

1 **ESSEX PLANNING COMMISSION**
2 **October 13, 2016**

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4 **STAFF REPORT**

5 Prepared by Greg Duggan, Town Planner

6
7 **SITE PLAN**

8
9 **I. Applicant**

10
11 Edward & Robin Lockerby
12 1162 Main Street,
13 Isle LaMotte, VT 05463
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16 **II. Proposal**

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18 The applicant has applied for site plan review for a commercial parking facility at 29 Gauthier
19 Drive, Tax Map 9, Tax Parcel 3-17. The 2.41-acre lot is located in an Industrial (I1) zoning
20 district.
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22 The project narrative, dated July 15, 2016, describes the project:

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24 *The applicants are proposing to create a truck and personal vehicle parking lot at the*
25 *end of Bushey Lane entirely on Lot #25. Lockerby trucking is a contractor to the U.S.*
26 *Postal Service, and they haul mail throughout Vermont. They typically operate in two*
27 *runs, the first being early in the morning when the drivers arrive on site, park their*
28 *personal vehicles, and then leave the site driving a delivery truck. They return by mid-*
29 *morning. Later in the afternoon, the process is repeated, with trucks arriving back at the*
30 *site by early evening.*

31
32 *The parking area has been designed to accommodate both the number of delivery trucks*
33 *and the driver's personal vehicles anticipated by the applicants. The parking surface is*
34 *proposed to be gravel.*
35

36 The applicant does not plan to build any structures as part of the application.

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38 Most abutting properties are in the I1 district and contain industrial uses or undeveloped land. A
39 Floodplain (C2) touches the northeast corner of the parcel. Indian Brook, a stormwater impaired
40 waterway, flows through the floodplain.
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43 **III. Background**

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45 Lot 25 was created as part of the 27-lot Gauthier Industrial Park subdivision approved by the

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46 Planning Commission in May 1990. The lot is subject to an Act 250 land use permit that was
47 issued for the industrial park.

48
49 In 2007 the Planning Commission approved a site plan application for a two-story, 9,000-square-
50 foot office and industrial building. The building was never constructed. The applicant applied to
51 have the plan reapproved in 2010, but withdrew the application with the intention of first
52 resolving alleged stormwater, wetlands, and Act 250 violations with the state.

53
54 The lot currently has trucks and other vehicles parked on the gravel portions of the site.
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57 **IV. Article V, Section 5.6 of the Zoning Bylaws: Site Plan Review**

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59 The applicant has applied for Site Plan Review pursuant to Section 5.6 of the *Zoning*
60 *Regulations*. Per Section 5.6 of the *Zoning Regulations*,

61

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

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68 **(A) Plans**

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70 The applicant has submitted the following plans:

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- 72 • Sht. no. 1 of 3, “Lots #17 and #25, Existing Conditions Site Plan, Lands of Edward J.
73 & Robin L. Lockerby, 29 Gauthier Drive, Essex, Vermont,” prepared by Lamoureux
74 & Dickinson Consulting Engineers, Inc., dated 6/6/16.
- 75 • Sht. no. 2 of 3, “Lot #25, Site Improvements Plan, Lands of Edward J. & Robin L.
76 Lockerby, 29 Gauthier Drive, Essex, Vermont,” prepared by Lamoureux & Dickinson
77 Consulting Engineers, Inc., dated 6/6/16.
- 78 • Sht. no. 3 of 3, “Sitework Details and Specifications, Lands of Edward J. & Robin L.
79 Lockerby, 29 Gauthier Drive, Essex, Vermont,” prepared by Lamoureux & Dickinson
80 Consulting Engineers, Inc., dated 6/6/16.

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82 **(B) Section 5.6(A), General Requirements**

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84 **1. Conformance with the Essex Town Plan**

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86 The project complies with the following goals, policies, and actions of the *2016 Essex*
87 *Town Plan*:

88

89 *Goal 2a: The Essex tax base is increased and diversified by an economic*

development climate that is friendly to a large variety of businesses, including start-ups.

2. Dimensional limitations and provisions of the Zoning Regulations

Table 2.10, Dimensional Requirements, Industrial District (I1). This project is located in an I1 district, which is described in Table 2.10(A) of the *Zoning Regulations*:

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

i. Permitted Uses. A Parking Facility is a permitted use in I1 districts.

ii. District Dimensional Requirements. This project conforms to most aspects of Table 2.10(D), Dimensional Requirements of the I1 district, as noted below:

Dimensional Requirements	Required	Proposed
Minimum Lot Area – Nonresidential	40,000 sf	104,980 sf
Minimum Lot Frontage	200 ft.	Approx. 75 ft.
Minimum Front Setback (from ROW)	50 ft.	n/a
Minimum Side Setback	25 ft.	n/a
Minimum Rear Setback	25 ft.	n/a
Minimum Buffer/Residential Districts	50 ft.	> 50 ft.
Minimum Buffer/Surface Waters	50 ft.	> 50 ft.
Maximum Lot Coverage – All	70%	14%
Maximum Height	45 ft.	n/a

The applicant is not proposing any structures as part of the application. Any structures built in the future would need to adhere to setback requirements.

Although the lot does not have adequate frontage, it is an existing lot and the proposed application would not increase the level of nonconformance.

3. Aesthetics and visual impacts

The site is not in a design control overlay district.

4. Outstanding violations

The property does not have any outstanding violations, although the zoning administrator has informed the owner that site plan approval is required to continue using the lot as a

125 parking facility.

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127 **(C) Section 5.6(B), Natural features**
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129 The *Zoning Regulations* stipulate that site layout and design, “to the extent feasible, shall
130 incorporate and protect significant natural features as identified on the Significant Features
131 and Water Resources Maps contained in the Town Plan of record or through site
132 investigation.”
133

134 Neither the Significant Features Map nor the Water Resources Map show any features on
135 the property, although the site plan shows wetlands in the northeast corner of the parcel, and
136 Indian Brook flows just north of the parcel.
137

138 The Vermont Agency of Natural Resources’ Natural Resources Atlas shows a habitat block
139 on the northern half of the property, although the parking facility is located outside of the
140 habitat block. The habitat block is scored 5 on a scale of 1 to 10, with 10 being the highest
141 priority.
142

143 **1. Topography**
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145 The *Zoning Regulations* call for minimal changes to a site’s topography and vegetation,
146 specifying that a site “shall be planned to retain, insofar as possible, the natural contours
147 and to conserve the natural cover and soil.”
148

149 The parking facility and stormwater management systems would be located in areas that
150 have already been cleared. The western portion of the site, where the parking area would
151 be located, is mostly flat. The land slopes downward north and east of the proposed
152 parking area, toward wetlands and a floodplain. The slopes contain trees, shrubs, and
153 grasses.
154

155 Apart from some grading in the parking area and the creation of stormwater swales and
156 infiltration areas, the applicant is not proposing any significant changes to the site’s
157 topography. As noted in the project narrative dated July 15, 2016,
158

159 *The parking surface is proposed to be gravel. There is a substantial amount of*
160 *gravel surface already existing on this lot, so earthwork will be very limited.*
161

162 **2. Surface Waters and Wetlands**
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164 The northeastern corner of the property contains a wetland. The site plan shows the
165 wetland and a 50-foot wetland buffer. All changes to the site would remain outside the
166 wetland buffer. The applicant plans to install a silt fence between the parking area and the
167 wetland buffer. If the Planning Commission approves the site plan, staff recommends
168 including a condition that the wetland buffer be clearly marked prior to and during

169 construction.

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171 **3. Renewable Energy**

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173 The project would not have an adverse impact on access to renewable energy resources.

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

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177 Pedestrian and vehicular access to the site must meet applicable design standards in the
178 *Zoning Regulations* and Public Works specifications. The Planning Commission can impose
179 conditions related to on- or off-site improvements meant to mitigate the impact of traffic, or
180 to maximize pedestrian and vehicular safety.

181

182 Access to the site would come via Bushey Lane, with primary access extending off the end
183 of the street and leading to the parking facility. The site would also use an existing gravel
184 access road off Bushey Lane for emergency access. The emergency access road runs
185 through a 25-foot-wide access easement that crosses the neighboring Lot 16 at 3 Bushey
186 Lane. The applicant has not proposed any sidewalks or pedestrian access.

187

188 The Fire Chief, Police Chief, and Public Works did not have any concerns about access to
189 the site.

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191 **(E) Section 5.6(D), Site Circulation**

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193 The *Zoning Regulations* require the Planning Commission to consider on-site vehicular and
194 pedestrian circulation. The Planning Commission can impose conditions to ensure adequate
195 circulation for emergency vehicles, traffic, and pedestrians. The Planning Commission must
196 pay particular attention to safety and give consideration to accessibility, as required by the
197 Americans with Disabilities Act.

198

199 An 18-foot-wide driveway off Bushey Lane would lead to the parking facility, where spaces
200 would be located on opposite sides of the gravel parking lot. Parking spaces for cars would
201 be on the west side of the parking area, and spaces for trucks would be on the east side. The
202 two sides would be separated by a 40-foot wide lane.

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204 **(F) Section 5.6(E), Parking**

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

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209 The parking facility would have 12 spaces for cars and 15 spaces for trucks. None of the
210 spaces are located in setbacks.

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212 **(G) Section 5.6(F), Landscaping and Screening**

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The Planning Commission can require landscaping to achieve the objectives of the *Zoning Regulations* and the *Town Plan*. The landscaping objectives in I1 districts involve street trees, parking areas, lawn and building enhancements, and loading and storage areas.

The applicant has not proposed any landscaping.

Street trees serve to create a unifying visual element defining the edge of the road. The end of Bushey Lane has a few trees already in place.

Landscaping near parking areas is meant to screen the areas from the view of roadways, to break up large expanses of parking, and to provide shade for parking areas. The parking area would be screened from Gauthier Drive by existing vegetation and topography.

Lawn and building enhancements need to enhance entries, walkways, and the visual qualities of buildings, or provide streetscape amenities.

Loading and storage areas need to have landscaping to screen the outdoor storage areas from public roads. As noted above, the site is screened from Gauthier Drive, a public road.

(H) Section 5.6(G), Lighting

The applicant does not plan to install any lighting at the site.

(I) Section 5.6(H), Utilities and Services

1. Water and Sewage Disposal. Water and sewer lines run through the property, but the applicant has no plans to connect to the municipal systems or provide water and sewer services.

2. Stormwater Management.

In the project narrative dated July 15, 2016, the applicant’s engineer wrote,

New stormwater collection and treatment has been designed and shown on the site plan. Infiltration basins will promote infiltration of stormwater into the underlying sandy soils. A State Stormwater Permit will be required as this site is part of the common plan of development associated with the Gauthier Park.

The site would be graded to direct stormwater to swales and infiltration areas north and east of the parking facility.

Public Works commented on stormwater in a memorandum dated August 2, 2016:

257 *A State Stormwater Permit is required since the site is part of the common plan of*
258 *development associated with the Gauthier Park. The stormwater permit must be*
259 *submitted to Public Works prior to construction. It is recommended that planning*
260 *commission make this a condition of approval.*

261
262 **3. Utilities.** The *Zoning Regulations* require all utilities to be located underground except
263 where infeasible. Sheet #2 contains a note indicating that, “All new utilities are to be
264 under ground.”

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

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268 The Fire Chief did not have any concerns about the project.
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271 **V. Planning Commission Comments**

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273 While reviewing the project on October 13, 2016, the Planning Commission determined ...
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276 **VI. Proposed Conditions**

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- 278 1. All construction shall be in conformance with the plans listed in Section IV(A) of this Staff
279 Report and as may be amended subject to other conditions and approvals.
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 - 281 2. All conditions from previous approvals shall remain in effect except as modified herein.
282
 - 283 3. Prior to the issuance of a zoning permit the applicant shall mark the location of the wetland
284 buffer, and the markings shall remain in place during construction.
285
 - 286 4. Prior to the issuance of a zoning permit, the applicant shall obtain any and all applicable state
287 approvals and permits. The state stormwater permit shall be submitted to Public Works prior
288 to the issuance of a zoning permit.
289
 - 290 5. By accepting the conditions of this approval without appeal, the applicant confirms and
291 agrees for itself and all assigns and successors in interest that the conditions of this approval
292 shall run with the land and the land uses herein permitted, and will be binding upon and
293 enforceable against the applicant and all assigns and successors in interest.
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296 **VII. Attachments**

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- 298 • Narrative, “Proposed commercial vehicle parking area at 29 Gauthier Drive, Site Plan
299 Application,” from Doug Henson, L.S., Lamoureux & Dickinson, dated 7/15/16.

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- 300 • Email, "RE: Questions re: 29 Gauthier Drive," from Doug Henson, L.S., E.I., Vice President,
301 Lamoureux & Dickinson, dated 9/29/15.
- 302 • Memorandum, "29 Gauthier Drive, Site Plan Review," from Dennis Lutz, P.E., Public Works
303 Director; Aaron Martin, P.E., Utilities Director / Town Engineer; and Annie Costandi, E.I.,
304 Stormwater Coordinator, dated 8/2/16.
- 305 • Email, "RE: 29 Gauthier Drive," from Chief Bradley J. LaRose, Essex Police Department,
306 dated 8/4/16.
- 307 • Email, "Re: 29 Gauthier Drive," from Charlie Cole, Essex Fire Chief, dated 9/2/16.

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310 cc: Doug Henson, L.S., Lamoureux & Dickinson

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