

1 **ESSEX PLANNING COMMISSION**
2 **November 14, 2019**

3 **STAFF REPORT – 2 FREEMAN WOODS**

4 **Site Plan, Final Plan, and Master Plan Amendment**

5 Prepared by Darren Schibler, Town Planner

6 **Applicant**

7 Essex Junction Senior Housing | Expansion Propco, LLC
8 c/o Kayne Anderson Real Estate Advisors
9 1 Town Center Road, Suite 300
10 Boca Raton, FL 33486

11 **Proposal**

12 The applicant has proposed alterations to a previously approved, but not yet constructed, 71-unit
13 assisted living facility, the final phase of a mixed-use development known as Freeman Woods.

14 The proposed amendments include:

- 15 • a decrease in the building footprint from 39,243 square feet (SF) to 39,177 SF;
- 16 • an increase the number of beds from 71 to 79 (to include 33 studio units, 30 one-bedroom
17 units, and 8 two-bedroom units);
- 18 • changes to pedestrian access and landscaped civic space;
- 19 • alterations to parking layout;
- 20 • relocated water and sewer service;
- 21 • revised lighting plan;
- 22 • and updated building elevations.

23 The property is located in the Mixed-Use Development (MXD) subzone of the Mixed Use
24 Development – Planned Unit Development (MXD-PUD) zoning district. The entire development
25 has a parcel number of 2-094-001-000, and the footprint lot for the assisted living building has a
26 parcel number of 2-094-001-001.

27 **Background**

28 On February 28, 1985, the Planning Commission granted final subdivision approval for an 11-lot
29 subdivision of the Lang Farm. Parcel D of this subdivision included approximately 12.6 acres
30 along what is now Essex Way between VT-289 and the Woodlands subdivision. A public right-
31 of-way now known as Freeman Woods was planned as part of the commercial subdivision of
32 Parcel D (all the properties north of Parcel D-1, which contained the Inn at Essex). Parcel D was
33 further subdivided on September 8, 1988, and was the location of an outdoor recreation facility
34 (Northern Lights Rock and Ice) from November 8, 2007 to 2016.

35 On February 27, 2014 the Planning Commission approved a Sketch and Master Plan for 600
36 square feet of office space, a 78-bed assisted living facility, a 50-bed memory care facility, and
37 18 townhomes on Freeman Woods. The Commission classified the assisted living and memory

38 care facilities as commercial uses.

39 On August 7, 2014 the Zoning Board of Adjustment granted conditional use approval for the
40 project's residential care facilities and multi-family dwellings. On August 14, 2014, the Planning
41 Commission approved a Preliminary Plan for 6,000 square feet of office space, a 71-bed assisted
42 living facility, a 56-bed memory care facility, and 17 three-bedroom townhomes.

43 The Planning Commission approved the Master Plan, Final Subdivision Plan, and PUD on
44 September 25, 2014, including a boundary adjustment to combine all of the original six
45 subdivided lots in Parcel D into one parcel, with footprint lots for each building.

46 On June 25, 2015, the Planning Commission approved Final Plan Amendment for changes to the
47 site, including relocating the office building and assisted living facility and associated changes to
48 parking, landscaping, stormwater, and site circulation.

49 On June 8, 2017, the Planning Commission approved another Final Plan Amendment to
50 eliminate the 6,000-square-foot office building and modify the assisted living facility's footprint.

51 On April 26, 2018, the Planning Commission approved a Master Plan / Final Plan Amendment
52 for the Freeman Woods PUD in combination with a 0.91-acre Boundary Adjustment to the Essex
53 Resort property and Site Plan application to allow construction of a 27-unit apartment building
54 known as the Essex Residences on the conveyed property. This reduced the available residential
55 density to the Freeman Woods PUD such that no further units can be added. The Freeman
56 Woods PUD and the Essex Residences share numerous utilities, including the stormwater pond
57 located east of the Residences.

58 Surrounding land uses to the east include a memory care facility and 17 townhouses, as well as a
59 33-acre Town-owned open space area; to the south are a 27-unit apartment building and a resort
60 hotel; to the west are a golf course and neighborhood park; to the north is Vermont Route 289.

61 **I. Article II of the *Subdivision Regulations*: Subdivision Procedures**

62 The applicant has requested an amendment to an approved Final Subdivision Plan, including a
63 Master Plan, pursuant to Section 2.12 of the *Town of Essex outside the Village of Essex Junction*
64 *Official Subdivision Regulations* (SR). In support of the application, the applicant has submitted
65 the following plans and documentation:

- 66 • Project Narrative, "Final Plan Amendment, 2 Freeman Woods – Assisted Living Facility,
67 Essex," from Dan Heil, P.E., O'Leary-Burke Civil Associates, PLC, dated 10/01/2019;
- 68 • E-mail narrative, "RE: 2 Freeman Woods," from Dan Heil, P.E., O'Leary-Burke Civil
69 Associates, PLC, dated 10/08/2019;
- 70 • Waiver request, "Essex Assisted Living Facility in Essex, Vermont," from Lynn Cetrano,
71 Project Manager, Black River Design, dated 11/04/2019;
- 72 • Plan Sheet #1, "Master Plan, Freeman Woods Assisted Living Facility, Freeman Woods,
73 Essex, VT," prepared by O'Leary-Burke Civil Associates, PLC, dated 03/29/2017,
74 revised 09/05/2019;

2 Freeman Woods
Master, Final, & Site Plan Amendment
November 14, 2019

- 75 • Plan Sheet #2, “Existing Conditions, Freeman Woods Assisted Living Facility, Freeman
76 Woods, Essex, VT,” prepared by O’Leary-Burke Civil Associates, PLC, dated
77 03/29/2017, revised 09/05/2019;
- 78 • Plan Sheet #3, “Grading Plan, Freeman Woods Assisted Living Facility, Freeman
79 Woods, Essex, VT,” prepared by O’Leary-Burke Civil Associates, PLC, dated
80 03/29/2017, revised 09/05/2019;
- 81 • Plan Sheet #4, “Road Details & Specifications, Freeman Woods Assisted Living Facility,
82 Freeman Woods, Essex, VT,” prepared by O’Leary-Burke Civil Associates, PLC, dated
83 03/29/2017, revised 09/05/2019;
- 84 • Plan Sheet #5, “Water Details and Specifications, Freeman Woods Assisted Living
85 Facility, Freeman Woods, Essex, VT,” prepared by O’Leary-Burke Civil Associates,
86 PLC, dated 03/29/2017;
- 87 • Plan Sheet #6, “Sewer, Storm, & Erosion Details & Specifications, Freeman Woods
88 Assisted Living Facility, Freeman Woods, Essex, VT,” prepared by O’Leary-Burke Civil
89 Associates, PLC, dated 03/29/2017;
- 90 • Plan Sheet #7, “Photometric Plan, Freeman Woods Assisted Living Facility, Freeman
91 Woods, Essex, VT,” prepared by O’Leary-Burke Civil Associates, PLC, dated
92 03/29/2017, revised 09/05/2019;
- 93 • Sheet No. L-101, “Landscape Plan, Essex Assisted Living,” prepared by T.J. Boyle
94 Associates, LLC, dated 09/25/2019;
- 95 • Sheet A410, “Overall Building Elevations, Essex Assisted Living, Essex, Vermont,”
96 prepared by Black River Design, dated 09/26/2019;
- 97 • Plan Sheet PL1, “Subdivision Plan, Lands of Freeman Woods, LLC and Lands of Alster
98 1, LLC to be conveyed to BlackRock / Essex FW, LLC, Essex Way & Freeman Woods –
99 Essex, Vermont,” prepared by O’Leary-Burke Civil Associates, PLC, dated 04/28/2015,
100 revised 10/17/2019.

101 The Zoning Administrator has determined that the proposed changes qualify as Substantial
102 Amendments because they will result in changes to internal circulation patterns, pedestrian
103 circulation patterns, and exterior lighting. For substantial subdivision amendments, Section
104 2.12(C) of the *Zoning Regulations* (ZR) requires review and approval by the Planning
105 Commission as a Final Subdivision.

106 Because the proposed changes pertain primarily to site plan standards, conformance to those
107 standards are reviewed first, and only selected subdivision and PUD standards that are not
108 otherwise covered under site plan review are reviewed subsequently.

109 **II. Section 5.5 of the *Zoning Regulations*: Site Plan Amendments**

110 The applicant has requested a Site Plan Amendment pursuant to Section 5.5 of the *Town of Essex*
111 *Outside the Village of Essex Junction Official Zoning Regulations* (ZR). The Zoning

112 Administrator has determined that the proposed changes qualify as substantial amendments
 113 because they will result in changes to internal circulation patterns and pedestrian circulation
 114 patterns. ZR Section 5.5(B) requires submission of “a revised application for review and
 115 approval by the Planning Commission” for substantial site plan amendments.

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

117 **1. Conformance to the *Essex Town Plan***

118 The project complies with the following goals and objectives of the 2016 *Town Plan*:

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

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

123 *Specific Policy 2(S).15: New housing shall be directed to areas identified as*
 124 *suitable for growth, specifically the Town Center and the Susie Wilson Road*
 125 *corridor.*

126 *Specific Policy 2(S).16: The housing stock shall serve residents of all income*
 127 *levels, ages, and special needs.*

128 **2. Dimensional limitations and provisions of the *Zoning Regulations***

129 This project is located in the Mixed-Use (MXD) subzone of the Mixed-Use
 130 Development – Planned Unit Development (MXD-PUD) district, and must conform
 131 to the standards listed in Table 2.13 of the *Zoning Regulations*. For mixed use
 132 development, the MXD-PUD standards refer to Table 2.11, the Mixed Use
 133 Development (MXD) district standards. The project will continue to conform to the
 134 purpose and allowed uses within these districts, and the 2014 conditional use
 135 approval for residential care facilities is still valid. Except for building height and
 136 front setback, the proposed assisted living facility conforms to Table 2.9(D),
 137 Dimensional Requirements of the B1 district, as noted below:

Dimensional Requirements	Required (with off-site water and sewer)	Previously approved	Proposed
Minimum Lot Area – Nonresidential	30,000 sf	467,083 sf	419,630 sf
Minimum Lot Frontage	150 ft.	720 ft.	720 ft.
Minimum Front Setback (from ROW)	50 ft.	25 ft.	25 ft.
Minimum Setback from VT-289	150 ft.	> 150 ft.	> 150 ft.
Minimum Setback from VT-289 entrance/exit ramps	50 ft.	75 ft.	75 ft.
Minimum Side Setback	None	N/A	N/A
Minimum Rear Setback	None	N/A	N/A
Minimum Buffer/Residential Districts	30 ft.	N/A	N/A
Maximum Lot Coverage – All	70%	45.0 %	45.0 %
Maximum Height	40 ft.	<40 ft.	50 ft.

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In April 2014, the Planning Commission determined that flexibility in lot requirements applied to PUD-MUs, and the Final Plan approval allowed the applicant to have smaller setbacks than required from the Freeman Woods right-of-way (ROW) and VT Route 289. The proposed amendments would not further encroach on the setbacks. There are no existing residential districts abutting the development, and therefore no landscaped buffer is required.

The proposed assisted living building would conform to the maximum height above grade of 40 feet allowed in this district if not for the three cupolas that rise above the roofline to a maximum height of 49 feet 8 inches above grade. The applicant has requested a waiver to the maximum height pursuant to ZR Section 3.6(B) to achieve visual compatibility with the neighboring memory care facility. The Planning Commission may grant this waiver because the parts of the proposed structure exceeding 40 feet are ornamental towers that will not constitute a hazard to an established airport; no additional conditions are necessary to meet the purpose and intent of the *Zoning Regulations*.

3. Protection of public health, safety, and welfare

The proposed changes will not impact public health, safety, or welfare. Further review of fire and life safety considerations are in Finding I(I).

4. Outstanding violations

The property does not have any outstanding zoning violations.

(B) ZR Section 5.6 (B), Natural features

The proposed changes will not result in any impacts or changes to natural features.

(C) ZR Section 5.6 (C), Access

The proposed amendments will result in no changes to site access or traffic impacts. In a memorandum dated October 29, 2019, Public Works staff stated that all previous findings regarding transportation remain valid.

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

The *Zoning Regulations* require the Planning Commission to consider on-site vehicular and pedestrian circulation, and allow the Commission to impose conditions to ensure adequate circulation. The Planning Commission must also carefully consider safety and accessibility, as required by the Americans with Disabilities Act.

The amendments include relocating the waste storage containers from the eastern side of the building to the northeastern corner of the parking area, as well as removing the previously-approved service entry at the northwestern corner of the building to allow for additional civic space and to avoid deliveries through the residential corridor. In an e-mail dated October 9, 2019, the applicant’s consultants indicated that loading would instead take place along the access road east of the building. This would have forced

176 delivery trucks to block the main fire lane on this side of the building, or else mount the
177 sidewalk and block pedestrian access.

178 At staff's recommendation, the applicants submitted revised plans showing the
179 conversion of four parking spaces located east of the loading entries into a loading area
180 with associated signs and striping. This will allow deliveries to be made at the same
181 location without blocking pedestrian movement or access through the service road.

182 Two snow storage locations are shown: one to the west of the building on either side of
183 the access road, and one around the northern portion of the parking area (behind and to
184 the side of the waste storage area). The western snow storage area will be occupied by
185 dense landscaping that would suffer from salt exposure. Only the northern snow storage
186 area shall be used, and it has adequate capacity for a typical winter.

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

188 Parking must be provided in accordance with Section 3.9 of the *Zoning Regulations*, and
189 no more than 50 percent of a front-yard setback can be devoted to parking.

190 Sheets 1 and 3 of the plans show a proposed rearrangement of parking layout, creating a
191 new row of twelve spaces to the northwest side of the building (formerly approved for
192 potential future expansion) to compensate for the removal of eleven spaces to the
193 northeast of the building for the expansion of the civic space. The loading dock would be
194 eliminated; instead, a loading area would be located east of the building in place of four
195 existing parking spaces. The "no-parking" area across from the eliminated loading dock
196 would be eliminated to create five parking spaces, and the waste storage area would
197 replace four parking spaces at the northernmost part of the site.

198 Despite the rearrangement of spaces, the number of spaces for the overall development
199 would remain the same at 122 (Sheet 1 of the previously-approved plans indicated that
200 there were only 117 spaces, but 122 were depicted). This meets the minimum number of
201 spaces required per ZR Section 3.9(B), using a ratio of three spaces for every five beds
202 for residential care facilities (34 spaces for 79 assisted living beds and 48 spaces for 56
203 memory care beds) and 2.3 spaces for each townhouse dwelling unit (40 spaces for 17
204 units). Most of the surface parking would still be located near the residential care
205 facilities, with some overflow parking located near the townhouses (which each have two
206 garage spaces). The parking layout also shows the required number of spaces that meet
207 ADA standards (five), all of which would be van-accessible (only one van-accessible
208 space is required).

209 No bicycle parking would be provided. Though residents of the facility are not likely to
210 utilize bicycle parking, it is recommended that the applicant install at least one bicycle
211 rack for use by facility employees, preferably within the landscaped drop-off area at the
212 main entrance. This would help advance the Town's goals for reducing energy
213 consumption of motorized transportation.

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

215 The Planning Commission can require landscaping to achieve the objectives of the
216 *Zoning Regulations* and the *Town Plan*. The landscaping objectives for multi-family
217 residential and business uses involve street trees, a planting strip, and enhancements of
218 parking areas, lawns, and buildings.

219 The proposed landscaping changes would continue to achieve the noted landscaping
220 objectives and primarily involve changes to lawn and building enhancements. These
221 include redesigned civic areas to the northeast and south of the building for patio areas
222 and accessory recreation space (bocce court or putting green). Several other minor
223 alterations to tree and shrub locations and species are included. No changes to street trees
224 or the planting strips are proposed.

225 As noted in Finding II(D), the proposed snow storage location west of the building would
226 likely impact the proposed plantings. This area should not be used for snow storage.

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

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

233 The revised lighting plan utilizes the same number and type of fixtures, but has relocated
234 some to reflect changes to the main entry, loading dock, service entrance, and patio
235 spaces to the north and south of the building. Furthermore, the revised plan achieves a
236 uniformity ratio below the maximum of five recommended by ZR Section 5.6(G)(3).

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

238 The applicant has proposed minor changes to the previously approved water and sewer
239 service lines, primarily relocating the water service north near the new service entry.

240 In an e-mail dated October 29, 2019, Public Works staff stated that all previous reviews
241 and conditions regarding water, sewer, and transportation remain valid, provided that the
242 standard details shown on the plan conform to the latest revision of the *Town of Essex
243 Standard Specifications for Construction*, January 2017. In addition, Public Works
244 required that the applicant submit a maintenance plan and annual inspection reports to
245 Public Works for the permeable pavers proposed for the patio area south of the building
246 to ensure that they are functioning properly. The applicant’s engineer agreed to this in an
247 e-mail dated October 29, 2019.

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

249 In an e-mail dated October 22, 2019, the Fire Chief required that the building meet the
250 Fire Department’s list of building standards dated January 2015 (attached). Due to the
251 size of the assisted living facility and the fact that the resident population will have
252 limited mobility, requiring first responders to defend in place, the building shall be
253 equipped with NFPA Class 1 wet standpipes. In addition, the Fire Chief required that the

254 Fire Department Connection be located on the eastern façade facing the memory care
255 building at 6 Freeman Woods.

256 **III. Article VI of the Zoning Regulations: Planned Unit Development**

257 The Freeman Woods project, including the townhouses, memory care facility, and proposed
258 assisted living facility, are part of a mixed-use planned unit development (PUD-MU). The
259 proposed amendment must conform to the general standards for PUDs and the specific standards
260 for PUD-MUs. Only the standards applicable to the proposed amendment that are not included
261 under site plan review are discussed here.

262 **(A) ZR Section 6.4: General Standards Applicable to All Planned Unit Developments**

263 The proposed amendments do not conflict with the purpose of PUDs or the uses and
264 densities allowed in the MXD subzone of the MXD-PUD district, and no density bonus
265 has been requested. The assisted living facility would have its own footprint lot, and the
266 principal entry to the PUD (Freeman Woods) will be dedicated to the Town as a public
267 road. Protective covenants for the controlled development of the PUD have been in place
268 since final approval; bylaws governing the multiple layers of homeowners' associations
269 within the PUD will become effective upon completion of the assisted living facility.

270 The proposed amendments include expanded non-public civic spaces totaling
271 approximately 0.3 acres for use by the assisted living facility's residents and visitors,
272 such as landscaped patio areas to the north and south of the building and an inner
273 courtyard.

274 **(B) ZR Section 6.7: Mixed-Use Planned Unit Developments**

275 The proposed amendments conform with the purpose of PUD-MUs and the associated
276 standards. Though the 2018 boundary adjustment with 70 Essex Way for the Essex
277 Residences project altered the use mix and density calculations per ZR Section 6.7(D)(3)
278 for the Freeman Woods PUD-MU, both projects and the proposed amendments remain in
279 conformance with this provision.

280 **IV. Article II, Section 2.7 of the Subdivision Regulations: Master Plan**

281 The *Subdivision Regulations* require a master plan "for any project which is intended to be
282 developed in phases and for which approval of only one phase is currently requested, or for any
283 project where development of only part of the parcel is proposed and the remaining land exceeds
284 in area three times the minimum lot size in the district in which the subdivision is located."

285 The final plan was approved to serve as the master plan for the property. The proposed
286 amendment would change the master plan to show the decreased footprint of the assisted living
287 facility, the increased area of civic space, and the changes to parking and loading layout. These
288 changes are consistent with the intent of the currently approved master plan.

289 **V. Section 4.2 of the Subdivision Regulations: Subdivision Standards**

290 The Planning Commission must evaluate any proposed subdivision according to the Subdivision
291 Standards in Article IV, and may require modification or phasing of the proposed subdivision in
292 light of findings relating to those standards. As noted in Finding I, only standards that are
293 applicable to the proposed changes and not already addressed under site plan review or planned
294 unit development review are discussed in detail under this finding.

295 **(A) SR Section 4.4: Blocks and Lots – Planning and Design Standards**

296 No blocks or lots are proposed except for the footprint lot of the assisted living building,
297 which has been slightly modified to reflect changes to the building design.

298 **(B) SR Section 4.5: Streets**

299 The applicant has not proposed any changes from the previous approval to the new public
300 road known as Freeman Woods.

301 **(C) SR Section 4.6: Sidewalks**

302 The applicant has proposed no changes are proposed to the main sidewalk along Freeman
303 Woods and around the perimeter of the building. Additional paved paths through the
304 civic spaces would provide access to the patio areas and gardens. Sidewalks have also
305 been added to the eastern side of the building to provide access to the service entry.

306 **(D) SR Section 4.7: Land for Public Open Space and Recreational Use**

307 Though the proposal includes non-public civic spaces, the applicant has not proposed any
308 public open space or recreation areas, and would therefore be subject to recreation impact
309 fees at the multi-family dwelling rate based on the number of units or rooms in the
310 assisted living facility.

311 **(E) SR Section 4.8: Utility and Access Easements and Improvements**

312 No changes to utility lines are proposed except those reviewed under Finding II(H). The
313 plans include a revision to the property plat for the Freeman Woods project (currently
314 filed under Land Records slide 505A) to reflect the 2018 boundary adjustment to allow
315 construction of the Essex Residences project. The plat associated with that approval, slide
316 510F shows the mutual utility and access easements between the 6 Freeman Woods
317 property and the 70 Essex Way property. The revised plat for 6 Freeman Woods will
318 supersede slide 505A and reference slide 510F.

319 **(F) SR Section 4.9: Water Supply and Wastewater Systems**

320 The proposed changes to water wastewater systems are discussed under Finding II(H).

321 **(G) SR Section 4.10: Stormwater Management and Erosion Control**

322 The proposed changes to stormwater management are discussed under Finding II(H).

323 **(H) SR Section 4.11: Monuments and Lot Markers**

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

326 **VI. Planning Commission Comments**

327 While reviewing the project on November 14, 2019, the Planning Commission commented:

- 328
- 329 • “The Commission supports a waiver exceed the maximum district height of 40 feet above
330 finished grade for the construction of ornamental towers up to 50 feet above finished
331 grade. The Commission finds that the design of the towers is consistent with the purposes
332 and goals of the Mixed Use Development district and the neighborhood of the proposed
333 building, and that the towers will not constitute a hazard to an established airport.”

334 **VII. Proposed Conditions**

- 335 1. All conditions from previous approvals shall remain in effect except as modified herein.
- 336 2. All construction shall be in conformance with the plans listed above as may be amended
337 herein.
- 338 3. Prior to the issuance of a zoning permit, the plans shall be revised as follows:
- 339 a) On Sheet 1, the snow storage area west of the building shall be removed.
- 340 4. An electronic copy of the plans as may have been revised shall be submitted to the E911
341 coordinator in .PDF file format. Another copy shall be submitted in geodatabase or shapefile
342 in Vermont State Plane Meters, NAD83 (NSRS or most current); alternatively, coordinated
343 CAD data – Vermont State Plane Coordinates, US Survey Feet, Grid Zone 4400, NAD 83
344 (2011) epoch 2010.0, NAVD 88 (geoid12b); alternatively, paper showing three (3) values of
345 State Plane Coordinates.
- 346 5. Prior to the issuance of a zoning permit, the applicant shall obtain any and all applicable state
347 approvals and permits required as a result of this approval and shall submit copies to the
348 Community Development Department for review.
- 349 6. Prior to the issuance of a certificate of occupancy, the applicant shall submit to the Public
350 Works Department a maintenance plan for the permeable pavers proposed for the southern
351 patio area. Thereafter, the applicant shall submit an annual inspection report to Public Works.
- 352 7. All water, sewer, and storm water infrastructure shall be installed in accordance with the
353 specifications and details provided within the *Town of Essex Standard Specifications for*
354 *Construction*, January 2017.
- 355 8. The proposed building shall conform to all standards listed in the *Essex Fire Department*
356 *Building Standards*, January 2015 (attached). In addition, NFPA Class 1 wet standpipes are
357 required. The Fire Department Connection shall be located on the eastern façade facing the
358 memory care facility (6 Freeman Woods).

- 359 9. No occupancy of the structure shall occur until a certificate of occupancy inspection and sign
360 off is issued by the Zoning Administrator. A copy of the State’s occupancy approval shall be
361 filed and attached to the Town’s inspection approval.
- 362 10. Landscaping shall be completed and maintained in accordance with the approved plans.
363 Existing street trees that suffer life-threatening construction damage shall be replaced. Street
364 trees shall be guaranteed for five years from the date the Town takes over Freeman Woods as
365 a public road. All other landscaping shall be guaranteed for the life of the project. Any dead
366 or diseased plantings shall be replaced as soon as seasonally possible.
- 367 11. By accepting the conditions of this approval without appeal, the applicant confirms and
368 agrees for itself and all assigns and successors in interest that the conditions of this approval
369 shall run with the land and the land uses herein permitted, and will be binding upon and
370 enforceable against the applicant and all assigns and successors in interest.

371 **VIII. Attachments**

- 372 • Project narrative, “2 Freeman Woods – Assisted Living Facility, Essex, Final Plan
373 Amendment,” from Dan Heil, P.E., O’Leary-Burke Civil Associates, PLC, dated 10/01/2019;
- 374 • Project narrative, “RE: 2 Freeman Woods,” from Dan Heil, P.E., O’Leary-Burke Civil
375 Associates, PLC, dated 10/08/2019;
- 376 • Essex Fire Department Building Standards, revised January 2015.

377 cc: Dan Heil, P.E., O’Leary-Burke Civil Associates, PLC
378 Benjamin Avery, BlackRock Construction
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