

1 **ESSEX PLANNING COMMISSION**

2 **April 8, 2021**

3 **Site Plan Amendment – 123 Old Colchester Road**

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21 **Summary**

23 The proposal to excavate an additional 150,000 cubic yards of stone and construct a total of
24 three warehouse buildings meets the goals and objectives of the *2016 Essex Town Plan* and the
25 standards of the *Zoning Regulations*. The extraction operation received conditional use approval
26 from the Zoning Board of Adjustment on March 4, 2021; this review pertains to reclamation and
27 subsequent development of the site.

28 The project will involve construction of significant new road, water, sewer, and stormwater
29 infrastructure, some of which will become public. The applicant has addressed and/or agreed to
30 the concerns and requirements identified by Public Works for the design of the project and
31 construction process, which are included in a separate memorandum and incorporated into the
32 conditions of approval.

34 **Applicant**

35 A&C Realty
36 c/o Al Senecal
37 31 Commerce Ave.
38 South Burlington, VT 05403

39 **Proposal**

40 The applicant has proposed removing an additional 150,000 cubic yards of ledge (stone) from
41 the Greystone Industrial Park to accommodate two new 20,000-square-foot warehouse sites
42 (Buildings B and C). The proposal also involves changing the footprint and layout of the
43 previously approved 20,000-square-foot Building A (also a warehouse), though the contractor's
44 yard will remain as approved. All buildings would use the approved access road and municipal
45 water connection, but the approved septic system would be eliminated in favor of a new
46 municipal sewer connection and pump station. The number of parking spaces would increase
47 from 21 to 87 (29 for each building) based on an anticipated 60 employees total.

48 **Background**

49 The applicant has sought to develop the property since May 2001, when the Planning
50 Commission approved a sketch and master plan for an 11-lot subdivision. The sketch plan
51 approval expired when the applicant did not follow up with a preliminary application within the
52 required six months.

53 Between 2003 and 2013, the applicant conducted traffic, noise and blasting studies based on
54 development of the site. Development of the I1 portion of the property was expected to require
55 the removal of up to 600,000 cubic yards of earth and ledge over four years. During this time, the
56 Planning Commission issued several sketch and preliminary approvals for a 10-lot industrial
57 subdivision on the parcel using roughly the same road configuration, and the Zoning Board of
58 Adjustment reviewed a conditional use application to extract approximately 400,000 cubic yards
59 of material, but the applicant eventually withdrew to address issues that arose during review

60 On December 11, 2014 the Planning Commission issued a site plan approval for a contractor's
61 yard and a 20,000-square-foot warehouse building on the parcel. Because the proposal involved
62 removal of stone from the site in excess of what was required for these uses, a conditional use
63 approval was required for extraction of 90,000 cubic yards of material (under Section 4.6 of the
64 Zoning Regulations), and was issued by the Zoning Board of Adjustment on March 10, 2015.

65 The eastern portion of the 57.8-acre lot falls in the AR district, which extends to the north and
66 east. The western portion of the lot lies in the I1 district, which extends west to Colchester
67 Road/VT Route 2A. Abutters include the New England Central Railway just west of the property
68 and the State of Vermont's Circumferential Highway to the north. West of the railroad, uses
69 include commercial and industrial. The Tree Farm Recreational Facility comprises the O1
70 district to the south. Though they are not direct abutters, properties west of Vermont 2A include
71 residences within the Medium Density Residential (R2) district.

72 **I. Article V, Section 5.5 of the Zoning Regulations: Site Plan Amendments**

73 The proposal constitutes a Site Plan Amendment pursuant to Section 5.5 of the *Town of Essex*
74 *Outside the Village of Essex Junction Official Zoning Regulations* (ZR). The Zoning
75 Administrator determined that the original proposal qualified as a substantial amendment
76 because it would result in changes to building locations and internal circulation patterns. ZR
77 Section 5.5(B) requires submission of a revised application for review under the relevant site
78 plan criteria (all of which apply to this proposal).

79 In addition, the proposal involves modification of an approved plan for extraction of earth
80 resources under ZR Section 4.6, which requires site plan review (contained herein) as well as
81 conditional use review by the Zoning Board of Adjustment (which was issued on March 4,
82 2021).

83 The applicant has submitted the following plans:

- 84 • Sheet #1, “Overall Plan, A+C Realty, Greystone Industrial Park, 123 Old Colchester Road,
85 Essex, Vermont,” prepared by O’Leary-Burke Civil Associates, PLC, dated 09/18/2014,
86 revised 01/20/2021;
- 87 • Sheet #2, “Site Plan, A+C Realty, Greystone Industrial Park, 123 Old Colchester Road,
88 Essex, Vermont,” prepared by O’Leary-Burke Civil Associates, PLC, dated 09/18/2014,
89 revised 03/19/2021;
- 90 • Sheet #3, “Landscaping Plan, A+C Realty, Greystone Industrial Park, 123 Old Colchester
91 Road, Essex, Vermont,” prepared by O’Leary-Burke Civil Associates, PLC, dated
92 09/18/2014, revised 03/19/2021;
- 93 • Sheet #4, “Lighting Plan, A+C Realty, Greystone Industrial Park, 123 Old Colchester Road,
94 Essex, Vermont,” prepared by O’Leary-Burke Civil Associates, PLC, dated 09/18/2014,
95 revised 03/19/2021;
- 96 • Sheet #5, “Roadway Details, A+C Realty, Greystone Industrial Park, 123 Old Colchester
97 Road, Essex, Vermont,” prepared by O’Leary-Burke Civil Associates, PLC, dated
98 09/18/2014, revised 03/19/2021;
- 99 • Sheet #6, “Water Details, A+C Realty, Greystone Industrial Park, 123 Old Colchester Road,
100 Essex, Vermont,” prepared by O’Leary-Burke Civil Associates, PLC, dated 09/18/2014,
101 revised 03/19/2021;
- 102 • Sheet #7, “Sewer Details, A+C Realty, Greystone Industrial Park, 123 Old Colchester Road,
103 Essex, Vermont,” prepared by O’Leary-Burke Civil Associates, PLC, dated 09/18/2014,
104 revised 03/19/2021;
- 105 • Sheet #8, “Pump Station Details, A+C Realty, Greystone Industrial Park, 123 Old Colchester
106 Road, Essex, Vermont,” prepared by O’Leary-Burke Civil Associates, PLC, dated
107 01/20/2021, revised 03/19/2021;

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- 108 • Sheet #9, “Cross-Section Plan, A+C Realty, Greystone Industrial Park, 123 Old Colchester
109 Road, Essex, Vermont,” prepared by O’Leary-Burke Civil Associates, PLC, dated
110 09/18/2014, revised 03/19/2021;
- 111 • Sheet #E1, “EPSC Pre Construction, A+C Realty, Greystone Industrial Park, 123 Old
112 Colchester Road, Essex, Vermont,” prepared by O’Leary-Burke Civil Associates, PLC, dated
113 09/18/2014, revised 03/19/2021;
- 114 • Sheet #E2, “EPSC Construction Phase 1, A+C Realty, Greystone Industrial Park, 123 Old
115 Colchester Road, Essex, Vermont,” prepared by O’Leary-Burke Civil Associates, PLC, dated
116 09/18/2014, revised 03/19/2021;
- 117 • Sheet #E3, “EPSC Construction Phase 2, A+C Realty, Greystone Industrial Park, 123 Old
118 Colchester Road, Essex, Vermont,” prepared by O’Leary-Burke Civil Associates, PLC, dated
119 09/18/2014, revised 03/19/2021;
- 120 • Sheet #E4, “EPSC Erosion Control Details, A+C Realty, Greystone Industrial Park, 123 Old
121 Colchester Road, Essex, Vermont,” prepared by O’Leary-Burke Civil Associates, PLC, dated
122 09/18/2014, revised 03/19/2021;
- 123 • Sheet #E5, “Storm Management Plan, A+C Realty, Greystone Industrial Park, 123 Old
124 Colchester Road, Essex, Vermont,” prepared by O’Leary-Burke Civil Associates, PLC, dated
125 01/20/2021, revised 03/19/2021;
- 126 • Sheet #ST1, “Storm Details, A+C Realty, Greystone Industrial Park, 123 Old Colchester
127 Road, Essex, Vermont,” prepared by O’Leary-Burke Civil Associates, PLC, dated
128 09/18/2014, revised 03/19/2021;
- 129 • Sheet #ST2, “Overall Plan, A+C Realty, Greystone Industrial Park, 123 Old Colchester
130 Road, Essex, Vermont,” prepared by O’Leary-Burke Civil Associates, PLC, dated
131 09/18/2014, revised 03/19/2021;

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

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

134 The project complies with the following goals, policies, and objectives of the 2016
135 *Essex Town Plan*:

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

138 ***Goal 1a:*** *Essex West is developed as a sub-regional growth center that provides*
139 *employment opportunities, a diversity of housing opportunities, and retail and*
140 *personal services.*

141 ***Goal 1e:*** *The Town’s natural resources, water quality, and scenic views are*
142 *protected.*

143 As noted on page 32 of the plan, supporting development within designated industrial
 144 zones helps reduce tax burden on residents and provides income to maintain municipal
 145 services. The project does not conflict with any stated goals, policies, or objectives.

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

147 This property is located in the Industrial (I1) district as well as the Agricultural
 148 Residential (AR) district; however, all development will take place within the I1
 149 district, so only the standards listed in Table 2.10 of the *Zoning Regulations* apply.

150 **(a) Table 2.10, Industrial (I1) District Standards**

151 **i. Purpose**

152 The project reflects the purpose of the district in that it will provide
 153 employment opportunities for manufacturing and warehousing at a location
 154 served by good transportation networks and public utilities. Potential impacts
 155 to residential uses and public health, safety, and welfare are mitigated.

156 **ii. Permitted and Conditional Uses**

157 Warehouses and contractor’s yards are permitted uses in the I1 district.
 158 Extraction of earth resources is a conditional use that received approvals from
 159 the Zoning Board of Adjustment on March 10, 2015 and March 4, 2021.

160 **iii. District Dimensional Requirements**

161 The proposed project generally conforms to Table 2.10(D), Dimensional
 162 Requirements of the I1 district, as noted below:

Dimensional Requirements	Required (I1)	Existing	Proposed
Minimum Lot Area – Nonresidential	40,000 sf	2,517,488 sf	2,517,488 sf
Minimum Lot Frontage	200 ft.	185 ft.	185 ft.
Minimum Front Setback (from ROW)	50 ft.	Approx. 1,360 ft.	Approx. 670 ft.
Minimum Side Setback	25 ft.	Approx. 85 ft.	Approx. 85 ft.
Minimum Rear Setback	25 ft.	96 ft.	116 ft.
Minimum Buffer to Residential Districts	50 ft.	Approx. 125 ft.	Approx. 125 ft.
Maximum Lot Coverage – All	70 %	4.86 %	9.20 %
Maximum Height	45 ft.	25 ft.	25 ft.

163

164 **iv. District Development Standards**

165 No caretaker apartment or mixed production and sales areas are proposed. As
 166 noted in the table above, the project would maintain at least a 50-foot buffer to
 167 nearby residential districts.

168 **3. Protection of public health, safety, and welfare**

169 The proposed project will not impact public health, safety, or welfare. In an e-mail
 170 dated February 9, 2021, the Police Chief stated that there were no concerns with the

171 proposal as long as truck traffic continues to use Route 2A / Colchester Road and not
172 Old Colchester Road, as required by the prior conditions of approval.

173 **4. Outstanding violations**

174 The property does not have any outstanding zoning violations.

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

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

180 **1. Topography**

181 The *Zoning Regulations* call for minimal changes to a site’s topography and
182 vegetation, specifying that a site “shall be planned to retain, insofar as possible, the
183 natural contours and to conserve the natural cover and soil.” More specifically, ZR
184 Section 4.6(C)(1) provides standards for extraction of earth resources operations, with
185 the goal of facilitating such activities so as not to cause undue adverse impact on
186 surrounding properties, traffic, or the condition of roads, which are reviewed by the
187 Zoning Board of Adjustment. Approval for the proposed removal of an additional
188 150,000 cubic yards ledge was granted on March 4, 2021.

189 ZR Section 4.6(C)(2) provides standards for site reclamation, which is reviewed by
190 the Planning Commission, with the goal of promoting future use of the site,
191 maintaining visual quality of the area, and preventing soil erosion. The extraction
192 plans meet the specific standards of ZR Section 4.6(C)(2)(b) in terms of finish grades,
193 erosion control, and leaving the site in a usable condition (as demonstrated by the
194 proposed buildings). In a phone call on March 3, 2021, the applicant’s engineer stated
195 that stockpiled topsoil would be replaced to a depth of 4 inches in any locations not
196 covered by impervious surfaces.

197 **2. Steep Slopes**

198 The property contains several areas of steep slope (some exceeding 25%), but most of
199 these lie outside the development area. Those areas of steep slope within the
200 development area include a portion of the extraction area and a berm / ridge to the
201 southwest of the site that would be left undisturbed. The extraction operation would
202 create slopes ranging up to 125%, but these would be the faces of blasted ledge
203 (bedrock) and will not create erosion risk.

204 **3. Surface Waters and Wetlands**

205 The western portion of the site contains an area of wetland with a stream that runs
206 under the railroad tracks and VT-2A to drain into Indian Brook. The proposed stone
207 extraction and construction will not disturb these resources, and sufficient sediment
208 and stormwater control measures will be maintained before, during, and after
209 construction. Stormwater is evaluated further in Finding I(H)(2).

210 **4. Renewable Energy**

211 The applicant has not proposed utilization of renewable energy at this time. The
212 proposal does not appear to impact the ability of neighboring properties to use
213 renewable energy, as it would not create light or wind shade over property lines. The
214 impacts of blasting on groundwater resources are unknown.

215 **5. Open Space**

216 The site is not located within the Scenic Resource Preservation Overlay District, nor
217 are there any open meadows on the site. Extraction and construction activities
218 generally will not be visible from public roadways due to topography. Landscaping
219 and screening are evaluated in more detail in Finding I(G).

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

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

225 Public Works provided extensive review of the proposed site access in a memorandum
226 titled “Review of Plans for Quarry/Construction Yard at 123 Old Colchester Road,” dated
227 March 4, 2021, whose findings and conditions are incorporated herein. Public Works
228 acknowledged that the applicant had addressed all required road design changes in
229 revised plans submitted on March 22, 2021.

230 The applicant must obtain approval from the E911 Coordinator and Selectboard for the
231 names of the new roads.

232 Though no sidewalks are required for new private road due to minimal expected
233 pedestrian and bicyclist demand, a 10-foot-wide recreation path runs along Old
234 Colchester Road, providing connectivity between the Essex Junction Village Center and
235 the newly-constructed Pinecrest Drive sidewalk.

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

237 The *Zoning Regulations* require the Planning Commission to consider on-site vehicular
238 and pedestrian circulation and allow the Commission to impose conditions to ensure
239 adequate circulation. The Planning Commission also must consider safety and
240 accessibility, as required by the Americans with Disabilities Act.

241 As noted above, little to no pedestrian and bicycle traffic is anticipated, and the proposed
242 roadway provides adequate access to building sites within the property. Parking lot
243 access aisles and loading docks meet or exceed required widths to accommodate
244 anticipated passenger and freight vehicles under ZR Sections 3.9(A)(1) and 3.9(J).
245 Turning angles are sufficient to accommodate anticipated vehicular traffic, including
246 emergency vehicles. Fire safety is reviewed in more detail in Finding I(I).

247 The contractor's yard would be used for snow storage, providing more than adequate
248 space for the site since storage of extraction materials would be primarily during warmer
249 seasons.

250 There would be one waste enclosure for Building A, and one shared between Buildings B
251 and C, both of which would not be visible from public view and would utilize chain-link
252 fencing with green vinyl slats for screening.

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

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

256 ZR Section 3.9(B) states that the parking space requirements for a warehouse are 1 space
257 per 400 square feet of gross floor area, or 2 spaces for every 3 employees. Under the floor
258 area ratio, each building would require 50 parking spaces for a total of 150; however, the
259 applicant has proposed 87 parking spaces based on a maximum of 60 total employees,
260 requiring only 40 parking spaces. Under ZR Section 3.9(H), 4 of the proposed parking
261 spaces must meet ADA accessibility standards, of which 1 must be van-accessible. No
262 bicycle parking is required due to the lack of anticipated bicycle demand.

263 The proposed parking layout exceeds the requirements of the *Zoning Regulations*.

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

265 The Planning Commission can require landscaping to achieve the objectives of the
266 *Zoning Regulations* and the *Town Plan*. The landscaping objectives in the industrial
267 districts include relate to street trees, parking areas, loading and storage areas, and lawn
268 and building enhancements.

269 The landscaping objectives require one street tree for every 50 feet of road frontage; with
270 120 feet of frontage along Old Colchester Road and 3,336 feet of frontage along the
271 unnamed private road, 70 street trees (rounded up from 69.11) are required under this
272 provision. In addition, plantings are required around the buildings to enhance entries,
273 walkways, and building facades, as well as around parking, loading, and storage areas are
274 required to screen them from roadways, break up large expanses of pavement, and
275 provide shade on parking areas.

276 The landscaping plan (Sheet 3) provides more than the required number of street trees
277 with a total of 71, including a mix of eight species, two of which are evergreen, with no
278 significant disease or pest susceptibilities, as recommended by the Conservation and
279 Trails Committee and the Tree Warden. The buildings and loading areas are partially
280 screened by these street trees and also enhanced by plantings of 'Ghost' weigela and
281 'Nanus' ninebark. Retention of existing tree cover around the perimeter of the site along
282 with natural topography will screen it from Old Colchester Road and VT-2A.

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

284 The *Zoning Regulations* call for an exterior lighting plan that provides "site lighting and
285 lighting levels that are appropriate for the anticipated activities on the site and the
286

287 property’s surrounding context, and that maximize the efficiency of site lighting and
288 energy demand, while minimizing up-light glare, and unnecessary spillover light or light
289 diffusion onto adjacent properties.”

290 The lighting plan meets the standards of ZR Section 5.6(G) and provides sufficient
291 lighting for the anticipated activities around each building while blending with the
292 surrounding context and maximizing efficiency. No lighting is planned for the unnamed
293 private road or the contractor’s yard.

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

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

296 Public Works provided extensive review of the proposed water, sewer, and
297 stormwater infrastructure in their technical review memorandum dated March 4,
298 2021, whose findings and conditions are incorporated herein. Public Works
299 acknowledged that the applicant’s March 22, 2021 revisions addressed most
300 concerns, but also stated:

301 *Sheet 7, c: The applicants engineer has inspected the structure that the new*
302 *forcemain will connect to and has found the appropriate valve and piping are in*
303 *place. The Town has discussed the existing structure further with the applicants*
304 *engineer and the additional requirements shall be provided.*

305 • *A new square aluminum access hatch shall replace the existing cast manhole*
306 *frame and cover.*

307 • *A sump pump with discharge piping shall be installed in the new valve pit.*

308 • *Electrical power shall be provided to the valve pit with a panel installed*
309 *adjacent to the structure for the electrical meter and future telemetry.*

310 *Sheet 8: As stated in the review memo, the applicant shall provide input on all*
311 *aspects of the design and construction of the new pump station. In addition, the*
312 *applicant shall provide the additional equipment referred to in part b.*

313 These additional requirements are due to documented flooding in the valve pit (see
314 attached photos).

315 **2. Stormwater**

316 Public Works provided detailed review of and required changes to the proposed
317 stormwater infrastructure in a memorandum dated March 4, 2021, whose findings and
318 conditions are incorporated herein by reference. Public Works acknowledged that the
319 applicants’ revised submittal on March 22, 2021 addressed most concerns, but also
320 stated:

321 *Sheet 2, d. Stormwater, iii: It appears that the pond outlet structures are labeled*
322 *correctly, but the applicant still proposes the use of the poly stand pipe outlet*
323 *control structure for Pond #3, near the proposed sewer pump station. The outlet*

324 *control structure for Pond #3 shall be precast concrete if the Town is to take over*
325 *the infrastructure in the future.*

326 *Sheet 11: Please provide details for a storm manhole and for the Infiltration*
327 *Pond.*

328 **3. Utilities**

329 There are existing overhead power lines up to #104 Old Colchester Road, at which
330 point it crosses directly to VT Route 2A; similarly, Vermont Gas operates service
331 mains up to #104, but connecting to VT-2A under the railroad tracks at Pinecrest
332 Drive. The plans do not indicate where the buildings would connect to power and
333 natural gas as this is determined by the utility provider closer to construction, but all
334 utilities shall be located underground as required under ZR Section 5.6(H)(3).

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

336 As noted in Finding I(D), aisle widths and turning radii are sufficient to allow access by
337 emergency vehicles. At the request of the Fire Chief, the applicant's engineer noted in an
338 e-mail dated February 23, 2021 that the buildings would be equipped with automatic
339 sprinkler and alarm systems if required by the state, details of which (including location
340 of sprinkler rooms) will be provided when applying for a zoning permit.

341 **II. Additional Findings by the Planning Commission**

342 •

343 **III. Proposed Conditions**

- 344 1. All conditions from previous approvals shall remain in effect except as modified herein.
- 345 2. All construction shall be in conformance with the plans listed above as may be amended
346 herein.
- 347 3. Prior to the issuance of the first zoning permit, the plans shall be revised as follows:
 - 348 a. On Sheet 2, the outlet control structure for Pond #3 shall be changed to precast
349 concrete.
 - 350 b. On Sheet 7:
 - 351 i. A new square aluminum access hatch shall replace the existing cast manhole
352 frame and cover.
 - 353 ii. A detail shall be added for a sump pump with discharge piping to be installed in
354 the new valve pit.
 - 355 iii. A note shall be added that electrical power shall be provided to the valve pit with
356 a panel installed adjacent to the structure for the electrical meter and future
357 telemetry.
 - 358 c. On Sheet 11, a detail for a storm manhole and the proposed infiltration pond shall be
359 added.

- 360 4. All other comments provided in the Public Works review memorandum dated March 4,
361 2021 shall be addressed by the applicant and will be reviewed by Public Works as this
362 project moves forward.
- 363 5. An electronic copy of the plans as may have been revised shall be submitted to the E911
364 coordinator in .PDF file format. Another copy shall be submitted in geodatabase or
365 shapefile in Vermont State Plane Meters, NAD83 (NSRS or most current); alternatively,
366 coordinated CAD data – Vermont State Plane Coordinates, US Survey Feet, Grid Zone
367 4400, NAD 83 (2011) epoch 2010.0, NAVD 88 (geoid12b); alternatively, paper showing
368 three (3) values of State Plane Coordinates.
- 369 6. Prior to the issuance of any zoning permits, the applicant shall provide a formal Offer of
370 Dedication for the proposed Class III Town road to be constructed directly off Old
371 Colchester Road (approximately 300 feet in length).
- 372 7. Prior to the issuance of any zoning permits, the applicant shall provide an operations and
373 maintenance plan for the roadway addressing winter maintenance and future repairs for
374 review and approval by the Town.
- 375 8. Prior to the issuance of a zoning permit for the first warehouse building, the applicant
376 shall obtain Town approval for the names of the new roads.
- 377 9. Prior to the issuance of any zoning permits, the applicant shall pay any traffic impact fees
378 and heavy truck traffic impact fees as assessed by Public Works based on results of a
379 traffic study to be completed in 2021.
- 380 10. As this development moves forward, when each proposal comes in for each lot or
381 building within the development, the original traffic analysis will be updated to access
382 traffic impacts and the amount of heavy truck traffic that will be generated. Public Works
383 will use the PM peak hour volume from the applicant's traffic study to calculate an
384 additional traffic volume impact fee to be used to offset pavement rehabilitation costs of
385 Old Colchester Road based on a percent of total traffic volume currently using the
386 roadway. This percentage will be calculated using national standards, not existing traffic
387 flows.
- 388 11. Prior to the issuance of a zoning permit for the first warehouse building, the applicant
389 shall construct the proposed roadway in its entirety.
- 390 12. Prior to the issuance of any zoning permits, the applicant shall provide a phasing plan for
391 blasting and extraction operations and construction of underground utilities. The
392 applicant will need to coordinate the construction of underground utilities around the
393 blasting operations of the quarry. When the blasting operations have ceased, the applicant
394 will be required to loop the water main, installing a connection from the end of the Old
395 Colchester Road main, up to the temporary dead end at Sta. 16+80, LOS.
- 396 13. Prior to the issuance of a zoning permit for the each of the three warehouse buildings, the
397 applicant shall pay connection fees for public water (\$2,719.00) and sewer (\$4,090.00)
398 totaling \$6,809.00 for each building, or the fees in place at the time of submittal.

- 399 14. Prior to the issuance of a permit for the first warehouse building, the applicant shall
400 provide fire demand calculations if fire suppression systems are to be used in the
401 building, and also shall provide construction details and plans for any fire suppression
402 systems to be used.
- 403 15. Prior to the issuance of any zoning permits, the applicant shall obtain all applicable state
404 approvals and permits and shall submit copies to the Community Development
405 Department for review.
- 406 16. Prior to the issuance of any zoning permits, the applicant's engineer shall submit design
407 calculations for the proposed stormwater system as well as calculations demonstrating the
408 amount of phosphorus removal that will be provided by the proposed stormwater
409 systems, to the satisfaction of Public Works.
- 410 17. Prior to the start of construction, signs shall be installed at the exit of the site prohibiting
411 heavy trucks from turning left / east on Old Colchester Road. No truck traffic from the
412 site shall be allowed to travel east / south on Old Colchester Road; this does not apply to
413 small delivery trucks.
- 414 18. All road, water, sewer, and storm water infrastructure shall be installed in accordance
415 with the specifications and details provided within the *Town of Essex Standard*
416 *Specifications for Construction*.
- 417 19. Each building shall be metered and billed off its own meter. The applicant's engineer
418 shall provide peak domestic water demand calculations, based on the number of fixture
419 units, for properly sizing the water meter for the proposed building. The Town of Essex
420 will not size the meter based upon line pressure in the building.
- 421 20. At the discretion of the Zoning Administrator, as-built plans shall be submitted to the
422 Community Development Department prior to the issuance of a certificate of occupancy.
- 423 21. No occupancy of the structure shall occur until a certificate of occupancy inspection and
424 sign off is issued by the Zoning Administrator. A copy of the State's occupancy approval
425 shall be filed and attached to the Town's inspection approval.
- 426 22. Condition 10 of PC approval #2014-34 is replaced with the following: All landscaping
427 shall be guaranteed for the life of the project. Any dead or diseased plantings shall be
428 replaced as soon as seasonally possible.
- 429 23. Old Colchester Road will be kept free of dust, gravel or other materials from the site at all
430 times. At the discretion of the Town, the applicant shall wet sweep paved surfaces as
431 often as needed to maintain a clean road surface and provide adequate dust control during
432 dry weather as needed. The Town shall have authority to halt all haul operations until
433 required maintenance is performed.
- 434 24. All pavement shall be maintained in a state of good repair for the life of the project; line
435 striping shall be maintained so as to be visible at all times.
- 436 25. By accepting the conditions of this approval without appeal, the applicant confirms and
437 agrees for itself and all assigns and successors in interest that the conditions of this
438

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439 approval shall run with the land and the land uses herein permitted, and will be binding
440 upon and enforceable against the applicant and all assigns and successors in interest.

441 **IV. Attachments**

- 442 • Old Colchester Road 123 Greystone – PW Memo 03-04-21, “Review of Plans for
443 Quarry/Construction Yard at 123 Old Colchester Road,” from Dennis Lutz, P.E., Aaron
444 Martin, P.E., and Annie Costandi, P.E., dated March 4, 2021.
- 445 • PW Final Review E-mail, “RE: 123 Old Colchester Road,” from Aaron Martin, dated
446 April 1, 2021.
- 447 • Sewer valve pit photos, IMG_2128 and IMG_2129, dated April 1, 2021.

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