

1 **ESSEX PLANNING COMMISSION**
2 **June 23, 2016**

3
4 **STAFF REPORT**

5 Prepared by Greg Duggan, Town Planner

6
7 **SITE PLAN**
8 **RESIDENTIAL PHASING POLICY**
9 **MASTER PLAN**

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11
12 **I. Applicant**

13
14 Rick Bove
15 218 Overlake Drive
16 Colchester, VT 05466

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18
19 **II. Proposal**

20
21 The applicant has applied for a site plan amendment for a mixed-use building at 7 Carmichael
22 St., Tax Map 91, Tax Parcel 1. Referred to as Building O on the master plan for the new Town
23 Center, the building would have three stories and a 10,006-square-foot footprint. The ground-
24 floor would contain office space, and the second and third floors would have apartments. The
25 overall site is a 15.99-acre lot in the Mixed Use – Commercial (MXD-C) zoning district.

26
27 The applicant has also requested a master plan amendment to modify the phasing schedule and
28 the ratio of commercial and residential space on the entire lot.

29
30 Building O has already been approved as a two-story, mixed-use building. The amendment
31 would add a third floor and change the design of the building. The first floor of the building
32 would contain a dentist's office and general office space. The second and third floors would each
33 have eight one-bedroom units and two two-bedroom units, for a total of 20 residential units.

34
35 Abutting properties to the east and south also lie in the MXD-C district, and include residential,
36 commercial and office uses. Abutting properties north of VT Route 15 fall into two zoning
37 districts. Land west of Old Stage Road is in the Mixed Use-Planned Unit Development (MXD-
38 PUD) district, which contains Retail-Business (B1) and Medium Density Residential (R2)
39 subzones. Land east of Old Stage Road is in an R2 district and contains residential uses.

40
41
42 **III. Background**

43
44 In 1984 the Planning Commission granted sketch approval for a 16-lot subdivision of single-
45 family homes at the property, which at the time was in an AR-2 zoning district. The landowner

**Site Plan Amendment & Master Plan Amendment
7 Carmichael St. (Building ‘O’)
June 23, 2016**

46 withdrew the application in 1985.

47

48 In 1991 the Town adopted a Town Center Master Plan. The new center was to include “higher
49 density and mixed use buildings (offering) a variety of housing types within close proximity to
50 shops, services, community facilities and places of work. Integrated street networks provide a
51 framework for development and address traffic circulation requirements. At the same time the
52 Plan promotes pedestrian circulation and public transit as an alternative to automobiles.”

53

54 In May 1997, the Planning Commission approved a master plan for Essex Town Center. The
55 development schedule has not progressed as expected in the 18 years since the approval of the
56 master plan, and subsequent master plan amendments have modified the phasing schedule.

57

58 The original master plan included a 25 percent density bonus for residential development,
59 allowing up to 112 units on the property. The Zoning Regulations allow up to 1,500-square feet
60 per residential unit; with 112 residential units, the master plan accommodated up to 168,565
61 square feet of commercial space.

62

63 The original master plan featured 14-foot-wide sidewalks on each side of Old Stage Road and
64 Main Street (now Commonwealth Avenue and Carmichael Street, respectively), with a minimum
65 of 92 feet between buildings on opposite sides of the streets. To support and promote pedestrian
66 traffic, the master plan approval noted, “Pedestrian connections between the rear parking lots and
67 the streets need to be clearly distinguished from their surroundings and obvious to pedestrians on
68 either end. ... The walkways should be well lit, landscaped, sufficiently wide.”

69

70 In November 2003 the Planning Commission approved a site plan for Building O and Building
71 O1. The site plan included two three-story buildings with retail and office space on the ground
72 floor and residential space on the upper two floors.

73

74 A site plan amendment was approved in October 2007, allowing for revisions to the building
75 footprint, modifications to the curbed islands in the parking area, and the addition of a temporary
76 stormwater pond.

77

78 The Planning Commission approved another site plan and master plan amendment in January
79 2009, where Buildings O and O1 were each approved with a 3,672-square foot footprint. The
80 buildings had ground-floor commercial space and residential space on the second floors. The
81 approval expired the following year.

82

83 In May 2015 the Planning Commission approved a site plan application for Building O as a two-
84 story building with a 10,006-square-foot footprint. The bottom floor was to contain office space,
85 and the top floor was to include nine one-bedroom apartments and one two-bedroom apartment.

86

87

88 **IV. Article V, Sections 5.5 and 5.6 of the *Zoning Regulations*: Amendments**
89 **and Site Plan Review**

90
91 The applicant has applied for a site plan amendment pursuant to Section 5.5 of the *Town of Essex*
92 *Outside the Village of Essex Junction Official Zoning Regulations*. With 10 additional residential
93 units and a new building design, staff considers the proposed amendments substantial. Section
94 5.5 (B) of the *Zoning Regulations* specifies, "Substantial amendments to approved site plans
95 shall not be made without submitting a revised application for review and approval by the
96 Planning Commission."

97
98 Section 5.6 of the *Zoning Regulations* guides Site Plan Review. Per Section 5.6,
99

100 *The purpose of site plan review is to ensure that the layout and design of development on*
101 *pre-existing or approved lots conform to the Town Plan of record, these Regulations and*
102 *applicable conditions of previous subdivision and conditional use approvals. Standards*
103 *specifically relate to the internal layout of the site, its physical design, and the functional*
104 *integration of the site with adjoining properties, uses and infrastructure.*

105
106 **(A) Plans**

107
108 The Applicant has submitted the following plans:
109

- 110 • Plan Sheet #M, "Master Plan, Essex Town Center, Essex, Vermont," prepared by
111 O'Leary-Burke Civil Associates, PLC, dated 3/21/01, last revised 5/18/16.
- 112 • Plan Sheet #11, "Site Plan, Building 'O,' Essex Town Center, Essex, Vermont,"
113 prepared by O'Leary-Burke Civil Associates, PLC, dated 4/16/15, last revised
114 5/13/16.
- 115 • Plan Sheet #12, "Landscaping Plan, Building 'O,' Essex Town Center, Essex,
116 Vermont," prepared by O'Leary-Burke Civil Associates, PLC, dated 4/16/15, last
117 revised 6/17/16.
- 118 • Plan Sheet #13, "Lighting Plan, Building 'O,' Essex Town Center, Essex, Vermont,"
119 prepared by O'Leary-Burke Civil Associates, PLC, dated 4/16/15, last revised
120 5/13/16.
- 121 • Plan Sheet #14, "Road & Sewer Details & Specifications, Building 'O,' Essex Town
122 Center, Essex, Vermont," prepared by O'Leary-Burke Civil Associates, PLC, dated
123 5/12/15, last revised 5/13/16.
- 124 • Plan Sheet #15, "Water, Sewer & Storm Details & Specifications, Building 'O,'
125 Essex Town Center, Essex, Vermont," prepared by O'Leary-Burke Civil Associates,
126 PLC, dated 5/12/15, last revised 5/13/16.
- 127 • Plan Sheet #16, "Erosion Control Plan, Building 'O,' Essex Town Center, Essex,
128 Vermont," prepared by O'Leary-Burke Civil Associates, PLC, dated 12/1/14, last
129 revised 5/13/16.
- 130 • Sheet No. 1, "Rendered Elevations, Bove Building Lot 'O', 7 Carmichael Street,

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- 131 Essex, VT 05452,” prepared by Scott + Partners Architecture, dated 6/15/16.
- 132 • Sheet No. 2, “Rendered Elevations, Bove Building Lot ‘O’, 7 Carmichael Street,
133 Essex, VT 05452,” prepared by Scott + Partners Architecture, dated 6/15/16.
- 134 • Sheet No. 3, “Perspectives, Bove Building Lot ‘O’, 7 Carmichael Street, Essex, VT
135 05452,” prepared by Scott + Partners Architecture, dated 6/15/16.
- 136 • Sheet No. 4, “Perspectives, Bove Building Lot ‘O’, 7 Carmichael Street, Essex, VT
137 05452,” prepared by Scott + Partners Architecture, dated 6/15/16.
- 138 • Sheet No. 5, “Perspectives, Bove Building Lot ‘O’, 7 Carmichael Street, Essex, VT
139 05452,” prepared by Scott + Partners Architecture, dated 6/15/16.
- 140 • Sheet No. 6, “Ground Floor Plan, Bove Building Lot ‘O’, 7 Carmichael Street, Essex,
141 VT 05452,” prepared by Scott + Partners Architecture, dated 6/15/16.
- 142 • Sheet No. 7, “Typical Upper Floor Plan, Bove Building Lot ‘O’, 7 Carmichael Street,
143 Essex, VT 05452,” prepared by Scott + Partners Architecture, dated 6/15/16.
- 144 • Sheet No. 7, “Context Images, Bove Building Lot ‘O’, 7 Carmichael Street, Essex,
145 VT 05452,” prepared by Scott + Partners Architecture, dated 6/15/16.

146
147 **(B) Section 5.6(A), General Requirements**

148
149 **1. Conformance with the *Essex Town Plan***

150
151 The project complies with the following goals and policies of the *2016 Town Plan*:

152
153 ***Goal 1c: The Town Center is a focus of concentrated growth and community life.***

154
155 ***General Policy 1: Development shall occur in areas suitable for growth in a compact
156 manner as opposed to scattered development throughout Town.***

157
158 ***Goal 2a: The Essex tax base is increased and diversified by an economic development
159 climate that is friendly to a large variety of businesses, including start-ups.***

160
161 ***General Policy 2: Economic growth shall be diversified, with development occurring
162 in and around the Town Center, the Susie Wilson Road Corridor, and the Saxon
163 Hill/Resource Preservation District – Industrial (RPD-I) zoning district.***

164
165 ***Goal 4a: Housing is located in areas convenient to employment, shopping, schools, and
166 public transportation.***

167
168 ***General Policy 4: Diverse housing opportunities shall be sought with a majority of
169 them being located in the areas in Town identified as appropriate for growth: the
170 Town Center, the Susie Wilson Road corridor, and portion of Essex Center.***

171
172 **2. Dimensional limitations and provisions of the *Zoning Regulations***

173
174 **Table 2.12, Mixed Use Development – Commercial District (MXD-C). Table 2.12(A)**

of the *Zoning Regulations* describes the of the MXD-C district:

The purpose of the Mixed Use Development-Commercial District is to facilitate the development of a mixed use center which incorporates higher density residential development along with a broad range of retail and personal service shops, professional offices and commercial uses, all in a compact, pedestrian friendly area. The intent of this district is to provide an area in the Town in which a broad range of retail and personal service shops, professional and governmental offices, and supportive, compatible commercial uses is allowed. Residential uses, which add interest and vitality to the area and accommodate those who desire high-density housing are encouraged. All uses should be properly located and designed to enhance the existing structures in the area. Development should be reviewed in accordance with the Town Center Master Plan (April 1991).

- i. **Permitted Uses.** Multi-family dwellings and offices are permitted uses in the MXD-C district.
- ii. **District Dimensional Requirements.** This project conforms to some portions of Table 2.12(D), Dimensional Requirements of the MXD-C district, as noted below:

Dimensional Requirements	Required	Proposed
Minimum Lot Area	7,000 sf	696,524 sf
Minimum Lot Area per Dwelling Unit	7,000 sf	4,171 sf
Minimum Lot Frontage	50 ft.	Approx. 145 ft.
Minimum Front Setback (from ROW) – VT Route 15	75 ft.	n/a
Minimum Front Setback (from Travel Way) – Other Streets (Commonwealth Avenue)	36 ft.	n/a
Minimum Front Setback (from Travel Way) – “Main Street” (aka Carmichael Street)	42 ft.	Approx. 35 ft.
Minimum Side Setback	None	n/a
Minimum Rear Setback	None	n/a
Maximum Building Area/Floor – Mixed Use	10,000 sf	10,150 sf
Maximum Lot Coverage	70%	41%
Maximum Height	40 ft.	40 ft.

In the above table, minimum lot area per dwelling unit is calculated based on all 167 existing and proposed residential units on the property.

The 16-acre lot at 77 Upper Main Street has adequate frontage on Carmichael Street, Commonwealth Avenue, and VT Route 15. Based on its footprint, Building O has approximately 145 feet of frontage on Carmichael Street.

202
203 **3. Article II, Table 2.16 of the Zoning Regulations: Business-Design Control Overlay**
204 **District (B-DC)**
205

206 The property lies in the Business-Design Control (B-DC) Overlay District. Table 2.16(A)
207 describes the purpose of the B-DC district:
208

209 *The purpose of this district is to assist in focusing on design principles which can*
210 *result in creative solutions that will develop a satisfactory visual appearance*
211 *within the Essex Center area. A report entitled "Historic Preservation and Design*
212 *Control Standards for Essex Center and Fort Ethan Allen" (1986), included by*
213 *reference in the Essex Town Plan, describes the particular planning and design*
214 *problems in this district and sets forth a design plan for the Essex Center area.*
215 *Building and site design for all commercial development proposals in this district*
216 *shall be evaluated under criteria established in the report entitled "Essex Center*
217 *Business-Design Control District" and in accordance with the criteria established*
218 *herein. The criteria established in this Section do not apply to single-unit or two-*
219 *unit dwellings (and their accessory uses), accessory dwelling, or to agricultural*
220 *buildings and uses.*

221
222 The B-DC overlay district has five overarching goals and objectives: maintain and
223 improve economic vitality; preserve and enhance visual qualities; protect historical,
224 architectural and cultural heritage; encourage a pedestrian-friendly environment; and
225 encourage coordination and harmony. Requirements of the B-DC overlay district come in
226 addition to the standards of underlying districts, though the Planning Commission can
227 deny an application if a proposed development or amendment does not meet the intent of
228 the B-DC overlay district. The Planning Commission shall base its decision on the
229 *Historic Preservation and Design Control Standards for Essex Center and Fort Ethan*
230 *Allen* and the criteria established in Table 2.16 of the *Zoning Regulations*.
231

232 The Design Control Standards for Essex Center provide the following standards for new
233 buildings:
234

235 *New construction within this district should be residential in style and should not*
236 *exceed 1 ½ to 2 stories in height with a first floor level at or slightly above grade*
237 *level. Structures should be gable roofed with roof overhangs on all sides. Some*
238 *type of eave or cornice treatment similar to that of the existing historic structures*
239 *should be encouraged. Windows should be wood with double hung sash. Use of*
240 *panel doors at entries should be encouraged with some type of architectural*
241 *treatment of entries in a style similar to that of the neighboring structures.*
242 *Vertical siding should be discouraged with brick or horizontal clapboard*
243 *preferred for exterior wall covering.*
244

245 The design for Building O has changed with the applicant's proposed amendment for a

246 third story. While the footprint remains largely the same, the previously-approved, two-
247 story building contained gabled roofs and a main entrance facing Carmichael Street.
248 Façade materials included horizontal siding, brick, and fiber cement panels.

249
250 The current proposal features similar siding materials: brick and fiber cement panel
251 siding along the ground floor; horizontal clapboard siding and cement panel siding
252 accents would be used on the upper floors. The roof would be flat, but would feature
253 overhangs and cornice treatments. Both entrances would be located on the side of the
254 building.

255
256 **i. *Historic Preservation and Design Control Standards for Essex Center and Fort***
257 ***Ethan Allen***

258
259 The *Design Control Standards* provide descriptions of the architectural and siting
260 elements common to Essex Center. Common features include front and side yard
261 exposures, clapboard or brick siding, roof overhangs, gables, and double hung sash
262 windows.

263
264 The applicant’s architects described proposed architectural features of Building O in
265 a narrative dated June 17, 2016:

266
267 *We continue to use components in keeping with the traditional materials and*
268 *imagery of the area: clapboard siding mixed with fiber cement accent panels,*
269 *double-hung windows with accent panels, window surrounds, corner board*
270 *trim elements, roof soffits/overhangs, decorative cornice brackets, and a*
271 *strong horizontal accent band used to visually separate the first floor*
272 *commercial use from the upper level residential use.*

273
274 **ii. *Table 2.16(D) of the Zoning Regulations, Design Requirements***

275
276 **a) *Relationship of Buildings and Site to Adjacent Areas***

277
278 Sites in the B-DC Overlay shall be planned to allow a desirable transition with the
279 streetscape, and need to provide adequate parking, landscaping, and safe pedestrian
280 and vehicular movement. Portions of a property that have negative impacts on
281 adjacent properties must be screened. The scale, height and mass of a project must
282 be compatible with the site and adjacent buildings and with any Town-endorsed plan
283 that incorporates desired design or architectural guidance.

284
285 The building will contain rooftop HVAC equipment, which will not be visible from
286 the road.

287
288 Site circulation, parking, and landscaping are described in Sections IV(E), IV(F) and
289 IV(G) of this staff report, respectively.

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iii. Table 2.16 (D)(2), Landscaping and Site Treatment

Parking areas and access roads in the B-DC overlay district must be enhanced with landscaping and trees. Parking areas, access roads, storage areas, trash receptacles and other accessory structures must be screened from the street and adjacent properties. New utility services must be installed underground. Exterior lighting needs to enhance the building design and adjacent landscape, and cannot create or exacerbate light trespass. Light fixtures shall be compatible with the building design and the surrounding area.

Landscaping and lighting will be covered in Section IV(G) and Section IV(H) of this staff report, respectively.

iv. Table 2.16 (D)(3), Building Design

While architectural style is not restricted in the B-DC overlay district, the Planning Commission must evaluate projects based on the quality of design and relationship to the surroundings. Buildings must have good scale and conform to neighboring developments. Materials must have good architectural character and be harmonious with adjacent buildings. Mechanical equipment and other utility hardware shall be screened from public view or located in areas that are not visible from the public right-of-way or adjacent properties.

The architects described the building design in a June 17, 2016 narrative:

The building is presented as a three story, flat roofed structure with a commercial first floor and apartments on the upper two floors. With the corner lot, we have positioned the main structure along Carmichael Street with a large ell turning the corner. Common design elements and color schemes create a continuity to the overall structure while the main façade is articulated to break up the massing. Design elements (used) include step-backs, color changes and cornice treatments of varying heights and level of detail. Entries are announced with canopies, either building supported or on columns. To enhance the main entry corner along Carmichael Street, we created a tower above the exit stair. This feature will draw attention to this end of the building and provide a visual focal point for this area of the overall development. It is detailed with strong overhangs and brackets to echo detailing on other parts of the building and surrounding structures.

The applicant’s engineers provided perspectives that show Building O in context with existing buildings in the area.

v. Table 2.16 (D)(4), Access and Parking

334
335 Landscaping shall preserve and promote the visual quality of parking, and parking
336 shall be located in the rear of commercial establishments when appropriate. The
337 Planning Commission can also require shared curb cuts between commercial lots to
338 minimize access to and from collector roads.

339
340 Landscaping, access, and parking are covered in sections IV(G), IV(D) and IV(F) of
341 this staff report, respectively.

342
343 **vi. Table 2.16 (D)(5), Signs**

344
345 Signs must be scaled to buildings and surroundings on a property, and must be
346 compatible with signs on adjacent premises. Signs must also be designed as an
347 integral architectural element of the site, with colors, materials and lights that are
348 harmonious with buildings on the site. Signs cannot have neon, flashing,
349 intermittent, or moving lights, nor can they have internal illumination, moving parts,
350 or fluorescent paint.

351
352 All signs must meet the provisions of Table 2.16(5) and Section 3.10 of the *Zoning*
353 *Regulations* and must be approved by the Planning Commission.

354
355 **vii. Table 2.16(E), Specific Design Requirements in the MXD-C District**

356
357 The general purposes of the MXD-C zone shall apply to the design requirements of
358 the district. In addition, the 1991 Town Center Master Plan and the Essex Town Plan
359 shall guide development in the area. The Master Plan and Town Plan objectives are
360 covered in sections III and IV(B)1 of this staff report, respectively.

361
362 **4. Aesthetics and visual impacts**

363
364 The project is in the Town's Business Design Control Overlay district. Section IV(B)3 of
365 this staff report covers design control standards in more detail.

366
367 **5. Outstanding violations**

368
369 The property does not have any outstanding violations.

370
371 **(C) Section 5.6(B), Natural features**

372
373 The *Zoning Regulations* stipulate that site layout and design, "to the extent feasible, shall
374 incorporate and protect significant natural features as identified on the Significant Features
375 and Water Resources Maps contained in the Town Plan of record or through site
376 investigation."

377

378 Neither the Significant Features Map nor the Water Resources Map show any features on
379 the property, nor does the Vermont Agency of Natural Resources' Natural Resources Atlas
380 show any significant resources on the property.

381
382 The proposed site plan amendment would have no impact to the natural features of the site
383 beyond what has already been approved, and the the project would not have an adverse
384 impact on access to renewable energy resources.

385

386 **(D) Section 5.6(C), Access**

387

388 Pedestrian and vehicular access to the site must meet applicable design standards in the
389 *Zoning Regulations* and Public Works specifications. The Planning Commission can impose
390 conditions related to on- or off-site improvements meant to mitigate the impact of traffic, or
391 to maximize pedestrian and vehicular safety. The Planning Commission can also require the
392 installation of service roads; all roads must be constructed to meet the current *Town of Essex*
393 *Public Works Specifications*.

394

395 Traffic would be expected to increase slightly due to the 10 additional residential units. The
396 original site plan approval would have resulted in an estimated 31 afternoon/evening peak
397 hour vehicle trips; the latest proposal is projected to generate 37 PM peak trips. The
398 applicant's engineer included the traffic estimate, based on the ITE Traffic Generation
399 Manual, in the project narrative dated May 16, 2016:

400

	<i>Total</i>	<i>AM</i>	<i>PM</i>
<i>Dentist Office</i>	<i>178</i>	<i>11</i>	<i>21</i>
<i>General Office</i>	<i>29</i>	<i>4</i>	<i>4</i>
<i>Apartments (Original 10)</i>	<i>67</i>	<i>5</i>	<i>6</i>
<i>Apartments (Additional 10)</i>	<i>67</i>	<i>5</i>	<i>6</i>
<i>Total PM Peak Trips</i>			<i>37</i>

408

409 *As with previous approvals, the new buildings proposed will be required to contribute*
410 *an impact fee for future improvements on Essex Way and VT Route 15. The impact fee*
411 *is calculated to be \$277.00 per P.M. peak trip. Therefore the traffic impact fee for the*
412 *additional residential units in Building "O" will be $(\$277.00 \times 6) = 1,662.00$.*

413

414 **1. Fire Department**

415

416 The Fire Chief, in an email dated June 17, 2016, wrote,

417

418 *We now have three sites under construction there. As soon as they set a crane to*
419 *erect the walls, trusses, etc. it will further restrict fire apparatus access. Add to*
420 *that the many other construction vehicles, residents and visitors of nearby*
421 *buildings, and it will be a catastrophe. Keep in mind that none of the newer*

422 *buildings will have their sprinkler systems active while they are under*
423 *construction. This is a huge fire load and our ability to bring water and vehicles*
424 *into the area to fight a fire is extremely limited at this time.*

425
426 *The current path that was put in place is inadequate for fire vehicles especially*
427 *during wet times when that area gets saturated with water.*

428
429 **2. Police Department**

430
431 The Police Chief did not have any concerns about access to the site.

432
433 **3. Public Works**

434
435 Public Works confirmed the applicant's traffic analysis and traffic fee in a memorandum
436 dated June 9, 2016.

437
438 In a memo dated June 15, 2016, Public Works commented on the construction of
439 Carmichael Street:

440
441 *Public Works has been made aware that the applicant will not be constructing*
442 *Buildings G and H in the near term due to funding issues. Back in February of*
443 *2015, Public Works reviewed the applicants submittal for Buildings G,H, and X.*
444 *Public Works was quite clear that the interconnection between Carmichael Street*
445 *must be completed. The following is an excerpt from the May 20, 2015 review*
446 *from this office.*

447
448 **Sheet 4: (Plan & Profile Carmichael Street 16+55 to 22+10)**

449
450 2. Public Works recommends that a 5-Foot wide bituminous concrete
451 temporary walk be installed along the north side of Carmichael Street
452 between Sta. 19+25 to 22+10. This walk should extend from the
453 terminus of the existing sidewalk on the Town Meadow side of
454 Carmichael Street to the proposed pedestrian ramps at the northeast
455 corner of the Carmichael Street / Commonwealth Avenue intersection.
456 One response indicated gravel; a later response indicated temporary
457 pavement. Temporary pavement should be the selected surface
458 material.

459 3. **Public Works was of the understanding that the subbase of the**
460 **entire width of road would be constructed between Sta. 19+25 to**
461 **22+10 on Carmichael Street.** The new underdrain for this road
462 belongs at the future location of the face of curb, not in the road.
463 Public Works will not accept the underdrain along the temporary
464 portion of Carmichael Street as it is currently designed. Furthermore,
465 **Public Works agrees with only paving a 28-foot width of base**

466 course pavement between along this section of Carmichael Street
467 but will require full depth / width road construction. The
468 additional street parking, curbing, and walks can be installed
469 during later phases of work. OK

- 470 4. An 18-Inch wide gravel shoulder shall be placed on either side of the
471 temporary section of Carmichael Street. OK
472

473 *Public Works agrees with the concerns expressed by the Town of Essex Fire*
474 *Department regarding the addition of more residential construction within the*
475 *Town Center, and the possible impacts to pedestrian, vehicular, and emergency*
476 *vehicles throughout the Town Center area. Public Works is of the opinion that*
477 *completing the connection of Carmichael Street, and extending Commonwealth*
478 *Avenue to Carmichael Street will properly address these concerns. Completion of*
479 *this infrastructure should be made a condition of any site plan approval for*
480 *Building O.*

481
482 In a subsequent email dated June 17, 2016, the Public Works Director added,

483
484 *This road is critical to maintaining 24 -7, year round access for emergency*
485 *vehicles and for winter plowing operations.*

486
487 *There is a substantial population in the area that is elderly and in high rise units.*
488 *Police and Fire access is essential and it cannot be weather or surface dependent.*
489 *The eastern side of Carmichael Street has only one public access off Essex Way.*
490 *Public Works needs to be able to maintain through access year round on a*
491 *common and continuous asphalt surface that can withstand the weight of the*
492 *vehicles, can have the same type of winter surface treatment (salt or equivalent)*
493 *and be maintained as one through truck plow route. We can't be involved with the*
494 *grading of a gravel road, the application of dust control and other maintenance*
495 *measures required of a gravel road. And we cannot count on the developer to*
496 *keep the gravel road in a 24, 7 acceptable condition.*

497
498 *I am open to an asphalt surface treatment that might involve using recycled*
499 *asphalt (RAP) in combination with a temporary thinner lift of asphalt over the top*
500 *- say 2.5 inches of hot mix over a base of RAP. This saves the top course for the*
501 *future. This would work for 4 to 5 years as a temporary asphalt surface. If it takes*
502 *the developer substantially longer to build out along this road, they can recycle*
503 *this material and reuse it for the future paved parking lots. However, reusing it is*
504 *a lot cheaper than discarding it and having to use all new material.*

505
506 *This is not an issue of what is best for the developer or cheapest. This is an issue*
507 *of concern for public safety where the needs of the Town and access for*
508 *emergency vehicles takes precedence over the cost concerns of the developer.*
509

If the path and the road is paved, we will maintain them in the winter even if they are not part of the dedicated public infrastructure to help insure public safety.

(E) 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 pay particular attention to safety and give consideration to accessibility, as required by the Americans with Disabilities Act.

The proposed site amendment would not change circulation, as the site would have curb cuts on each side of the building that lead to parking areas. One parking area would be located between Building O and Building N, which is occupied by Joyce's Noodle House. The other parking area would be located behind Building O.

Sidewalks would continue to surround the building.

(F) Section 5.6(E), Parking

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

The *Zoning Regulations* require dentist offices to have 1 parking space per 200 square feet of floor space. Professional offices need 1 space for every 250 square feet of floor space. Multi-family buildings with 1- and 2-bedroom units require 1.67 spaces per dwelling unit.

As with the previously approved site plan, the applicant plans to add 64 parking spaces to the Town Center with the construction of Building O. While the previously-approved building would have needed 61 parking spaces, the addition of 10 living units brings the required total to 78.

	Required	Proposed
Dentist office (6,446 sf)	33	
Office (2,550 sf)	11	
Residential, 1-2 bedroom multi-family (20 units)	34	
TOTAL	78	64

Building O will benefit from shared parking throughout the entire site. In an email dated June 17, 2016, the applicant's engineer wrote,

We ran a new shared parking calculation to evaluate the available parking and parking required for the existing town center buildings as well as buildings X and O.

548 ... We found that the busiest month of the year will be December at which time 348
549 spaces will be required. We are currently showing 354 available spaces after
550 buildings X and O are constructed.
551

552 The *Zoning Regulations* call for three ADA-compliant parking spaces for lots with 51 to 75
553 spaces. The site plan shows three ADA-compliant spaces near Building O.
554

555 **(G) Section 5.6(F), Landscaping and Screening**
556

557 The Planning Commission can require landscaping to achieve the objectives of the *Zoning*
558 *Regulations* and the *Town Plan*. Landscaping objectives in the MXD-C district involve
559 street trees, parking areas, lawn and building enhancements, and the town common.
560

561 In approving Building O in 2015 the Planning Commission recommended that the applicant
562 include more mature plantings along the bank at the south side of the parcel. The latest
563 landscaping plan shows Weeping Willows and Thornless Honey Locust trees being planted
564 along the bank.
565

566 **(H) Section 5.6(G), Lighting**
567

568 The *Zoning Regulations* call for an exterior lighting plan that provides “site lighting and
569 lighting levels that are appropriate for the anticipated activities on the site and the property’s
570 surrounding context, and that maximize the efficiency of site lighting and energy demand,
571 while minimizing up-light glare, and unnecessary spillover light or light diffusion onto
572 adjacent properties.” Parking lot lights mounted on poles can be no higher than 22 feet, or
573 15 feet when located adjacent to residential districts. The Planning Commission, however,
574 can approve a height of up to 30 feet if doing so contributes to the overall quality of the
575 lighting plan and does not adversely affect adjoining properties. Lighting levels on the site
576 cannot exceed 7 foot-candles, and must have an average to minimum uniformity ratio of 5 to
577 1. Light trespass from the site must not increase by more than 0.2 foot-candles 5 feet beyond
578 the property line. Lighting levels must be appropriate for the site and surrounding area, and
579 must maximize efficiency of lighting and energy.
580

581 The proposed amendment does not include any changes to approved lighting.
582

583 **(I) Section 5.6(H), Utilities and Services**
584

585 **1. Water and Sewage Disposal.** In the project narrative dated May 16, 2016, the
586 applicant’s engineer wrote,
587

588 *Building “O” is still connecting to both municipal water and sewer as previously*
589 *approved. As a result of the increase in residential units the additional water*
590 *usage has been estimated according to the Town Ordinances as follows:*
591

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592 *Apartments:*
593 *10 @ 140 gpd/unit* *1,400 gpd*
594

595 *The applicant will pay the required water and wastewater allocation fees*
596 *based on the current usage prior to connecting to the municipal water and*
597 *wastewater systems. The fees have been estimated as follows:*

598
599 *Water: (1,400 gpd X \$5.73 = \$8,022.00*
600 *Sewer (1,400 gpd X \$10.30/gpd) = \$14,420.00*
601

602 Public Works revised the fees downwards, on the basis of each apartment using 100 gpd.
603 In a June 9, 2016 memo, Public Works wrote,

604
605 *The Town of Essex calculates the additional water and sewer allocation required*
606 *for the additional floor proposed for building "O" to be as follows;*

607
608 *Third Floor residential 10 Apartments X 100 GPD per Apartment = 1,000 GPD*
609

610 *The applicant will be required to purchase **1,000 GPD** of both water and sewer*
611 *allocation. The amounts are as follows;*

612
613 *Water: (1,000 GPD X \$5.73 per GPD) + \$0 = \$ 5,730.00*

614
615 *Sewer: (1,000 GPD X \$10.30 per GPD) + \$0 = \$10,300.00*

616
617 *Total = **\$16,300.00***
618

619 In a memo dated June 16, 2016, Public Works spoke to water infrastructure and the
620 system's ability to maintain adequate service with the construction of Building O:

621
622 *Public Works has reviewed this project twice before April 24, 2016 and on May*
623 *19, 2015. As part of the last review, Public Works reiterated its concerns*
624 *regarding the system pressure in the Town Center area. This application is*
625 *proposing an additional floor on the previously approved project for a total of*
626 *three floors. In order to ensure that the existing water system within the Town*
627 *Center area can maintain adequate service to the future proposed projects*
628 *(Building O and X), and existing water customers, Public Works will require the*
629 *applicant to interconnect the existing water infrastructure on Commonwealth*
630 *Avenue and both sides of Carmichael Street. Public Works is of the opinion that*
631 *any approval for Building O also be conditioned to require this water system be*
632 *completed.*

633
634 **2. Stormwater Management.** The Zoning Regulations require all stormwater systems to
635 meet the requirements of the Town's Stormwater Management Ordinance.

636
637 The site plan amendment would not add any impervious surface to the property.
638

639 **3. Utilities.** The *Zoning Regulations* require all utilities to be located underground except
640 where the Town Engineer determines that doing so would be infeasible.
641

642 **(J) Section 5.6(I), Fire Protection**

643
644 The Fire Chief, in an email dated May 23, 2016, wrote,
645

646 *The Fire Department is requesting additional information as to overall height of the*
647 *tallest portions of the proposed building and exactly what items will be going on the*
648 *roof. The drawings appear to have raised structures that extend above the main roof*
649 *line, however there is no detail as to what they are or what will be in them. This*
650 *additional information is not intended to delay this application, but to clarify what*
651 *equipment will be there so as to ensure occupant safety.*

652
653 *The Fire Department is requesting that this building install stand pipes for fire*
654 *department connections in all stair towers which will have a separate FDC*
655 *connection on the exterior of the building adjacent to the sprinkler connection. Both*
656 *connections shall be 5" Storz and if located above 30" from grade, they shall have*
657 *an angled connection, and be clear of all plantings.*

658
659 *The fire alarm system shall be fully addressable and any elevator shall be of a size*
660 *sufficient to accommodate a Stryker MX Pro 3 stretcher and at least 2 personnel.*
661

662 The applicant's architect responded in an email dated June 17, 2016:
663

664 *The raised flat roof will not contain anything, just a high roof over a stairwell. There*
665 *will be rooftop HVAC equipment but it has not been exactly located, except that it*
666 *won't be seen from the street. Also Chief Cole had requested standpipes in the*
667 *stairwells which we are providing.*
668

669 The project will require a permit from the State Fire Marshal.
670
671

672 **V. Article III of the Subdivision Regulations: Residential Phasing**
673

674 The goal of Residential Development Phasing is to maintain an annual population growth
675 between 184 and 226, a rate set forth in the 2016 *Town Plan*. The Town aims for an annual
676 population increase of 205, the midpoint of the targeted range. Population figures are estimated
677 based on a conversion of dwelling units to EPEs. Each bedroom in a dwelling unit translates to
678 one person, so that 1 bedroom equals 1 person, 2 bedrooms equals 2 persons, 3 bedrooms equals
679 3 persons, and so forth. Section 3.2(D) of the *Subdivision Regulations* directs the Planning

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680 Commission to consider the number and type of dwelling units proposed in a development, as
681 well as the number of bedrooms in the units.
682

683 Any single project is allowed to add 20 dwelling units per calendar year if the development is
684 within the sewer core, and five units if the development is outside the sewer core. The Planning
685 Commission can allow exceptions to achieve *Town Plan* objectives related to affordable housing,
686 or if the project contains three or fewer dwelling units. The Planning Commission must act on a
687 preliminary phasing request when a proposed development obtains sketch plan approval. Final
688 allotment is granted if the development secures Final Plan approval.
689

690 The proposed development lies within the sewer core. The proposed site plan amendment would
691 bring the total number of dwelling units and EPEs for Building O to 20 and 24, respectively.
692 Building O has already been approved for the construction of 10 units and 11 EPEs in 2015,
693 although the proposed amendment would change one of the approved units from a single-
694 bedroom to a two-bedroom apartment, and add eight one-bedroom and two two-bedroom units.
695

696 Adding 10 dwelling units and 13 EPEs in 2016 would bring the town-wide number of EPEs with
697 preliminary or final approval to 142.
698

699 A summary of the running phasing tabulation is attached.
700

701

702 **VI. Article II, Section 2.7 of the *Subdivision Regulations*: Master Plan**
703

704 *Subdivision Regulations* require a Master Plan “for any project which is intended to be developed
705 in phases and for which approval of only one phase is currently requested, or for any project
706 where development of only part of the parcel is proposed and the remaining land exceeds in area
707 three times the minimum lot size in the district in which the subdivision is located.”
708

709 Per Section 2.7(B) of the *Subdivision Regulations*, a Master Plan serves the following purpose:
710

711 *The purpose of the preparation and review of a Master Plan by the Planning Commission is*
712 *to acquaint the Commission with the entire tract of land without requiring the presentation*
713 *of extensive surveying, engineering, or design data, to identify significant features*
714 *warranting future protection, and to facilitate anticipated future development in an orderly*
715 *manner. Applicants are encouraged to explore different schemes by presenting alternative*
716 *plans that represent thoughtful site planning and are in conformance with the Town Plan*
717 *and Bylaws.*
718

719 The applicant has requested a master plan amendment to bring the total number of residential
720 units on the site to 167, up from 157. With the applicant eligible for a 400 percent density bonus
721 on the property for constructing all multifamily units – 25 percent of all units in the PUD would
722 need to be affordable – the site could have up to 392 units.
723

724 With the addition of 10 residential units, the master plan for the entire Town Center property
725 would have 210,410 square feet of residential space, up from 205,978 square feet.

726
727 For each residential unit, the *Zoning Regulations* require at least 600 square feet but no more
728 than 1,500 square feet of non-residential floor area. With 167 units, the property must have
729 between 100,200 square feet and 250,500 square feet of commercial space; the current master
730 plan proposal includes 159,964 square feet of commercial space.

731
732

733 **VII. Planning Commission determinations**

734

735 While reviewing the project on June 23, 2016, the Planning Commission determined ...

736
737

738 **VIII. Proposed Conditions**

739

- 740 1. All conditions from previous approvals shall remain in effect, except as modified herein.
- 741
- 742 2. All construction shall be in conformance with the plans listed in Section IV(A) of this Staff
743 Report and as may be amended subject to other conditions and approvals.
- 744
- 745 3. The project shall be approved for a residential phasing schedule of 10 units and 13 EPEs in
746 2016.
- 747
- 748 4. Prior to the issuance of a zoning permit, the applicant shall pay a traffic fee of \$1,662.
- 749
- 750 5. Prior to the issuance of a zoning permit, the applicant shall pay water fees (\$5,730) and sewer
751 fees (\$10,300) totaling \$16,030, or the fees in effect at the time of submittal.
- 752
- 753 6. Prior to the issuance of a zoning permit, the applicant shall pay recreation impact fees in
754 effect at the time of submittal.
- 755
- 756 7. Landscaping shall be completed and maintained in accordance with the approved plans.
757 Existing street trees that suffer life-threatening construction damage shall be replaced. Street
758 trees shall be guaranteed for five years. All other landscaping shall be guaranteed for the life
759 of the project. Any dead or diseased plantings shall be replaced as soon as seasonally
760 possible.
- 761
- 762 8. Each of the three uses within Building O shall have a separate meter for billing (upstairs
763 residential, dental office, office).
- 764
- 765 9. All wet taps shall be witnessed by a representative from the Town of Essex Public Works.
- 766

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- 767 10. All water and sewer infrastructure to be taken over by the Town shall meet all the
768 requirements within the Town of Essex Specifications for Construction.
769
770 11. The water meter will be required to be of a compound type.
771
772 12. Prior to the issuance of a certificate of occupancy, the applicant shall install a 7-foot-wide
773 bituminous concrete sidewalk along the south side of Carmichael Street.
774
775 13. Prior to the issuance of a zoning permit, the applicant shall submit highway agreement and
776 associated documents. The documents shall be reviewed by the Town Attorney at a cost to be
777 paid by the applicant.
778
779 14. All signage shall be approved by the Planning Commission.
780
781 15. Prior to the issuance of a certificate of occupancy, the applicant shall extend Commonwealth
782 Avenue to Carmichael Street and complete the connection of Carmichael Street. The
783 extension of Carmichael Street shall be paved with a 28-foot-wide base course pavement
784 with full depth and width road construction, and an 18-inch wide gravel shoulder shall be
785 placed on either side of the temporary section of Carmichael Street. The additional parking,
786 curbing, and sidewalks can be installed during later phases of work.
787
788 16. Prior to the issuance of a certificate of occupancy, the applicant shall interconnect the
789 existing water infrastructure on Commonwealth Avenue and both sides of Carmichael Street.
790
791 17. Prior to the issuance of a certificate of occupancy, stand pipes for fire department
792 connections shall be installed in all stair towers that have a separate FDC connection on the
793 exterior of the building adjacent to the sprinkler connection. Both connections shall be 5-inch
794 Storz, clear of all plantings, and, if located above 30 inches from grade, shall have an angled
795 connection.
796
797 18. Prior to the issuance of a certificate of occupancy, the building shall have a fully addressable
798 fire alarm system.
799
800 19. Prior to the issuance of a certificate of occupancy, any elevator shall be of a size sufficient to
801 accommodate a Stryker MX Pro 3 stretcher and at least two personnel.
802
803 20. Prior to the issuance of a zoning permit, the applicant shall obtain any and all applicable state
804 approvals and permits.
805
806 21. By accepting the conditions of this approval without appeal, the applicant confirms and
807 agrees for itself and all assigns and successors in interest that the conditions of this approval
808 shall run with the land and the land uses herein permitted, and will be binding upon and
809 enforceable against the applicant and all assigns and successors in interest.
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IX. Attachments

- Narrative, “Master Plan & Site Plan Approval of Town Center Building O,” from Graham Tidman, O’Leary-Burke Civil Associates, PLC, dated 5/16/16.
- Email, “Re: Essex Town Center- Building “O” amendment application,” from Charles J. Cole, Fire Chief, Essex Fire Department, dated 5/23/16.
- Email, “Re: 7 Carmichael Street Building O,” from Judith DeNova, Superintendent, Chittenden Central Supervisory Union, dated 5/26/16.
- Email, “7 Carmichael St – Building O,” from Chief Bradley J. LaRose, Essex Police Department, dated 6/3/16.
- Memorandum, “Town Center Building ‘O’, Master Plan and Site Plan Approval,” from Aaron Martin, P.E., Utilities Director/Town Engineer, dated 6/9/16.
- Memorandum, “Town Center Building “O”, Master Plan and Site Plan Approval,” from Dennis Lutz, P.E., Public Works Director; and Aaron Martin, P.E., Utilities Director/Town Engineer, dated 6/15/16.
- Email, “RE: Items for Building O,” from Paul O’Leary, O’Leary-Burke Civil Associates, PLC, dated 6/17/16.
- Email, “RE: Items for Building O,” from Graham Tidman, O’Leary-Burke Civil Associates, PLC, dated 6/17/16.
- Narrative, “Town Center Build-Out, Building ‘O’,” from Tyler Scott / John Alden, Principals, Scott + Partners, Inc., dated 6/17/16.
- Email, “Re: Building O – revised design narrative.pdf,” from Tyler M. Scott, AIA, Scott + Partners, Inc., dated 6/17/16.
- Email, “RE: Carmichael Street completion,” from Dennis Lutz, Public Works Director, dated 6/17/16.
- Email, “RE: Carmichael Street completion,” from Charles Cole, Essex Fire Chief, dated 6/17/16.
- Spreadsheet, “Residential Phasing Report,” from Town of Essex Community Development, dated 4/22/16.

cc: Paul O’Leary, O’Leary-Burke Civil Associates, PLC
Graham Tidman, O’Leary-Burke Civil Associates, PLC
Tyler Scott, Scott + Partners Architecture
John Alden, Scott + Partners Architecture