

ESSEX PLANNING COMMISSION
April 28, 2016

STAFF REPORT

Prepared by Greg Duggan, Town Planner

PRELIMINARY PLAN
RESIDENTIAL DEVELOPMENT PHASING

I. Applicant

Hayward Design Build
302 Mountain Drive, Suite 300
Colchester, VT 05446

II. Proposal

The applicant is seeking Preliminary Subdivision approval for a six-lot residential subdivision of 3.15 acres at 10 Old Stage Road, Tax Map 10, Tax Parcel 4. The property is in a Medium Density Residential (R2) subzone of the Mixed Use Development-Planned Unit Development (MXD-PUD) zoning district.

The property has an existing home near the corner of Old Stage Road and Lost Nation Road. With the subdivision, the applicant wants to add five new single-family homes on the new lots, using frontage on Lost Nation Road to access the lots.

At Sketch Plan review, the applicant indicated plans to build energy efficient homes with well-insulated buildings and passive solar heating.

Neighboring properties contain residential uses. To the north, on the other side of Lost Nation Road, abutters are in a Low Density Residential (R1) zoning district. Properties to the east, on the other side of Old Stage Road, are in a Medium Density Residential (R2) zoning district. Properties to the south are also in the MXD-PUD district; one neighboring parcel is entirely in the R2 subzone, the other also contains land in a Retail Business (B1) subzone. To the west, the neighboring parcel lies partially in the R2 subzone, and partially in an Agricultural Residential (AR) zoning district.

The homes would be subject to the Town's Residential Phasing Policy.

III. Background

The existing house on the property, located at the corner of Old Stage and Lost Nation roads, was built in 1890. According to *Town Plan* Map Number 19, Historic Sites, the parcel contains an historic structure called the Parker House.

The applicant received Sketch Plan approval in December 2015 for a six-lot subdivision.

Preliminary Plan Review
10 Old Stage Road
April 28, 2016

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

IV. Article II, Section 2.8 of the *Subdivision Regulations*: Preliminary Subdivision Approval

The applicant has applied for Preliminary Subdivision approval pursuant to the *Town of Essex Outside the Village of Essex Junction Official Subdivision Regulations* (Articles II, III, IV). Section 2.8 of the *Zoning Regulations* requires Preliminary approval for all major subdivisions. With six lots and the extension of public water and sewer lines, the proposed subdivision qualifies as a major subdivision. The purpose of Preliminary Subdivision Approval, according to Section 2.8(A) of the *Subdivision Regulations*,

Shall be to compare the plan for consistency with the requirements of these Regulations, to determine that the plan addresses the issues raised at Sketch Plan Review, to ensure that all survey information, septic system and well data, required public improvements, and other data are complete, to ensure that the proposed subdivision is in compliance with all appropriate Regulations and standards, and to complete the major portion of engineering review of improvements and land alterations.

(A) Plans:

The Applicant has submitted the following plan:

- Dwg. 1 of 4, "Proposed Residential Subdivision, 10 Old Stage Road, Hayward Design Build, Essex, Vermont," prepared by JH Stuart Associates, dated 9/28/15, last revised 3/30/16.
- Dwg. 2 of 4, "Water and Sewer Services Plan/Profile, Hayward Design Build, Essex, Vermont," prepared by JH Stuart Associates, dated 1/22/16, last revised 2/18/16.
- Dwg. 3 of 4, "Sewer Details, Hayward Design Build, Essex, Vermont," prepared by JH Stuart Associates, dated 1/22/16.
- Dwg. 4 of 4, "Water System and Stormwater Details, Hayward Design Build, Essex, Vermont," prepared by JH Stuart Associates, dated 1/22/16, revised 4/11/16.
- Sheet 1 of 1, Dwg. #S-909, "Subdivision of Lands of Hayward 10 Old Stage Road, LLC, 10 Old Stage Road, Essex, Vermont," prepared by Richard W. Bell Land Surveying, Inc., dated Sept. 2015.

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

The Planning Commission must evaluate any proposed subdivision based on the standards of Article IV of the *Subdivision Regulations*. Standards include conformance to the *Town Plan* and *Town of Essex Outside the Village of Essex Junction Official Zoning Regulations*.

Other applicable standards relate to public safety, natural features, streets, sidewalks, open space, availability of water and sewer, and stormwater management.

1. Section 4.1, Standards Applicable to All Subdivisions

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

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

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

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

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

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

- i) **Permitted Uses.** Single-family dwellings are permitted in R2 districts and the MXD-PUD district.
- ii) **District Dimensional Requirements.**

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.

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. All new lots would adhere to setback requirements.

- iii) **Table 2.16, Business Design Control Overlay District (B-DC).** Although the property is located in the Business Design Control Overlay district, B-DC criteria do not apply to single-unit 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, with some existing trees and brush around the perimeter. The land slopes gradually to the 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 of four of the six lots. Section IV(B)9 of this Staff Report provides more details about stormwater management and erosion control.

- 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 Preliminary Plan shows a delineated Class III wetland on the westernmost portion of the property, on what would become Lot 6. The wetland is not shown in the *Town Plan* or included in the Vermont Significant Wetland Inventory.

The building envelope on Lot 6 would prevent development from occurring on the wetland, but the applicant is not providing any buffer around the wetland. Class III wetlands do not require buffers under state or local regulations. At Sketch Review the Planning Commission encouraged the applicant to consider eliminating Lot 6 and putting a duplex on Lot 5, partially to remove a driveway and improve traffic safety on Lost Nation Road, but also to keep the homes further away from the wetland.

The applicant kept Lot 6 and the single-family home in the Preliminary Plan, and submitted findings from a wetlands ecologist. An ecologist had provided comments about the wetland for Sketch Plan review, writing in an October 5, 2015 email,

This morning I met with (State of Vermont District Wetlands Ecologist) Tina Heath to review the wetland boundary and classification at 10 Old Stage Road. Tina agreed with the delineation and concurred the wetland is Class Three. That means there is no 50-foot buffer zone, and a state Vermont Wetland Permit is not required for a project at this site.

We looked to see if there was a connection to the wetland on the north side of Lost Nation Road, but agreed the wetland on the 10 Old Stage Road is not contiguous to the wetland on the other side of the road. ...

Keep in mind the Army Corps has jurisdiction over fill activities in the wetland.

Additional comments were submitted in a memorandum from a Consulting Ecologist, dated April 6, 2016:

The U.S. Army Corps of Engineers regulates the placement of or fill material into the “waters of the United States”, which includes wetlands The Project is designed to avoid wetland impacts and will not trigger Army Corps jurisdiction.

All construction activities will be confined to upland areas, and no work or equipment operation will be permitted within the wetland. Prior to construction, the contractor will be required to install silt fencing in the location shown on Sheet 1 The silt fence will define the limits of disturbance near the wetland during construction and prevent the movement of sediments into the wetland.

... The Project complies with the Vermont Wetland Rules. ... The small wetland on the property was determined to be a Class Three wetland ... which does not possess significant wetland functions and values.

- 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. Five of the six lots would range in size from 20,017 square feet to 21,067 square feet. Lot 6 would have 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 along Lost Nation Road. The variety of trees includes apple, birch, cherry, elm, and maple. As required with the Sketch Plan approval, the applicant has proposed two street trees on Lot 2, which has 113 feet of frontage. The Preliminary Plan labels the new street trees as maples, but does not specify the type of maple. If the Planning Commission approves the Preliminary Plan, staff recommends that the applicant be required to avoid Norway Maples, which are invasive to Vermont.

The applicant also plans to plant six arborvitae trees at the back of Lot 2 to provide some screening, as requested by the Planning Commission at Sketch Review.

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

The proposed subdivision does not contain any blocks.

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

The lots meet the minimum requirements of the *Zoning Regulations* and have access to a

**Preliminary Plan Review
10 Old Stage Road
April 28, 2016**

public street. Lot 1 would continue to have access to Lost Nation and Old Stage roads. Lots 2 through 6 would have driveways off Lost Nation Road, with Lot 5 and Lot 6 sharing a curb cut. The shared driveway is a change from Sketch Review, when the Planning Commission raised concerns that the location of an individual curb cut for Lot 6 would be too close to a curve on Lost Nation Road and pose safety problems with traffic.

The average depth to average width ratio of the lots does not exceed 5 to 1, the maximum ratio allowed by the *Subdivision Regulations*.

4. Section 4.5, Streets

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

The Police Chief did not have any concerns about the proposed subdivision.

Public Works has noted that the subdivision would require a road improvement fee. In a memorandum dated March 25, 2016, Public Works wrote,

As stated in the previous review memo from Public Works, a road improvement fee for additional gravel and other potential improvements to Lost Nation Road necessitated by the traffic increase due to the above referenced development will be required.

The gravel road impact fee for 715 feet of frontage is currently based on the following:

$$\begin{aligned} 715 \text{ ft} \times (0.25 \text{ ft}) \times (12 \text{ ft}) &= 2,145 \text{ CF} && \text{(half of road)} \\ (2,145 \text{ CF}) \times (1 \text{ CY} / 27 \text{ CF}) &= 79.4 \text{ CY} \\ (79.4 \text{ CY}) \times (\$35.00 / \text{CY}) &= \$2,779.00 \end{aligned}$$

This subdivision lies adjacent to the small paved area on Lost Nation Road near Old Stage Road. The 5 new residences account for 50 trip ends per the ITE Trip Generation manual. Existing ADT traffic on the road is 390 at last count. Due to the nearby location of pavement and the approximate 11% traffic impact, it is our opinion that the traffic impact should be based not on adding gravel but on future pavement of this road between the end of the paved area and the furthest driveway – a distance of 420 feet. At a design width of 24 feet, a length of 420 feet and costs developed by Public Works for paving gravel roads (updated since 2007 using ENR) of \$1,508,274/mile, the traffic impact fee should be .11 x .075miles x \$1,508,274 or \$12,443.

The \$12,443 would go into a dedicated account and used for paving on this road. The Town's cost to match this paving would be \$89,603 – not an insignificant amount.

Our recommendation for the traffic impact fee is \$12,443. It could be collected in five payments as each of the five new units obtains a building permit.

5. Section 4.6, Sidewalks – Planning and Construction Standards

The *Subdivision Regulations* require the installation of sidewalks along the adjacent side of an existing street when a subdivision is located in a medium density residential zone.

The applicant does not intend to install any sidewalks or paved paths as part of the subdivision. The applicant would provide a 15-foot-wide non-motorized, multi-use access easement along Lots 2 through 6. Town Plan Map 8, *Proposed Bicycle Network*, shows a Community Connector Bike Path along Lost Nation Road. The proposed easement does not run across Lot 1, where existing, nonconforming structures sit on or in close proximity to the property line.

In the project narrative dated February 17, 2016, the applicant's engineer wrote,

The future path is grass and will remain so.

At Sketch Review, the Parks and Recreation director had requested a roughed-in path along the easement.

The applicant would also install a crosswalk over Old Stage Road and build a small portion of sidewalk to connect to the existing sidewalk on the east side of Old Stage Road.

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

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

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

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

7. Section 4.8, Utility and Access Easements and Improvements

a) Easements for Utilities, Drainage and Access. When utilities or drainage facilities cannot be installed in street rights-of-way, applicants must provide the Town with

perpetual, unobstructed easements. The easements must be centered on rear or side lot lines and have satisfactory access to the street.

In addition to the proposed multi-use access easement, the applicant has proposed a 20-foot-wide easement over Lot 5 for the benefit of Lot 6's driveway. A 30-foot-wide sewer easement would run over the property boundary between Lots 2 and 3. Another 30-foot-wide easement would run along the back of Lots 2 through 6 for utilities and stormwater.

- 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 the project narrative dated February 17, 2016, 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.

Public Works calculated water and sewer fees in a memorandum dated March 25, 2016, at a cost of \$5,080 per home:

The Town's water and sewer fees are calculated based on two parts. A fixed flat amount per water or sewer connection, and an assigned allocation based on a per GPD fee. In addition, if the fee schedule changes, then the fee charged shall be the fee in effect at the time of submittal for a building permit. 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.

$$\text{Water: } (200\text{gpd} \times \$5.65/\text{gal}) + \$1000 = \$2,130.00$$

$$\text{Sewer: } (200\text{gpd} \times \$9.75/\text{gal}) + \$1000 = \$2,950.00$$

$$\text{Total} = \$5,080.00 \text{ per single family home}$$

- a) Water Supply.** When a public water supply is reasonably accessible, applicants are required by the *Subdivision Regulations* to connect to the public system.

The applicant plans to extend an 8-inch municipal water line along the north side of Lost Nation Road. The Fire Chief had requested the 8-inch line during Sketch Review. As requested by Public Works, the applicant would install a hydrant at the end of the line.

Public Works provided comments about the water system in a memorandum dated March 25, 2016:

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

The applicant's engineer shall provide peak domestic water demand calculations, based on the number of fixture units for each building unit, for proper sizing the water meter for each the proposed buildings. The Town of Essex will not size the meter based on line pressure in the building or size of incoming service line.

In the project narrative dated February 17, 2016, the applicant's engineer wrote,

The fire demand for the planned single family dwellings is 400 GPM for a 2,000 SF dwelling, according to NFPA 1710. The existing hydrant opposite Lot 2 was flow tested at 1016 GPM.

- b) Waste Water Systems.** As requested by Public Works during Sketch Plan review, the sewer line will connect to an existing line on Craftsbury Court. Public Works has specified that all sewer services and infrastructure to the site will be private.

The applicant's engineer described the wastewater system in the project narrative submitted February 29, 2016:

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. ... All sewer improvements will be privately owned, operated and maintained.

The Selectboard has approved an allocation request for an additional 1,000 gallons per day to the site, increasing the total to 1,200 gpd.

In a memorandum dated March 25, 2016, Public Works wrote,

The applicant has received approval from the Selectboard to increase the original sewer allocation for the site from 200 GPD to a total of 1,200 GPD, with conditions. The applicant has enough sewer and water allocation for a total of six single family homes.

... Again, all proposed sewer services and associated infrastructure proposed for this project shall be private. No Exceptions

The applicant has agreed that a representative of Public Works shall witness all connections and work performed on existing water and sewer infrastructure.

9. Section 4.10, Stormwater Management and Erosion Control

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

In the project narrative submitted on February 29, 2016, the applicant's engineer wrote,

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

Elaborating in a *Stormwater Management* description, also submitted on February 29, 2016 with the project narrative, the applicant's engineer wrote,

The eastern half of the site contains well drained soils and the western end has poorly to moderately drained soils. ...

The receiving stream adjacent to the northwest corner is too shallow and does not permit the variable operating depths associated with a basin; so, a less conventional approach is required.

Lots 2-4 will utilize on-lot infiltration trenches and Lots 5 and 6 will be managed by infiltration trenches on Lot 6. All lots will involve grading to force runoff from impervious areas, specifically driveways and rooftops, to be directed to surrounding grass areas for infiltration. Any residual runoff will be directed to the infiltration trenches for absorption. With these practices the project will retain runoff from a 25 year storm.

Public Works responded to the applicant's stormwater management plan in a

Preliminary Plan Review
10 Old Stage Road
April 28, 2016

memorandum dated March 25, 2016:

The applicant's engineer has indicated that the project will only create 0.35 acres of impervious area and will not require a State or Local storm water permit. A storm water narrative has been provided for review and staff takes no exception to the methods to minimize storm water impacts on the site except as noted under the following comment.

Public Works is of the opinion that the curb cuts and lot drainage for lots 2, 3 and 4 do not need a drainage ditch along the road requiring a road culvert in the Town Right of Way. However the driveway to Lots 5 and 6 does. The ditch should start on a gradual slope near the curb cut to Lot #4 and gradually deepen to provide the requisite cover over an 18 inch HDPE culvert under the driveway to Lots 5 and 6. The ditch needs to be stone-lined from this culvert to the point where the current ditch joins the cross culvert and to where it connects to the existing drainage flow pattern. The Town should also be granted an easement along the western boundary of Lot 6 to insure that this drainage flow can be protected over time.

10. Section 4.11, Monuments and Lot Markers

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

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

The goal of Residential Development Phasing is to maintain an annual population growth between 184 and 226, a rate set forth in the 2011 *Town Plan*. The Town aims for an annual population increase of 205, the midpoint of the targeted range. Population figures are estimated based on a conversion of dwelling units to EPEs. Each bedroom in a dwelling unit translates to one person, so that 1 bedroom equals 1 person, 2 bedrooms equals 2 persons, 3 bedrooms equals 3 persons, and so forth. Section 3.2(D) of the *Subdivision Regulations* directs the Planning Commission to consider the number and type of dwelling units proposed in a development, as well as the number of bedrooms in the units.

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

**Preliminary Plan Review
10 Old Stage Road
April 28, 2016**

The proposed development lies inside the sewer core. With Sketch Approval, the applicant was granted a preliminary phasing schedule for five homes and 15 EPEs in 2016.

A summary of the running phasing tabulation is attached.

VI. Planning Commission comments

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

While reviewing the Preliminary Plan on April 28, 2016, the Planning Commission ...

VII. Proposed Conditions

1. All construction shall be in conformance with the plans listed in Finding No. IV(A) above and as may be amended subject to other conditions and approvals.
2. Building envelopes shall remain outside of wetlands, and no construction or clearing shall occur outside of the building envelopes.
3. The Final Plan shall indicate that the proposed maple trees will not be Norway Maples.
4. The Final Plan shall show a roughed-in path within the proposed bicycle easement.
5. The Final Plan shall show a drainage ditch on Lots 4, 5, and 6, as described by Public Works in a memorandum dated March 25, 2016. The Final Plan shall also show an easement to the Town along the western boundary of Lot 6 to ensure that the drainage flow can be protected.
6. As part of a Final Plan application, the applicant shall submit plan sheets that include information and changes requested by Public Works in a memorandum dated March 25, 2016.
7. As part of a Final Plan application, the applicant shall submit a surveyed subdivision plat.
8. 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 shall be seeded in accordance with Soil Conservation Service recommendations and the Town's Public Works Specifications.

**Preliminary Plan Review
10 Old Stage Road
April 28, 2016**

9. Prior to the issuance of a zoning permit for each home, the applicant shall complete and submit a curb cut application for inspection and a final approval by the Public Works Department.
10. Prior to the issuance of a zoning permit, the applicant shall pay a road improvement fee of \$12,443, or an amount calculated by Public Works at the time of submission. The fee can be paid in five installments as each of the five new units obtains a zoning permit, unless the applicant prefers to pay the entire fee with the submittal of the first zoning permit.
11. Prior to the issuance of a zoning permit, the applicant shall pay recreation impact fees in place at the time of submittal.
12. Prior to the issuance of zoning permits, the applicant shall pay water and sewer fees totaling \$5,080 per home, or the fees in place at the time of submittal.
13. All utilities shall be installed underground.
14. Prior to the issuance of a zoning permit, the applicant shall submit any and all covenants, deeds, and legal documents resulting from this approval for review by the Town Attorney. The applicant shall pay any legal fees associated with the review.
15. Prior to the issuance of a zoning permit, the applicant shall install concrete monuments and lot markers to the standards specified in Section 4.11 of the *Subdivision Regulations*.
16. Prior to the issuance of a certificate of occupancy, the applicant shall have a representative from the Town of Essex Public Works Department witness all connections and work performed on existing water and sewer infrastructure.
17. 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.
18. 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, “Hayward Design Build (10 Old Stage Road),” from John H. Stuart, P.E., dated 2/17/16.
- Email, “Re: Items for 10 Old Stage Road,” from Nate Hayward, dated 3/29/16.

**Preliminary Plan Review
10 Old Stage Road
April 28, 2016**

- Email, “Re: Items for 10 Old Stage Road,” from John Stuart, dated 3/29/16.
- Email, “Hayward Design Build,” from John Stuart, P.E., dated 4/1/16.
- Email, “Re: Items for 10 Old Stage Road,” from Nate Hayward, dated 4/5/16.
- Email, “Re: Items for 10 Old Stage Road,” from Nate Hayward, dated 4/22/16.
- Memorandum, “Wetland Protection for 6-Lot Subdivision,” from Jeffrey Severson, Consulting Ecologist, dated 4/6/16.
- Memorandum, “10 Old Stage Road, Preliminary Plan Review,” from Dennis Lutz, P.E., Public Works Director; and Aaron K. Martin, P.E., Utilities Director / Town Engineer, dated 3/25/16.
- Email, “RE: 10 Old Stage Road,” from Chief Bradley J. LaRose, Essex Police Department, dated 3/29/16.
- Spreadsheet, “Residential Phasing Report,” from Town of Essex Community Development, dated 4/22/16.

cc: John Stuart, JH Stuart Associates