

1 **ESSEX PLANNING COMMISSION**
2 **September 8, 2016**

3
4 **STAFF REPORT**

5 Prepared by Greg Duggan, Town Planner

6
7 **SKETCH PLAN**
8 **FINAL PLAN**

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11 **I. Applicant**

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13 Champlain Housing Trust
14 88 King Street
15 Burlington, VT 05401
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18 **II. Proposal**

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20 The applicant is seeking Sketch and Final Plan approvals for a four-lot subdivision of 6.57 acres
21 at 1002-1115 Ethan Allen Avenue, Tax Map 46, Tax Parcel 1. The parcel is located in Historic
22 Preservation-Design Control (HP-DC) and Industrial (I1) zoning districts.
23

24 The subdivision would create Unit 1 – North, Unit 1 – South, Unit 2 – North, and Unit 2 – South.
25 Unit 1 – North would contain existing storage units and a wooded area. Unit 1 – South would
26 contain 12 apartments and common land. Unit 2 – North and Unit 2 – South would contain a
27 combined 19 condominiums. The applicant described the proposed subdivision in the project
28 narrative, dated July 12, 2016:
29

30 *The Champlain Housing purchased 12 historic buildings from UVM along Ethan Allen*
31 *Avenue in early 2016. The 12 buildings are historic, brick duplexes, triplexes and four-*
32 *plexes in the historic Fort Ethan Allen and are divided into 31 apartments. The 31*
33 *apartments are a mix of 9 three BR units and 22 two BR units.*

34
35 *CHT plans to create an upper tier condominium association consisting of two units. One*
36 *condominium unit will remain owned by CHT and will include 3 buildings and 12 units*
37 *(1005, 1006, and 1007) along with the land south of Burlington Road, which includes the*
38 *community garden and playground, as well as the land above Winooski Road. These are*
39 *labeled Unit 1 North and Unit 1 South on the site plan. CHT plans to continue operating*
40 *these 12 apartments as rentals.*

41
42 *The other condominium unit will include 9 buildings (1002, 1003, 1004, 1110, 1111,*
43 *1112, 1113, 1114 and 1115) consisting of 19 units on both sides of Ethan Allen Ave. This*
44 *is labeled Unit 2 North and Unit 2 South on the site plan. Unit 2 will also be declared a*
45 *condominium, creating 19 homeownership opportunities. We plan to offer these homes as*
46 *part of CHT's shared equity program, whereby buyers who earn below the median*

47 *income for the county receive down payment assistance to help them purchase these*
48 *homes as well as resale restrictions designed to make sure that they will be permanently*
49 *affordable.*

50
51 *... Lastly, in the Northern part of the property there are two large storage sheds that are*
52 *in poor shape. CHT is considering either repairing or replacing these sheds and using*
53 *them for public storage.*

54
55 Abutting properties to the north are in an I1 zone and contain commercial and industrial uses.
56 Properties to the east include commercial and residential uses in I1 and HP-DC districts.
57 Properties to the south are also in the HP-DC district, and include residential uses. The Town of
58 Colchester borders the property on the west.

59
60

61 **III. Background**

62
63 Per Table 2.15(F)(1) of the *Zoning Regulations*,

64
65 *The Parade Grounds for Fort Ethan Allen are identified as an integral element of the*
66 *entire Fort in the Town Plan and in the Master Plan for Fort Ethan Allen prepared by the*
67 *Colchester Community Development Corporation in 1988. The Town of Essex chose to*
68 *zone the Parade Grounds as “Open Recreation” (O1) to assure the preservation and*
69 *protection of the same. In consideration of the large amount of acreage (13.94 acres in*
70 *Town of Essex) which has been reserved as open space by this designation, this acreage*
71 *may be used for density purposes for the remaining acreage, now or formerly owned by*
72 *the University of Vermont in the Town of Essex ...*

73
74 For the acreage to be applied to the remaining land, certain conditions described in Table 2.15(F)
75 of the *Zoning Regulations* must be met. Champlain Housing Trust purchased the land from the
76 University of Vermont earlier this year.

77
78

79 **IV. Article II, Sections 2.6 and 2.9 of the Subdivision Regulations: Sketch** 80 **Plan and Final Subdivision**

81
82 The applicant has applied for Sketch Plan and Final Plan approvals pursuant to the *Town of*
83 *Essex Outside the Village of Essex Junction Official Subdivision Regulations* (Articles II, III,
84 IV). With four proposed lots and no plans to create a new road or extend public water or sewer
85 lines, the proposed project is considered a minor subdivision. Minor subdivisions must receive
86 Sketch and Final Plan approval. Section 2.6 of the *Zoning Regulations* requires Sketch Plan
87 approval “for all subdivisions except boundary adjustments and simple parceling.” Sketch Plan
88 Review is meant

89

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

95
96 Per Section 2.6(D)(12) of the Subdivision Regulations,

97
98 *The Planning Commission shall modify and approve or disapprove the Sketch Plan,*
99 *including preferred layout. If the applicant has submitted more than one plan, the*
100 *Commission may take action on one of the proposed alternative layouts submitted with*
101 *the application. Written comments on the Sketch Plan which clearly express the results of*
102 *the Commission's review shall be sent to the applicant. Sketch Plan approval constitutes*
103 *authorization to proceed to the next step in the subdivision approval process. Sketch Plan*
104 *Approval is not binding and does not guarantee Preliminary or Final Subdivision*
105 *Approval.*

106
107 Regarding Final Subdivisions, Section 2.9(A) of the Subdivision Regulations specifies,

108
109 *The purpose of Final Subdivision Review shall be to compare the plat for consistency*
110 *with the approved Preliminary Plan or approved Sketch Plan, to ensure that all*
111 *engineering, survey and other data are complete, and to ensure that the proposed*
112 *subdivision is in compliance with all appropriate regulations and standards. Review by*
113 *the Planning Commission shall include a public hearing in accordance with the*
114 *provisions of Article V of these Regulations.*

115
116 **(A) Plans:**

117
118 The applicant has submitted the following plan:

- 119
120
 - Sheet 1 of 2, "Common Interest Community Plan, Ethan Allen Upper Tier
- 121
 - Condominium, Lands of the CHT Ethan Allen LLC, Ethan Allen Avenue, Essex,
- 122
 - Vermont," prepared by KREBS & LANSING Consulting Engineers, Inc., dated 1/15/16.

123
124 **(B) Article IV: Subdivision Standards of the Subdivision Regulations**

125
126 The Planning Commission must evaluate any proposed subdivision based on the standards
127 of Article IV of the Subdivision Regulations. Standards include conformance to the *Town*
128 *Plan and Town of Essex Outside the Village of Essex Junction Official Zoning Regulations.*
129 Other applicable standards relate to public safety, natural features, streets, sidewalks, open
130 space, availability of water and sewer, and stormwater management.

131
132 **1. Section 4.1, Standards Applicable to All Subdivisions**

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

137
138 *Goal 1b: The historic, cultural, and visual qualities of Fort Ethan Allen are*
139 *preserved.*

140
141 *Goal 2d: The attraction and retention of employers, and employees, is*
142 *supported by increasing the availability of affordable housing.*

143
144 *Goal 4a: The housing needs of Essex’s projected resident population are*
145 *met, particularly for low- and moderate-income residents.*

146
147 *Goal 4b: A diversity of housing types, including microhousing and choices*
148 *between rental and ownership, is provided.*

149
150 *General Policy 4: Diverse housing opportunities shall be sought with a*
151 *large majority of the being located in the areas in Town identified as*
152 *appropriate for growth: the Town Center, the Susie Wilson Road Corridor,*
153 *and a portion of Essex Center.*

154
155 *Action 4.4: Form affordable housing alliances with Green Mountain*
156 *Habitat for Humanity, Cathedral Square, and the Champlain*
157 *Housing Trust.*

158
159 b) **Conformance to the Zoning Regulations. Table 2.10, Industrial District (I1),**
160 **and Table 2.15, Historic Preservation-Design Control District (HP-DC).**
161 Section 4.1(G) of the Subdivision Regulations requires all subdivisions to conform
162 to the Zoning Regulations. Table 2.10(A) of the Zoning Regulations describes the
163 purpose of I1 districts:

164
165 *This area provides for employment opportunities in manufacturing,*
166 *warehousing, research and development and commercial uses which*
167 *specifically serve the industries or their employees in areas serviced by*
168 *good transportation facilities and public utilities. Other uses incompatible*
169 *with industrial uses, such as residential uses, shall not be permitted for the*
170 *health, safety and welfare of the community.*

171
172 Table 2.15(A) describes the purpose of the HP-DC district:

173
174 *This district, which is shown on the Official Zoning Map of the Town of*
175 *Essex, contains that portion of Fort Ethan Allen located within the Town.*
176 *The purpose of this district is to enhance the rich cultural heritage of the*
177 *Fort and to minimize the threat of demolition or substantial character*

178 *alterations of the many historic structures contained within the area. A*
 179 *report entitled “Historic Preservation and Design Control Standards for*
 180 *Essex Center and Fort Ethan Allen” (1986) contains standards and*
 181 *guidelines to be used in the review of development proposals in this area.*

182
 183 **i) Permitted Uses.** Storage facilities are a permitted use in I1 districts, if the
 184 applicant decides to use the existing sheds in the I1 district for public storage.

185
 186 Single-family, two-family, and multi-family dwellings are permitted uses in the
 187 HP-DC district.

188
 189 **ii) District Dimensional Requirements.**

Dimensional Requirement (I1)	Standard	Proposed
Minimum Lot Area - Nonresidential	40,000 sf	102,802 acres
Minimum Lot Frontage	200 ft.	0 ft.
Minimum Front Setback (from ROW)	50 ft.	80 ft.
Minimum Side Setback	25 ft.	140 ft.
Minimum Rear Setback	25 ft.	10 ft.
Minimum Buffer/Residential Districts	25 ft.	
Maximum Lot Coverage – All	70%	36.4%
Maximum Height	45 ft.	

191

Dimensional Requirement (HP-DC)	Standard	Proposed
Minimum Lot Area	20,000 sf	28,750 sf
Minimum Lot Area per Dwelling Unit	20,000 sf	
Minimum Lot Frontage	None	356 ft.
Minimum Front Setback (from ROW)	None	4 ft.
Minimum Side Setback	None	16 ft.
Minimum Rear Setback	None	8 ft.
Maximum Lot Coverage – Multifamily	40%	37.3%
Maximum Height	40 ft.	

192

193 Unit 1 – North would be split between I1 and HP-DC zoning districts. Winooski
 194 Road and the southern portion of Unit 1 – North are in the HP-DC district,
 195 wherein lot frontage is not required. The lot would not have frontage on a public
 196 road, as Winooski Road is a private road. Access exists from Ethan Allen
 197 Avenue, a public road.

198

199 While the *Zoning Regulations* have a minimum lot size of 20,000 square feet
 200 per dwelling unit in the HP-DC, Table 2.15(F)(1) of the regulations also
 201 specifies that the Parade Grounds between Dalton Drive and VT Route 15,
 202 “which has been reserved as open space ... may be used for density purposes
 203 for the remaining acreage, now or formerly owned by the University of
 204 Vermont in the Town of Essex ...”

205
206 The applicant is seeking to subdivide land formerly owned by the University of
207 Vermont, and is not proposing the addition of any new units. Any additional
208 units, new buildings, or new uses will likely require site plan approval.

209
210 **iii) District Design Review and District Design Requirements**

211
212 Projects in the HP-DC are subject to design review, although Table
213 2.15(F)(2)(b) clarifies,

214
215 *Nothing in these design control criteria shall be construed to prevent the*
216 *ordinary maintenance or repair of any exterior architectural feature in*
217 *the district which does not involve a change in the design, material,*
218 *color or the outward appearance of the feature.*

219
220 The project narrative says,

221
222 *CHT plans minimal rehab on these units – exterior painting, siding, and*
223 *roof repairs as well as painting, vinyl flooring replacement, and energy*
224 *efficiency upgrades. We do not plan to alter the historic exteriors of the*
225 *buildings.*

226
227 Staff does not believe Design Review is required with the subdivision
228 application.

229
230 **2. Section 4.3, Preservation of Natural Features**

231
232 **a) Natural Features.** The Subdivision Regulations specify,

233
234 *Outstanding natural features of the site, including groves of trees, watercourses*
235 *and falls, historic sites, exceptional views, and similar irreplaceable assets,*
236 *shall be preserved. The Planning Commission may require building envelopes*
237 *to be specified for some or all buildings where it is necessary to carefully define*
238 *building locations and heights in order to protect the natural features listed in*
239 *this section or identified on the Significant Features Reference Map.*

240
241 The site is already developed, with existing residences on what would become Unit 1
242 – South, Unit 2 – North, and Unit 2 – South. Unit 1- South contains common open
243 space, with a playground and community garden. Unit 1 – North, the bulk of which is
244 in the II district, contains existing storage buildings, but much of the property is
245 forested.

246
247 The Significant Features Map, Map 19 in the 2016 Town Plan, does not show any
248 features on the property.

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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.

The eastern portion of Unit 1 – North contains a ravine. The rest of the site is primarily flat. The applicant is not proposing any changes to the site’s topography or natural cover.

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

Sunderland Brook, a stormwater-impaired waterway, flows to the north of the property. While the brook does not cross the property, stormwater from the site could impact Sunderland Brook. Stormwater will be covered in more detail in Section IV(B)9 of this staff report.

iii. 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.

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

While a portion of Unit 1 – North is forested, staff does not believe recommendations from a forester are necessary.

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. At least one street tree needs to be provided for each 50 feet of frontage.

The property has existing street trees along Ethan Allen Avenue, the main road for the residences. The north side of Winooski Road, which fronts Unit 1 – North, contains the wooded area that would not require new street trees.

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

The blocks on the property already exist and would not be changed by the subdivision.

In addition to meeting the dimensional requirements of the Zoning Regulations, lots need to be of sufficient size to provide an adequate building site. Lots need to have

293 satisfactory access to a public street, and must be laid out to provide positive drainage
294 away from all buildings. Individual lot drainage needs to be coordinated with the
295 stormwater management plan for the entire subdivision.
296

297 All lots would continue to have access to a public street, with front entrances on Ethan
298 Allen Drive and rear entrances on private streets Burlington Road and Winooski Road.
299

300 **a) Fire Department.** The Fire Chief, in an email dated August 30, 2016, wrote,
301

302 *Please ensure all residences are labeled with their street addresses in*
303 *contrasting reflective colors.*
304

305 **b) Police Department.** The Police Chief did not have any concerns about the proposed
306 subdivision.
307

308 **4. Section 4.5, Streets**

309
310 Streets need to be suitably located, of sufficient width, and adequately constructed to
311 accommodate prospective traffic, emergency vehicles, and road maintenance equipment.
312 The arrangement of streets needs to be coordinated with existing and planned major and
313 collector streets. Streets need to adhere to design standards established in the
314 *Subdivision Regulations*.
315

316 The applicant has not proposed any new streets with the subdivision. Public Works, in a
317 memorandum dated August 2, 2016, expressed concerns about the condition of the
318 private roads and access from those roads to the existing buildings:
319

320 *The existing housing units are accessed from Ethan Allen Avenue and two*
321 *private drives, Winooski Road and Burlington Road. Both roads are severely*
322 *deteriorated. Both private drives not only provide vehicular access to each of the*
323 *housing units, but allow for emergency vehicles to have full access around each*
324 *of the housing units. Public Works recommends that all of the existing potholes*
325 *and areas of missing pavement be repaired now as part of this approval.*
326 *Furthermore, the association documents must provide for the operation and*
327 *maintenance of both private drives and finance future upgrade projects.*
328

329 *There needs to be a defined cost by the applicant's engineer to bring these roads*
330 *up to an acceptable level of performance. Funds need to be identified and set*
331 *aside for these improvements and a timetable for making the improvements. This*
332 *"package" needs to be identified in the project approval and made a condition*
333 *of the approval.*
334

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

336

337 The Subdivision Regulations require the installation of sidewalks along existing streets
338 when a street is located in a high- or medium-density residential zone or when the
339 Planning Commission determines that a significant amount of pedestrian traffic will
340 exist.

341
342 The property has an existing concrete sidewalk on both sides of Ethan Allen Avenue.

343
344 Public Works commented on sidewalks in an August 2, 2016 memo:

345
346 *In discussions last winter with the Champlain Valley Trust, the Town was*
347 *requested to plow the sidewalks in front of these buildings along Ethan Allen*
348 *Avenue. These sidewalks had previously been cleared by UVM as the property*
349 *owner. The request was denied. The location is well outside the sidewalk plow*
350 *routes of the Town. With the Town's limited sidewalk plow equipment and*
351 *manpower, these walks are outside the capability of the Town to maintain.*

352
353 *A condition needs to be placed on the applicant that they will be responsible for*
354 *winter maintenance on these walks. Any sidewalk repair or replacement is the*
355 *responsibility of the Town.*

356
357 **6. Section 4.7, Land for Public Open Space and Recreational Use**

358
359 The Subdivision Regulations allow the Town to accept land reserved for public
360 recreation purposes in lieu of all or part of recreation impact fees. Trails and
361 conservation greenways identified in the *Town Plan* must be accommodated within open
362 space and recreation areas.

363
364 The *Town Plan* maps do not show any proposed trail networks on the property. The
365 applicant plans to keep existing common space, including a community garden and
366 playground, on Unit 1 – South.

367
368 **7. Section 4.8, Utility and Access Easements and Improvements**

369
370 **a) Easements for Utilities, Drainage and Access.** When utilities or drainage facilities
371 cannot be installed in street rights-of-way, applicants must provide the Town with
372 perpetual, unobstructed easements. The easements shall be centered on rear or side
373 lot lines and have satisfactory access to the street.

374
375 The Planning Commission can require perpetual, unobstructed easements to
376 facilitate non-motorized, multi-use facility user access to public open space or
377 adjacent properties as part of a proposed contiguous access plan.

378
379 Existing access and utility easements run over portions of Unit 1 – North and Unit 2
380 – North.

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

8. Section 4.9, Water Supply and Waste Water Systems

a) **Water Supply.** Existing buildings are connected to the public water system.

Public Works commented on water supply in the August 2, 2016 memo:

Town records show that five of the existing buildings, (1002, 1003, 1005, 1006, and 1007), have only one water meter. If each of these buildings is to have multiple units, the applicant shall provide internal plumbing to meter each unit separately. Being each condominium unit will be individually owned, the ability to shut off and isolate the water service for each unit must be provided in order to properly operate and maintain the Town's water infrastructure. As an alternative to separate metering, the applicant can provide language within the association documents that addresses central responsibility for metering and payment of water and sewage usage.

Per the Town of Essex Water Use Ordinance, the applicant shall install a dual check valve on each of the water services to ensure backflow protection into the Town water system. The backflow device shall be a Wilkins Model 700XL or approved equal. If backflow devices are in place, the applicant shall provide certification that each unit is properly working.

b) **Waste Water Systems.** The property is located within the sewer core area, and buildings are connected to the municipal sewer system.

Public Works commented on the sewer service in the August 2, 2016 memo:

All condominium units ... are currently served by sanitary sewer owned and maintained by the Town of Essex. The Town of Essex will assign sewer allocation for each housing unit in accordance with the Town of Essex Sewer Use Ordinance. All condominium units with a non-shared building entrance shall be assigned 140 GPD of water and sewer allocation regardless of the number of bedrooms. All condominium units with a shared common entrance shall be assigned water and sewer allocation as follows; 100 GPD for 2 Bedroom units and 140 GPD for 3 bedroom units. The applicant must provide the Public Works Department a full accounting of condominium units based on the criteria above.

9. Section 4.10, Stormwater Management and Erosion Control

425
426 The property has some existing stormwater infrastructure, although it also lies near
427 Sunderland Brook, a stormwater impaired waterway. Public Works commented on
428 stormwater in an August 2, 2016 memorandum, writing,

429
430 *The plans do not show the storm water system on the site that exists from the open*
431 *area behind Unit1–south and discharges over the bank east of Unit 1 north. See*
432 *attached Town storm water plan.*

433
434 *Sunderland Brook is an impaired stream, for which a recent Flow Restoration*
435 *Plan (FRP) was developed as required by MS4 Permit. UVM was a partner in*
436 *developing this FRP. One of the locations selected for future installation of a*
437 *storm water treatment system to meet the stream TMDL is located on the property*
438 *being conveyed by UVM as part of this project. Originally, UVM indicated that*
439 *the area where a subsurface infiltration could be built was unavailable due to*
440 *future UVM plans as noted on their Master Plan. However, with the release of the*
441 *property to CHT, this is no longer an issue.*

442
443 *An easement needs to be provided to the Town, with the exact size to be*
444 *determined by the project design engineer to enable the construction of the*
445 *planned facility in the location as noted in the FRP. This land is of no value for*
446 *future development purposes and would provide a location to convert the three*
447 *storm water outfalls (1 Town and 2 from the CHT site) to a treatment facility. The*
448 *cost of the treatment facility (leach field) would not be borne by CHT but by the*
449 *Town. CHT would still be responsible for all pipes discharging from their*
450 *property to the system.*

451
452 **10. Section 4.11, Monuments and Lot Markers**

453
454 If the project obtains Final Plan approval, the applicant shall install concrete monuments
455 and lot markers to the standards specified in Section 4.11 of the Subdivision
456 Regulations.

457
458
459 **V. Planning Commission comments**

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461 While reviewing the project on September 8, 2016, the Planning Commission determined ...

462
463
464 **VI. Proposed Conditions**

465
466 With outstanding issues raised by Public Works, staff recommends that the Planning
467 Commission only approve the Sketch Plan at this time, and allow the applicant to address
468 outstanding issues with a Final Plan application.

Sketch Plan & Final Plan
1002-1115 Ethan Allen Avenue
September 8, 2016

- 469
470 1. All conditions from previous approvals shall remain in effect except as modified herein.
471
472 2. All construction shall be in conformance with the plans listed in Section IV(A) of this Staff
473 Report and as may be amended subject to other conditions and approvals.
474
475 3. Prior to Final Plan approval, the applicant's engineer shall define a cost to bring the private
476 roads up to an acceptable level of performance. Funds need to be identified and set aside
477 for these improvements and a timetable established for making the improvements.
478
479 4. Prior to Final Plan approval, the applicant shall submit association documents that shall
480 provide for the operation and maintenance of private drives and finance future upgrade
481 projects.
482
483 5. All of the existing potholes and areas of missing pavement on private roads shall be
484 repaired.
485
486 6. The applicant shall be responsible for winter maintenance of sidewalks. Any sidewalk
487 repair or replacement is the responsibility of the Town.
488
489 7. The applicant shall provide internal plumbing to provide a separate water meter for each
490 unit. As an alternative to separate metering, the applicant can provide language within the
491 association documents that addresses central responsibility for metering and payment of
492 water and sewage usage.
493
494 8. Per the Town of Essex Water Use Ordinance, the applicant shall install a dual check valve
495 on each of the water services to ensure backflow protection into the Town water system.
496 The backflow device shall be a Wilkins Model 700XL or equal approved by Public Works.
497 If backflow devices are in place, the applicant shall provide certification that each unit is
498 working properly.
499
500 9. Prior to Final Plan approval, the applicant shall provide Public Works with a full
501 accounting of condominium units based on the criteria described in Public Works' August
502 2, 2016 memorandum.
503
504 10. The Final Plan shall show the storm water system on the site that exists from the open area
505 behind Unit 1 – South and discharges over the bank east of Unit 1 – North.
506
507 11. The Final Plan shall show a stormwater easement provided to the Town, with the exact size
508 to be determined by the project design engineer, to enable the construction of the planned
509 stormwater treatment facility in the location noted in the Sunderland Brook Flow
510 Restoration Plan. The cost of the treatment facility will be borne by the Town, and the
511 applicant and any future landowners shall retain responsibility for all pipes discharging
512 from their property to the stormwater treatment facility.

Sketch Plan & Final Plan
1002-1115 Ethan Allen Avenue
September 8, 2016

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12. Prior to the issuance of a zoning permit, the applicant shall submit any and all deeds and legal documents as a result of this approval for review by the Town Attorney.
13. All residences shall be labeled with their street addresses in contrasting reflective colors that are visible from the road.
14. Prior to the issuance of a zoning permit, the applicant shall obtain all applicable state approvals and permits.
15. By accepting 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 will be binding upon and enforceable against the applicant and all assigns and successors in interest.

IX. Attachments

- Letter & Narrative, “Champlain Housing Trust – Ethan Allen Apartments,” from William H. Nedde III, P.E., KREBS & LANSING Consulting Engineers, Inc., dated 7/12/16.
- Memorandum, “1002-1115 Ethan Allen Avenue, Sketch and Final Subdivision Plan,” from Dennis E. Lutz, P.E., Public Works Director, and Aaron K. Martin, P.E., Utilities Director/Town Engineer, dated 8/2/16.
- Email, “RE: Ethan Allen Ave 1002-1115,” from Chief Bradley J. LaRose, Essex Police Department, dated 8/4/16.
- Email, “Re: Ethan Allen Ave 1002-1115,” from Charles J. Cole, Chief, Essex Fire Department, dated 8/30/16.

cc: William H. Nedde III, Krebs & Lansing