

1 ESSEX PLANNING COMMISSION
2 November 14, 2019

3 **STAFF REPORT – 25 CARMICHAEL STREET**

4 **Sketch & Final Subdivision and Site Plan**

5 Prepared by Darren Schibler, Town Planner

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37 **Summary**

38 The applicants have proposed a 3,500-square-foot bank with drive-through on a greenfield
39 site that is currently part of an existing shopping center and commercial planned unit
40 development (PUD-C). The proposal involves subdividing a 0.91-acre parcel from the PUD-C,
41 which requires sketch and final subdivision review for the new lot (in addition to a final and
42 master plan amendment for the remaining lands of the PUD-C, which is reviewed in a separate
43 set of findings). The proposed lot meets all the applicable subdivision standards.

44 Construction of the proposed bank also requires site plan review. In general, the proposal
45 conforms to those criteria and general provisions of the Zoning Regulations; however, the
46 proposal does not conform to the B-DC design goals and objectives or the landscaping standards.
47 The automobile-oriented design of the site is an inefficient use of space that fails to engage with
48 the streetscape and public realm, which is underscored by the severe shortage of landscaping
49 along Carmichael Street and Essex Way. Ideally, the building should be relocated closer to
50 Carmichael Street with parking located at the rear or on Carmichael Street. Alternatively, the
51 applicant could design more integrated civic spaces along the project's frontages.

52 **Applicants**

53 SeaComm Federal Credit Union
54 c/o Scott Wilson
55 30 Stearns Street
56 Massena, NY 13662

Eurowest Retail Partners, LTD
c/o Peter Edelmann
PO Box 8567
Essex, VT 05451

57 **Proposal**

58 The applicants have proposed a new 3,500-square-foot drive-through bank on a 0.91-acre parcel
59 to be subdivided from an existing 24.64-acre neighborhood shopping center and commercial
60 planned unit development (PUD-C). Though the new parcel would be known as 25 Carmichael
61 Street, the existing parcel is located at 21 Essex Way, Tax Map 92, Parcel 1 in the Retail-
62 Business (B1) subzone of the Mixed Use Development – Planned Unit Development (MXD-
63 PUD) zoning district and the Business Design-Control Overlay (B-DC) district.

64 The site would be accessed through a service road off Carmichael Street near its intersection
65 with Essex Way. Site improvements also include 20 new parking spaces and a four-lane drive-
66 through, stormwater infrastructure, relocated utility lines, site landscaping, and a new sidewalk
67 along the service road connecting the site to the rest of the PUD-C.

68 **Background**

69 On February 28, 1985, the Planning Commission granted final approval for an 11-lot subdivision
70 of the Lang Farm, located between Essex Center and the Village of Essex Junction, and
71 consisting of a mix of retail/commercial, residential, and open space. The land was initially
72 divided into 9 lots (lettered A through I), but two of those parcels were further subdivided by
73 number (A-1 and D-1) at the time of final approval to create 11 lots.

74 On February 28, 1985, the Planning Commission also granted site plan approval for Lang Farm

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75 Parcel A as a neighborhood shopping center and included 38,500 square feet of retail space on
76 Parcel A (the Essex Outlets) and a 42,000-square-foot supermarket on Parcel A-1 (Hannaford).

77 On June 12, 1986, the Planning Commission approved a subdivision of the 10-acre Parcel F into
78 four commercial lots numbered F-1 through F-5, located on either side of Essex Way at the
79 intersection with VT Route 15 / Center Road. At that time, Lot F-4 (0.28 acres) was merged with
80 Parcel A (currently known as 21 Essex Way), and a 60-foot right-of-way running west off Essex
81 Way was reserved for a future road that later became Carmichael Street. The current proposal is
82 for a portion of the land originally designated as Lot F-3.

83 On May 12, 1988, the Planning Commission approved an expansion to the retail center including
84 a 40,280-square-foot building and a 61,714-square-foot building, leaving the parcel with a total
85 of 140,494 square feet and 510 parking spaces. This was later modified by a March 9, 1989
86 approval to increase the floor area to a total of 144,500 square feet and parking to 784 spaces.

87 On November 18, 1993, the Planning Commission approved Lang Farm Parcel A (21 Essex
88 Way) as a planned business development (now termed a commercial planned unit development,
89 PUD-C) along with a site plan amendment to increase the number of parking spaces (over 800,
90 but it is unclear exactly how many were approved) and associated improvements. The main
91 consideration for approving the PUD-C was to allow setbacks along Essex Way to be reduced to
92 as few as 15 feet where 50 feet would normally be required, allowing the applicant to create
93 storefronts that were more visually appealing from the street and relocate parking to the rear of
94 the buildings. The PUD-C plan was effectively approved as the master plan for the development.

95 On April 14, 1994, the Planning Commission approved a final subdivision amendment to the
96 overall Lang Farm subdivision to combine Parcels A and F-3.

97 Since that time, site plan and final plan amendments for minor alterations have been approved by
98 the Planning Commission, and various conditional uses have been approved by the Zoning Board
99 of Adjustment.

100 On August 23, 2007, the Planning Commission approved a site plan amendment for the Essex
101 Shoppes and Cinema PUD-C to construct a 12,094-square-foot hardware store as Building 5 (15
102 Essex Way, part of the land formerly designated as Parcel F-4) and a 7,200-square-foot
103 restaurant as Building 6 (25 Carmichael Street, formerly known as Parcel F-3 and the site
104 currently under review), which was never constructed. Around the same time in 2007, the
105 Zoning Administrator approved a 0.67-acre footprint lot for Building 5 that extended beyond the
106 building foundations. This was recorded in slide 440 of the Land Records.

107 On February 24, 2014, the Planning Commission approved a simple parcel subdivision to create
108 a footprint lot for the Essex Cinemas building, addressed as 27 Essex Way.

109 Today, adjacent land uses include a hardware store to the south; the shopping center to the
110 southwest (including a grocery store closest to the proposed bank); a general commercial and
111 office building to the northwest; a pharmacy to the north; and professional offices and a United
112 States post office to the east.

113

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

115 Pursuant to Section 2.12 of the *Town of Essex outside the Village of Essex Junction Official*
116 *Subdivision Regulations* (SR), creation of the new 0.91-acre lot from the existing PUD-C
117 requires a final and master plan amendment because the development is one parcel within the
118 larger Lang Farm subdivision, both of which have approved master plans on file. This is
119 reviewed in a separate set of findings pertaining specifically to the PUD-C at 21 Essex Way.

120 The creation of a new lot also qualifies as a subdivision in and of itself. Pursuant to SR Section
121 2.2, for purposes of classification, subdivisions that occurred within 10 years of a proposed
122 subdivision are counted with proposed lots. The 2014 simple parceling to create a footprint lot at
123 27 Essex Way counts as one parcel for a total of three; therefore, the proposal is considered a
124 minor subdivision and requires sketch and final review and must meet the standards in SR
125 Section 4.2. However, given the extensive history of development related to this parcel that has
126 been reviewed by the Town, and the fact that the proposal is consistent with the original intent of
127 the Lang Farm subdivision, sketch and final review may be combined for this proposal.

128 Finally, construction of the proposed bank requires site plan review pursuant to ZR Section 5.6,
129 which is reviewed under Finding III.

130 In support of the application, the applicant has submitted the following plans and documentation:

- 131 • Project Narrative, “Proposed Minor Subdivision & Site Plan Review, Proposed Seacomm
132 Federal Credit Union, 21 Essex Way,” prepared by Jeff Olesky, Catamount Consulting
133 Engineers, PLLC, dated October 9, 2019;
- 134 • Traffic Impact Study, “21 Essex Way, SeaComm FCU,” prepared by Jennifer Conley,
135 P.E., P.T.O.E., VHB, dated October 15, 2019;
- 136 • Cover Sheet, “Eurowest Retail Partners, LTD and SeaComm Federal Credit Union,
137 Proposed Minor Subdivision, 21 Essex Way,” prepared by Catamount Consulting
138 Engineers, PLLC, dated 08/28/2019;
- 139 • Sheet C001, “Site Demolition Plan, Eurowest Retail Partners, LTD and SeaComm
140 Federal Credit Union, Proposed Minor Subdivision, 21 Essex Way,” prepared by
141 Catamount Consulting Engineers, PLLC, dated 08/28/2019;
- 142 • Sheet C002, “Existing Conditions Site Plan, Eurowest Retail Partners, LTD and
143 SeaComm Federal Credit Union, Proposed Minor Subdivision, 21 Essex Way,” prepared
144 by Catamount Consulting Engineers, PLLC, dated 08/28/2019;
- 145 • Sheet C003, “Proposed Conditions Site Plan, Eurowest Retail Partners, LTD and
146 SeaComm Federal Credit Union, Proposed Minor Subdivision, 21 Essex Way,” prepared
147 by Catamount Consulting Engineers, PLLC, dated 08/28/2019;
- 148 • Sheet C101, “Erosion Control Site Plan, Eurowest Retail Partners, LTD and SeaComm
149 Federal Credit Union, Proposed Minor Subdivision, 21 Essex Way,” prepared by
150 Catamount Consulting Engineers, PLLC, dated 08/28/2019;
- 151 • Sheet C201, “Site Grading Plan, Eurowest Retail Partners, LTD and SeaComm Federal
152 Credit Union, Proposed Minor Subdivision, 21 Essex Way,” prepared by Catamount
153 Consulting Engineers, PLLC, dated 08/28/2019;
- 154 • Sheet C301, “Site Utilities Plan, Eurowest Retail Partners, LTD and SeaComm Federal

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- 155 Credit Union, Proposed Minor Subdivision, 21 Essex Way,” prepared by Catamount
156 Consulting Engineers, PLLC, dated 08/28/2019;
- 157 • Sheet C302, “Existing Stormwater Drainage Area Site Plan, Eurowest Retail Partners,
158 LTD and SeaComm Federal Credit Union, Proposed Minor Subdivision, 21 Essex Way,”
159 prepared by Catamount Consulting Engineers, PLLC, dated 08/28/2019;
 - 160 • Sheet C304, “Proposed Stabilization Site Plan, Eurowest Retail Partners, LTD and
161 SeaComm Federal Credit Union, Proposed Minor Subdivision, 21 Essex Way,” prepared
162 by Catamount Consulting Engineers, PLLC, dated 08/28/2019;
 - 163 • Sheet C305, “Stormwater System Maintenance Plan, Eurowest Retail Partners, LTD and
164 SeaComm Federal Credit Union, Proposed Minor Subdivision, 21 Essex Way,” prepared
165 by Catamount Consulting Engineers, PLLC, dated 08/28/2019;
 - 166 • Sheet C401, “Civil Engineering Details, Eurowest Retail Partners, LTD and SeaComm
167 Federal Credit Union, Proposed Minor Subdivision, 21 Essex Way,” prepared by
168 Catamount Consulting Engineers, PLLC, dated 08/28/2019;
 - 169 • Sheet C402, “Civil Engineering Details, Eurowest Retail Partners, LTD and SeaComm
170 Federal Credit Union, Proposed Minor Subdivision, 21 Essex Way,” prepared by
171 Catamount Consulting Engineers, PLLC, dated 08/28/2019;
 - 172 • Sheet C403, “Civil Engineering Details, Eurowest Retail Partners, LTD and SeaComm
173 Federal Credit Union, Proposed Minor Subdivision, 21 Essex Way,” prepared by
174 Catamount Consulting Engineers, PLLC, dated 08/28/2019;
 - 175 • Sheet C404, “Civil Engineering Details, Eurowest Retail Partners, LTD and SeaComm
176 Federal Credit Union, Proposed Minor Subdivision, 21 Essex Way,” prepared by
177 Catamount Consulting Engineers, PLLC, dated 08/28/2019;
 - 178 • Sheet SE101, “Site Lighting Plan, Eurowest Retail Partners, LTD and SeaComm Federal
179 Credit Union, Proposed Minor Subdivision, 21 Essex Way,” prepared by Catamount
180 Consulting Engineers, PLLC, dated 08/28/2019;
 - 181 • Sheet SP102, “ADA Accessible Route Plan, Eurowest Retail Partners, LTD and
182 SeaComm Federal Credit Union, Proposed Minor Subdivision, 21 Essex Way,” prepared
183 by Catamount Consulting Engineers, PLLC, dated 08/28/2019;
 - 184 • Sheet SP301, “Planting Plan, Eurowest Retail Partners, LTD and SeaComm Federal
185 Credit Union, Proposed Minor Subdivision, 21 Essex Way,” prepared by Catamount
186 Consulting Engineers, PLLC, dated 08/28/2019;
 - 187 • Sheet SP302, “Planting Details, Eurowest Retail Partners, LTD and SeaComm Federal
188 Credit Union, Proposed Minor Subdivision, 21 Essex Way,” prepared by Catamount
189 Consulting Engineers, PLLC, dated 08/28/2019;
 - 190 • Plat Sheet 1, “Survey Subdivision Plat, Eurowest Retail Partners, LTD and SeaComm
191 Federal Credit Union, Proposed Minor Subdivision, 21 Essex Way,” prepared by
192 Catamount Consulting Engineers, PLLC, dated 08/28/2019;
 - 193 • Plat Sheet 2, “Easement Plat, Eurowest Retail Partners, LTD and SeaComm Federal
194 Credit Union, Proposed Minor Subdivision, 21 Essex Way,” prepared by Catamount
195 Consulting Engineers, PLLC, dated 08/28/2019;
 - 196 • Plat Sheet 3, “Plat References and Notes, Eurowest Retail Partners, LTD and SeaComm
197 Federal Credit Union, Proposed Minor Subdivision, 21 Essex Way,” prepared by

- 198 Catamount Consulting Engineers, PLLC, dated 08/28/2019;
- 199 • Un-numbered Sheet 1, east “Proposed Building Perspective, SeaComm Federal Credit
200 Union, Essex, VT,” prepared by P.W. Campbell, dated 10/09/2019;
- 201 • Un-numbered Sheet 2, northeast “Proposed Building Perspective, SeaComm Federal
202 Credit Union, Essex, VT,” prepared by P.W. Campbell, dated 10/09/2019;
- 203 • Un-numbered Sheet 3, southeast “Proposed Building Perspective, SeaComm Federal
204 Credit Union, Essex, VT,” prepared by P.W. Campbell, dated 10/09/2019;
- 205 • Un-numbered Sheet 4, north “Proposed Building Perspective, SeaComm Federal Credit
206 Union, Essex, VT,” prepared by P.W. Campbell, dated 10/09/2019;
- 207 • Un-numbered Sheet 5, northeast “Proposed Building Perspective, SeaComm Federal
208 Credit Union, Essex, VT,” prepared by P.W. Campbell, dated 10/09/2019;
- 209 • Un-numbered Sheet 6, second southeast “Proposed Building Perspective, SeaComm
210 Federal Credit Union, Essex, VT,” prepared by P.W. Campbell, dated 10/09/2019;

211 **II. Section 4.2 of the *Subdivision Regulations*: Subdivision Standards**

212 The Planning Commission must evaluate any proposed subdivision according to the Subdivision
213 Standards in Article IV, and may require modification or phasing of the proposed subdivision in
214 light of findings relating to those standards.

215 **(A) SR Section 4.1: Standards Applicable to All Subdivisions**

216 All subdivisions must conform to the general standards in SR Section 4.1, which are
217 captured under minor subdivision or site plan review in other findings herein.

218 **(B) SR Section 4.2: Standards Applicable to Minor Subdivisions**

219 In addition to the General Standards in SR Section 4.1, minor subdivision applications
220 are reviewed against the standards in SR Sections 4.2 – 4.11.

221 **(C) SR Section 4.3: Preservation of Natural and Scenic Features**

222 Preservation of natural and scenic features is reviewed under Finding IV(B);
223 requirements for street trees and landscaping is reviewed under Finding IV(F). The
224 proposed parcel is not located within a floodplain or flood hazard area.

225 **(D) SR Section 4.4: Blocks and Lots – Planning and Design Standards**

226 Due to the small size of the proposed subdivision, no new blocks are proposed. However,
227 the master plans for the Town Center and the PUD-C at 21 Essex Way have been
228 designed in conformity with the block standards.

229 As noted in Finding III(A)(2), the proposed bank’s lot conforms to the minimum
230 dimensional standards for commercial development in the MXD-PUD district.

231

232 **(E) SR Section 4.5: Streets**

233 No new streets are proposed, as the lot is located along two Class 1 Town Highways and
234 a private service road (tentatively named “SeaComm Drive” on the plans), and its small
235 size does not require additional streets. Because Essex Way is a minor arterial road and a
236 new curb cut on Carmichael Street (a collector road) would be too close to its intersection
237 with Essex Way, access to the site would be provided through a curb cut on the service
238 road via an access easement (which is further reviewed in Finding II(H)). Further details
239 of site access and circulation are reviewed in Findings IV(C) and (D).

240 **(F) SR Section 4.6: Sidewalks**

241 There are currently sidewalks within the Town right-of-way (ROW) along Essex Way
242 and Carmichael Street that serve as main pedestrian routes through the area. Conceptual
243 plans showed a sidewalk connection from Essex Way to the northeastern corner of the
244 proposed building. However, Community Development and Public Works staff anticipate
245 that pedestrian traffic would arrive primarily from Carmichael Street and the Essex
246 Experience (21 Essex Way), and therefore recommended that the applicant provide a
247 sidewalk connection along the access road to Ace Hardware (15 Essex Way), which
248 totals approximately 250 feet. The original sidewalk connection to Essex Way may be
249 warranted in the future if significant development occurs east of the site.

250 Though the provision of sidewalks is adequate to the anticipated use, as noted in review
251 of conformance to the Business-Design Control (B-DC) overlay district in Finding
252 III(A)(3)(a), the site is primarily designed around automobile use, rather than pedestrian
253 or bicycle use. Better integration of sidewalks and paths into the design would enhance
254 the experience and safety of non-motorized use of the site.

255 **(G) SR Section 4.7: Land for Public Open Space and Recreational Use**

256 The applicant has not proposed any public or private civic or recreation space, though
257 neighborhood parks, greens, and paths are located nearby. Though the development is not
258 subject to recreation impact fees, it is highly recommended that the applicant provide
259 some form of civic space due to the building’s prominent location on the corner of Essex
260 Way and Carmichael Street, as recommended in Finding III(A)(3), conformance to the
261 Business-Design Control (B-DC) overlay district.

262 **(H) SR Section 4.8: Utility and Access Easements and Improvements**

263 Sheet C002 shows that there are numerous utility lines (municipal water, sewer, and
264 stormwater as well as natural gas, electric, and telecommunications, and a private water
265 service) that run through the site and provide service to other properties. Several of these
266 (water, sewer, stormwater, and natural gas) would be impacted by the proposed building
267 and will be relocated as shown on Sheets C001, C003, and C301. The existing easements
268 associated with these utilities will be relocated accordingly; the applicants must provide
269 revised easement deeds for review by the Town prior to issuance of a zoning permit for
270 the proposed bank.

271 As noted in Finding III(E), the site’s access is provided through a private service road
272 that will be retained by the 21 Essex Way parcel; therefore, a 50-foot-wide access
273 easement running 110 feet south from the intersection of Carmichael Street. It is
274 recommended that the access easement extend along the entire western side of the parcel
275 in the event that the site’s access is relocated further south. As with the utility easements,
276 the applicants must provide an easement deed for this access for review by the Town
277 prior to the issuance of a zoning permit for the proposed bank.

278 **(I) SR Section 4.9: Water Supply and Wastewater Systems**

279 The proposed changes to water supply and wastewater systems are discussed under
280 Finding III(H)(1); changes to utility easements are discussed under Finding II(H).

281 **(J) SR Section 4.10: Stormwater Management and Erosion Control**

282 The proposed changes to stormwater management are discussed under Finding IV(H)(2);
283 changes to utility easements are discussed under Finding II(H).

284 **(K) SR Section 4.11: Monuments and Lot Markers**

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

287 **III. Article V, Section 5.6 of the Zoning Regulations: Site Plan Review**

288 The applicant has requested site plan review for the proposed bank pursuant to Section 5.6 of the
289 *Town of Essex Outside the Village of Essex Junction Official Zoning Regulations*. The purpose of
290 site plan review is to ensure the project’s compliance with the *Town Plan*, the *Zoning*
291 *Regulations (ZR)*, and conditions of previous approvals. Site Plan review standards specifically
292 include preservation of natural and scenic features, layout of development, access, internal
293 circulation, parking, landscaping, lighting, and utilities and fire protection.

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

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

296 The proposed project conforms to the following goals and policies of the *2016 Essex*
297 *Town Plan*:

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

299 **Goal 1d:** *A human scale of development that fosters a sense of community in the*
300 *Neighborhood Growth Centers.*

301 **General Policy 2:** *Economic growth shall be diversified with development*
302 *occurring in and around the Town Center...*

303 **Specific Policy 2(S).1:** *Infill development within existing industrial and commercial*
304 *zoning districts shall be promoted.*

305

306 However, as noted in Finding III(A)(3)(a), the proposal does not fully conform to
 307 the following goal because it is primarily designed around automobile use:

308 **Goal 3c:** *A community that is served by varied modes of transportation with*
 309 *automobile use balanced by increased availability of public transit, sidewalks, and*
 310 *multi-use trails.*

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

312 This project is located in the Retail-Business (B1) subzone of the Mixed-Use
 313 Development – Planned Unit Development (MXD-PUD) district, and must conform
 314 to the purpose and standards listed in Table 2.13 of the *Zoning Regulations*. The
 315 project is also located within the Business – Design Control (B-DC) Overlay District
 316 and must conform to the standards in Table 2.16.

317 The proposal meets the purpose of the MXD-PUD district in that represents
 318 commercial development that aligns with the intent of the comprehensive mixed-use
 319 planning effort for the Lang Farm. For commercial development, the allowed uses
 320 and dimensional standards refer to Table 2.9, the Retail-Business (B1) district
 321 standards, except that automobile service stations, car washes, and convenience stores
 322 are not allowed within the MXD-PUD district. A bank with a drive-through is a
 323 permitted use within the B1 and MXD-PUD districts.

324 The proposed lot and building conform to the B1 district dimensional requirements as
 325 shown in the table below:

Dimensional Requirements	Required	Proposed
Minimum Lot Area – Nonresidential	30,000 s.f.	39,595 s.f.
Minimum Lot Frontage	150 ft.	384 ft.
Minimum Front Setback (from ROW)	50 ft.	58 ft.
Minimum Side Setback	None	27 ft.
Minimum Rear Setback	None	N/A
Maximum Lot Coverage – All	70%	59.0%
Maximum Height	40 ft.	< 40 ft.

326 The proposal also conforms to the district development standards in ZR Table 2.9(F).

327 **3. Table 2.16, Business Design-Control Overlay (B-DC)**

328 **(a) Purpose, Goals, and Objectives**

329 The purpose of the B-DC is to create a coordinated visual appearance for the
 330 Essex Center area and applies all uses other than single-unit dwellings, two-unit
 331 dwellings, accessory dwellings, and agricultural uses. Development should follow
 332 the recommendations in the *Historic Preservation and Design Control Standards*
 333 *for Essex Center and Fort Ethan Allen (1986)* report, as well as the district goals
 334 and design objectives in ZR Table 2.16(A).

335 Construction of the proposed bank on a vacant site would increase the property
 336 value of the parcel itself and likely those of nearby parcels compared to the

337 present. In addition, the project would strengthen the Center’s economic base by
338 providing local jobs and services. The building is somewhat architecturally-
339 compatible with surrounding development; this is reviewed in detail under
340 Finding III(A)(3)(d)(iii).

341 However, the site is designed primarily around automobiles, rather than
342 pedestrians or bicyclists. This layout makes inefficient use of space due to the
343 large expanses of pavement required (failing to achieve full potential property
344 value). Over half of the site’s lot coverage would be dedicated to vehicles in the
345 form of parking, drive aisles, and the drive-through, with approximately 10%
346 dedicated to non-motorized access and 15% to the building itself. Furthermore,
347 though the generous front setbacks preserve some scenic views to the mountains,
348 the foreground of these views would be occupied by pavement and vehicles.
349 Parking and access design are further reviewed in Finding III(A)(3)(d).

350 Finally, the separation of the building from the public realm makes it visually
351 incompatible with adjacent buildings and fails to create the engaging streetscape
352 envisioned in the *1991 Town Center Master Plan* and more recent planning work
353 under ETC|NEXT. Relocating the building closer to the streets or integrating
354 functional civic space would enhance the pedestrian experience and achieve a
355 better relationship to the site’ surroundings.

356 **(b) General Provisions of the B-DC**

357 The B-DC standards apply in addition to the requirements of the underlying
358 zoning district, allowed uses, and dimensional standards.

359 **(c) District Design Review Process**

360 The applicant has submitted building elevations in un-numbered Sheets 1-6;
361 conformance to applicable design control standards is reviewed in Finding
362 (I)(A)(3)(d).

363 **(d) Design Requirements for all B-DC districts**

364 **i. Relationship of Buildings to Surrounding Areas**

365 However, though adequate parking is provided, it is located along the site’s
366 frontages on Carmichael Street and Essex Way with minimal screening, which
367 does not achieve a desirable transition from the streetscape. The preferred
368 design would be to locate the building along Carmichael Street to allow for
369 more direct sidewalk access as well as on-street parking. Alternatively, some
370 form of functional civic space could be incorporated into the site to provide
371 more attraction for pedestrians and users of the site, such as a plaza, pocket
372 park, or landscaped paths. If parking must be located along the Essex Way
373 frontage, it should be better screened from the roadway.

374

375 **ii. Landscaping and Site Treatment**

376 Landscaping and lighting are fully reviewed in Findings III(F) and (G), and
377 the B-DC standards mirror site plan review standards in these regards.
378 However, it is noted that the proposed landscaping does adequately screen the
379 waste storage area and stormwater pond, but does little to enhance the parking
380 areas and access roads, which would be prominently visible from Carmichael
381 Street and Essex Way. This is also addressed in Finding III(A)(3)(d)(iv).

382 **iii. Building Design**

383 The *Historic Preservation and Design Control Standards for Essex Center*
384 *and Fort Ethan Allen (1986)* emphasize that conformance to early nineteenth-
385 century architectural style is not required; however, new buildings should
386 reflect this character. Specifically, new construction should be residential in
387 style with a maximum height of 1.5 to 2 stories with first floor levels at grade.
388 Roofs should be gabled with orientation to the street or common spaces,
389 should include roof overhangs and cornice treatments. Windows should be
390 double-hung sash, and panel entry doors should reflect existing styles.
391 Exterior walls should be faced with horizontal clapboard siding or brick.

392 With approximately 1.5 stories, the building is appropriately-scaled to the site
393 and neighboring structures, as well as the residential character recommended
394 in the design report. Certain exterior building materials, such as brick and
395 precast concrete foundation that imitates the visual appearance of stone, are
396 compatible with traditional materials within the Center. In addition, the use of
397 a hipped roof with overhangs somewhat reflects the gable-roofed style of the
398 Center, but no cornice treatments are included. However, the design does not
399 follow recommendations for double-hung sash windows and paneled entry
400 doors, though not all buildings in the immediate vicinity reflect these style.

401 **iv. Access and Parking**

402 As noted in Findings II(E) and III(C), the site's access is provided through a
403 shared private service road rather than directly to a collector or arterial street.
404 However, the placement of parking areas along Carmichael Street and Essex
405 Way is in direct conflict with the recommendation for parking to be located at
406 the rear of commercial establishments, and the proposed landscaping does
407 little to enhance the visual quality of the parking areas.

408 In the project narrative dated October 9, 2019, the applicant's engineer
409 addressed parking layout in the context of this provision:

410 *Although we know the Town typically discourages parking along property*
411 *frontages, the proposed drive through bank poses challenges from a*
412 *layout perspective to accommodate that request. There are several*
413 *reasons for the proposed site layout that include the following:*

- 414 • *The property is fairly small and limits layout options.*
- 415 • *The preference is to have counterclockwise drive through traffic so*
- 416 *drivers can more easily access the tellers.*
- 417 • *The walk-in entrance generally needs to be opposite the drive through*
- 418 *from an internal layout perspective.*
- 419 • *The parking needs to be near the main building entrance, which*
- 420 *ideally is located along the main property frontages.*
- 421 • *The layout attempts to screen the drive through queuing traffic.*
- 422 • *The layout separates the drive through and walk-in traffic to minimize*
- 423 *conflicts on site that can include queued traffic impacting the parking*
- 424 *areas.*

425 *Another concern of the Town was the ability to have access completely*
426 *around the building for fire protection.*

427 It is acknowledged that the site's layout present certain design challenges;
428 however, the design premise assumes and encourages a large volume of
429 automobile traffic, rather than discouraging automobile use in favor of non-
430 motorized transportation. This is in conflict with the Town's goals of reducing
431 automobile use and associated energy consumption. The necessity of excess
432 parking spaces and four drive-through lanes, or even a drive-through at all, is
433 strongly questioned. Furthermore, the applicant has made no attempt to
434 continue provision of on-street parking along Carmichael Street.

435 Rather than add more landscaping to screen parking areas and access roads, it
436 is recommended that parking be relocated so that it does not separate
437 sidewalks from the building, either to a different part of the site and/or
438 through the use of on-street parking. Alternatively, some form of functional
439 civic space as recommended in Finding III(A)(3)(d)(1) could be added along
440 the frontages. If parking must be located along Essex Way, it should be
441 further enhanced with landscaping or a greenbelt treatment.

442 **v. Signs**

443 The applicant will submit a separate sign application after the project receives
444 final approval; however, initial façade sign depicted on the elevations appears
445 to be in general conformance with the requirements of the B-DC and ZR
446 Section 3.10, provided that the area of the façade sign does not exceed the
447 requirements of ZR Section 3.10(F)(2) and sign lighting is indirect or reverse-
448 channeled. Conformance to these provisions shall be reviewed by the Zoning
449 Administrator upon application for a sign permit.

450 **(e) B-DC design requirements for the MXD-PUD District**

451 The proposal does not conflict with the standards limiting direct access or curb
452 cuts on Old Stage Road, Lost Nation Road, and VT Route 15.

453 **4. Protection of public health, safety, and welfare**

454 The proposed project will not impact public health, safety, or welfare. In an e-mail
455 dated October 16, 2019, the Police Chief requested adequate lighting and limited
456 landscaping around the entire building to deter criminal activity, which are reviewed
457 in Findings III(G) and (F), respectively. The Police Chief also noted that any building
458 alarms must be registered with the Police Department and monitored by a third-party
459 company such as Central Station in Stowe.

460 **5. Outstanding violations**

461 The property does not have any outstanding zoning violations.

462 **(B) ZR Section 5.6 (B), Natural and Scenic Features**

463 The *Zoning Regulations* state that “site layout and design, to the extent feasible, shall
464 incorporate and protect significant natural features as identified on the Significant
465 Features and Water Resources Maps contained in the Town Plan of record or through site
466 investigation.” This is evaluated through the following criteria:

467 **1. Topography**

468 The site is located within the Town Center area and is surrounded by extensive
469 development, and the site has already been altered from its original state. The
470 proposed building site is flat and open except for a depression in the center for a
471 stormwater catch basin. Minimal grading would occur to level the site for the
472 building, and two trees on the southern portion of the site would be removed.

473 **2. Steep Slopes**

474 The site does not contain any slopes greater than 15%, and none would be created by
475 the proposed development.

476 **3. Surface Waters and Wetlands**

477 There are no surface waters or wetlands present on the site.

478 **4. Renewable Energy**

479 The applicant has not proposed utilization of renewable energy at this time. The
480 proposal would not impact the ability of neighboring properties to use renewable
481 energy, as it would not create light or wind shade over property lines.

482 **5. Open Space**

483 The proposed building would be located within an open meadow that is currently
484 maintained as lawn. Though Mt. Mansfield and Camel’s Hump are visible from the
485 western side of the site, the property is not located within the Scenic Resource
486 Protection Overlay (SRPO) district and has been designated for development since
487 the original Lang Farm subdivision approval.

488

489 **(C) ZR Section 5.6 (C), Access**

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

494 As noted in Finding III(E), site access would be provided through an existing private
495 service road off Carmichael Street due to the difficulty of providing a curb cut on
496 Carmichael Street so close to its intersection with Essex Way. There is an existing curb
497 cut on the private access road, but it is located very close to the intersection with
498 Carmichael Street, which may lead to vehicle backups and challenges with turning radii,
499 so the applicants have proposed relocating this curb cut further south.

500 The applicants provided a full study of traffic demands and impacts to nearby
501 intersections of Carmichael Street, Essex Way, and VT Route 15. In a memorandum
502 dated November 6, 2019, Public Works staff stated:

503 *There does appear to be some negative impacts due to the proposed traffic from the*
504 *new bank including any change in Level of Service (LOS) at the intersection of*
505 *Carmichael Street and Essex Way. Table 4 on page 12 shows that the LOS of all East*
506 *Bound traffic from Carmichael Street at the Essex Way intersection will decrease in*
507 *the PM hour from a LOS of C to a LOS of D. Public Works is not concerned about*
508 *this slight negative impact, knowing the existing traffic patterns within the study area*
509 *and the Town Center will change as the final construction of Carmichael Street is*
510 *completed in the future.*

511 *As noted on page 13 of the traffic study, the applicant will be required to pay a State*
512 *traffic impact fee under the requirements of Act 145. The applicant will also be*
513 *responsible for paying a local traffic impact fee to the Town of Essex for all new*
514 *traffic impacts created by the proposed bank within the Essex Way and Town Center*
515 *corridor. These impacts will be mitigated through payment of the corridor impact fee*
516 *which will be put towards future identified traffic improvements. Public Works*
517 *recommends the road impact fee be paid prior to issuance of a zoning permit.*

518 ***(19 PM peak trips) X (\$277.00 per PM peak trip) = \$5,263.00***

519 *All vegetation along the western side of the access road to the Eurowest property*
520 *from Carmichael Street must be removed in order to provide adequate sight distance*
521 *around the corner for vehicles to drive south onto the drive.*

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

523 The *Zoning Regulations* require the Planning Commission to consider on-site vehicular
524 and pedestrian circulation, and allow the Commission to impose conditions to ensure
525 adequate circulation as well as safety and accessibility.

526 The layout of the site would allow adequate emergency vehicle access, facilitate traffic
527 and pedestrian movements (including waste pickup), and prevent traffic conflicts along

528 public streets. Furthermore, Sheet SP102 demonstrates adequate provision for
529 accessibility under the *Americans with Disabilities Act*. The proposed snow storage areas
530 located around the outside edge of pavement circling the site appears to be adequate for
531 typical snowfall.

532 However, as noted in Finding III(A)(3), the site is largely designed around automobiles
533 rather than non-motorized use, and land could be used more efficiently if it were
534 designed around pedestrians, with a reduced amount of parking, some of which could be
535 on-street, and a reduced number of drive-through lanes (or no drive-through at all).

536 As noted by Public Works staff in their November 6, 2019 memorandum, in order to
537 improve sight distance and safety, all vegetation along the west side of the access road
538 must be removed and replaced with lawn or low-growing vegetation.

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

540 Parking must be provided in accordance with Section 3.9 of the *Zoning Regulations*.
541 Parking areas should be located to minimize their visibility, and no more than 50 percent
542 of a front-yard setback can be devoted to parking.

543 ZR Section 3.3(B) states that the parking space requirements for a bank with drive-
544 through are 1 space per 200 square feet of gross floor area, plus 6 queuing spaces for each
545 drive-through window. With 3,500 square feet of floor area and four drive-through lanes,
546 the proposed bank would require 18 parking spaces 24 queuing spaces. Under ZR Section
547 3.9(H), one of the parking spaces must meet ADA van-accessibility standards.

548 The applicants have proposed 20 parking spaces, two in excess of the number required,
549 and there appears to be queuing space for up to 24 cars in total across the four drive-
550 through lanes. Though the area of front-yard setback dedicated specifically to parking
551 approximately 15%, if drive aisles to access the parking spaces are included, the area
552 totals approximately 55%.

553 As noted in Finding III(A)(3)(d)(iv), if less space on the site were dedicated to parking,
554 access aisles, and the drive-through, more could be dedicated to other amenities such as
555 pedestrian access, civic space, or landscaping (or even an additional building). Some of
556 the parking spaces could also be converted to on-street parking, reducing the amount of
557 the front-yard setback dedicated to parking and the landowner's maintenance
558 responsibilities while achieving a better transition with the streetscape and improved
559 engagement with the public realm.

560 Sheet C003 shows that bicycle parking would be located on the northwestern corner of
561 the building, near the primary pedestrian entrance facing the private service road.

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

563 The Planning Commission can require landscaping to achieve the objectives of the
564 *Zoning Regulations* and the *Town Plan*. The landscaping objectives in the business
565 districts include relate to street trees, parking areas, and a planting strip.

566

567 **1. Street Trees**

568 The landscaping objectives require one street tree for every 50 feet of road frontage;
569 with 384.4 feet of frontage along Carmichael Street and Essex Way, 8 street trees
570 (rounded up from 7.7) are required.

571 The landscaping plan on Sheet SP301 involves retaining three existing mature
572 butternut trees along Essex Way (as well as three spruce trees along the southern
573 property line). Four new street trees, comprised of a mix of Sienna Glen red maple
574 and Shademaster honeylocust, would be planted along Carmichael Street and Essex
575 Way. An eighth tree could be planted on the corner of these streets, but it would
576 interfere with traffic visibility. Furthermore, the applicant has retained several other
577 trees throughout the site and has added street trees along the private service road to
578 mitigate this shortfall.

579 As noted in Finding III(H), several of the proposed trees are located close to
580 underground utility lines; where possible, new trees should be located at least 10 feet
581 away from underground utilities.

582 **2. Parking Areas**

583 The landscaping objectives require screening of parking areas from roadways and
584 landscaped islands to break up and provide shade on large expanses of parking.

585 The landscaping plan proposes a row of 25 Kelseyi dogwood plants along Carmichael
586 Street and Shademaster honeylocust trees within the two internal parking lot islands.

587 Aside from the required street trees, the applicant has proposed very little landscaping
588 to screen and enhance the parking areas on Essex Way. Further landscaping shall be
589 added along this frontage, unless the site is redesigned as recommended in Finding
590 III(A)(3).

591 **3. Planting Strip**

592 The landscaping objectives call for a planting strip including shrubs, bushes, and/or
593 trees that covers 30% of the front yard setback along the front of the lot; this area
594 must be kept free of buildings and parking areas. The proposed landscaping plan fails
595 to meet this requirement, as there are parking areas located within the front 30% of
596 the setback, and the proposed landscaping (the proposed street trees and a 5-foot-wide
597 by 75-foot-long row of Kelseyi dogwood) covers only 5.3% of the front yard setback
598 on Carmichael Street and 5.8% of the front yard setback on Essex Way.

599 The applicant must submit a revised landscaping plan that meets the planting strip
600 objectives.

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

602 The *Zoning Regulations* call for an exterior lighting plan that provides “site lighting and
603 lighting levels that are appropriate for the anticipated activities on the site and the
604 property’s surrounding context, and that maximize the efficiency of site lighting and

605 energy demand, while minimizing up-light glare, and unnecessary spillover light or light
606 diffusion onto adjacent properties.”

607 In general, the lighting plan on Sheet SE101 generally meets the standards of ZR Section
608 5.6(G) and provides sufficient lighting for the anticipated activities while blending with
609 the surrounding context and maximizing efficiency. Though the maximum illumination
610 (13.2 foot-candles) would exceed 7 foot-candles under the drive-through canopy, this is
611 advisable to improve safety, and the uniformity ratio outside the canopy area is within the
612 recommended average-to-minimum of 5:1.

613 Some light spillover in excess of 0.2 foot-candles onto Carmichael Street would occur,
614 but it would in fact improve lighting along the roadway by illuminating a public sidewalk
615 in an urban setting. The Planning Commission must provide a waiver under ZR Section
616 5.6(G)(5) to allow this light trespass.

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

618 **1. Water Supply and Sewage Disposal**

619 In a memorandum dated November 6, 2019, Public Works stated:

620 *The applicant’s engineer has stated that Eurowest has sufficient water and sewer*
621 *allocation to accommodate the proposed additional water and sewer usage for*
622 *the proposed bank. The most recent development within the property owned by*
623 *Eurowest required the applicant to apply for and purchase additional allocation.*
624 *The applicant will be required to apply for additional sewer allocation from the*
625 *Town of Essex. Approval and purchase of additional sewer and water allocation*
626 *will be required prior to issuance of a building permit.*

627 *The applicant’s engineer has stated there will be 10 employees maximum to be*
628 *located at the new building at 21 Essex Way. The proposed bank would fall under*
629 *the category of use “offices” as noted on Table 10.12.380 of the Town’s Water*
630 *Use Ordinance. This category of use has a domestic water and sewer demand of*
631 *15 GPD per employee. Staff calculates the water and sewage usage for the*
632 *proposed building as follows:*

633
$$(10 \text{ Employees}) \times 15 \text{ GPD/Employee} = \underline{150 \text{ GPD}}$$

634 *The sewer and water connection fees are provided below. In addition, if the fee*
635 *schedules changes, then the fee charged shall be the fee in effect at the time of*
636 *submittal for a building permit.*

637 a.
$$\text{Water: } 150 \text{ GPD} \times \$5.73/\text{gallon} + \$1000 = \$1,859.50$$

638 b.
$$\text{Sewer: } 150 \text{ GPD} \times \$10.30/\text{gallon} + \$1000 = \underline{\$2,545.00}$$

639 c.
$$\text{Total} = \underline{\$4,404.50}$$

640 *Recent hydrant flow testing confirms that there is adequate domestic water*
641 *pressure for the proposed building.*

642 *The applicant's engineer has proposed to insulate the existing 6-Inch DI water*
643 *service line for Ace Hardware within the area of the proposed Bio-Retention*
644 *pond, (storm water BMP). The existing finish grade over the service line at the*
645 *proposed BMP location is at contour (501'). The proposed BMP will be at (499'),*
646 *with a 4-Inch underdrain having an invert of (494.5') crossing the service line.*
647 *Assuming there is a minimum of 6-Feet of cover over the existing water service*
648 *line, there are potential cover issues and conflicts with the underdrain. Public*
649 *Works will not accept anything less than 4-Feet of cover in grassed areas and 5-*
650 *Feet in paved areas as per Detail No. 400.09 of the Town of Essex Specifications*
651 *for Construction. Furthermore, the underdrain crossing must meet the separation*
652 *requirements provided in Detail No. 400.04. If these requirements cannot be*
653 *achieved, relocated the existing water service out of the footprint of the BMP will*
654 *be the preferred alternative.*

655 *The applicant's engineer proposes to connect the proposed 4-Inch PVC sewer*
656 *service directly to the existing sewer manhole located at the south east corner of*
657 *the proposed building. Public Works requires this service connection to be*
658 *located on the gravity sewer main, not a direct connection to the sewer manhole.*
659 *The connection must adhere to Detail No. 300.06 of the Town of Essex Standard*
660 *Specifications for Construction.*

661 Public Works also provided several other requirements for the design of water and
662 sewer infrastructure, which are listed under the proposed conditions of approval.

663 Finally, where possible, trees and underground utilities should be separated by at least
664 10 feet to avoid conflicts between root systems and utility infrastructure.

665 **2. Stormwater Management**

666 Though the proposed bank lot will no longer be part of the PUD-C, stormwater
667 treatment would be integrated with the existing system designed for the Town Center
668 area, which collects stormwater from the area and directs it to a series of detention
669 ponds south of the area along the frontage with VT-289. This system is owned and
670 maintained under an agreement between the Town and the owners of 21 Essex Way
671 (Eurowest Retail Partners, LTD), 23 Essex Way (Hannaford Bros. Co.), and 74 Upper
672 Main Street (HDI Real Estate, Inc.). The owner of the proposed parcel (SeaComm)
673 would become a fifth party to that agreement in order to use the ponds to meet the
674 flow restoration requirements of the State Stormwater Management Rule. The
675 applicant must coordinate with Public Works and the other landowners to amend this
676 stormwater agreement.

677 However, under the latest Rule, the proposed parcel must also meet water quality
678 standards for stormwater that the retention ponds are not equipped to meet. The
679 applicants have proposed a bio-retention area on the site of the proposed bank to meet
680 this requirement, with overflow directed into the retention ponds. The applicants will
681 submit a stormwater permit to the State after local approval.

682 In a memorandum dated November 6, 2019, Public Works staff noted several
683 requirements related to stormwater, which are listed in the proposed conditions of
684 approval.

685 **3. Utilities**

686 As noted in Finding II(H), there are numerous public and private utility lines that
687 would be relocated as part of the proposal. Public Works has reviewed and approved
688 the utility relocation plan except as noted herein and in the proposed conditions of
689 approval.

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

691 As noted in Finding III(D), aisle widths and turning radii are sufficient to allow access to
692 all sides of the building by emergency vehicles. Though the clearance height of the drive-
693 through is too low for the Town's fire apparatus, a passing lane has been provided to
694 allow passage around the drive-through. In an e-mail dated October 16, 2019, the Fire
695 Chief stated that the building must meet the 2015 Essex Fire Department Building
696 Standards (attached), and that any fire department connection (FDC) should be located
697 away from the drive-through structure. Furthermore, emergency contact information must
698 be kept current with the Essex Police Dispatch Center, in addition to any third-party
699 monitoring company.

700 **IV. Additional Findings by the Planning Commission**

- 701 • **The Planning Commission finds that the light spillover onto Carmichael Street is**
702 **advisable in that it illuminates a sidewalk on a major pedestrian route in an urban area.**
703 **Therefore, the Planning Commission waives the requirement prohibiting light trespass of**
704 **two-tenths (0.2) foot-candles five feet beyond the property line into the Carmichael Street**
705 **right-of-way.**

706 **V. Proposed Conditions**

- 707 1. All conditions from previous approvals shall remain in effect except as modified herein.
- 708 2. The applicant shall record a mylar in the Land Records no more than 180 days from the date
709 of the written Final approval, otherwise the subdivision is void. The mylar and three (3)
710 paper copies shall be submitted to the Community Development Department for review and
711 Planning Commission signature at least two weeks prior to the 180-day statutory recording
712 deadline.
- 713 3. Prior to the recording of the mylar, the applicant shall install monuments and lot markers to
714 the standards specified in Section 4.11 of the *Subdivision Regulations*.
- 715 4. All construction shall be in conformance with the plans listed above as may be amended
716 herein.
- 717 5. Prior to the issuance of a zoning permit, the plans shall be revised as follows:
- 718 a. A planting strip shall be added that meets the landscaping objectives in ZR Table

- 719 5.1(F), as determined by Community Development Staff;
- 720 b. Proposed trees shall be located at least 10 feet away from underground utility lines
721 where possible;
- 722 c. The crossing of the existing 6-inch ductile iron water service line to the building at 15
723 Essex Way with the bio-retention swale at the south of the site shall be redesigned per
724 the recommendations by Public Works noted in Finding III(H)(1);
- 725 d. The proposed 4-Inch PVC sewer service connection to the existing sewer manhole
726 located at the south east corner of the proposed building shall be eliminated, and
727 instead the service connection shall be located on the gravity sewer main, as
728 recommended by Public Works noted in Finding III(H)(1).
- 729 6. An electronic copy of the plans as may have been revised shall be submitted to the E911
730 coordinator in .PDF file format. Another copy shall be submitted in geodatabase or shapefile
731 in Vermont State Plane Meters, NAD83 (NSRS or most current); alternatively, coordinated
732 CAD data – Vermont State Plane Coordinates, US Survey Feet, Grid Zone 4400, NAD 83
733 (2011) epoch 2010.0, NAVD 88 (geoid12b); alternatively, paper showing three (3) values of
734 State Plane Coordinates.
- 735 7. Prior to the issuance of a zoning permit, all easements, deeds, and other legal documents
736 shall be submitted to the Community Development Department for review by the Town
737 Attorney at the expense of the applicant. These include, but are not limited to:
- 738 a. 50-foot-wide access easement over the 21 Essex Way parcel benefiting the 25
739 Carmichael Street parcel along the existing service road;
- 740 b. Revised 20-foot-wide easements over the 25 Carmichael Street parcel benefiting the
741 Town of Essex for water and sewer infrastructure;
- 742 c. Revised 20-foot-wide easement over the 25 Carmichael Street parcel benefiting the
743 parties of the Town Center stormwater agreement for stormwater infrastructure;
- 744 d. Revised 10-foot-wide easement over the 25 Carmichael Street parcel benefiting the
745 15 Essex Way parcel for water service infrastructure.
- 746 8. Prior to the issuance of a zoning permit, the applicant shall pay a traffic fee of \$5,263.00, or
747 the fees in place at the time of submittal for a zoning permit.
- 748 9. Prior to the issuance of a zoning permit, the applicant shall pay water fees (\$1,859.50) and
749 sewer fees (\$2,545.00) totaling \$4,404.50, or the fees in place at the time of submittal for a
750 zoning permit.
- 751 10. Prior to the issuance of a zoning permit, the applicant shall obtain any and all applicable state
752 approvals and permits and shall submit copies to the Community Development Department
753 for review.
- 754 11. The new storm water infrastructure and proposed bio retention system shall be private, and
755 all maintenance and permitting will be the responsibility of the applicant.

- 756 12. The total lot coverage is 0.92 acres. Under the Town's Storm water Ordinance, the applicant
757 is required to follow the Small Site Erosion Control Guide. A copy of the guide can be found
758 on the Town's website.
- 759 13. The total disturbance for this project must remain under one acre. If the area of disturbance
760 for construction on this site is greater than one acre, General Permit for Construction 3-9020
761 will be required. The applicant's engineer shall verify that this project will not disturb more
762 than one acre prior to issuance of building permit. A copy of the permit shall be submitted to
763 Public Works prior to commencement of construction.
- 764 14. Calculations shall be submitted to Public Works by the applicant's engineer demonstrating
765 that the existing storm water ponds located on the Eurowest site behind the movie theater, are
766 designed to treat additional storm water runoff. Also, the applicant's engineer shall provide
767 calculations to Public Works documenting the total phosphorus removed by the proposed
768 stormwater infrastructure.
- 769 15. Prior to the issuance of a zoning permit, the applicant shall execute an agreement with the
770 Town and the parties responsible for maintenance of the shared stormwater ponds to be
771 utilized by the proposed development. The cost share shall be based upon the percentage of
772 impervious surface contributed by each party to the agreement.
- 773 16. All utility lines shall be installed underground.
- 774 17. All water, sewer, and storm water infrastructure shall be installed in accordance with the
775 specifications and details provided within the *Town of Essex Standard Specifications for*
776 *Construction*.
- 777 18. The Town of Essex will own and maintain the water service valve located at the ROW. The
778 applicant will be responsible for all service lines after this first service valve. A
779 representative of the Town of Essex shall be present during installation of the service wet tap.
- 780 19. The proposed building shall be metered and billed off its own meter. The applicant's
781 engineer shall provide peak domestic water demand calculations, based on the number of
782 fixture units, for properly sizing the water meter for the proposed building. The Town of
783 Essex will not size the meter based on line pressure in the building.
- 784 20. No occupancy of the structure shall occur until a certificate of occupancy inspection and sign
785 off is issued by the Zoning Administrator. A copy of the State's occupancy approval shall be
786 filed and attached to the Town's inspection approval.
- 787 21. Prior to the issuance of a certificate of occupancy, all vegetation along the west side of the
788 access road must be removed to allow traffic visibility around the turn.
- 789 22. All landscaping shall be guaranteed for the life of the project. Any dead or diseased plantings
790 shall be replaced as soon as seasonally possible.
- 791 23. By accepting the conditions of this approval without appeal, the applicant confirms and
792 agrees for itself and all assigns and successors in interest that the conditions of this approval
793 shall run with the land and the land uses herein permitted, and will be binding upon and
794 enforceable against the applicant and all assigns and successors in interest.

Sketch/Final Subdivision and Site Plan
21 Essex Way / 25 Carmichael Street
November 14, 2019

795 **VI. Attachments**

796 • Project narrative, “Planning & Zoning Application, Proposed Minor Subdivision & Site
797 Plan Review, Proposed SeaComm Federal Credit Union, 21 Essex Way, Essex, VT
798 05452,” from Jeff Olesky, P.E., Catamount Consulting Engineers, PLLC, dated
799 10/09/2019.

800 • Essex Fire Department Building Standards, revised January 2015.

801 cc: Scott Wilson, SeaComm Federal Credit Union
802 Peter Edelman, Eurowest Retail Partners, LTD

803

804 G:\PC\REPORTS\Carmichael Street 25 Sketch-FinalSub & SitePlan 20191114.docx