

38 **FINDINGS:**

39

40 **1. Land Owner and Applicant**

41 Ely Family, LLC
42 c/o Ray Ely
43 45 River Road, Essex, VT

44

45 **2. Proposal**

46 The project received sketch plan approval as a major subdivision/site plan amendment in April
47 2024 for two triplex buildings (six dwelling units) in the rear of the property. The applicant is now
48 proposing a minor subdivision/site plan amendment to divide the one lot into four lots: two
49 footprint lots associated with one proposed duplex, one footprint lot around the existing
50 commercial building, and one lot containing the remaining land. The application also includes a
51 site plan amendment to construct an 18' x 55' addition to the commercial building, and to change
52 the parking/circulation patterns on the site.

53 The parcel is 1.39 acres and is located in the Mixed-Use Development District (MXD), where
54 duplexes are a permitted use. Dimensional requirements are different for the residential use area
55 (using the dimensional requirements of the Medium Density Residential District (R2), Table 2.5)
56 and the commercial use area (using the dimensional requirements of the Retail Business District
57 (B1), Table 2.9). Access to the parcel will remain unchanged with the eastern curb cut acting as
58 the entrance and the western as the exit, with a new circulation pattern to run counterclockwise
59 around the convenience store, and revised locations of the parking spaces. The duplex will be
60 accessed by a 20-foot-wide shared driveway at the back of the existing convenience store parking
61 area. An existing 8-foot-wide Town-owned easement is shown along the frontage of the property;
62 the 20' wide fire lane overlaps the easement to some degree. The easement was originally secured
63 during a site plan application for River Road Beverage in the 1980's.

64

65 **3. Subdivision Regulation, Article II: Subdivision Procedures**

66 Subdivision Regulation 2.2(C) states that minor subdivisions require sketch plan and final plan
67 approval. (A minor subdivision is defined as: *A subdivision containing three (3), four (4) or five*
68 *(5) lots, all of which front on an existing street and not requiring a new street or extension of*
69 *public water or sewage facilities.*)

70 **2.9 Final Subdivision Approval:** All major and minor subdivisions must obtain Final
71 Subdivision Approval in accordance with this section.

72 (A) **Purpose:** The purpose of Final Subdivision Review shall be to compare the plat for
73 consistency with the approved Preliminary Plan or approved Sketch Plan, to ensure that
74 all engineering, survey and other data are complete, and to ensure that the proposed
75 subdivision is in compliance with all appropriate regulations and standards. Review by

76 the DRB shall include a public hearing in accordance with the provisions of Article V
77 of these Regulations.

78 **(B) Application Materials:**

79 The applicant has submitted the following plans:

- 80 • Sheet 1, “Site Plan” prepared by O’Leary-Burke Civil Associates, PLC, dated
81 1/16/25, rev. 7/14/25.
- 82 • Sheet 2, “Construction Details” prepared by O’Leary-Burke Civil Associates, PLC,
83 dated 1/16/25, rev. 7/14/25.
- 84 • Sheet 3, “Erosion Prevention & Sediment Control Plan” prepared by O’Leary-
85 Burke Civil Associates, PLC, dated 1/16/25, rev. 7/7/25.
- 86 • Sheet P, “Parking & Circulation” prepared by O’Leary-Burke Civil Associates,
87 PLC, dated 7/7/25.
- 88 • Sheet PL1, “Boundary Plat” prepared by O’Leary-Burke Civil Associates, PLC,
89 dated 1/3/23, rev. 2/24/25.

90

91 **4. Subdivision Regulation, Article III: Subdivision Standards**

92 **3.1 Standards Applicable to All Subdivisions:**

93 (R) The proposed subdivision shall provide adequate landscaping and screening to ensure
94 an aesthetically pleasing development while screening undue adverse impacts of the
95 proposed subdivision on adjacent properties.

96 **Staff comments:** Landscaping is not proposed as a component of this project. ZR
97 Table 5.1 lists landscaping requirements (see Finding 9 for more details).

98

99 **5. Zoning Regulation, Table 2.11: Mixed Use Development District (MXD)**

100 (A) **Purpose:** The areas designated as the MXD District are conveniently located relative to
101 major arterial roads in the area and proximate to a variety of different uses and activities.
102 The purpose of this district is to allow a mix of residential and commercial uses in
103 keeping with the existing character of the area.

104 (D) **District Dimensional Requirements**

105 Zoning Regulation Section 2.11(D) states that the Dimensional requirements for non-
106 residential uses are those specified for the B1 district and those for residential uses are
107 those specified for the R2 district. See Findings 6 and 7 for more details.

108

109

110

111 **6. Zoning Regulation, Table 2.5: Medium Density Residential District (R2)**

112 (A) **Purpose:** The purpose of the Medium Density Residential District is to facilitate
113 residential development in areas inside the Sewer Core Area as defined in the most
114 recently adopted Town of Essex Sewer Allocation Policy. Connection to municipal water
115 service shall be required where installation of these facilities is feasible or deemed
116 necessary. Densities and lot sizes are based either on the provision of off-site services or
117 the ability to accommodate on-site services.

118 (D) **District Dimensional Requirements:**

Dimension	Off-site Water and Sewer	Proposed
Minimum Lot Area	20,000 sq. ft. (now 1/5 acre) ¹	Not provided (assumed by staff to be 1/5 acre)
Minimum Lot Area per Single or Duplex Dwelling Unit	20,000 sq. ft. (now 1/5 acre)	Not provided (assumed by staff to be 1/5 acre)
Minimum Lot Frontage	100 feet	n/a
Minimum Front Setback (from ROW)	40 feet	+/- 300 feet
Minimum Side Setback	15 feet	Shown greater than 15 feet.
Minimum Rear Setback	20 feet	Shown greater than 20 feet.
Maximum Height	40 feet	Not provided.

119
120 **Staff comments:** The two dwelling units require at least 2/5 acre (0.4 acre) total (per Act
121 47 (effective 12/1/24)). The site is 1.39 acres, so at least 0.4 acres of the overall site has
122 been allocated to the residential use. The applicant should provide the proposed height of
123 the duplex to verify compliance with the dimensional requirements.

124
125 **7. Zoning Regulation, Table 2.9: Retail Business District (B1)**

126 (A) **Purpose:** This area consists of existing commercial areas and adjacent lands which are
127 becoming predominantly commercial in nature. Due to the location of these areas on
128 major thoroughfares, they are well suited for providing the retail, business and personal
129 service needs of this community and other nearby towns. However, strip development
130 along these thoroughfares must be discouraged in favor of consolidated access points in
131 order to minimize traffic hazards and maintain smooth traffic flows. Also, since these
132 areas are the focal point of activity for the Town, the review of commercial development
133 within this district must ensure attractiveness for site design and signage. Furthermore,
134 new commercial development should be compatible with adjacent commercial and
135 residential structures.

¹ In accordance with Act 47, see: <https://legislature.vermont.gov/bill/status/2024/S.100>

136
 137

(D) District Dimensional Requirements:

Dimension	Off-site Water and Sewer	Proposed
Minimum Lot Area – Nonresidential	30,000 sq. ft	0.99 acre (+/- 43,124 sq. ft.)
Minimum Lot Frontage	150 feet	+/- 218 feet
Minimum Front Setback (from ROW)	50 feet	The proposed commercial addition is about 80 feet from the ROW
Minimum Side Setback	None	Complies
Minimum Rear Setback	None	Complies
Maximum Lot Coverage – All	70%	Not provided (estimated by staff to be approximately 60%)
Maximum Height	40 feet	Not provided

138
 139
 140
 141

Staff comments: The applicant should provide lot coverage calculations and proposed height to verify compliance with the dimensional requirements.

8. Zoning Regulation, 3.1 Access and Frontage Requirements

(G) Access Standards.

(5) No more than two dwellings or lots shall be served by the same private right-of-way (driveway), although up to four dwellings or lots may be permitted to share a driveway in the Scenic Resource Protection Overlay (SRPO) district. When more than two dwellings or lots will be served, access must be provided by a road that meets the Town’s Public Works Specifications and Subdivision Regulation standards, unless the dwellings and lots are in the SRPO, and the driveway adheres to the standards described in Table 2.20.

Staff comments: The applicant is proposing three dwellings to share a single driveway, in conflict with ZR 3.1(G)(5). The DRB should determine if this requirement can be waived.

154

9. Zoning Regulation, 5.6 Site Plan Review

The purpose of site plan review is to ensure that the layout and design of development on pre-existing or approved lots conform to the Town Plan of record, these Regulations and applicable conditions of previous subdivision and conditional use approvals. Standards specifically relate to the internal layout of a site, its physical design, and the functional integration of the site with adjoining properties, uses and infrastructure. In reviewing site plans, the Planning Commission shall consider and may impose conditions and safeguards only with respect to criteria specified below.

162

163 **ZR Section 5.6(A), General Requirements**

164 **Conformance with the Essex Town Plan**

165 The proposed project may somewhat conflict with the 2024 Essex Town Plan
166 housing policy 4(S).1 which states: *The provision of new housing in the community*
167 *shall be balanced with impacts on the environment and on public facilities and*
168 *services.* The proposed duplex would impact steep slopes greater than 20%, and
169 both the Police and Fire Depts. have concerns about being able to provide
170 emergency services to the site.

171 **Dimensional limitations and provisions of the Zoning Regulations**

172 This project is located in the Mixed Use Development District (MXD) which
173 requires conformance with ZR Tables 2.5 & 2.9 discussed in Finding 5, 6, and 7
174 above.

175 **Protection of public health, safety, and welfare**

176 Both the Police and Fire Depts. have concerns about being able to provide
177 emergency services to the site, see Finding 10 below.

178 **Outstanding violations**

179 This parcel does not have any outstanding zoning violations.
180

181 **ZR Section 5.6 (B), Natural and Scenic Features**

182 The Zoning Regulations state that “site layout and design, to the extent feasible, shall
183 incorporate and protect significant natural features as identified on the Significant Features,
184 Scenic Resources, and Water Resources Maps contained in the Town Plan of record or
185 through site investigation.” This is evaluated through the following criteria:

186 **Topography**

187 The Zoning Regulations call for minimal changes to a site’s topography and vegetation,
188 specifying that a site “shall be planned to retain, insofar as possible, the natural contours
189 and to conserve the natural cover and soil.”

190 **Staff comments:** The proposed design changes the site’s topography and
191 vegetation; the applicant has calculated the area of disturbance to be 0.4 acres. Staff
192 feel that this level of impact is minimal and acceptable.

193 **Steep Slopes**

194 The regulations state that, “Development is discouraged on slopes of 15 percent or
195 steeper due to the likelihood of erosion and stormwater runoff problems. Development
196 shall be prohibited on slopes of 20 percent and steeper due to the likelihood of
197 environmental damage.”

198 The applicant has provided the following waiver request:

199 *The site plan contains slope shading showing slopes greater than or equal to 20%*
200 *in red and 15-20% in yellow. If P&Z is going to require a waiver request to impact*
201 *the slopes, please take this email as our formal request. Where the building*
202 *footprint is shown there is red shading. In this location there is only a 4-5 foot*
203 *vertical rise, creating a very small hump, shown in the attached photographs. As*
204 *discussed at length for previous applications, protecting features like this for*
205 *erosion control purposes, in our opinion, is not the intent of the 20% slope impact*
206 *regulations, and we are comfortable the DRB will agree (as the PC did at Sketch)*
207 *the impact is warranted. As a mitigation technique the structure is proposed as a*
208 *raised ranch to build into the minor slope and subsequently require less*
209 *excavation/impact for a foundation. In addition, an EPSC plan was included in*
210 *the application materials, even though the project does not require coverage from*
211 *a State issued Construction General Permit.*



212
213 **Staff comments:** To develop the site for the duplex and the associated driveway,
214 steep slopes will be impacted as shown on Sheet 1, Site Plan, which indicates that
215 0.31 acres of steep slopes would be impacted, with 0.15 acres of that area being
216 20% slopes and greater. The DRB should determine if these impacts are acceptable,
217 and if a waiver should be granted.

218 **Surface Waters and Wetlands**

219 None present.

220 **Renewable Energy**

221 **Staff comments:** The applicant has not proposed utilization of renewable energy.
222 The proposal would not impact the ability of neighboring properties to use
223 renewable energy.

224 **Open Space** - Maximize protection of open space in Essex’s rural areas. Clustered
225 development with protected open space is preferred over dispersed development that
226 fragments open space.

- 227 (a) Open meadows are especially valuable as the foreground for distant views.
228 When open meadows contribute to roadside views, building envelopes and
229 good roadway design should minimize intrusions onto open meadows.

230 **Staff comments:** Protecting open space is not a component of the
231 applicant’s proposal, and is not a requirement since this site is not in a rural
232 area.

233

234 **ZR Section 5.6 (C), Access**

235 See comments from Public Works in Finding 10 below.

236

237 **ZR Section 5.6(D), Site Circulation**

238 **Staff comments:** The plans show the site’s proposed vehicular circulation patterns,
239 but do not indicate how this differs from the existing patterns, or how the existing
240 patterns may differ from the originally approved site plan. Pedestrian accommodations
241 and circulation patterns have not been addressed; the pedestrian route from the existing
242 sidewalk along River Road seems to conflict with the driveway apron area and/or the
243 fuel loading area. ADA accessibility requirements have not been addressed; accessible
244 parking space(s) and associated access routes need to be shown.

245

246 **ZR Section 5.6(E), Parking**

247 **Staff comments:** With the proposed addition, the commercial building will be
248 approximately 3,060 SF, which would require 21 parking spaces as shown on the
249 project site plan with at least one of the parking spaces being an accessible parking
250 space in accordance with ZR 3.9(H); which is not indicated on the plans and should be
251 added. The proposed duplex structure must have a minimum of 2 parking spaces (1 per
252 dwelling unit per Act 47, effective 12/1/24) and includes garages and an informal, un-
253 delineated parking area in front of the garages within the shared driveway, separate
254 from the commercial parking lot. Town regulations (ZR 3.9(J)) also require 250 SF of
255 loading area per 3,000 SF of interior floor area, therefore a 250 SF loading area has
256 been provided to serve the convenience store; however, this location may be
257 geometrically infeasible for delivery vehicles, and may obstruct emergency vehicle
258 access to the rear of the commercial building. The applicant should demonstrate that
259 the proposed design is feasible.

260

261 **ZR Section 5.6(F), Landscaping and Screening**

262 The DRB may require planting and other landscaping in order to achieve the objectives of
263 these Regulations and the Town Plan. The DRB shall consider and may impose
264 requirements with regard to the adequacy of landscaping, screening and setbacks to achieve
265 maximum compatibility and protection of adjacent properties, including size, variety,
266 number and location of trees, front yard green space, other buffer yards, and screening
267 outside of storage areas or other unsightly areas from public streets and/or adjoining
268 properties.

269 (1) Landscaping shall be designed to achieve the various landscape objectives set forth
270 in the accompanying table (ZR Table 5.1). This table indicates which of these
271 objectives are applicable to specific zoning districts. In the table, the columns refer
272 to listed objectives (A) through (G) and the rows refer to groups of zoning districts.

273 **Staff comments:** The applicant is not proposing landscaping. ZR Table 5.1
274 indicates that residential and business zoning districts require street trees,
275 landscaping proximate to parking areas, and, for residential districts, lawn
276 and building landscaping. A summary of pertinent regulations are listed
277 below:

278 (A) **Street Trees.** The purpose of street trees is to create a unifying
279 visual element defining the edge of the public space (i.e., the
280 roadway) and to create a canopy over the roadway. One street tree
281 shall be provided for each fifty feet (50') of frontage along a public
282 or private road, provided that no fewer than two (2) street trees shall
283 be provided for each lot.

284 (B) **Parking Areas.** Landscaping shall be used to screen parking areas
285 from view from roadways, to break up large expanses of parking
286 and to provide shade on parking areas.

287 (C) **Lawn and Building Enhancements.** Landscaping shall be
288 designed to enhance entries and walkways, to enhance the visual
289 qualities of buildings (including screening of mechanical
290 equipment), or to provide streetscape amenities such as attractive
291 planted areas, additional shade trees, etc. Such landscaping shall
292 consist of shade trees, ornamental trees, shrubs and/or other plants
293 located in front or side yards.

294 **Staff comments:** Section 5.6(F) states that the “DRB may
295 require plantings and other landscaping...” (see above for
296 full text) The DRB should determine if the applicant needs
297 to include additional landscaping to be in accordance with
298 the above standards.

299

300 **ZR Section 5.6(G), Lighting**

301 The Zoning Regulations call for an exterior lighting plan that provides “site lighting and
302 lighting levels that are appropriate for the anticipated activities on the site and the
303 property’s surrounding context, and that maximize the efficiency of site lighting and energy
304 demand, while minimizing up-light glare, and unnecessary spillover light or light diffusion
305 onto adjacent properties.”

306 **Staff comments:** The applicant is not proposing to provide the required lighting. The
307 DRB should determine if that is appropriate and adequately supports pedestrian safety.
308 Staff recommends that the lighting levels on the site be brought up to meet current
309 regulations.

310 **ZR Section 5.6(H), Utilities and Services**

311 See comments from Public Works in Finding 10 below.

312

313 **ZR Section 5.6(I), Fire Protection**

314 See comments from the Fire Department in Finding 10 below.

315

316 **10. Comments from Public Works Department, Police Department, Fire**
317 **Department, Parks & Recreation Department, and the Conservation and**
318 **Trails Committee:**

319

320 **Public Works Department:**

321 In a memo dated 8/27/25, Public Works stated:

322 *The site plans and other documentation for the proposed duplex and 990 SF addition to the River*
323 *Road Beverage & Redemption building have been reviewed by the Public Works office and*
324 *comments have been provided below. Public Works recommends that all comments below be*
325 *addressed by the applicant in subsequent submissions and reserves the right to provide future*
326 *comment on all future submissions.*

327 **Traffic:**

328 1. *The applicant shall submit a copy of the Highway Access Permit and any other approvals*
329 *from VTrans District 5 regarding the curb cut and sight distance.*

330

331 2. *Per Section 220 of the Town of Essex Standard Specification for Construction, a traffic*
332 *study will be required due to the commercial building expansion.*

333

334 3. *The Driveway (Type A) detail on Sheet 2 identifies 12” thick gravel. However, per detail*
335 *100.10 (Driveway Type A) in the Town of Essex Standard Specifications for Construction,*
336 *the gravel should be 24” thick. Also, this detail should include 2” thick type III bituminous*
337 *concrete pavement.*

338

339 4. *A leader on Sheet 3 identifies a “proposed 14’ wide shared driveway”. The driveway is*
340 *identified as 20’ on Sheet 1. Additionally, note 2 of the Driveway (Type A) detail on Sheet 2*
341 *states the minimum and maximum width of the drive, this does not match the width of the*
342 *driveway on Sheet 1.*

343

344 5. *The “existing gravel area” on the southeast side of the parcel, proposed to be utilized as a*
345 *part of the drive access to the new duplex, should be paved based on the required driveway*
346 *standards.*

347 **Water/Sewer:**

- 348 1. *All connections to the Town of Essex water system must adhere to Section 514, Potable*
349 *Water Specifications, of the Town of Essex Standard Specifications for Construction. A*
350 *representative of the Town of Essex Public Works Department shall witness all connections*
351 *to the Town’s water system.*
- 352
- 353 2. *Sheet 1 identifies the “approx. location of existing 10” D.I. water service”. This is a water*
354 *main line, not a service line.*
- 355
- 356 3. *The Typical Water Trench detail on Sheet 2 should match detail 400.01 (Water Trench) in*
357 *the Town of Essex Standard Specifications for Construction.*
- 358
- 359 4. *A leader on the Water Service Connection detail on Sheet 2 described PVC water mains,*
360 *however the water main is identified as D.I. on Sheet 1. See detail 400.05 (Water Service*
361 *Connection) in the Town of Essex Standard Specification for Construction for information*
362 *to be included regarding D.I. water mains.*
- 363
- 364 5. *According to Section 10.12.140 of the Town’s Water Ordinance, a separate and*
365 *independent corporation stop and curb stop with valve box shall be provided for every*
366 *building with a non-shared building entrance and single vertical living units. The duplex*
367 *shall have two separate and independent corporation stops and curb stops with valve*
368 *boxes. A single water service is not acceptable. New curb stops shall be located at the edge*
369 *of the 20-foot permanent waterline easement.*
- 370
- 371 6. *All connections to the Town of Essex sewer system must adhere to Section 512, Sanitary*
372 *Sewer Specifications, of the Town of Essex Standard Specifications for Construction. A*
373 *representative of the Town of Essex Public Works Department shall witness all connections*
374 *and work performed on existing sewer infrastructure.*
- 375
- 376 7. *On Sheet 1, Public Works recommends installing sewer manholes rather than the proposed*
377 *clean out located northeast of the store and the proposed clean out located north of the*
378 *previously described clean out. A sewer manhole detail shall be included in the plans, see*
379 *detail 300.01 and 300.02 (Sanitary Sewer Manhole and Sanitary Sewer Manhole Invert)*
380 *in the Town of Essex Standard Specifications for Construction.*
- 381
- 382 8. *The Typical Sewer Trench detail provided on Sheet 2 does not include information*
383 *regarding the width of the trench. See detail 300.04 (Sanitary Sewer Trench (Gravity)) in*
384 *the Town of Essex Standard Specifications for Construction.*
- 385
- 386 9. *For the purpose of purchasing water and sewer allocation, Public Works used Table*
387 *10.12.380 of the Town’s Water Use Ordinance to calculate the total demand for the project*
388 *as proposed. Public Works calculated the water and sewage usage for the proposed duplex*

389 *to be 140 GPD per unit or 280 GPD for the proposed duplex. Additionally, Public Works*
390 *calculated the water and sewage usage for the proposed 990 SF building addition to be*
391 *4GPD per 100 SF or 40 GPD.*

392
393 *The applicant currently has 500 GPD of purchased sewer allocation for the existing gas*
394 *station and convenience store. With the addition of the duplex and building addition, the*
395 *applicant will be required to apply for an additional 320 GPD to meet the required*
396 *allocation above. The application will require Selectboard approval. Once approved, the*
397 *applicant will purchase the allocation in the amount calculated below.*

398
399 *10. If the applicant receives an additional sewer allocation from the Selectboard, the water*
400 *and sewer connection fees have been estimated below using the current fees.*

401 *Water: (320 GPD x \$5.90/gal) + \$1,000 = \$2,888.00*
402 *Sewer: (320 GPD x \$10.60/gal) + \$1,000 = \$4,392.00*
403 ***Total: \$7,280.00***

404
405 *If the water and sewer fee schedule changes, then the fee charged shall be the fee in effect*
406 *at the time of the submittal for the building permit.*

407
408 **Stormwater:**

- 409
410 *1. It does not appear that stormwater management has been considered for this project. A*
411 *copy of the applicants' State Stormwater Permit and General Construction Permit shall*
412 *be submitted to Public Works prior to commencement of construction.*
413
414 *2. EPA issued the Lake Champlain Phosphorus Implementation Plan, which calls for higher*
415 *levels of phosphorus removal for all stormwater discharges to the Lake or in tributaries.*
416 *Because of this Plan, the applicant will need to provide the pounds of phosphorus to be*
417 *removed by the proposed system to Public Works.*
418
419 *3. On Sheet 3, the leader for the construction fence references a detail, however no detail for*
420 *construction fencing is provided. The applicant's engineer should add a construction fence*
421 *detail to the Erosion Prevention & Sediment Control Plan.*

422
423 **Police Department:**

424 *In an email dated 7/22/25, the Police Department stated:*
425 *The third time this has come by us and it appears the entrance has returned to the westerly location*
426 *that we did not want. Am I wrong in this? From what I can find, they had originally planned the*
427 *entrance where it is now, then moved the entrance to the East, and we were good. Now its back*
428 *to the West.... Not supporting that.*

429

430 **Fire Department:**

431 In an email dated 7/23/25, the Fire Department stated:

432 *I echo Chief Hoague's comments that we've already answered this project with a NO. They do*
433 *not have sufficient fire lane access around the existing commercial property, they're now asking*
434 *to add another 1,000 SqFt of building to further impede the situation, and they have zero ability*
435 *to manage parking during the normal business hours to maintain any sort of emergency*
436 *access. They've even asked us to excuse the fire lane requirement when gas tankers are*
437 *unloading. NO! NFPA requirements don't allow us to do that.*

438 *(note: if approved, Fire impact fees will be applied)*

439

440 **Parks & Recreation Department:**

441 In an email dated 7/23/25, the Parks & Recreation Department stated:

442 *Recreation impact fees shall be applied to new residential units.*

443

444 **Conservation and Trails Committee:**

445 In a memo dated 8/12/25, the CTC stated:

446 *We, the Town of Essex Conservation and Trails Committee, have the following recommendations*
447 *for the potential development at 45 River Road:*

448 *1. Don't recommend building on slopes greater than 20%*

449 *Thank you for your consideration*

450 *Town of Essex Conservation and Trails Committee*

451 *Unanimously approved.*

452

453 **11. Additional Findings by the Development Review Board**

454 •

455

456 **12. Recommendations:**

457 Staff recommends that the DRB continues this application so that the issues identified in this report
458 (summarized below) can be addressed by the applicant.

459 1. The applicant should provide the proposed heights of the duplex and commercial addition
460 to demonstrate compliance with ZR Tables 2.5 and 2.9 (see lines 122-123 and 139-140).

461 2. The design conflicts with ZR 3.1(G)(5) which states that not more than two dwellings can
462 be served by a single driveway. The DRB should determine if the design is acceptable and,
463 if so, whether a waiver is required (see lines 142-153).

- 464 3. The design proposes to impact steep slopes, including slopes over 20% grade. The
465 applicant has provided a waiver request. The DRB should determine whether this request
466 should be granted (see lines 193-217).
- 467 4. The site must demonstrate compliance with ADA requirements (see lines 243-244 and 249-
468 251).
- 469 5. The circulation route for delivery vehicles and emergency vehicles may be infeasible; the
470 applicant should demonstrate that the routes are adequate (see lines 256-258).
- 471 6. The DRB should determine if the landscaping requirements (ZR 5.6(F)) have been
472 adequately met (see lines 261-298).
- 473 7. The applicant is not proposing to provide the required lighting. The DRB should determine
474 if that is appropriate (see lines 300-309).
- 475 8. Staff recommend that the DRB requires the applicant to address the comments submitted
476 by Public Works in Finding 10 above (see lines 322-421).
- 477 9. The Police Department and Fire Department have expressed concerns; the DRB should
478 determine how the applicant should address those concerns (see lines 423-438).

479

480

481 Staff Report prepared by Kent Johnson, Town Planner

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