



49  
50 In January 2016, the Selectboard approved additional wastewater capacity for the site, bringing  
51 the total allocation to 1,200 gallons per day.

52  
53 The applicant received Preliminary Plan approval from the Planning Commission in April 2016.  
54  
55

#### 56 **IV. Article II, Section 2.9 of the *Subdivision Regulations*: Final Subdivision** 57 **Approval**

58  
59 The applicant has applied for Final Subdivision approval pursuant to the *Town of Essex Outside*  
60 *the Village of Essex Junction Official Subdivision Regulations* (Articles II, III, IV). Section 2.9 of  
61 the *Town of Essex Outside the Village of Essex Junction Official Subdivision Regulations*  
62 requires final subdivision approval for all major and minor subdivisions. The proposed  
63 subdivision is a major subdivision. Per Section 2.9(A),

64  
65 *The purpose of Final Subdivision Review shall be to compare the plat for consistency*  
66 *with the approved Preliminary Plan or approved Sketch Plan, to ensure that all*  
67 *engineering, survey and other data are complete, and to ensure that the proposed*  
68 *subdivision is in compliance with all appropriate regulations and standards. Review by*  
69 *the Planning Commission shall include a public hearing in accordance with the*  
70 *provisions of Article V of these Regulations.*

#### 71 72 **(A) Plans:**

73  
74 The Applicant has submitted the following plan:

- 75
- 76 • Dwg. 1 of 4, “Proposed Residential Subdivision, 10 Old Stage Road, Hayward Design
- 77 Build, Essex, Vermont,” prepared by JH Stuart Associates, dated 9/28/15, last revised
- 78 5/23/16.
- 79 • Dwg. 2 of 4, “Water and Sewer Services Plan/Profile, Hayward Design Build, Essex,
- 80 Vermont,” prepared by JH Stuart Associates, dated 1/22/16, last revised 5/23/16.
- 81 • Dwg. 3 of 4, “Sewer Details, Hayward Design Build, Essex, Vermont,” prepared by JH
- 82 Stuart Associates, dated 1/22/16, last revised 7/12/16.
- 83 • Dwg. 4 of 4, “Water System and Stormwater Details, Hayward Design Build, Essex,
- 84 Vermont,” prepared by JH Stuart Associates, dated 1/22/16, last revised 5/23/16.
- 85 • Sheet 1 of 1, Dwg. #S-909, “Subdivision of Lands of Hayward 10 Old Stage Road, LLC,
- 86 10 Old Stage Road, Essex, Vermont,” prepared by Richard W. Bell Land Surveying,
- 87 Inc., dated Sept. 2015.
- 88

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

90  
91 The Planning Commission must evaluate any proposed subdivision based on the standards  
92 of Article IV of the *Subdivision Regulations*. Standards include conformance to the *Town*

93 *Plan and Town of Essex Outside the Village of Essex Junction Official Zoning Regulations.*  
 94 Other applicable standards relate to public safety, natural features, streets, sidewalks, open  
 95 space, availability of water and sewer, and stormwater management.

97 **1. Section 4.1, Standards Applicable to All Subdivisions**

- 98  
 99 a) **Conformance with the *Town Plan*.** Section 4.1(P) of the *Subdivision Regulations*  
 100 requires all subdivisions to conform to the *Town Plan*. The project complies with  
 101 the following goals and objectives of the 2016 *Town Plan*:

102  
 103 *Goal 4b: A diversity of housing types, including microhousing and choices*  
 104 *between rental and ownership, is provided.*

105  
 106 *Goal 4c: Housing is located in areas convenient to employment, shopping,*  
 107 *schools, and public transportation.*

- 108  
 109 b) **Conformance to the *Zoning Regulations*, Table 2.13, Mixed Use Development-**  
 110 **Planned Unit Development District (MXD-PUD), and Table 2.5, Medium**  
 111 **Density Residential District (R2).** Section 4.1(G) of the *Subdivision Regulations*  
 112 requires all subdivisions to conform to the *Zoning Regulations*. Table 2.13(A) of the  
 113 *Zoning Regulations* describes the purpose of the MXD-PUD district:

114  
 115 *This district has a combination of residential, commercial and mixed use*  
 116 *development on a large tract of land where a comprehensive planning effort*  
 117 *has been undertaken. Because of its proximity to major roadways and the*  
 118 *availability of municipal water and sewer, this district is uniquely qualified to*  
 119 *provide a combination of residential, commercial and industrial development*  
 120 *as approved by the Planning Commission or as specified in the Essex Town*  
 121 *Plan.*

122  
 123 Residential development in the MXD-PUD district must conform to the use and  
 124 dimensional requirements of R2 districts.

- 125  
 126 i) **Permitted Uses.** Single-family dwellings are permitted in R2 districts and the  
 127 MXD-PUD district.

- 128  
 129 ii) **District Dimensional Requirements.**

130

Dimensional Requirement	R2	Proposed
Minimum Lot Area	20,000 sf	20,017 sf
Minimum Lot Area per Dwelling Unit	20,000 sf	20,017 sf
Minimum Lot Frontage	100 ft.	106 ft.
Minimum Front Setback (from ROW)	40 ft.	0 ft.
Minimum Side Setback	15 ft.	15 ft.
Minimum Rear Setback	20 ft.	35 ft.

Maximum Height	40 ft.	< 40 ft.
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Although the existing house and some of its associated structures do not meet the front and side setback requirements, the proposed subdivision would not increase the extent of the nonconformities. The new lots would have building envelopes that adhere to setback requirements.

iii) **Table 2.16, Business Design Control Overlay District (B-DC).** The property is located in the Business Design Control Overlay district, but B-DC criteria do not apply to single-family dwellings.

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

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

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

The Significant Features Map, Map 19 in the 2016 *Town Plan*, shows that Lost Nation Road has Crossing Value. The Significant Features Map does not show any other important natural features in the vicinity of the property.

The Vermont Agency of Natural Resources' Natural Resource Atlas shows Statewide prime agricultural soil on the eastern half of the property.

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

Apart from the existing home and buildings on what would become Lot 1, the parcel is primarily a meadow. Some trees and brush line the perimeter. The land slopes gradually downhill to the south and west, and contains a Class III wetland on the westernmost portion of the property.

ii. **Erosion and Stormwater Control.** Section 4.3(A)(2) of the *Subdivision Regulations* requires erosion and stormwater control plans when subdivision improvements occur on slopes or areas with fragile soil conditions.

The applicant plans to install stormwater infiltration trenches on Lots 2, 3, 4 and 6. Section IV(B)9 of this Staff Report provides more details about stormwater management and erosion control.

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

**iv. Wetlands.** The westernmost portion of the property, Lot 6, contains a Class III wetland. The wetland is neither shown in *Town Plan* maps nor included in the Vermont Significant Wetland Inventory.

The building envelope on Lot 6 does not encroach on the wetland, but does not provide any buffer, either. Class III wetlands do not require buffers under state or local regulations. In the project narrative submitted on June 17, 2016, the applicant’s engineer wrote,

*The wetland area ... will be protected during construction by the installation of a silt fence adjacent to the construction area.*

The Conservation Committee, at its meeting on July 12, 2016, raised the idea of installing a split rail fence at the edge of the building envelope to better indicate the wetland boundary once the home is occupied.

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

R2 districts have a minimum lot size of 20,000 square feet. Lots 1 through 5 would range in size from 20,017 square feet to 21,067 square feet. Lot 6 would be 34,958 square feet.

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

Lots 3, 4, 5 and 6 have existing, mature trees – including apple, birch, cherry, elm, and maple – along Lost Nation Road. The Final Plan shows two Trident Maple trees being added on Lot 2. Six arborvitae trees would also be planted at the rear of Lot 2 to provide screening.

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

The proposed subdivision does not contain any blocks.

220 Lots need to meet minimum dimensional requirements of the *Zoning Regulations* and be  
221 of sufficient size to provide an adequate building site. Lots must have satisfactory access  
222 to a public street, and need to be laid out so as to provide positive drainage away from  
223 all buildings.

224  
225 The lots meet the minimum requirements of the *Zoning Regulations*. All lots would have  
226 driveways off Lost Nation Road, and Lot 1 would also have access to Old Stage Road.  
227 Lots 5 and 6 would share a curb cut.

228  
229 Neither the Police Chief nor the Fire Chief had any concerns about access to the lots. In  
230 an email dated June 20, 2016, the Fire Chief wrote,

231  
232 *Please remember to make a condition that the physical street address should be*  
233 *clearly marked out at the road edge and visible from both directions.*

234  
235 **4. Section 4.5, Streets**

236  
237 The applicant is not proposing any new streets as part of the subdivision.

238  
239 Public Works commented on roads and traffic in a memorandum dated June 30, 2016,  
240 writing,

241  
242 *As stated in the previous review memo from Public Works, this subdivision lies*  
243 *adjacent to the small paved area on Lost Nation Road near Old Stage Road. The*  
244 *5 new residences account for 50 trip ends per the ITE Trip Generation manual.*  
245 *Existing ADT traffic on the road is 390 at last count. Due to the nearby location*  
246 *of pavement and the approximate 11% traffic impact, it is our opinion that the*  
247 *traffic impact should be based not on adding gravel but on future pavement of*  
248 *this road between the end of the paved area and the furthest driveway – a*  
249 *distance of 420 feet. At a design width of 24 feet, a length of 420 feet and costs*  
250 *developed by Public Works for paving gravel roads (updated since 2007 using*  
251 *ENR) of \$1,508,274/mile, the traffic impact fee should be .11 x.075miles x*  
252 *\$1,508,274 or \$12,443. It should be noted that this cost per mile includes*  
253 *rebuilding the road as a paved road including drainage, removal of gravel*  
254 *surface, placement and compaction of new road gravel suitable for pavement*  
255 *and a 3.5 inch asphalt surface overlay.*

256  
257 *The \$12,443 impact fee will go into a dedicated account and used for paving on*  
258 *this road. This fee could be collected in five payments as each of the five new*  
259 *units obtains a building permit. The Town's cost to match this paving would be*  
260 *\$89,603 – not an insignificant amount.*

261  
262 **5. Section 4.6, Sidewalks – Planning and Construction Standards**

263  
264 The *Subdivision Regulations* require the installation of sidewalks along the adjacent side

265 of an existing street when a subdivision is located in a medium density residential zone.

266

267 The applicant plans to provide a 15-foot-wide non-motorized, multi-use easement along  
268 Lots 2 through 6; Town Plan Map 8, *Proposed Bicycle Network*, shows a Community  
269 Connector Bike Path along Lost Nation Road. The proposed easement does not run  
270 across Lot 1, where existing, nonconforming structures sit on or in close proximity to the  
271 property line. The applicant does not plan to install any sidewalks in the easement.

272

273 At Sketch Review, the Parks and Recreation director had requested a roughed-in path  
274 along the easement. The Planning Commission discussed the path at Preliminary Plan  
275 review, but did not decide whether to require the path.

276

277 The applicant would add a crosswalk over Old Stage Road and a small section of new  
278 sidewalk to connect to an existing sidewalk on the eastern side of Old Stage Road. The  
279 applicant would also install three pedestrian crossing signs near the crosswalk.

280

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

282

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

287

288 As noted above in Section IV(B)5 of this Staff Report, the applicant has proposed a non-  
289 motorized, multi-use access easement along Lots 2 through 6 to correspond with the  
290 Town Plan's *Proposed Bicycle Network*.

291

292 If the subdivision receives Final Plan approval, the homes will be subject to recreation  
293 impact fees.

294

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

296

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

301

302 In addition to the proposed multi-use access easement, the applicant has proposed  
303 easements for sewer lines, gas service, underground electric and telephone lines, and  
304 stormwater management systems.

305

306 Lots 2 and 3 would share a 30-foot-wide sewer easement. A 30-foot-wide utilities  
307 and stormwater easement would run along the rear of Lots 2 through 6. Lot 6 would  
308 contain a 10-foot-wide stormwater easement to the Town. Lot 6 would also have a  
309 20-foot-wide access easement over Lot 5 for a shared driveway.

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b) **Utility Improvements.** Public utility improvements shall be installed in accordance with Public Works Specifications, and shall be installed underground unless doing so is infeasible, as determined by the Town Engineer.

In a project narrative dated February 17, 2016 and submitted with the Preliminary application, the applicant’s engineer confirmed that all new utilities would be installed underground.

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

The property lies in the Town’s sewer core area, and the applicant plans to connect to municipal water and sewer systems. The Selectboard has allocated the requisite wastewater capacity to the property, and the site has adequate water and sewer allocation for six single-family homes.

In the project narrative submitted June 17, 2016, the applicant’s engineer wrote,

*A gravity sewer would be constructed to serve all lots with the line running along the south side of the lots and terminating in a new pump station. A small diameter force main would be installed adjacent to the gravity line; then run along Old Stage Road (within the ROW); and east on Craftsbury Court to a municipal manhole. Water supply will be provided to the lots through individual services connected to an extension of the Lost Nation Road 8” water main. All sewer improvements will be privately owned, operated and maintained.*

Public Works commented on water and sewer in a memorandum dated June 30, 2016:

*The Town of Essex has raised the water and sewer connection fees. As of April 25, 2016, the Town’s water and sewer fees are calculated as follows. A fixed flat amount per water or sewer connection, and an assigned allocation based on a per GPD fee. The applicant will require water and sewer applications to connect for each building lot. The calculation below is based on one individual single family home.*

$$\begin{aligned} \text{Water: } & (200\text{gpd} \times \$5.73/\text{gal}) + \$1000 = \$2,146.00 \\ \text{Sewer: } & (200\text{gpd} \times \$10.30/\text{gal}) + \$1000 = \underline{\$3,060.00} \\ \text{Total} & = \underline{\$5,206.00} \text{ per single family} \\ & \text{home} \end{aligned}$$

*A representative of the Town of Essex Public Works Department shall witness all connections and work performed on existing water and sewer infrastructure.*

*Recent hydrant flow testing confirms that there is low static water pressure in this area of the Town’s distribution system. Public Works recommends that fire*

355 *demand calculations be submitted before final approval of the project. It appears*  
356 *that the fire demand will be satisfied but approval will not be given without the*  
357 *fire flow documentation.*

358  
359 *The applicant's engineer has provided peak domestic water demand*  
360 *calculations. The applicants engineer has used data supplied by Public Works*  
361 *for reference only. The flow data provided to the applicants engineer is for*  
362 *internal use only and was provided as courtesy to give an idea of pressure and*  
363 *flow in the area around Old Stage Road and Lost Nation Road. In no way does*  
364 *the Town of Essex certify this data is accurate. The Town of Essex recommends*  
365 *that the consultant perform their own hydrant flow testing to verify the flow data*  
366 *provided. This can be scheduled with the Public Works department. To further*  
367 *reiterate, the Town of Essex will not size the meter based on line pressure in the*  
368 *building or size of incoming service line. All single family residential homes*  
369 *shall receive a 5/8" water meter.*

370  
371 *Again, all proposed sewer services and associated infrastructure proposed for*  
372 *this project shall be private. All sewer infrastructure shall be installed in*  
373 *accordance with the Town Specifications for Construction and Chapter 10.16,*  
374 *Town Sewer Use Ordinance.*

375  
376 *To ensure the private sewer system will be maintained properly after*  
377 *construction and stay in conformance with 10.16.090 of the Town of Essex Sewer*  
378 *Use Ordinance, Public Works will require a written operation and maintenance*  
379 *plan for system, and review of the association documents describing ownership*  
380 *and maintenance responsibilities of the sewer system.*

381  
382 In the same memo, Public Works reiterated,

383  
384 *The applicant must submit an operation and maintenance plan and association*  
385 *language addressing the future maintenance and ownership of the private sewer*  
386 *system. Public Works requires this documentation in order to ensure the*  
387 *infrastructure constructed will be maintained and will not violate the Town*  
388 *Sewer Use Ordinance.*

389  
390 The applicant submitted an operations and maintenance plan for the private sewer  
391 system on July 21, 2016.

392  
393 **9. Section 4.10, Stormwater Management and Erosion Control**

394  
395 The *Subdivision Regulations* require all proposed subdivisions to include a stormwater  
396 management and erosion control plan that adheres to the Town's Stormwater  
397 Management Ordinance. The plan must address stormwater management and erosion  
398 control during and after construction.

399

400 In the project narrative submitted on June 17, 2016, the applicant's engineer wrote,

401  
402 *Stormwater will be directed to grassed areas next to houses and driveways for*  
403 *absorption and overland flow with any residual runoff directed to a infiltration*  
404 *trench keyed into the native soils. The parcel topography does not allow the use of*  
405 *a central detention basin due to the lack of sufficient elevation differential*  
406 *between the west side of the property to the available receiving stream located at*  
407 *the northwest corner. The impervious area for new construction is 0.375 acres*  
408 *which is below the Town and State regulatory threshold (0.5 and 1.0 acres,*  
409 *respectively); therefore, the planned construction does not require a stormwater*  
410 *discharge permit. However, the all stormwater improvements have been designed*  
411 *in accordance with The Vermont Stormwater Management Manual. The wetland*  
412 *area has been preserved by the Lot 6 building envelope and will be protected*  
413 *during construction by the installation of a silt fence adjacent to the construction*  
414 *area.*

415  
416 Public Works commented on stormwater in a memorandum dated June 30, 2016:

417  
418 *In the Preliminary review memo dated March 25, 2016, Public Works required a*  
419 *storm drainage ditch along the frontage of Lots 5 and 6. A note to the drawings*  
420 *must be added requiring the ditch to be stone lined. An additional standard detail*  
421 *must be provided for review and approval by Public Works.*

422  
423 The plan and plat show a 10-foot-wide stormwater easement to the Town, as requested  
424 by Public Works.

425  
426 **10. Section 4.11, Monuments and Lot Markers**

427  
428 If the project obtains Final Plan approval, the applicant shall install concrete monuments  
429 and lot markers to the standards specified in Section 4.11 of the *Subdivision*  
430 *Regulations.*

431  
432  
433 **V. Article III of the *Subdivision Regulations*: Residential Phasing**

434  
435 The goal of Residential Development Phasing is to maintain an annual population growth  
436 between 184 and 226, a rate set forth in the 2016 *Town Plan*. The Town aims for an annual  
437 population increase of 205, the midpoint of the targeted range. Population figures are estimated  
438 based on a conversion of dwelling units to EPEs. Each bedroom in a dwelling unit translates to  
439 one person, so that 1 bedroom equals 1 person, 2 bedrooms equals 2 persons, 3 bedrooms equals  
440 3 persons, and so forth. Section 3.2(D) of the *Subdivision Regulations* directs the Planning  
441 Commission to consider the number and type of dwelling units proposed in a development, as  
442 well as the number of bedrooms in the units.

443

444 Any single project is allowed to add 20 dwelling units per calendar year if the development is  
445 within the sewer core, and five units if the development is outside the sewer core. EPEs outside  
446 the sewer core cannot exceed 41, or 20 percent of the targeted total of 205, in any calendar year.  
447 The Planning Commission can allow exceptions to achieve *Town Plan* objectives related to  
448 affordable housing, or if the project contains three or fewer dwelling units. The Planning  
449 Commission must act on a preliminary phasing request when a proposed development obtains  
450 sketch plan approval. Final allotment is granted if the development secures Final Plan approval.  
451

452 The proposed development lies inside the sewer core. The applicant has received a preliminary  
453 phasing allocation for five homes and 15 EPEs in 2016. Finalizing the phasing allocation would  
454 bring the total number of EPEs with preliminary and final approval in 2016 to 142.  
455

456 A summary of the running phasing tabulation is attached.  
457  
458

## 459 **VI. Planning Commission comments**

460  
461 While reviewing the project on December 10, 2015, the Planning Commission raised concerns  
462 over traffic, stormwater runoff, screening to adjacent properties, road safety and the elevation on  
463 Lost Nation Road. There was also general concern over lot 6 and the wetlands and the lot's  
464 proximity to the challenging curve area on Lost Nation Road. The Planning Commission  
465 requested these concerns be addressed with the preliminary plan application.  
466

467 While reviewing the Preliminary Plan on April 28, 2016, the Planning Commission determined  
468 that more discussion was needed on the pedestrian easement.  
469

470 While reviewing the Final Plan on July 28, 2016, the Planning Commission ...  
471  
472

## 473 **VII. Proposed Conditions**

- 474  
475 1. All construction shall be in conformance with the plans listed in Finding No. IV(A) above  
476 and as may be amended subject to other conditions and approvals.  
477
- 478 2. The applicant shall be approved for a final phasing allocation of five homes and 15 EPEs in  
479 2016.  
480
- 481 3. Prior to the issuance of zoning permits, the applicant shall pay a traffic fee of \$12,443, or an  
482 amount calculated by Public Works at the time of submission. The fee can be paid in five  
483 installments as each of the five new units obtains a zoning permit, unless the applicant  
484 prefers to pay the entire fee with the submittal of the first zoning permit.  
485
- 486 4. Prior to the issuance of a zoning permit, the applicant shall pay recreation impact fees in  
487 place at the time of submittal.

**Final Plan  
10 Old Stage Road  
July 28, 2016**

- 488  
489 5. Prior to the issuance of zoning permits, the applicant shall pay water and sewer fees totaling  
490 \$5,206 per home, or the fees in place at the time of submittal.  
491  
492 6. Building envelopes shall remain outside of wetlands, and no construction or clearing shall  
493 occur outside of the building envelopes except as needed for driveways. Building envelopes  
494 shall be staked out prior to construction, and silt fencing shall be installed between the  
495 wetland and construction area on Lot 6.  
496  
497 7. Landscaping shall be completed and maintained in accordance with the approved plans.  
498 Existing street trees that suffer life-threatening construction damage shall be replaced. Street  
499 trees shall be guaranteed for five years. All other landscaping shall be guaranteed for the life  
500 of the project. Any dead or diseased plantings shall be replaced as soon as seasonally  
501 possible.  
502  
503 8. Prior to the issuance of a zoning permit, Public Works shall confirm that plan sheets have  
504 been satisfactorily updated based on the Public Works memo dated June 30, 2016.  
505  
506 9. Prior to the issuance of a zoning permit, the applicant or the applicant's consultant shall  
507 perform hydrant flow testing to verify the flow data. The testing shall be scheduled with  
508 Public Works.  
509  
510 10. Prior to the issuance of a zoning permit for each home, the applicant shall complete and  
511 submit a curb cut application for inspection and a final approval by the Public Works  
512 Department.  
513  
514 11. All utilities shall be installed underground.  
515  
516 12. Prior to the issuance of a zoning permit, the applicant shall submit an operation and  
517 maintenance plan and association language addressing the future maintenance and ownership  
518 of the private sewer system.  
519  
520 13. Prior to the issuance of a zoning permit, the applicant shall submit any and all covenants,  
521 deeds, and legal documents resulting from this approval for review by the Town Attorney.  
522 The applicant shall pay any legal fees associated with the review.  
523  
524 14. Prior to the issuance of a zoning permit, the applicant shall install concrete monuments and  
525 lot markers to the standards specified in Section 4.11 of the *Subdivision Regulations*.  
526  
527 15. Prior to the issuance of a certificate of occupancy, the applicant shall create a dirt path within  
528 the 15-foot-wide multi-use access easement.  
529  
530 16. Prior to the issuance of a certificate of occupancy, the applicant shall have a representative  
531 from the Town of Essex Public Works Department witness all connections and work  
532 performed on existing water and sewer infrastructure.

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17. Prior to the issuance of a certificate of occupancy for each home, the physical street address of each home shall be clearly marked in reflective numbering at the road edge and on each house and visible to traffic coming from both directions on Lost Nation Road.
18. Prior to the issuance of a zoning permit, the applicant shall obtain any and all applicable State approvals and permits. Copies of the approvals and permits shall be provided to the Town.
19. A mylar shall be recorded in the Land Records no more than 180 days from the date of the written approval, otherwise the subdivision is void. The mylar and three paper copies shall be submitted to the Community Development Department at least one week prior to the 180-day expiration.
20. By acceptance of the conditions of this approval without appeal, the applicant confirms and agrees for himself and all assigns and successors in interest that the conditions of this approval shall run with the land and the land uses herein permitted, and would be binding upon and enforceable against the applicant and all assigns and successors in interest.

**VIII. Attachments**

- Narrative, “10 Old Stage Road,” submitted by John H. Stuart, P.E. on 6/17/16.
- Email, “Re: 10 Old Stage Final Subdivision,” from Charlie Cole, Essex Fire Chief, dated 6/20/16.
- Email, “RE: 10 Old Stage Final Subdivision,” from Chief Bradley J. LaRose, Essex Police Department, dated 6/21/16.
- Memorandum, “10 Old Stage Road, Final Plan Review,” from Dennis Lutz, P.E., Public Works Director, and; Aaron K. Martin, P.E., Utilities Director / Town Engineer, dated 6/30/16.
- Letter, “Hayward Design Build (10 Old Stage Road),” from John H. Stuart, P.E., dated 7/21/16.
- Spreadsheet, “Residential Phasing Report,” from Town of Essex Community Development, dated 7/22/16.

cc: John Stuart, JH Stuart Associates

**Final Plan  
10 Old Stage Road  
July 28, 2016**

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