing for E911 addresses is prior to issuance of Building Permits.
 6. Understood.
 7. Understood.
 8. Understood.
 9. Understood.
 10. Understood.
 11. Understood.
 12. Understood.
 13. Understood.
 14. Note #6 has been added to Plan Sheet #1 above the title block stating "All utilities shall be installed underground"
 15. Understood.
 16. Understood. See paragraph 3 on page 1 for acknowledgment.
 17. Understood.
 18. Note #7 has been added above the title block on plan sheet #1 stating "All trees and brush are to be removed in their entirety to include stumps within the Brigham Hill Lane right-of-way along the frontage of all three lots".
 19. Understood.

Mr. Darren Schibler
December 27, 2021
Page 3

Please find the following attached information:

- 1) Final Plan Application Fee \$273.64 (\$200 base fee + \$15 recording fee + (\$7.33/abutter x 8 abutters) = \$273.64);
- 2) Signed Application;
- 3) Three (3) 24" x 36" and Four (4) 11" x 17" sets of plans;
- 4) Abutter list & Three (3) sets of mailing labels.

We look forward to hearing from you in regard to scheduling for the Final DRB hearing.

Sincerely,

A handwritten signature in black ink, appearing to read "David W. Burke". The signature is fluid and cursive, with the first name "David" being the most prominent.

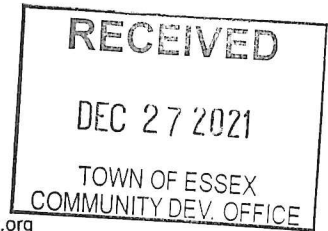
David W. Burke

Enc.
cc: Rick Jenny



TOWN OF ESSEX VERMONT

81 MAIN STREET, ESSEX JUNCTION, VERMONT 05452
Phone: 878-1343 • E-mail: skelley@essex.org • Website: www.essexvt.org



August 26, 2021

Richard J. Jenny
31 Brigham Hill Lane
Essex Jct., VT 05452

CERTIFIED MAIL

Re: SKETCH PLAN APPROVAL
44 BRIGHAM HILL LANE, ESSEX JCT., VT

Dear Mr. Jenny:

At its meeting held on August 12, 2021, the Planning Commission voted to approve your Sketch Plan application for a 3-lot subdivision on a 33-acre vacant parcel located at 44 Brigham Hill Lane in the Conservation Zone (C2), subject to the following Findings and Conditions:

FINDINGS:

I. Plans:

- Sheet #1, "Conceptual Plan, Jenny Parcel, Brigham Hill Lane, Essex, VT," prepared by O'Leary-Burke Civil Associates, PLC, dated 06/23/2021, revised 07/06/2021.

(A) SR Section 2.2: Classification

The applicants have requested approval for a 3-lot subdivision, which falls under the definition of "Minor Subdivision" according to the *Town of Essex Outside the Village of Essex Junction Official Subdivision Regulations* (SR). Minor subdivisions must receive sketch and final approval.

(B) SR Section 2.6: Sketch Plan Review

As stated in SR Section 2.6(A), the purpose of sketch plan review is

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

Richard Jenny
Sketch Plan Approval
44 Brigham Hill Ln, Essex, VT
August 26, 2021

The applicant has submitted a complete application for sketch plan review under SR Section 2.6(B) and a hearing was scheduled for August 12, 2021. Under SR Section 2.6(D), the Planning Commission must study the plan to ensure that it conforms to the General Requirements in SR Article IV.

Upon sketch plan approval, the Planning Commission must also make a preliminary residential phasing allocation review in accordance with SR Article III.

Because the project will not be developed in phases, and there is no remaining developable land, a Master Plan is not required.

II. Article IV of the Subdivision Regulations: Subdivision Standards

(A) SR Section 4.1: Standards Applicable to All Subdivisions

Sketch plan applications are reviewed against the General Standards in Section 4.1. Not all provisions of this section are reviewed here, as some are not relevant to this development or are covered by other provisions of the *Zoning Regulations (ZR)* and/or *Subdivision Regulations (SR)*.

1. SR Standard 4.1(P): Conformance with the Essex Town Plan

The proposal complies with the following goals and policies of the *Essex Town Plan*:

Specific Policy 2(S).14: *The provision of new housing in the community shall be balanced with impacts on the environment and on public facilities and services.*

Specific Policy 3(S).4: *Critical wildlife habitat, including but not limited to deer wintering areas, rare and/or endangered species habitat, local fisheries, and identified travel corridors, shall be protected from inappropriate development and land management activities.*

Goal 6a: *New development in floodplains, fluvial erosion hazard areas, and land adjacent to streams, wetlands, and upland forests is avoided.*

Additional information and conditions may be needed to ensure the proposal complies with the following policy:

General Policy 8: *To support large contiguous blocks and connectivity for wildlife, agricultural and forest lands shall be protected from fragmentation by subdivisions.*

2. SR Standard 4.1(G): Conformance with the Zoning Regulations

The parcel is located in the Conservation (C1) district and must conform to the dimensional requirements and development standards listed in Table 2.18 of the *Town of Essex Outside the Village of Essex Junction Official Zoning Regulations (ZR)*, as well as Article III, General Standards, and any applicable provisions of Article IV, Specific Standards.

(a) Table 2.18(A): Conservation (C1) District Standards

Richard Jenny
 Sketch Plan Approval
 44 Brigham Hill Ln, Essex, VT
 August 26, 2021

i. Purpose

The project reflects the purpose of the C1 district in that it is low-density residential development that avoids impacts to sensitive natural resources and steep slopes (specifically by limiting forest clearing) as well as avoiding additional burdens on municipal services.

ii. Permitted and Conditional Uses

Single-unit dwellings are permitted in this district. No conditional uses are proposed.

iii. District Dimensional Requirements

The proposed project generally conforms to Table 2.18(D), Dimensional Requirements of the C1 district, as noted below:

Dimensional Requirement	Standard	Proposed		
		Lot 1	Lot 2	Lot 3
Minimum Lot Area	10 acres	10.1 acres	10.2 acres	13.2 acres
Minimum Lot Area per Dwelling Unit	10 acres	10.1 acres	10.2 acres	13.2 acres
Minimum Lot Frontage	200 ft.	479 ft.	282 ft.	250 ft.
Minimum Front Setback (from ROW)	50 ft.	90 ft.	166 ft.	236 ft.
Minimum Side Setback	25 ft.	148 ft.	102 ft.	25 ft.
Minimum Rear Setback	25 ft.	920 ft.	1,078 ft.	644 ft.
Maximum Height	40 ft.	Not provided	Not provided	Not provided

The setbacks noted above are calculated from the dwelling locations shown on the sketch plan; however, the plans state that the actual locations of dwellings may vary from what is depicted.

iv. ZR Table 2.3(E): PUD Requirements

The proposal is not for a Planned Unit Development.

v. District Development Standards

In the C1 zone, the Planning Commission may limit the height of structures to 25 feet to avoid visual impacts. It is noted on the plans that proposed Lot 2 is set back approximately 150 feet to maintain views for the dwelling at 43 Brigham Hill Lane. Since the dwellings are not located in the Scenic Resource Protection Overlay District, and in any case would be situated against the edge of a forest on a gradually downward sloping hill, no additional height restrictions are necessary to reduce visual impacts.

Richard Jenny
Sketch Plan Approval
44 Brigham Hill Ln, Essex, VT
August 26, 2021

3. SR Standards 4.1(B), 4.1(H), and 4.1(M): Natural Features

The property contains several natural features that should be preserved or avoided during development.

There are some small areas of steep slopes (mostly 15-20%, some greater than 20%), including a ridge that runs along the overhead utility corridor. The proposed Lot 1 dwelling appears to be located on a portion of this ridge that exceeds 20% slope; this and all other structures shall be relocated to areas of less than 20% slope.

Except for an acre or two of cleared land on the western portion of the site, the entire parcel mapped as “contiguous habitat” in the Town Plan, which corresponds to a “highest priority interior forest block” as mapped by BioFinder (maintained by the Vermont Department of Fish and Wildlife). In addition, the Town Plan and BioFinder note that this section of Brigham Hill Lane also has value for wildlife crossing from one section of interior forest to another.

According to the Vermont Conservation Design (VCD) Report¹, interior forest blocks not only maintain air and water quality and flood resilience, they also are crucial to the survival of native and sometimes rare flora and fauna by providing food and shelter. Forest blocks also allow for animals to move through varied landscapes to fulfill their needs, including at wildlife road crossing locations, which is especially important given the impacts of climate change and human development.

The goal for “highest priority” blocks is to avoid permanent fragmentation from development (limited development on the margins may not have adverse effects) and to maintain ecological functions through uneven-aged forest management. Note 2 of the plans states, “The wooded portion of the lots to the east of the north-south power line is contiguous habitat (Town Plan Map 19). Tree cutting in this area shall be limited to dead, downed or snagged trees unless an amendment is obtained.” While this would generally achieve the goal of avoiding fragmentation, some dead, downed or snagged trees should be retained since they provide important habitat for some species. Furthermore, depending on the current conditions, active forest management and timbering could actually enhance wildlife habitat and need not be completely prohibited.

To ensure continued ability for wildlife to cross the road, fences should be avoided and vegetation should be maintained along the side of the road to the greatest extent possible (though as noted by Public Works in Finding II(A)(6), the full right-of-way width shall be cleared of vegetation). Clustering the dwellings closer together would further reduce impacts.

Pursuant to SR Section 4.3(B)(6), it is recommended that the applicant consult with a professional forester on forest management practices for the project.

¹ Sorenson, E. & Zaino, R. (2018). *Vermont Conservation Design*. Vermont Department of Fish and Wildlife. Retrieved 12 Feb., 2021 from [https://anr.vermont.gov/sites/anr/files/maps/biofinder/Vermont Conservation Design - Summary Report - February 2018.pdf](https://anr.vermont.gov/sites/anr/files/maps/biofinder/Vermont%20Conservation%20Design%20-%20Summary%20Report%20-%20February%202018.pdf)

Richard Jenny
Sketch Plan Approval
44 Brigham Hill Ln, Essex, VT
August 26, 2021

4. SR Standard 4.1(C): Flood Safety

The property contains no flood hazard areas as mapped by the Federal Emergency Management Agency (FEMA).

5. SR Standard 4.1(N): Clustering of Lots

All of the proposed dwellings are clustered in the western portion of the site, though the lots divide the forested areas to the east. A planned unit development with clustered housing and a shared open space area would allow for more coordinated forest management.

As noted on the plans, the proposed lots meet the required depth-to-width ratio under SR Section 4.4(B)(5).

6. SR Standards 4.1(D), 4.1(F), and 4.1(I): Access and Street Planning Standards

The proposed subdivision provides sufficient access to dwellings via individual private driveways connected to a Class 3 minor gravel road (Brigham Hill Lane). As the development numbers fewer than 50 dwelling units, a second permanent connection meeting the standard for a public road is not required.

In a memorandum dated July 12, 2021, Public Works staff stated:

- a) *The driveway edge must be at least six (6) feet from the adjacent property line. In particular, the drive for Lot #2 is of concern as shown.*
- b) *Driveways shall be constructed to meet the Town's construction standards as shown on Detail 100.09 for Rural Driveways and Detail 100.10 for Driveway (Type A) of the Town of Essex Standard Specifications for Construction, January 2017. The portion of all new driveways between the travel lane and the Right of Way line must also slope away from Brigham Hill Lane between the travel lane and the Right of Way line.*
- c) *All trees and brush are to be removed in their entirety to include stumps between the ROW/Property Line along the entire frontage of all three lots. Ditching and culverts will not be necessary as the land slopes away from the road.*
- d) *Minimum sight distances of 250 ft. to the left and 195 ft to the right must be verified for all driveways on the final plan. Of particular concern are Lots #1 and #3*
- e) *A road improvement fee for additional gravel and other potential improvements to Brigham Hill Lane is necessitated by the traffic increase due to the above referenced development will be required. The gravel road impact fee for 1,011 linear feet of frontage is currently based on the following:*

Richard Jenny
Sketch Plan Approval
44 Brigham Hill Ln, Essex, VT
August 26, 2021

$$\begin{aligned}(1,011 \text{ ft}) \times (0.25 \text{ ft}) \times (12') &= 3,033 \text{ CF} \text{ (12 ft = half of road width)} \\ (3,033 \text{ CF}) \times (1 \text{ CY} / 27 \text{ CF}) &= 112.33 \text{ CY} \\ (112.33 \text{ CY}) \times (\$35 / \text{CY}) &= \$3,931.55\end{aligned}$$

In an e-mail dated July 12, 2021, the Fire Chief stated:

The Fire Department would request that each driveway be marked with the street address visible from the approaching side for emergency vehicles.

7. SR Standard 4.1(E) and 4.1(L): Pedestrian and Recreation Facilities

As noted in the project narrative, Town Plan Map 5 includes the entirety of Brigham Hill Lane as part of a proposed horseback trail network, but no other maps show proposed non-motorized transportation facilities along Brigham Hill Lane. In an e-mail dated August 3, 2021, the Parks & Recreation Director stated that because Brigham Hill Lane is a low-traffic road that can accommodate horse travel, no additional easements outside the public right-of-way are required to accommodate this mode of transportation.

8. SR Standard 4.1(L): Parking

It appears that each driveway will be able to accommodate the required amount of parking under ZR Section 3.9(B).

9. SR Standard 4.1(R): Landscaping and Screening

There are no specific landscaping objectives for the Conservation (C1) district besides the preservation of forest cover, which is included as part of the proposal.

10. SR Standard 4.1(K): Public Safety

In an e-mail dated July 12, 2021, the Police Chief stated that there were no concerns with this particular proposal.

11. SR Standard 4.1(J): Utilities

Though sketch plan applications need not include detailed engineering information, the plan indicates that private well and septic systems will be used instead of public water and sewer (Lots 2 and 3 will share a mound septic system). In a memorandum dated July 12, 2021, Public Works staff stated:

The proposed sewer will be constructed on site and will not be utilizing the municipal sewer systems. The proposed water source is also on site and not utilizing municipal water. The Applicant will be required to follow the on-site rules for sewage disposal and water well installation as per the approval of the State. Public Works will require the Applicant to submit, for their records, all permitting applications and subsequent permitting approvals.

Richard Jenny
Sketch Plan Approval
44 Brigham Hill Ln, Essex, VT
August 26, 2021

Electric service to the new lots would be provided by overhead distribution lines maintained by Vermont Electric Cooperative which run through the parcel; easements for said lines should be included in the deeds for each new lot.

The project narrative states that less than one acre of impervious surfaces will be created, negating the need for a state stormwater permit; however, depending on the length of driveways and the size of the dwellings, it is possible that more than 0.5 acres of impervious surface would be created. If that is the case, the proposal must obtain a Town stormwater permit under Section 10.20.072 of the Town Ordinances. In any case, the narrative states that the project will require a state Construction General Permit since more than 1 acre of ground would be disturbed.

In a memorandum dated July 12, 2021, Public Works staff stated:

- a) *The applicant will be required to follow the Low-Risk Site Handbook for Erosion Prevention and Sediment Control. The guide can be found on the Town's website.*
- b) *The applicant shall contact the District Wetland Ecologist regarding any potential impacts to wetlands caused by waterline and driveway installations.*
- c) *A copy of the General Construction Permit must be submitted to Public Works prior to commencement of construction.*

12. SR Standard 4.1(S): Over-Sized Improvements and Future Expansion

No further development is expected or even possible under current regulations, and no additional public improvements are anticipated for this area; therefore, no over-sized improvements or provisions for future expansion are required.

13. SR Standard 4.1(O) and 4.1(T): Municipal Services and Impact Fees

The new homes will be subject to recreation impact fees and gravel road impact fees.

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

he proposed project lies outside the sewer core area and would add a total of 2 dwelling units with an unspecified number of bedrooms likely in year 2022; the applicant states that there is no timetable for construction on the proposed Lot 2.

Currently, there are 41 EPEs available for allocation outside the sewer core in 2022 and beyond, so it appears there will be sufficient allocation available for any number of bedrooms proposed for all three dwelling units. For the purpose of assigning preliminary allocation, it is assumed that each dwelling will contain 4 bedrooms, for a total of 12 EPEs. If all these were allocated for 2022, there would be 51 total EPEs remaining, 29 of which would be available outside the sewer core. A summary of the running phasing tabulation is attached.

IV. Additional Findings by the Planning Commission

- The applicant and staff agree that there are no wetlands on the property.

Richard Jenny
Sketch Plan Approval
44 Brigham Hill Ln, Essex, VT
August 26, 2021

CONDITIONS:

1. All construction shall be in conformance with the plans listed above as may have been amended by the Planning Commission and subject to other conditions and approvals.
2. All conditions from previous approvals shall continue to apply except as amended herein.
3. At the time of submission for Final Review, the plans shall be revised as follows:
 - a) All proposed structures shall be relocated to areas with slopes less than 20%;
 - b) Unless shared driveways are used, all driveways shall be located a minimum of 6 feet from property lines and 30 feet from each other.
4. As part of the submission for Final Review, the applicant shall:
 - a) Verify whether or not the project will create more than one-half acre of new impervious surfaces;
 - b) Verify minimum sight distances of 250 feet to the left and 195 feet to the right of each driveway;
5. An electronic copy of the plans as may have been revised shall be submitted to the E911 coordinator in .PDF file format. Another copy shall be submitted in geodatabase or shapefile in Vermont State Plane Meters, NAD83 (NSRS or most current); alternatively, coordinated CAD data – Vermont State Plane Coordinates, US Survey Feet, Grid Zone 4400, NAD 83 (2011) epoch 2010.0, NAVD 88 (geoid12b); alternatively, paper showing three (3) values of State Plane Coordinates.
6. The applicant shall submit the mylar and three (3) paper copies to the Zoning Administrator for review and Planning Commission signature at least two weeks prior to the 180-day statutory recording deadline, otherwise the subdivision is void.
7. Prior to the filing of the mylar, all easements, deeds, and other legal documents shall be submitted to the Community Development Department for review by the Town Attorney at the expense of the applicant.
8. Prior to the recording of the mylar, the applicant shall install concrete monuments and lot markers to the standards specified in Section 4.11 of the *Subdivision Regulations* and shall submit a certified statement from the surveyor verifying the installation.
9. Upon recording of the mylar, the applicant shall submit to the E911 coordinator a shapefile or PDF file of the plans containing all information specified in Section 2.10(H) and 2.10(I) of the *Subdivision Regulations*.

Richard Jenny
Sketch Plan Approval
44 Brigham Hill Ln, Essex, VT
August 26, 2021

10. The applicants shall be approved for a preliminary phasing schedule of 3 dwelling units with 12 EPEs in 2022.
11. Prior to the issuance of any zoning permit, the applicant shall obtain all applicable state approvals and permits and shall submit copies to the Community Development Department.
12. Prior to the issuance of any zoning permit, the applicant shall pay a gravel road impact fee of \$3,931.55.
13. Prior to the issuance of a zoning permit for each dwelling, the applicant shall pay any recreation impact fees in place at the time of submittal.
14. All utility lines shall be installed underground.
15. All water, sewer, and storm water infrastructure shall be installed in accordance with the specifications and details provided within the *Town of Essex Standard Specifications for Construction* and American Water Works Association standards.
16. The applicant will be required to follow the Low-Risk Site Handbook for Erosion Prevention and Sediment Control. The guide can be found on the Town's website.
17. No occupancy of each structure shall occur until a certificate of occupancy inspection and sign off is issued by the Zoning Administrator.
18. Prior to the issuance of a certificate of occupancy, all trees and brush are to be removed in their entirety to include stumps within the Brigham Hill Lane right-of-way along the frontage of all three lots.
19. By acceptance of the conditions of this approval without appeal, the applicants confirm and agree for themselves 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 applicants and all assigns and successors in interest.

It is the conclusion of the Essex Planning Commission that the project described in the application referred to above, if completed and maintained in conformance with the foregoing findings of fact and conditions, will not cause a detriment to the health, safety and welfare of the inhabitants of the Town of Essex and will conform with the *Town of Essex Official Subdivision Regulations* adopted pursuant to 24 V.S.A Chapter 117.

As construction proceeds, it is understood that modifications to the plans may be necessary. The applicant must discuss changes affecting the approval granted herein with the ZAO before construction to decide whether additional Town review is required, including approval by the Planning Commission and/or Zoning Board of Adjustment. At his/her expense, the applicant/landowner may be required to correct any construction, improvement, site work, etc. not in conformance with this, or subsequent, approvals prior to issuance of a CO.

Richard Jenny
Sketch Plan Approval
44 Brigham Hill Ln, Essex, VT
August 26, 2021

This decision may be appealed to the Vermont Environmental Court pursuant to Section 7.4 of the *Town of Essex Official Zoning Regulations* and 24 V.S.A. § 4471. Any appeal must be filed by certified mail to the Environmental Court and by mailing a copy to the Essex Town Clerk within 30 days of the date of this approval.

TOWN OF ESSEX PLANNING COMMISSION:

Dustin Bruso
dotloop verified
08/28/21 1:50 PM EDT
HT8E-SJY3-IKDZ-G2MX

Dustin R. Bruso, Chair

John Mangan
dotloop verified
08/28/21 3:15 PM EDT
507B-YYV7-NJVT-U4NQ

John Mangan, Clerk

Johnathan Schumacher
dotloop verified
08/28/21 9:35 PM EDT
V7FI-EYDN-YTQE-OIQS

Johnathan Schumacher

Ned Daly
dotloop verified
08/28/21 3:21 PM EDT
YXK-K95VD-ZYFC-F1ZU

Ned Daly

Joshua Knox
dotloop verified
08/30/21 9:43 AM EDT
YKGW-9U0Z-AMPW-YGCB

Joshua Knox, Vice-Chair

David Raphael
dotloop verified
08/28/21 1:11 PM EDT
YGE6-S7J6-WER2-SC0S

David R. Raphael

Tom Furland
dotloop verified
08/29/21 7:29 AM EDT
ORWX-MWTW-LVTC-OBHO

Tom Furland

cc: Douglas Corneille & David A. Tudhope, via email, dtudhope@aol.com

G:\PC\APPROVAL\River Rd 184, 226, 228, 232 & 236 Final JUNE2021.docx

245-247 RIVER ROAD, ESSEX, VT
CONCEPTUAL DISCUSSION APPLICATION
STAFF COMMENTS (Prepared by SK)
FEBRUARY 10, 2022

LANDOWNERS: SCOTT LEE & PAMELA SCHRINER
ADDRESS: 245 & 247 RIVER ROAD

BACKGROUND: 247 River Road is a 16.89 +/- acre lot located in both the Industrial (I1) and the Agricultural-Residential (AR) Zoning Districts. Frontage consists of 275' +/- and is located on River Road. The access (Kimo Drive) is situated off a private drive to which the landowners have easements and use as its access. The Planning Commission changed the Regulations to allow 2 houses to go onto one parcel without requiring frontage for both homes, as long as no subdivision was proposed. In approximately 2010/2011, the landowners built a second house on the parcel so that Scott Lee's brother and family could also live on the lands where the Lees grew up. This house is known as 245 River Road. A number of years ago, the Planning Commission changed the Regulations to allow for 2-lot PUDs. The landowners are now proposing a 2-lot PUD so that each brother can own their respective homes. No additional houses or development is proposed (except for an open space lot as required with a PUD.)

Due to the difficulties with PUDs of late, staff felt it best to start with a conceptual discussion as the first step.

Section 2.3(A) of the Subdivision Regulations reads as follows:

Conceptual Discussion: An applicant may schedule a conceptual discussion with the Planning Commission prior to developing and submitting a formal application for subdivision review. The purpose of such a discussion is to explore possible concepts for developing a site without requiring detailed surveying or engineering data. This is intended to be an informal exchange of ideas. It is not binding and is not intended to result in approvals or denials of development plans, nor does it imply approval or denial when formal application is made. Notifications to abutting landowners is required by first-class mail.

- (1) *Materials provided at conceptual discussion should include a subdivision plan drawn to scale showing major features of the site (natural and man-made), north arrow, general location of the site within the Town, the area of the site, and sketches of possible development approaches.*
- (2) *The minutes of the meeting will serve as written documentation of the discussion.*

Staff circulated the application to departments for comments which, in turn, is provided to the PC and the landowners. Both Public Works and the Fire Chief asked clarifying questions. I have included those comments and replies below.

***FIRE COMMENT:** My initial question is what is the end result of this request? It seems as though this is step one to get the two parcels split, and then there will be another application to do further development in one or the other or both. I would like to understand what the end game is before commenting on this application. In particular, will there be any roads planned for either parcel (as now it shows that each uses the adjoining parcel for access).*

(Engineer's Reply): In our opinion, the only future development potential for 247 River Road would be if "Kimo Drive" was ever constructed to Town standards, it would allow for 2-lots to be created in the AR district at the 3-acre minimum, due to the increase in frontage along "Kimo Drive". Construction of Kimo Drive would also give the portion of Lot 1 in the I1 district potential for commercial/industrial development. In order for Kimo Drive to be built, it likely would require major subdivision review from the Planning Commission. The goal the subdivision is to put each one of the existing residences on its own lot without making any material changes to the existing conditions.

As a result of the answer, in an email dated 2/1/22, the Fire Chief replied, *Thanks for sending this. The fire department has no objections to this application.*

Public Works Comments (Aaron Martin):

Couple questions

- 1. The Industrial District / Agricultural District Boundary is also the boundary of the sewer core. The portion of this lot in the Industrial District has 3.0E.U.'s of assigned allocation with no development approval. It appears that a majority of this portion of the lot will be Lot 2 but there is a significant portion of Lot 1 still within the Industrial District. Being that the existing structure on Lot 1 will never be sewered due to its location outside of the sewer core, is there a potential to further subdivide lot 1? If So, what would be an allowed use here?*

(Engineer's Reply): Lot 2 is proposed entirely within the AR district, see attached revised plan. As Lot 1 is in both districts, it is understood only the portion of the lot in the I-1 district would be eligible for municipal sewer. At the current time, it is our opinion that Lot #1 cannot be further subdivided due to the lack of frontage along River Road/VT-117.

- 2. Lot 2 as proposed also has a section located outside the sewer core. The lands south of the Industrial District / Agricultural District Boundary do not have sewer allocation and will not be allowed to connect to sewer due to its location outside the sewer core. Is there potential for further development on that section of Lot 1?*

(Engineer's Reply): In our opinion, the only further development potential of Lot 1 would be if Kimo Drive was constructed as a Town roadway. It is understood the existing lots or any future lots proposed outside of the sewer core would have to have onsite septic.

3. *Not knowing the potential uses for the portions of Lots 1 and 2 within the sewer core, how are the assigned EU's going to be distributed?*

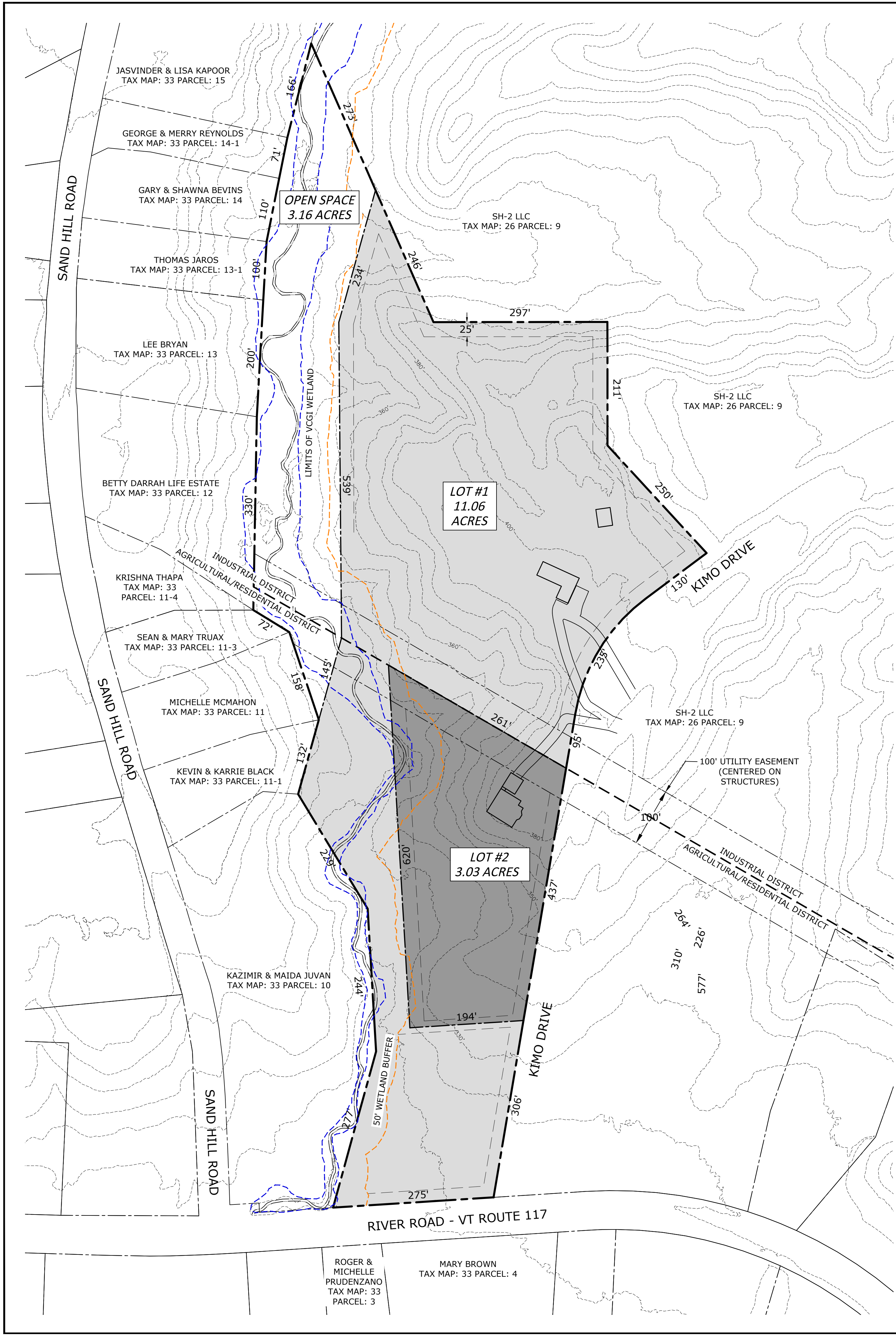
(Engineer's Reply): As Lot 2 is outside of the sewer core, it will not have any allocated EU's. The 3 EU's already associated with the land inside the I1 district/sewer core, in our opinion, should stay with Lot 1.

As a result of the answers, in an email dated 2/3/2022, PW's replied, *The updated draft plan addresses the concerns Public Works had with the initial submittal. Further comment will be provided at future submittals.*

In an email dated 1/25/2022, Chief Hoague said, *No Comment from PD.*

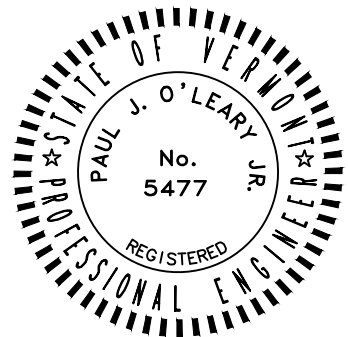
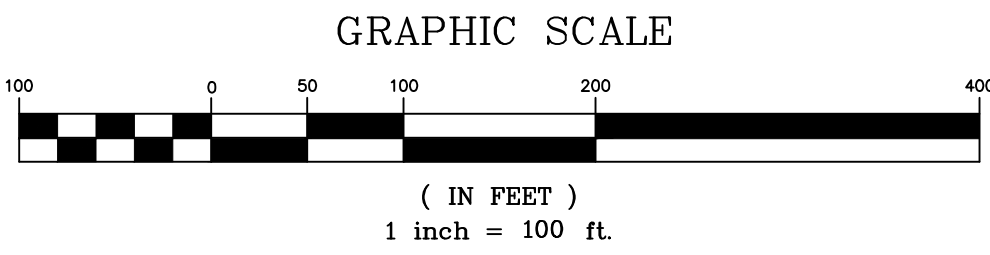
In an email dated 1/25/2022, Ally Vile, Parks & Rec Director said, *As this parcel has 2 existing homes, and if there is no further development planned, the P&R department does not have concerns with the concept of subdivision at this time.*

The Planning Commission is tasked with determining if a 2-Lot PUD application can move forward. If so, staff requests to combine the sketch/final application.



Owner and Applicant

Scott Lee & Pamela Schirner
247 River Road
Essex Junction, VT 05452



DATE	REVISION		BY
SURVEY	☐ RECORD DRAWING	☐ PRELIMINARY	DATE
DESIGN	☐ FINAL	☒ SKETCH/CONCEPT	1/27/22
DESIGN	O'LEARY-BURKE		JOB#
DRAWN	CIVIL ASSOCIATES, PLC		2021-152
RCM	13 CORPORATE DRIVE		FILE
CHECKED	ESSEX, VT. 05452		2021-152-S2
PJO	PHONE: 878-8989		PLAN SHEET #
SCALE	FAX: 878-9089		1
1"=100'	E-MAIL: obca@olearyburke.com		

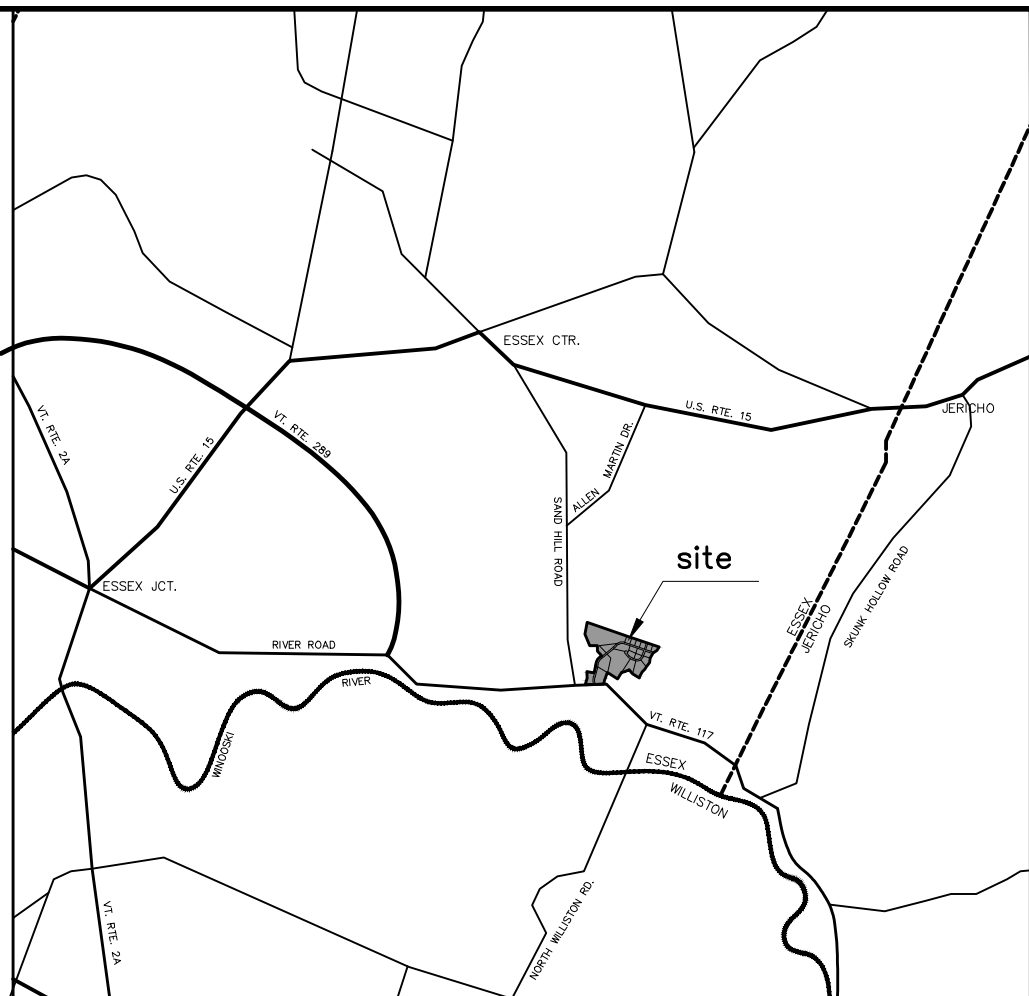
Legend

PROJECT BOUNDARY	
LOT LINE	
SIDELINE OF EASEMENT	
SETBACK	
EXISTING TREELINE	
EXISTING UTILITY POLE	
EXISTING GRADE CONTOUR	
EXISTING WATERLINE	
EXISTING SEWERLINE	
WETLAND LIMITS	
50' WETLAND BUFFER	

Zoning Information

PARCEL INFO: TAX MAP 33 PARCEL 17
ACREAGE: 16.89 ACRES
ZONING DISTRICT: AGRICULTURAL RESIDENTIAL (AR)
INDUSTRIAL (I1)

DIMENSIONAL STANDARDS	PUD-AG	PUD-I1
MINIMUM LOT AREA	3 ACRES	30,000 SF
MINIMUM LOT FRONTAGE	100 FEET	200 FEET
MINIMUM SETBACKS		
FRONT YARD	20 FEET	25 FEET
SIDE YARD	10 FEET	25 FEET
REAR YARD	25 FEET	25 FEET



LOCATION PLAN



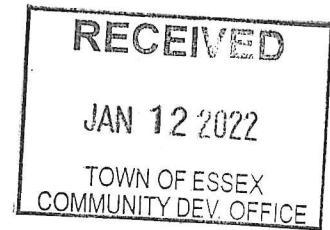
O'Leary-Burke Civil Associates, PLC

CIVIL ENGINEERING | REGULATORY AND PERMIT PREPARATION | LAND SURVEYING | CONSTRUCTION SERVICES | LAND USE PLANNING

January 12, 2022

Sharon Kelley
Zoning Administrator
81 Main Street
Essex Junction, VT 05452

Scott A. Lee
Pamela P. Schirner
2/033/017/000
I1 + AR



RE: Conceptual Plan Review for a 2-Lot Subdivision/PUD Application
247 River Road, Essex Junction, VT

Dear Sharon:

We are writing on behalf of Pamela Schirner to request conceptual plan review of a proposed Residential PUD Application at 247 River Road (Tax Map 33 Parcel 17). The parcel is approximately 16.89 Acres and zoned in two different zoning districts (Agricultural Residential – AR and Industrial – I1). The current use of the parcel is residential, having two existing residences on the same parcel. Both existing residences are served by on-site water and sewer systems. No new buildings or change in uses are proposed.

The purpose of this subdivision is to create two separate lots for each residential home. Proposed Lot #1 will total 8.24 acres, proposed Lot #2 will total 3.18 acres, and a proposed open space lot will total 5.83 acres. The proposed open space lot is designated to protect the stream and class 2 wetland as currently mapped in the VCGI database from the VT Wetlands Program. All existing buildings are in conformance with the Town of Essex setback requirements with the placement of the proposed boundary lines. Access to both lots will remain from Kimo Drive/River Road.

The existing lot meets the dimensional PUD requirements in both the AR and I1 zoning districts regarding frontage along River Road. As part of the PUD, a new open space lot is being created along the unnamed tributary of the Winooski River, west of the proposed parcels.

Please find the following:

1. Planning & Zoning Application;
2. Two (2) 24" x 36" copies of the Sketch Plan;
3. Abutters List;
4. \$150 Conceptual Plan Review Fee

Sincerely,

Ryan Morse, E.I.

TOWN OF ESSEX
PLANNING COMMISSION
DRAFT MINUTES
JANUARY 27, 2022

Note: This meeting was in-person and virtual on Teams.

PLANNING COMMISSION (PC) PRESENT:

IN PERSON: Dustin Bruso; PC Chair; and Ned Daly.

VIRTUAL: Josh Knox, Vice-Chair; David Raphael; Jonathan Schumacher; and Tom Furland.

OTHERS PRESENT:

IN PERSON: Owiso Makuku, Community Development Director; Sharon Kelley, Zoning Administrator; Darren Schibler, Planner;

VIRTUAL: Regina Mahoney; Tracy Delphia; Dawn Hill-Fleury; Jeff Benjamin; Essex Retorter; Betsy Dunn; Gina Barrett; Lorraine Zaloom; Al Senecal; Brian Bertsch; Patty Davis; and Community TV.

Chairman Bruso called the meeting to order at 6:31 p.m. and called out the Commissioners who were in attendance virtually and in person. Instructions on how to operate Zoom were provided to the audience.

(The Chair changed the order of Agenda Items 1 & 2)

AGENDA ITEM 2: DISCUSSION ON TOWN CAPITAL PLAN: DENNIS LUTZ:

Dennis Lutz reported that this will be his last presentation for the FY23-FY27 Capital Plan as he will be retiring this coming summer. He reported that Aaron Martin will be next in line for the position and asked that the PC be patient with Martin. Lutz stated that the Capital Plan was formatted in a different program, Questica, however it is not workable for him to provide it on the overhead, therefore the Finance Department created a pdf spreadsheet that was shareable. He reported that water and sewer is in the capital plan; is not shown in the pdf plan; and will be separate from longer term projects. Lutz stated that there are 5 elements in the FY23 Capital Plan spreadsheet, as follows:

1. Funding schedule of income from the “2-cents” Capital charge.
2. Capital Fund financials as of June 30, 2021.
3. Status of Current Capital Projects as of November 19, 2021.
4. Capital Projects Definitions; and
5. Project Summary Sheets.

Lutz walked through the spread sheet and spoke upon the following four maintenance projects that are planned to be funded out of the FY23 undesignated Capital Plan:

1. The Fort Water Tower (roof, trim and upper windows).
2. The Library Deferred Maintenance (deteriorating brickwork on the building).
3. Public Works equipment replacement; and
4. Brigham Hill Road cell tower radio infrastructure communications.

Lutz reported that there will be two major costs that need to be addresses: 1) Stormwater; and 2) the building and relocation for the Public Works employees currently located at the Town Green across from the library. The goal is to centralize the employees in the building where his office is currently located at the Highway Garage, with other staff members.

Lutz reported that the website currently has the materials and narrative up on the Capital Plan.

Lutz concluded by stating, not as a criticism, that it was important that as the PC deliberates projects, they understand that Town Staff has established standards that are legally defensible, such as curb-cuts, etc., and when it comes down to issues, Public Work's staff knows what the issues are and what they are talking about regarding same. Lutz stated that the standards need to be enforced and can't be waived. Lutz understands that applicant and/or applicant's engineers make good waiver arguments, he sincerely hopes the PC recognizes the standards and that they will support the staff recommendations. Lutz stated that they want to work well with developers, but there are times when they do not agree. He wants the PC to understand that Public Works protects the Town's interests.

Chairman Bruso thanked Lutz. Bruso informed the audience that they will take brief comments but there will not be a debate. He opened the floor to the public.

Patty Davis stated that she admires Lutz and will miss him coming to the meetings. She told the PC that they need to listen to what he said about the developer's goals and the Town goals. She noted that the past consultant, Mark from SE Consultants, told the PC that they were in the drivers seat; that people want green space; and stated, "Please don't settle."

The PC thanked Lutz for the presentation.

AGENDA ITEM 1: PUBLIC COMMENTS: None.

AGENDA ITEM 3: DISCUSSION/WORK SESSION: ZONING REGULATIONS:

- **Letter from Brian Bertsch, P.E. re: RPD-I uses.**

Senecal wanted to make the point that not all developers are the same. Al Senecal and Brian Bertsch reported that they understood the PC was going to start discussions on draft zoning regulations. Senecal stated that he wanted to explain his case regarding the letter that they submitted regarding uses in the Resource Preservation District-Industrial (RPD-I) zone. Senecal asked for confirmation that they received and reviewed the letter. Chairman Bruso said yes, and asked for a brief overview, but no detailed discussion for this meeting.

Brian Bertsch stated that the letter spells out their specific request. Bertsch thought that most of the current PC was involved in the Settlement Agreement with the Court, and at that time limited uses were put in place for the RPD-I zone. He noted that there is good access to the trails, and owns the recreation portion of lands, and asked that they now adopt the uses that are allowed in the Industrial (II) Zone. He noted that the second page of the letter spells out those uses. In addition to those uses, they would like the PC to consider a restaurant, car wash, medical clinic and cannabis growing facilities.

Chairma Bruso asked if there was anyone from the public who wanted to provide comments.

Betsy Dunn asked if a cannabis shop would be too close to the schools. Chairman Bruso stated that they will not get into specifics at this meeting. Sharon Kelley reported that the State has not yet ruled on the allowance of cannabis.

Lorraine Zaloom, stated that Betsy Dunn was her sister. Zaloom asked for berms to protect noise and light pollution. She reported that the 25' buffer requirement is being waived with most projects and felt that was a consistent problem.

Patty Davis asked if the PC was looking at the outskirts of the ETC-NEXT area and if that would be a template to use.

Chairman Bruso stated that the process will evolve as the PC goes forward. He noted that the PC needs to first come up with its work plan.

Regina Mahoney, Planner for Chittenden County Regional Planning Commission (CCRPC) provided a refresher presentation to the PC regarding Implementing a Municipal Plan. She provided an overhead presentation on the following:

- Regulatory Implementation- Zoning & Subdivision Bylaws; Flood Hazard Bylaws; and Local Ordinances.
- Non-Regulatory Implementation – Improving public facilities; Informing/engaging citizens and Supplemental Plans.
- Why Have Local Land Use Regulations – to promote compact walkable development; Protect Natural Resources; Minimize fragmentation of farmland; Incentivize affordable housing; Encourage efficient use of infrastructure; Ensure compatibility with historic character; Establish safe vehicular and pedestrian circulation; and Make communities more flood resilient.
- Limits of Local Regulation – Land use regulations tell people what they can and cannot do with their land, but they cannot deprive landowners of all reasonable use of their property (5th & 14th Amendments); Land use regulations can only regulate what is enabled in Vermont Statute; Vermont Limitations and Prohibited Effects.
- Players and processes potentially involved in local regulation.
- Local Regulation: Types of Review – Zoning, Permitted Use; Conditional Use; Site Plan Review; Variances; Waivers; Planned Unit Developments; Subdivision.
- Regulatory Decisions.
- Appeals.
- Interested Persons May Appeal; and
- Non-Regulatory Implementation.

Mahoney provided a Memo regarding a suggested workplan for the PC for the upcoming year. A discussion ensued on what should be eliminated and/or added to the proposed suggestions for a workplan. Mahoney stated that she will update her Memo with the suggestions provided.

Chairman Bruso asked the Commissioners what they wanted to put on the list for the upcoming year, recognizes that some items may take more than one year. Bruso suggested the ETC|NEXT

project should be at the top of the list, as well as strengthening the PUD regulations. He acknowledged that the Town Plan needs to be readopted for 2024.

Commissioner Daly seconded the ETC|NEXT & PUD topics. He noted that the Housing Committee is working on inclusionary zoning and suggested this may tie into the incentives for mixed types of affordable housing within the ETC|NEXT, as well as the whole town; energy efficiency and how to incentivize same; and noted that the can “hash out the little stuff as they go.”

Commissioner Raphael said “Ditto” to PUDs; he suggested that the Phasing Policy is not serving the PC well as the numbers never bump up against the maximum allowed; affordable housing and how can density bonuses be more effective.

Vice-Chair Knox said “Ditto” to PUD & ETC|NEXT. He likes the idea of a walkable community at Fort Ethan Allen and the Historic Center, which was once walkable; and state designations if separation is approved.

Commissioner Furland suggested to prepare for the future with regards to solar and electric charging facilities. He questioned if affordable housing could be increased in existing developed areas.

Commissioner Schumacher stated that PUDs are his highest priority and currently feels like “nobody wins”; Ditto to density bonuses & ETC|NEXT.

Mahoney stated that the Town Plan needs to re-adopted next year as the current Plan was approved 8 years ago. Mahoney believes it is still a relevant plan and may not need much work.

Owiso Makuku suggested the PC re-read the Town Plan document as a refresher.

AGENDA ITEM 4: MINUTES 1/13/2022:

Commissioner Raphael MOVED and Commissioner Schumacher SECONDED a MOTION to approve the 1/13/2022 minutes with the grammatical changes as reported. The MOTION passed 6-0.

ITEM 5: OTHER BUSINESS: Chairman Bruso announced that the Select Board is going to full virtual meetings for a few months and asked the PC if they wanted to do the same. The PC decided to keep the meetings going as is, both virtually and in-person and, this decision can be revisited as the PC goes forward.

The meeting adjourned at 8:20 p.m.

PLANNING COMMISSION

By: _____
Dustin R. Bruso, Chair