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October 13, 2016

Cindy Cross  
1 Main Street, Suite 355  
Winooski, VT 05404

James Ewing  
271 Joan Ave  
Richmond, VT 05477

Re: **26 SUSIE WILSON ROAD, ESSEX, VT**  
**SITE PLAN AMENDMENT - BAKERY/CAFÉ**  
**PLANNING COMMISSION APPROVAL # PC:2016-18**

Dear Ms. Cross & Mr. Ewing,

The Town of Essex Community Development Department received your application for a bakery/café on September 6, 2016. The proposal is to allow a 28-seat bakery/café to operate in an existing unit located at 26 Susie Wilson Road in the Retail-Business (B1) Zoning District. Tax Map 47, Parcel 1, Lot 2.

Pursuant to Article V, Section 5.6 of the *Town of Essex Official Zoning Regulations*, staff determined that the application was complete and did not involve substantial changes to the approved project. Staff prepared a draft decision for review by the Planning Commission as a minor amendment. The Commission considered and approved the proposed amendment under its consent agenda on October 13, 2016.

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

Cindy Cross  
James Ewing  
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40 **PROPOSAL:**

41  
42 The landowner is James Ewing. The applicant is Cindy Cross. The applicant is proposing a restaurant  
43 (28-seat café), to serve baked goods, including, but not limited to, breakfast foods, deli sandwiches, and  
44 crock pot meals. The hours of operation will be from 5:00 a.m. to 7:00 p.m., Monday through Saturday,  
45 and Sunday from 7:00 a.m. to 2:00 p.m. There will be a commercial kitchen in the unit for on-site  
46 baking. A grease trap under the commercial sink is planned. There will be a maximum of 3 employees  
47 working at any one time.

48  
49 **BACKGROUND:**

50  
51 James Ewing received site plan approval on March 7, 1991 for a 10,000 square foot commercial  
52 building. The building is currently served by parking areas both on the south and west sides of the  
53 building. There are 28 spaces available on the south (front) side of the building, and 17 spaces on the  
54 west side of the building, totaling 45 spaces.

55  
56 The Zoning Board of Adjustment approved several conditional uses throughout the years, including  
57 various bar/dance clubs, dance studio, fireplace shop, bakery, cooking school, etc.

58  
59 In May, 2010, the Zoning Board of Adjustment granted approval for the tenant, Cindy Cross, to  
60 operate a pet grooming boutique and grooming school. The applicant is closing her dog grooming  
61 business, however would like to continue to lease Unit C, 26 Susie Wilson Road.

62  
63 Currently, the building houses a 3,000 square foot daycare facility (Frog & Toad Daycare); a 1,000  
64 square foot beauty salon (Sherdiva Hair Salon); a 2,000 square foot retail shop (Green Mountain  
65 Nutrition and Smoothies); a 2,000 square foot office (Air National Guard Recruiting); and a 2,000  
66 square foot pet grooming facility (Bow Meow Pet Grooming.)

67  
68 **FINDINGS OF FACT:**

- 69  
70 1. The Planning Commission finds that the applicant has demonstrated compliance with the  
71 applicable regulations contained in Section 5.6, *Site Plan Review* of the *Town of Essex Official*  
72 *Zoning Regulations*.  
73  
74 2. The landowner is James Ewing and the applicant is Cindy Cross. The property is located at 26  
75 Susie Wilson Road, Unit C, in the Retail-Business (B1) Zoning District. Tax Map 47, Parcel 1,  
76 Lot 2.  
77  
78 3. The Planning Commission reviewed the previously approved site plan dated 10/10/90, last  
79 revised 2/11/91, as drawn by S. Mulcahy; and a Natural Resources Atlas Ortho, as  
80 submitted by Doug Goulette, P.E., Lamoureux & Dickinson.  
81  
82 4. The Planning Commission reviewed a parking analysis, as noted in a letter dated  
83 9/6/16, from the applicant's engineer, Doug Goulette, as follows:

84  
85 *Parking Analysis: Our office has prepared the following parking space calculations associated*  
86 *with the existing uses within the building, and the proposed bakery/café:*

87  
88 *Unit A- Frog & Toad Daycare*  
89 *Basis of calculations – Institute of Traffic Engineers Parking Generation,*  
90 *4<sup>th</sup> edition Category # 565 =*  
91 *3.16 parking spaces/1,000 sf gross floor area x 3,000 sf =* *10 spaces*

92  
93 *Unit B- Sherdiva Hair Salon*  
94 *Basis of calculations – Town of Essex Zoning Regulations, Table 3.3*  
95 *Personal Services – 1 space/200 sf gross floor area x 1,000 sf =* *5 spaces*

96  
97 *Unit C – Proposed Bakery/Café*  
98 *Basis of calculations – Town of Essex Zoning Regulations, Table 3.3*  
99 *Restaurant (without drive-in)*  
100 *1 space/100 sf gross floor area x 2,000 sf =* *20 spaces*

101  
102 *Unit D- Greene Mountain Nutrition and Smoothies*  
103 *Basis of calculations – Town of Essex Zoning Regulations, Table 3.3*  
104 *General Retail Stores*  
105 *1 space/250 sf gross floor area x 2,000 sf =* *8 spaces*

106  
107 *Unit E- Air National Guard Recruiting Office*  
108 *Basis of calculations – Town of Essex Zoning Regulations, Table 3.3*  
109 *Professional Office – 1 space/250 sf gross floor area x 2,000 sf =* *8 spaces*

110  
111 *Total Required Parking Spaces =* *51 spaces*

112  
113 *The peak parking demands are as follows:*

114  
115 *Frog & Toad Daycare*

- 116 • *Early in the morning and after working hours.*

117 *Sherdiva Hair Salon*

- 118 • *Closed on Mondays*
- 119 • *By appointment Tuesdays and Wednesdays*
- 120 • *Open Thursdays and Fridays from 9:00 am-7:00 pm*

121 *Proposed Bakery/Café*

- 122 • *Open 5:00 am and closing at 7:00 pm M-S, and 7:00 am -2:00 pm Sun.*

123 *Greene Mountain Nutrition & Smoothies*

- 124 • *Open 6:30 am-7:00 pm*

125 *Air National Guard Recruiting Office*

- 126 • *Normal business hours*

127

128 *In our opinion, the required spaces calculated for the Air Guard, the Bakery/Café, and Green*  
129 *Mountain Nutrition & Smoothies are likely high. The daycare may experience short periods when*  
130 *they require more than 10 spaces during peak child drop-off and pick-up times, but then require*  
131 *less parking than the 10 spaces calculated during mid-day periods.*

132  
133 *A parking survey was performed at 3:45 pm on 12/21/15 which revealed on average between 10*  
134 *and 15 spaces unoccupied during this mid-afternoon period. A second survey was performed*  
135 *between 7:50 and 8:15 am on 12/22/15. There was on average 17 unoccupied spaces in the front*  
136 *parking area, and 9 unoccupied spaces on the west side of the building. Most spaces on the west*  
137 *end of the building were being used for short duration child drop-off. By 8:00 am, Bow Meow is*  
138 *open, as is the daycare, Green Mountain Smoothies, and the Air Guard. Only the hair salon was*  
139 *closed. Even with 4 of the 5 businesses being open, 26 spaces were unoccupied on the site.*

140  
141 *Given that the peak parking demand periods do not coincide for the various uses within the*  
142 *building, it is our opinion the existing parking area will be sufficient to serve the proposed and*  
143 *current uses of this building.*

144  
145 5. *In an email dated 9/16/16, Public Works stated, Any increase in traffic generated by the*  
146 *change in use will be negligible. Parking impacts for this project will require an additional*  
147 *6 spaces to meet the current standard.*

148  
149 6. *In an email dated 9/15/16, the Police Chief stated, The only comment the PD has is in regard*  
150 *to parking availability. Perhaps a more recent survey this time of year would be helpful.*

151  
152 7. *The Planning Commission acknowledged that the regulations require 51 parking spaces in*  
153 *order to change from a pet grooming facility to a café/bakery. Section 3.9(C) of the Zoning*  
154 *Regulations allows the Planning Commission to reduce parking based on an analysis of the*  
155 *shared parking needs of the various uses in the development. The Planning Commission*  
156 *received documentation noting that the existing uses in the building have different peak*  
157 *periods for parking needs, and not all of the existing uses utilize the number of spaces*  
158 *calculated from the Zoning Regulations. The daycare requires its allocation for peak drop-*  
159 *off and pick-up hours; the hair salon is closed on Mondays and is open on Tuesdays and*  
160 *Wednesdays by appointments only; and the Recruiting Office does not have a high flow of*  
161 *traffic.*

162  
163 8. *The Planning Commission reviewed Sewer and Water Flows, as noted in a letter*  
164 *dated 9/6/16, from the applicant's engineer, Doug Goulette, as follows:*

165  
166 *Revised Sewer and Water Flows: Based on the last two issued State Wastewater System and*  
167 *Potable Water Supply Permits for this building (WW-4-0422-7 & -8), this building has been*  
168 *allocated and approved for a maximum of 3,431 gpd of sewer and water. The following is a*  
169 *breakdown of flows per unit based on information obtained from the State files for WW-4-*  
170 *0422-8 issued October 20, 2015 for the Greene Mountain Nutrition and Smoothies use. The*

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171            *only difference with the following calculations is the flows presented for Unit C, which is the*  
172            *subject of this letter:*

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<b>Water Design Flows (based on State EPR values)</b>		
<i>Unit A- Frog &amp; Toad Daycare</i>		
<i>59 children w/lunch @ 20 gpd =</i>		<i>1,180 gpd</i>
<i>12 Staff @ 15 gpd/person=</i>		<i>180 gpd</i>
 <i>Unit B- Sherdiva Hair Salon</i>		
<i>5 chairs @ 150 gpd/chair=</i>		<i>750 gpd</i>
<i>5 staff @ 15 gpd/person =</i>		<i>75 gpd</i>
 <i>Unit C – Proposed Bakery/Café</i>		
<i>28 seat café @ 45 gpd/seat =</i>		<i>1,260 gpd</i>
 <i>Unit D- Green Mountain Smoothies</i>		
<i>1 retail store @ 100 gpd =</i>		<i>100 gpd</i>
<i>1 Catering Use @ 100 gpd =</i>		<i>100 gpd</i>
 <i>Unit E- Air National Guard Recruiting Office</i>		
<i>5 employees @ 15 gpd/person =</i>		<u><i>75 gpd</i></u>
	<i>Total Water Flow=</i>	<i>3,720 gpd</i>
	<i>Less 10% =</i>	<u><i>-372 gpd</i></u>
	<i>Proposed Water Flow</i>	<i>3,348 gpd</i>
	 <i>Reserve Allocation =</i>	 <i>83 gpd</i>
 <b>Sewer Design Flows (based on State EPR values)</b>		
<i>Unit A- Frog &amp; Toad Daycare</i>		
<i>59 children w/lunch @ 20 gpd =</i>		<i>1,180 gpd</i>
<i>12 staff @ 15 gpd/person=</i>		<i>180 gpd</i>
 <i>Unit B- Sherdiva Hair Salon</i>		
<i>5 chairs @ 150 gpd/chair=</i>		<i>750 gpd</i>
<i>5 staff @ 15 gpd/person =</i>		<i>75 gpd</i>
 <i>Unit C – Proposed Bakery/Café</i>		
<i>28 seat café @ 45 gpd/seat =</i>		<i>1,260 gpd</i>
 <i>Unit D- Green Mountain Smoothies</i>		
<i>1 retail store @ 100 gpd =</i>		<i>100 gpd</i>
<i>1 Catering Use @ 100 gpd =</i>		<i>100 gpd</i>

215		
216	<i>Unit E- Air National Guard Recruiting Office</i>	
217	<i>5 employees @ 15 gpd/person =</i>	<u>75 gpd</u>
218	<i>Total Sewer Flow=</i>	<i>3,720 gpd</i>
219	<i>Less 20% =</i>	<u><i>-744 gpd</i></u>
220	<i>Proposed Sewer Flow =</i>	<i>2,976 gpd</i>
221	<i>Reserve Allocation =</i>	<i>455 gpd</i>

222 *Summary –*

223 *We understand that Public Works will compute different flow values for these uses based on*  
 224 *the Town design flows, but to be conservative, we have used the State’s design flows, which*  
 225 *are typically greater than the Town’s flows.*

226

227 9. In a memo dated 9/16/16, Public Works provided the following comments:

228

229 *Water and Sewer*

230 *Public Works understands that the proposed change of use is a Bakery / Cafe and will require*  
 231 *additional water and sewer allocation. Public Works does not use the State design flows to*  
 232 *calculate required water and sewer allocation. The water and sewer flows for the five units at*  
 233 *26 Susie Wilson Road have been adjusted using Table 10.16.510 of the Town’s Sewer Use*  
 234 *Ordinance, and have been provided below.*

235			
236	<i>Unit A</i>	<i>Daycare</i>	<i>1,136 GPD</i>
237	<i>Unit B</i>	<i>Hair Salon</i>	<i>750 GPD</i>
238	<i>Unit C</i>	<i>Bakery</i>	<i>840 GPD</i>
239	<i>Unit D</i>	<i>Smoothie Bar</i>	<i>200 GPD</i>
240	<i>Unit E</i>	<i>Military Recruiter</i>	<u><i>75 GPD</i></u>
241			
242		<i>TOTAL Complex</i>	<i>3,001 GPD</i>

243

244 *The existing complex has 3,431 GPD of purchased water and sewer allocation. Based on the*  
 245 *existing and proposed use, the complex requires 3,001 GPD of water and Sewer allocation.*  
 246 *There is sufficient purchased water and sewer allocation to accommodate the applicants*  
 247 *proposed change of use.*

248

249 *The change in use will require the installation of a commercial sink and a grease trap. The*  
 250 *applicant shall submit grease maintenance plan for the grease trap. The applicant will be*  
 251 *required to inspect the trap at least once a month and cleaned as necessary. The Town of*  
 252 *Essex will inspect the trap periodically to ensure conformance to the Town of Essex Sewer*  
 253 *Use Ordinance.*

254

255 10. No comments were received from the Fire Chief or the Recreation Director regarding this  
 256 application.

257

258 **CONDITIONS:**

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- 259 1. The applicant shall submit a Zoning Permit for the use and fit-up of the premises.
- 260 2. The applicant shall submit a Sign application prior to installation of any signage.
- 261 3. The applicant shall schedule a Certificate of Occupancy inspection with the Zoning Administrator
- 262 prior to occupancy.
- 263 4. The applicant shall install a commercial sink and grease trap.
- 264 5. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit a grease
- 265 maintenance plan for the grease trap to the Zoning Administrator.
- 266 6. The applicant shall inspect the grease trap and keep it clean at all times.
- 267 7. The Town of Essex shall make periodic inspections of the grease trap to ensure conformance to
- 268 the Sewer Use Ordinance.
- 269 8. The applicant shall secure any/all State of Vermont permits or inspections and provide a copy of
- 270 same with the Zoning Administrator.
- 271 9. All conditions from previous approvals shall remain in effect except as modified herein.
- 272 10. By accepting the conditions of this approval without appeal, the applicant confirms and agrees for
- 273 himself and all assigns and successors in interest that the conditions of this approval shall run with
- 274 the land and the land uses herein permitted, and will be binding upon and enforceable against the
- 275 applicant and all assigns and successors in interest.
- 276

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

282  
283 This decision is appealable to the Vermont Environmental Court pursuant to Section 7.4 of the *Town*  
284 *of Essex Official Zoning Regulations* and 24 V.S.A. § 4471. Any appeal must be filed by certified  
285 mail to the Environmental Court and by mailing a copy to the Essex Town Clerk within 30 days of the  
286 date of this approval.

287  
288 **TOWN OF ESSEX PLANNING COMMISSION**

289  
290 \_\_\_\_\_  
291 Dustin R. Brusco, Chair

\_\_\_\_\_

David P. Raphael, Vice-Chair

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293 \_\_\_\_\_  
294 Joshua Knox, Clerk

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Johnathan Schumache

295  
296 \_\_\_\_\_  
297 Tom Furland

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Ned Daly

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299 \_\_\_\_\_  
300 Dijana Kulasic

301  
302 cc: Doug Goulette, P.E., Lamoureux & Dickinson

303 g:\commdev\pc\approval\susie wilson rd 26 consent Oct16