

1 **ESSEX PLANNING COMMISSION**
2 **May 14, 2020**

3 **STAFF REPORT – 21 ESSEX WAY**

4 **Site & Master Plan Amendment**

5 Prepared by Darren Schibler, Town Planner

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25 **Summary**

26 The applicant has proposed a new interactive, immersive, and multimedia arts center and
27 rooftop diner within Building 1 of the Essex Experience, as well as a realignment of the future
28 extension of Commonwealth Avenue. The proposal meets all the site plan review standards, but
29 several modifications to enhance the site’s visual appearance and traffic safety are suggested.
30 These include better articulation of the building façade at grade to enhance the pedestrian
31 experience; use of parallel parking spaces on Commonwealth Ave. to improve safety; better
32 directional signage within the complex to facilitate traffic movement; and additional landscaping
33 along the addition to better integrate it with the existing site. Finally, height waivers will be
34 required for the ornamental features of the building as well as the rooftop diner.

36 **Applicant**

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

41 **Proposal**

42 The applicant has proposed a 22,500-square-foot (SF) addition to the northern side of Building 1
43 of an existing shopping center located at 21 Essex Way, tax map 92, parcel 1. A new immersive
44 and interactive arts center would be created within the addition and 22,950 SF of the existing
45 building for a total of 45,450 SF (leaving 15,000 SF for other existing uses in the building). The
46 proposal also includes an approximately 2,000-SF rooftop diner with 49 outdoor patio seats.
47 Though the addition would replace a parking lot with 117 spaces, 60 new spaces would be
48 constructed as part of a realignment of the access drive east of the building, which will serve as a
49 future extension of Commonwealth Avenue. The proposal involves installation of one new water
50 service line, utilizing sewer service in the existing building. Existing landscaping along the road
51 would be relocated and new landscaping added.

52 **Background**

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

58 On February 28, 1985, the Planning Commission also granted site plan approval for Lang Farm
59 Parcel A as a neighborhood shopping center and included 38,500 square feet of retail space on
60 Parcel A (the Essex Outlets) and a 42,000-square-foot supermarket on Parcel A-1 (Hannaford).

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

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

73 Since that time, site plan and final plan amendments for minor alterations have been approved by

74 the Planning Commission, and various conditional uses have been approved by the Zoning Board
75 of Adjustment.

76 On August 23, 2007, the Planning Commission approved a site plan amendment for the Essex
77 Shoppes and Cinema PUD-C to construct a 12,094-square-foot hardware store as Building 5 (15
78 Essex Way) and a 7,200-square-foot restaurant as Building 6 that was never constructed. Around
79 the same time in 2007, the Zoning Administrator approved a 0.67-acre footprint lot for Building
80 5 that extended beyond the building foundations, which was recorded in Land Records slide 440.

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

83 On November 14, 2019, the Planning Commission approved the subdivision of a 0.91-acre
84 portion of the parcel at the corner of Carmichael Street and Essex Way for creation of a 3,500-
85 square-foot drive-through bank (for which site plan approval was granted on January 9, 2020).
86 As a result, the remaining Eurowest parcel was reduced to 23.73 acres.

87 The proposed building is part of a shopping and entertainment center whose uses include retail
88 (both dry goods and groceries), restaurants, personal services, a daycare, and a cinema and
89 performing arts center. Other uses within Building 1 include a fitness gym, a restaurant, a
90 daycare, and an art gallery. Adjacent parcels to the north include existing and proposed multi-
91 unit dwellings and general commercial spaces; a supermarket is located to the west.

92 **Proposed Findings**

93 **I. Article II, Section 2.7 of the Subdivision Regulations: Master Plan**

94 The *Subdivision Regulations* (SR) require a master plan “for any project which is intended to be
95 developed in phases and for which approval of only one phase is currently requested, or for any
96 project where development of only part of the parcel is proposed and the remaining land exceeds
97 in area three times the minimum lot size in the district in which the subdivision is located.”

98 Amendments to approved master plans should be consistent with the plan’s original intent, as
99 well as the *Town Plan* of record and any specific area plans.

100 The PUD-C for the Essex Experience serves as the master plan for the property (21 Essex Way).
101 Though the building depicted as “Future Development Site #7” on the existing master plan is
102 much smaller than what is proposed currently, the proposal is consistent with the intent of the
103 master plan, and even improves on it by redeveloping an underutilized parking area.

104 **II. Article V, Section 5.6 of the Zoning Regulations: Site Plan Review**

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

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

- 112 • Cover letter, “Site Plan Application & Master Plan Amendment, Eurowest Retail
113 Partners, LTD, 21 Essex Way,” prepared by Shawn Cunningham, E.I., O’Leary-Burke
114 Civil Associates, PLC, dated 04/08/2020;
- 115 • Sheet #1, “Existing Conditions Plan, The Essex Experience, Essex, VT,” prepared by
116 O’Leary-Burke Civil Associates, PLC, dated 04/07/2020;
- 117 • Sheet #2, “Overall Site Plan, The Essex Experience, Essex, VT,” prepared by O’Leary-
118 Burke Civil Associates, PLC, dated 04/07/2020;
- 119 • Sheet #3, “30-Scale Site Plan, The Essex Experience, Essex, VT,” prepared by O’Leary-
120 Burke Civil Associates, PLC, dated 04/07/2020;
- 121 • Sheet #4, “Lighting Plan, The Essex Experience, Essex, VT,” prepared by O’Leary-
122 Burke Civil Associates, PLC, dated 04/07/2020;
- 123 • Sheet #5, “Landscaping Plan, The Essex Experience, Essex, VT,” prepared by O’Leary-
124 Burke Civil Associates, PLC, dated 04/07/2020;
- 125 • Sheet #6, “EPSC Plan, The Essex Experience, Essex, VT,” prepared by O’Leary-Burke
126 Civil Associates, PLC, dated 04/07/2020;
- 127 • Sheet #7, “General Details, The Essex Experience, Essex, VT,” prepared by O’Leary-
128 Burke Civil Associates, PLC, dated 04/07/2020;
- 129 • Cover Sheet, “Babaroosa, Permitting Set,” prepared by Freeman, French, Freeman, Inc.,
130 dated 03/18/2020;
- 131 • Sheet A100, “Babaroosa, Existing Conditions,” prepared by Freeman, French, Freeman,
132 Inc., dated 03/18/2020;
- 133 • Sheet A101, “Babaroosa, Proposed Roof Plan,” prepared by Freeman, French, Freeman,
134 Inc., dated 03/18/2020;
- 135 • Sheet A200, “Babaroosa, Exterior Elevations,” prepared by Freeman, French, Freeman,
136 Inc., dated 03/18/2020;
- 137 • Sheet A201, “Babaroosa, Exterior Elevations,” prepared by Freeman, French, Freeman,
138 Inc., dated 03/18/2020;
- 139 • Sheet A202, “Babaroosa, Exterior Perspectives,” prepared by Freeman, French, Freeman,
140 Inc., dated 03/18/2020;
- 141 • Sheet A200, “Babaroosa, Metal Panel Options,” prepared by Freeman, French, Freeman,
142 Inc., dated 03/18/2020;

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

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

145 The proposed project advances the following goals and policies of the *2016 Essex*
146 *Town Plan*:

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

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

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

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

154 **Specific Policy 3(S).7:** *A sense of community shall be fortified by the expansion of*
 155 *arts and other cultural opportunities*

156 Converting a parking area to a building, particularly one that anticipates a
 157 significant number of customers, would stabilize the property value of the parcel
 158 itself and likely strengthen those of nearby parcels compared to the present. In
 159 addition, the project would strengthen the Town Center’s economic base by
 160 providing local jobs and services in the arts and culture, a relatively small sector of
 161 the local economy. This will help foster a sense of community, though several
 162 changes to the building’s design will help keep it at a more human scale and
 163 promote a pedestrian-friendly atmosphere.

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

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

170 The proposal meets the purpose of the MXD-PUD district in that represents
 171 commercial development that aligns with the intent of the comprehensive mixed-use
 172 planning effort for the Lang Farm. For commercial development, the allowed uses
 173 and dimensional standards refer to Table 2.9, the Retail-Business (B1) district
 174 standards, except that automobile service stations, car washes, and convenience stores
 175 are not allowed within the MXD-PUD district. Indoor recreation and restaurants are
 176 permitted uses within the B1 and MXD-PUD districts.

177 Except for height (which is reviewed in Finding II(A)(2)(a)), the proposed addition
 178 conforms to the B1 district dimensional requirements as shown in the table below.
 179 The proposal also conforms to the district development standards in ZR Table 2.9(F).

Dimensional Requirements	Required	Existing	Proposed
Minimum Lot Area – Nonresidential	30,000 s.f.	1,042,826 s.f.	1,042,826 s.f.
Minimum Lot Frontage	150 ft.	450 ft.	450 ft.
Minimum Front Setback (from ROW)	50 ft.		285 ft.
Minimum Side Setback	None	39 ft.	39 ft.
Minimum Rear Setback	None	18.5 ft.	18.5 ft.
Maximum Lot Coverage – All	70%	68.7%	59.0%
Maximum Height	40 ft.	43 ft. 4 in.	53 ft. 9 in.

180 It is noted that if Commonwealth Avenue were extended through the site as a public
181 road, the above dimensions would change but would remain in conformance, except
182 that the building would be located within 6-13 feet of the right-of-way, within the
183 required 50-foot front yard setback. However, the Town is contemplating zoning
184 changes that may address this issue.

185 **(a) ZR Section 3.6: Height Restrictions**

186 The maximum height of any structure is limited to 40 feet, with some exceptions by
187 zoning district that do not apply to this proposal. However, the Planning Commission
188 may waive maximum height requirements for certain types of structures upon finding
189 that the design is consistent with the purpose and goal of the applicable zoning
190 district, and that it does not constitute a hazard to an established airport.

191 The building elevations show that the existing height of the ornamental monitor roof
192 awning on Building 1 is 43 ft. 4 in., which presumably was approved by the Planning
193 Commission as a waiver. The structure is comparable in height to the façade of the
194 adjacent grocery store. Without the tower, the existing building height is 23 feet.

195 For the proposed addition, the maximum height of the roof is 40 feet; however, the
196 height of the proposed rooftop diner is 51 feet, and the tallest point of the curved
197 parapet 53 ft. 9 in., both of which exceed the maximum allowed height. Both
198 structures are consistent with the purpose and goals of the B1 subzone of the MXD-
199 PUD and the Town Plan, as noted in Findings II(A)(1) and (2). Neither constitutes a
200 known hazard to nearby airports, as they are not within flight paths or approach cones
201 or situated significantly higher than prevailing ground elevations. Both structures
202 qualify for a waiver under ZR Section 3.6(B)(3)(l) as a building necessary and
203 integral to carrying out the Town’s growth center vision. The addition and its
204 attendant uses will serve as an anchor attraction that reinforces the site’s transition
205 from a shopping center to an entertainment hub at the center of a mixed-use area.

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

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

208 The purpose of the B-DC is to create a coordinated visual appearance for the
209 Essex Center area and applies all uses other than single-unit dwellings, two-unit
210 dwellings, accessory dwellings, and agricultural uses. Development should follow
211 the district goals and design objectives in ZR Table 2.16(A), which include:

- 212 1. Maintain and Improve Economic Vitality;
- 213 2. Preserve and Enhance Visual Qualities;
- 214 3. Protect Historical, Architectural, and Cultural Heritage;
- 215 4. Encourage Pedestrian Friendly Environment;
- 216 5. Encourage Coordination and Harmony.

217 Overall, the proposal meets the minimum level of conformance to the B-DC
218 standards, but could be improved to better align with the design requirements.

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(b) Relationship of Buildings to Surrounding Areas

The existing building provides active streetscape elements such as covered walkways, transparent shopfronts, and a small plaza area. However, the east and north elevations of the proposed addition do not show any façade articulation, particularly at the ground level, and the massing of the building creates an imposing blank wall. Though the inclusion of artwork on the façade will create visual interest, it does not create a welcoming pedestrian environment. This is less problematic on the north elevation, which functions primarily as a much-needed service area; however, the east elevation will function as a primary pedestrian and vehicular route through the development upon completion of Commonwealth Avenue. This façade’s lack of frontage features, such as extending the arcade of the existing building or adding windows or a more defined entry or exit, is a missed opportunity to engage potentially significant pass-by traffic on this road and better integrate the addition with the rest of the shopping center site.

(c) Landscaping and Site Treatment

Landscaping and lighting are fully reviewed in Findings II(F) and II(G), respectively, and the B-DC standards mirror site plan review standards in these regards. To summarize, the goal of preserving and maintaining existing landscaping is laudable, but the existing cedars would screen the building and streetscape rather than enhance it and should be replaced. Also, the ornamental grasses and low-growing shrubs on the addition’s northeast corner should be extended along its entire length. Finally, the service area and access road on the building’s north side lacks any landscaping at all to screen it from the north.

(d) Building Design

The B-DC standards reference the *Historic Preservation and Design Control Standards for Essex Center and Fort Ethan Allen (1986)*, which emphasize that new buildings should reflect early nineteenth-century architectural styles to integrate with existing historic structures (including elements such as gabled roofs oriented at right angles to the public realm, decorative cornices and roof overhangs, and double-hung sash windows and paneled entry doors). However, there are no existing historic structures near the site, and through the recent Essex Town Center (ETC) planning efforts the community has indicated openness to styles that are not strictly traditional in areas outside the historic center. Nevertheless, the results of the ETC visual preference survey point to a desire for high-quality construction that integrates traditional materials and Vermont forms; buildings should be unique and less “boxy,” properly scaled to the site and adjacent buildings, and that show variation in rooflines and façades.

Even though the architectural style of the proposed addition is far from traditional or consistent with existing buildings in the Center, it builds upon an existing structure without detracting from its unique features, including the monitor roof

259 on the south elevation. The relatively large mass of the structure is broken up
260 from the south and west by its integration with existing buildings, mitigating the
261 negative visual impact of a large building. However, as noted above, the east and
262 north elevations present a very box-like form, and changes such as vertical and
263 horizontal step-backs, partially-transparent awnings, and clearer definition of
264 building entrances and exits would soften the imposing mass of the structure.

265 **(e) Access and Parking**

266 Access and parking are fully reviewed in Findings II(C) and II(E), respectively,
267 and the B-DC standards mirror site plan review standards in these regards.
268 Generally speaking, the proposal aligns with the street design and access goals for
269 the Town Center by prioritizing non-motorized transportation and utilizing on-
270 street parking rather than extensive surface lots along frontages. As noted above,
271 additional landscaping is required for the service area north of the building.

272 **(f) Signs**

273 On September 23, 2010, the Planning Commission approved a site plan
274 amendment to allow administrative review for all façade signs for the 21 Essex
275 Way property, including conformance to the Business-Design Control standards.
276 The applicant must submit a separate sign application after the project receives
277 final approval. The initial façade sign depicted on the elevations appears to be in
278 general conformance with the requirements of the B-DC and ZR Section 3.10,
279 provided that the area of the façade sign does not exceed the requirements of ZR
280 Section 3.10(F)(2) and any sign lighting is indirect or reverse-channeled.
281 Conformance to these provisions shall be reviewed by the Zoning Administrator
282 upon application for a sign permit.

283 **(g) B-DC design requirements for the MXD-PUD District**

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

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

287 The proposed project will not impact public health, safety, or welfare. In an e-mail
288 dated April 28, 2020, the Police Department requested further information about
289 traffic demand and roadway capacity, as well as about the business' expected
290 occupancy and whether large special events were anticipated. As noted in the shared
291 parking study, the maximum occupancy will be 300 people, and the project narrative
292 notes that admission will be ticketed, but makes no mention of special events. Traffic
293 is addressed in Finding II(C).

294 **5. Outstanding violations**

295 The property does not have any outstanding zoning violations.

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

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

301 **1. Topography**

302 The site is located within the Town Center area and is surrounded by extensive
303 development, and the site has already been altered from its original state to create a
304 parking lot. The site has a low (approximately 5%) slope towards the southwest;
305 minimal grading would occur to level the site for the building, and existing vegetation
306 along the extension of Commonwealth Ave. would be relocated. The applicant has
307 not indicated whether the existing street trees along the east-west service road (which
308 are not shown on the plans) would be retained.

309 **2. Steep Slopes**

310 The site does not contain any slopes greater than 15%. Due to grading required for the
311 site, a small area of approximately 33% slope would be created on the west side of
312 the addition; this would be partially reinforced with a retaining wall and vegetation.
313 Additional vegetation should be added on this embankment where it is not proposed.

314 **3. Surface Waters and Wetlands**

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

316 **4. Renewable Energy**

317 The applicant has not proposed utilization of renewable energy at this time, though
318 solar panels recently have been installed on the roofs of the existing shopping center
319 buildings, and several electric vehicle charging spaces are located within the shopping
320 center’s parking lots. Due to its height and bulk, the proposed addition will shadow
321 adjacent areas to the east and north, but the shadow will not extend far enough nor
322 high enough to impact the ability of neighboring buildings to utilize rooftop solar
323 panels.

324 **5. Open Space**

325 The proposed building is not located in a rural area or within the Scenic Resource
326 Protection Overlay (SRPO) District, nor does it contain any open meadows. The
327 rooftop diner takes advantage of the scenic views of the Green Mountain range
328 available from the site, but may block views from nearby sites to the north.

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

330 Pedestrian and vehicular access to the site must meet applicable design standards in the
331 *Zoning Regulations* and Public Works specifications. The Planning Commission can
332 impose conditions related to on- or off-site improvements meant to mitigate the impact of

333 traffic, or to maximize pedestrian and vehicular safety.

334 The main entrance to the addition would be through the south side of the existing
335 shopping center building. Therefore, most vehicular, bicycle, and pedestrian traffic would
336 be directed along the east-west road through the shopping center which connects Essex
337 Way to Carmichael Street and Billie Butler Drive. The plans show that the road east of
338 the addition would be upgrade as a future extension of Commonwealth Avenue; until that
339 connection is completed, the east-west service road located north of the shopping center
340 would provide additional access from Essex Way via Carmichael Street.

341 The applicant submitted a revised traffic study that covers the entire Town Center and
342 Eurowest properties. The study indicates that overall levels of service on nearby roads
343 and intersections would not be impacted significantly by the proposed development
344 except for the eastern entrance to the shopping center at Essex Way. At this intersection,
345 eastbound (exiting) traffic in the left/thru lane currently experiences a 50.5-second delay
346 (LOS F); under background conditions, by 2025 this would increase to 66.4 seconds, and
347 78.0 seconds with the addition of the arts museum. Traffic exiting westbound from the
348 Post Office at 22 Essex Way also would experience increased delay (25.2 seconds
349 compared to 24.2 seconds).

350 The study notes that realistically, this level of delay would likely induce vehicles to use
351 one of the alternate exits from the shopping center, facilitated by numerous internal
352 routes through the parking lots, though this was not modeled in the study. Regardless,
353 this indicates that additional traffic flow controls, such as signage or barriers directing
354 vehicles to alternate exits, may be warranted.

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

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

359 The overall layout of the site would allow adequate emergency vehicle access and
360 facilitate traffic and pedestrian movements (including waste pickup and snow storage).
361 However, the results of the traffic study indicate that signage and physical barriers
362 directing vehicles to exits from the shopping center other than the eastern intersection at
363 Essex Way may improve vehicular circulation. Also, changes to on-street parking are
364 recommended to prevent traffic conflicts along public streets.

365 In e-mails dated April 24, 2020, the E911 Coordinator and Fire Chief recommended that
366 the east-west road running through the shopping center from Essex Way to Carmichael
367 Street be formally named for E911 purposes.

368 The plans do not designate areas for snow storage. Over the winter of 2019-2020, snow
369 was stored in the parking area south of the Ace Hardware building, with some spilling
370 over onto the sidewalk and blocking pedestrian access. A more suitable location must be
371 identified on the plans.

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May 14, 2020

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373 **1. Vehicular & Bicycle Circulation**

374 The primary vehicular destination is the parking lot southwest of the building, where
375 the main entrance would be located. This lot has several entrances along the east-west
376 access road, as well as the drive that runs in front of the Hannaford grocery store to
377 the west. Secondary lots are those located to the south in front of Building 2
378 (currently addressed 25 Essex Way), and to the east along Commonwealth Avenue
379 and in front of Building 3 (19 Essex Way). Drive lanes and parking aisle widths are
380 adequate to accommodate the anticipated vehicular movements.

381 The use of perpendicular parking along Commonwealth Avenue is a departure from
382 typical on-street parking designs in urban centers, including the Essex Town Center.
383 Numerous traffic safety studies indicate that all types of on-street parking, but
384 particularly perpendicular and angled parking, pose safety risks as drivers in parked
385 cars cannot see oncoming vehicular and bicyclist traffic as they pull out. If any on-
386 street parking must be included on Commonwealth Avenue, only parallel parking
387 should be allowed.

388 **2. Pedestrian Circulation**

389 Pedestrian access is provided via sidewalks on both sides of Commonwealth Avenue
390 and the east-west road, as well as around the edges of Building 1. Those arriving by
391 vehicle to Commonwealth Avenue or Building 2 parking areas can utilize several
392 paved walkways to reach their destination safely.

393 **3. Bicycle Circulation**

394 Two new bicycle racks are at the building's southwest entrance; bicyclists could
395 utilize both roads and sidewalks as detailed above. Bulb-outs located along the east-
396 west road and Commonwealth Avenue help reduce motorist speeds and increase
397 bicyclist safety.

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

399 Parking must be provided in accordance with Section 3.9 of the *Zoning Regulations*.
400 Parking areas should be located to minimize their visibility, and no more than 50 percent
401 of a front-yard setback can be devoted to parking. Within the Town Center's commercial
402 zoning districts (B1, CTR, and MXD-C), shared parking is encouraged, and on-street
403 parking spaces may be counted towards off-street parking requirements.

404 The proposed uses fall under the categories of indoor recreation and restaurants. ZR
405 Section 3.3(B) states that the vehicular parking space requirements for indoor recreational
406 facilities are 1 space per 200 square feet (SF) of gross floor area; for restaurants, it is 1
407 space per 100 SF plus 1 space for every 4 outdoor seats. The proposal includes a total of
408 45,450 SF (22,500 SF in the addition and 22,950 in the existing building) and
409 approximately 2,000 SF for the rooftop diner with 49 outdoor seats, so under normal
410 parking requirements, 261 spaces (228 recreational + 20 restaurant + 13 outdoor seating)
411 would be required.

412 The shopping center has a shared parking plan that estimates parking requirements based
413 on demand from individual uses throughout the course of the day and year. Furthermore,
414 the business will use ticketed admission to limit occupancy to 300 people at a time, and
415 the parking study assumes 3 people per vehicle for a peak demand of 100 vehicles for the
416 proposed. Considering the other uses in the shopping center, the revised study predicts a
417 peak parking demand of 1,078 spaces at 8:00pm if all uses were at maximum capacity.
418 However, this scenario is unlikely given seasonal variation in demand; the study's
419 monthly adjustment for July shows an anticipated peak demand of 993 spaces.

420 The plans show that a total of 1,027 vehicle parking spaces are proposed for the shopping
421 center (reduced from the 1,084 existing spaces). These spaces are distributed throughout
422 the shopping center, with approximately 125 spaces located directly adjacent to Building
423 1 (in parking lots or along Commonwealth Avenue). The proposed parking appears more
424 than adequate to serve the anticipated needs.

425 As noted in Finding II(D), the perpendicular parking along Commonwealth Avenue could
426 be converted to parallel parking in order to increase traffic safety. This would reduce the
427 number of parking spaces on this road by 33, resulting in a total of 994 for the shopping
428 center (just above the anticipated peak demand). If all parking on Commonwealth were
429 removed (leaving a total of 971), the parking study predicts that peak parking demand
430 would be exceeded only for 2-3 hours in the evening during the month of July. The
431 parking study also does not consider possible future changes to parking demand as the
432 Town Center redevelops, such as increased local traffic which may not use cars, increase
433 in transit ridership, and the influence of ride-sharing services. Ultimately, the long-term
434 solution to parking demand for the Town Center is structured parking, which would
435 reduce the demand for surface parking and the associated traffic circulation issues.

436 ADA-accessible parking is provided throughout parking lots within the shopping center.
437 With over 1,000 total parking spaces, 20 spaces plus 1 for every 100 spaces over 1,000
438 are required. The plans show that there are 27 ADA-accessible spaces, 4 of which are
439 van-accessible (with a 96-inch-wide access aisle). However, not all of the ADA spaces
440 include 60-inch-wide access aisles; any ADA spaces located to serve Building 1 must be
441 modified to include this.

442 Two new bicycle racks are proposed near the building's southeast entrance, in
443 accordance with ZR Section 3.9(H)(2). It is noted that PC approval #2018-31 required
444 installation of two additional bicycle racks within the shopping center: two within the
445 expanded central green, or one there and one near Building 2; these should be installed.

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

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

450

451 **1. Street Trees**

452 The landscaping objectives require one street tree for every 50 feet of road frontage.
453 Therefore, 6 street trees are required for the 360 feet of frontage along
454 Commonwealth Avenue, and 2 trees are required for the 135 feet of frontage along
455 the east-west access road.

456 The landscaping plan on Sheet 5 involves relocating three existing mature crabapple
457 trees as well as a row of 6 northern white cedars along Commonwealth Avenue; two
458 existing crabapples along the east-west road would not be impacted by construction.
459 If the cedars are considered street trees, the landscaping plan exceeds the
460 requirements of ZR Section 5.6(F); otherwise, additional street trees are required. In
461 either case, it is recommended that the cedars be interspersed with the crabapples, or
462 replaced with trees more appropriate to an urban streetscape that will not block
463 visibility of buildings or provide cover for criminals. It is also recommended that
464 some trees be located along the frontage of the addition, rather than clustered towards
465 the south.

466 **2. Parking Areas**

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

469 The parking areas have existing landscaped islands that conform to the landscaping
470 objectives. Though there are 22 continuous spaces of perpendicular parking proposed
471 along Commonwealth Ave, relocating the curbed bulb-out to break up this expanse
472 would cause misalignment of the crosswalk, and it is recommended that these spaces
473 be removed or converted to parallel anyway.

474 **3. Planting Strip**

475 The landscaping objectives call for a planting strip including shrubs, bushes, and/or
476 trees that covers 30% of the front yard setback along the front of the lot; this area
477 must be kept free of buildings and parking areas. Though the parcel's front setback is
478 not located near the site, the principle of planting strips along road frontages should
479 be applied to Commonwealth Avenue and the east-west road. Using a frontage of 25
480 feet from the road, which approximates the proposed layout, the planting strip should
481 be 7.5 feet wide.

482 The existing building is lined with planting strips meeting this standard, and the
483 existing planting strip along Commonwealth Avenue would be relocated closer to the
484 building's frontage. A strip of attractive low-growing shrubs is proposed at the
485 northeast corner of the addition; this should be extended along the entire eastern and
486 northern frontages to enhance the streetscape and screen the waste storage area.

487 If the on-street parking along Commonwealth Avenue is eliminated as recommended,
488 it should be replaced with green stormwater features such as the examples provided in
489 the *Vermont Green Streets Guide (2018)*.

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

491 The *Zoning Regulations* call for an exterior lighting plan that provides “site lighting and
492 lighting levels that are appropriate for the anticipated activities on the site and the
493 property’s surrounding context, and that maximize the efficiency of site lighting and
494 energy demand, while minimizing up-light glare, and unnecessary spillover light or light
495 diffusion onto adjacent properties.”

496 The lighting plan on Sheet 4 notes that bollard lights will be used on the rooftop dining
497 deck, but exact locations and photometric grids are not depicted for these fixtures. These
498 must be added to the plans, and their coverage shall not spill over the roof by more than
499 0.2 foot-candles measured five feet off the roof. In addition, these fixtures must be fully
500 down-cast and shielded from street view.

501 Otherwise, the lighting plan meets the standards of ZR Section 5.6(G) and provides
502 sufficient lighting for the anticipated activities while blending with the surrounding
503 context and maximizing efficiency. The maximum illumination (calculated at 5.6 foot-
504 candles) would not exceed 7 foot-candles, and the uniformity ratio is almost exactly the
505 recommended average-to-minimum of 5:1.

506 The applicant has proposed lighting for the future extension of Commonwealth Avenue at
507 levels comparable to other primary streets within the Town Center (Carmichael Street
508 and the existing portion of Commonwealth). However, these streets consistently utilize a
509 decorative fixture – the Phillips Candela Series (CAND1-CN1) – which allow for banners
510 to be affixed to the poles. These should be substituted for the proposed RAB ALED4T78.

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

512 **4. Water Supply and Sewage Disposal**

513 The proposed addition will utilize the existing sewer connection in Building 1, but a
514 new water service line will be added the on the north side of the addition. The
515 applicant submitted calculations of the proposed water and sewer demand for the
516 Eurowest property based on the use types of specific tenants compared to the existing
517 capacities allocated to the property. The calculations show that an additional 3,699
518 gallons per day (GPD) of sewer capacity and 3,509 GPD of water capacity will be
519 required for the proposal. The applicant must purchase the additional allocation at
520 current rates as determined by Public Works, and a fee for the new water connection
521 will be required.

522 **5. Stormwater Management**

523 The conversion of an existing parking lot to building will not create significant
524 additional impervious area. Stormwater will be directed via two new catch basins and
525 drainpipes connecting to the existing network in the shopping center, all of which
526 drains to the retention ponds south of the complex. The existing drainage system
527 along the Commonwealth Avenue extension will be retained with added underdrains.

528

529 **6. Utilities**

530 The plans do not show additional or relocated utility lines as part of the proposal.

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

532 As noted in Finding I(D), aisle widths and turning radii are sufficient to allow access to
533 all sides of the building by emergency vehicles. In an e-mail dated April 27, 2020, the
534 Fire Department requested better addressing of buildings within the shopping center,
535 including naming of several important access drives. They also requested further
536 information about sprinkler and alarm systems, the status of existing occupants of the
537 building, the type of materials that may be used on the building’s exterior, and occupancy
538 characteristics for the immersive arts use.

539 **III. Additional Findings by the Planning Commission**

- 540 • **The Commission hereby waives the height restriction of 40 feet for the proposed addition**
541 **and rooftop diner, finding that the design of the structure is consistent with the purposes**
542 **and goals of the Mixed-Use Development Planned Unit Development district, that the**
543 **structure will not constitute a hazard to an established airport, and that the building is**
544 **necessary and integral to carrying out the Town’s growth center vision.**

545 **IV. Proposed Conditions**

- 546 1. All conditions from previous approvals shall remain in effect except as modified herein.
547 2. All construction shall be in conformance with the plans listed above as may be amended
548 herein.
549 3. Prior to the issuance of a zoning permit, the plans shall be revised as follows:
550 a. On all sheets, the parking spaces along the future extension of Commonwealth
551 Avenue shall be eliminated, or converted to parallel spaces;
552 b. On Sheet 5, the planting strip of low-growing shrubs on the northeast corner of
553 the addition shall be extended along the entire northern façade and the entire
554 length along Commonwealth Avenue, including the existing building;
555 c. Sheet 8 shall show the location and photometric plan for the proposed rooftop
556 bollard lighting;
557 d. On Sheet 8, Phillips Candela Series (CAND1-CN1) with pole banner fixtures
558 shall be substituted for the RAB ALED4T78 fixtures as street lights.
559 4. An electronic copy of the plans as may have been revised shall be submitted to the E911
560 coordinator in .PDF file format. Another copy shall be submitted in geodatabase or
561 shapefile in Vermont State Plane Meters, NAD83 (NSRS or most current); alternatively,
562 coordinated CAD data – Vermont State Plane Coordinates, US Survey Feet, Grid Zone
563 4400, NAD 83 (2011) epoch 2010.0, NAVD 88 (geoid12b); alternatively, paper showing
564 three (3) values of State Plane Coordinates.

- 565 5. Prior to the issuance of a zoning permit, the applicant shall submit sprinkler and alarm
566 system drawings and details, expected building occupancy characteristics, and building's
567 exterior materials details for review and approval by the Fire Department.
- 568 6. Prior to the issuance of a zoning permit, the applicant shall update the addressing and
569 road names within the shopping center with the E911 coordinator.
- 570 7. Prior to the issuance of a zoning permit, the applicant shall pay any traffic fees as
571 assessed by Public Works.
- 572 8. Prior to the issuance of a zoning permit, the applicant shall pay any applicable water and
573 sewer allocation and connection fees in place at the time of submittal, or if a different use
574 occupies the building.
- 575 9. Prior to the issuance of a zoning permit, the applicant shall provide fire demand
576 calculations if fire suppression systems are to be used in the building.
- 577 10. Prior to the issuance of a zoning permit, the applicant shall obtain any and all applicable
578 state approvals and permits and shall submit copies to the Community Development
579 Department for review.
- 580 11. All utility lines shall be installed underground.
- 581 12. All water, sewer, and storm water infrastructure shall be installed in accordance with the
582 specifications and details provided within the *Town of Essex Standard Specifications for*
583 *Construction*.
- 584 13. No occupancy of the structure shall occur until a certificate of occupancy inspection and
585 sign off is issued by the Zoning Administrator. A copy of the State's occupancy approval
586 shall be filed and attached to the Town's inspection approval.
- 587 14. All landscaping shall be guaranteed for the life of the project. Any dead or diseased
588 plantings shall be replaced as soon as seasonally possible.
- 589 15. Lighting in the rooftop dining and patio area shall not be visible from the street level and
590 shall be down-shielded to avoid light pollution.
- 591 16. By accepting the conditions of this approval without appeal, the applicant confirms and
592 agrees for itself and all assigns and successors in interest that the conditions of this
593 approval shall run with the land and the land uses herein permitted, and will be binding
594 upon and enforceable against the applicant and all assigns and successors in interest.

595 **V. Attachments**

- 596 • Cover letter, "Site Plan Application & Master Plan Amendment, Eurowest Retail
597 Parnters, LTD, 21 Essex Way," from Shawn Cunningham, E.I., O'Leary-Burke Civil
598 Associates, PLC, dated 04/08/2020
- 599 • "Traffic Evaluation for Lang Farm (Parcel D), Essex Town Center & Essex Experience,"
600 prepared by O'Leary-Burke Civil Associates, dated May 2020
- 601 • "Shared Parking Calculations, Essex Experience," submitted by O'Leary-Burke Civil

Site and Master Plan Amendment
21 Essex Way
May 14, 2020

602 Associates, dated 04/06/2020
603 • Water & Sewer Allocations (Existing & Proposed), EuroWest Retail Partners, LTD,
604 Essex Outlet Fair – WW-4-0113-18, dated 04/06/2020
605 copy: Peter Edelmann, Eurowest Retail Partners, LTD
606
607 G:\PC\REPORTS\Essex Way 21 Site-MasterPlanAmd 20200514.docx