

1
2
3
4
5
6

DRAFT

1
2
3
4
5
6
7

8 March 10, 2016

9

10

11 Keurig Green Mountain Inc.
12 233 Coffee Lane
13 Waterbury, Vermont 05676

The Miller Realty Group, LLP
c/o Robert Miller
599 Avenue D
Williston, VT 05495

14

15

16 Re: **30 GAUTHIER DRIVE**

17 **SITE PLAN AMENDMENT APPROVAL #PC: 2016-4**

18

19 Dear Sirs:

20

21 The Town of Essex Community Development Department received your application on February 4,
22 2016. The proposal is to allow Keurig Green Mountain to install five (5), 28-foot high pole mounted
23 lights that will be placed along the western edge of the paved loading area adjacent to New England
24 Drive. The property is located at 30 Gauthier Drive in the I1 (Industrial) Zoning District. Tax Map 9,
25 Parcel 2.

26

27 Pursuant to Article V, Section 5.6 of the *Town of Essex Official Zoning Regulations*, staff determined
28 that the application was complete and did not involve substantial changes to the approved project.
29 Staff prepared a draft decision for review by the Planning Commission as a minor amendment. The
30 Commission considered and approved the proposed amendment under its consent agenda on March
31 10, 2016.

32

33 Pursuant to state statute, a "Notice of Hearing" was provided to the applicant for posting on the
34 property. The abutting property owners, applicant and landowner were mailed a copy of this draft
35 approval prior to the hearing.

36

37 **BACKGROUND**

38

39 The Planning Commission has granted several approvals to this site as follows:

7

8

9The Miller Realty Group, LLP
10Keurig Green Mountain, Inc.
1130 Gauthier Drive
12Approval #PC:2016-4
13March 10, 2016

14

40

- 41 • #PC:2011-24: approval for a 235,375 sq. ft. addition linking the two existing manufacturing
- 42 buildings at 5 New England Drive and 30 Gauthier Drive; demolition of a 9,000 sq. ft.
- 43 building at 5 Andrew Avenue; additional parking on the site as well as on adjacent parcels, 33
- 44 and 37 Gauthier Drive; and two height waivers for the building, one for the mechanical
- 45 equipment and one for the building height for the easterly portion of the building;
- 46 • #PC:2012-18: Several minor related changes and modification to the rooftop equipment and
- 47 coffee roasting exhaust stacks;
- 48 • #PC:2013-11: Height waiver to install eight mufflers on exhaust stacks;
- 49 • #PC:2013-19: Addition of food cart, rooftop maintenance lighting, electric transformer and a
- 50 man door;
- 51 • #PC:2013-30: Addition of parking lot lighting;
- 52 • #PC:2014-2: Addition of 400 gpd of additional process water and wastewater; and the
- 53 addition of 56 employees;
- 54 • #PC:2014-10: Relocate canopy lighting over loading docks to façade on southerly side of
- 55 New England Drive; and
- 56 • #PC: 2014-33: approval to allow dust collection equipment within the loading area located at
- 57 30 Gauthier Drive.

58

59**PROPOSAL:**

60

61In a letter dated January 27, 2016, the applicant's engineer said, *Currently the loading dock area*
62*adjacent to New England Drive has LED light fixtures mounted next to the loading dock doors. While*
63*the existing building mounted lights provide illumination to the loading dock area, the paved lot where*
64*drivers must walk to inspect their trucks and enter the building is not lit. Five proposed lights will be*
65*placed along the western edge of the paved loading area, parallel to New England Drive. The*
66*proposed lights will be full cutoff LED fixtures, mounted on metal poles at a height of 28 feet. We are*
67*asking for a variance in the light height of 28 to provide better illumination of the pavement from the far*
68*westerly edge of pavement. Similar fixture mounting heights of 26 feet are used by the U.S. Post Office*
69*distribution center across New England Drive from the Keurig Green Mountain loading dock area.*
70*The hours of operation of the proposed lights will be from dusk to dawn because trucks use the loading*
71*doce area 24 hours a day. A proposed uniformity ratio of 15.25 (average:minimum) was calculated for*
72*the loading area. This is due to the low lighting levels at the entrances to the loading dock area off New*
73*England Drive, which are at the fringe of the intended illuminated area.*

74

75**FINDINGS OF FACT:**

76

771. The Planning Commission finds that the applicant has demonstrated compliance with the
78 applicable regulations contained in Section 5.6, *Site Plan Review* of the *Town of Essex Official*
79 *Zoning Regulations*.

80

812. The Planning Commission reviewed the following plans, as drawn by Lamoureux & Dickinson
82 Consulting Engineers, Inc. dated 12/28/15:

83

17The Miller Realty Group, LLP
18Keurig Green Mountain, Inc.
1930 Gauthier Drive
20Approval #PC:2016-4
21March 10, 2016

- 22
- 84 • Sheet No. L1, “The Miller Realty Group, LLP, GMCR Essex Plant, New England
85 Drive, Gauthier Drive, & Andrew Avenue, Essex, VT Proposed Lighting
86 Improvements.”
 - 87 • Sheet No. L2, “Proposed Lighting Levels, The Miller Realty Group, LLP, GMCR
88 Essex Plant, New England Drive, Gauthier Drive, & Andrew Avenue, Essex,
89 VT.”
- 90

913. Section 5.6(G) of the Zoning Regulations read, in part,

92
93 *The Planning Commission may grant a waiver of the requirement for a lighting plan if it*
94 *determines that the application has a negligible lighting impact on the adjacent right-of-way*
95 *and surrounding properties. In no case may a waiver be granted for any property fronting on*
96 *Susie Wilson Road between VT Route 15 and Kellogg Road, or in the HP-DC or B-DC zones.*
97 *If a waiver of the requirement for submission of a lighting plan is granted, the applicant must*
98 *nevertheless comply with all other provisions of this section.*
99

100 The lighting plan shows a maximum 7.64 foot-candle (on the south-east façade) which was
101 previously approved. The proposed pole lights show a range of .40 – 6.08 foot-candles, with the
102 majority falling between the 1-3 foot-candles. Although the plan shows the entire paved loading
103 area as having a 15.25 Avg./Min., the engineer said, “*If we look just at the area to be illuminated*
104 *by the new lights (about the westerly 2/3 of the loading area), the average/minimum would be 7.8.*
105 *A handful of low light values at the edge of the pavement are what is drawing this ratio up.*
106 *Otherwise the uniformity is very good over the majority of the loading area.”* There are no street
107 lights on New England Drive in the vicinity of the loading area where the additional lights are
108 proposed. The applicant is proposing to use a Kelvin Temperature of approximately 4,000K,
109 consistent with the existing lighting on the site.

110
111 The applicant has requested the pole lights to be 28 feet high to allow for safer visibility for
112 drivers while walking from their truck to the building. The neighboring lot (U.S. Postal Service)
113 has pole lights with a height of 26’. Section 5.6(G)(7)(a) allows the Planning Commission to
114 increase a height up to 30’ for either energy conservation or to ensure that the parking lot lighting
115 is adequate for safe use of the site. The increase in pole height will keep the light trespass onto the
116 neighboring lot at the required maximum of two-tenths (0.2) foot-candles.

117
1184. The Public Works Department, Police Department, Fire Department and the Recreation
119 Department have no issues with the proposal.

120
1215. The applicant submitted an application to amend State Land Use Permit #4C0842 & #4C0996 for
122 the proposed lighting. The State has issued a draft approval and does not intend to schedule a
123 hearing unless a person notifies the Commission in writing, of a substantive issue, or the
124 Commission sets the matter for a hearing on its own motion. The deadline for a hearing request is
125 March 1, 2016.

25The Miller Realty Group, LLP
26Keurig Green Mountain, Inc.
2730 Gauthier Drive
28Approval #PC:2016-4
29March 10, 2016
30

126**CONDITIONS:**

127

1281. All construction shall conform to the plans identified in Finding 2 above.

129

1302. The applicant shall obtain a Town Zoning Permit prior to construction and schedule an inspection
131 upon completion of the project.

132

1333. All conditions from previous approvals shall remain in effect except as modified herein.

134

1354. By acceptance of the conditions of this approval without appeal, the applicant confirms and
136 agrees that the conditions of this approval shall run with the land and the land uses herein
137 permitted, and will be binding upon and enforceable against the applicant and all assigns and
138 successors in interest.

139

140It is the conclusion of the Essex Planning Commission that the project described in the application
141referred to above, if completed and maintained in conformance with the foregoing findings of fact and
142conditions, will not cause a detriment to the health, safety and welfare of the inhabitants of the Town
143of Essex and will conform with the *Town of Essex Official Zoning Regulations* adopted pursuant to 24
144V.S.A Chapter 117.

145

146This decision is appealable to the Vermont Environmental Court pursuant to Section 7.4 of the *Town*
147*of Essex Official Zoning Regulations* and 24 V.S.A. § 4471. Any appeal must be filed by certified
148mail to the Environmental Court and by mailing a copy to the Essex Town Clerk within 30 days of the
149date of this approval.

150

151**TOWN OF ESSEX PLANNING COMMISSION**

152

153

154_____
Dustin R. Bruso, Chair

David P. Raphael, Vice-Chair

155

156

157_____
Johnathan Schumacher, Clerk

Tom Furland

158

159

160_____
Joshua Knox

Ned Daly

161

162

163_____
Dijana Kulasic

164

165cc: Andy Rowe, P.E., Lamoureux & Dickinson

166

167g:\commdev\pc\approval\gauthier dr 30 consent March16
168