

1 **ESSEX PLANNING COMMISSION**
2 **May 13, 2021**

3 **26 Woodside Drive: Site Plan Amendment**

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22 **Summary**

23 The proposal to demolish a juvenile detention facility and build a physically-secure mental
24 health recovery residence in its place meets all applicable standards of the Zoning Regulations;
25 however, numerous design changes are required by the Public Works Department. Although
26 municipal staff initially expressed concern over the facility’s potential burden on emergency
27 response services due to prior experience with the juvenile detention facility, the applicant has
28 addressed staff concerns about facility operations and coordination of emergency responders.
29 The proposal does not include

31 **Applicant**

32 State of Vermont
33 c/o Tabrena Karish
34 2 Gov. Aiken Ave.
35 Montpelier, VT 05602

36 **Proposal**

37 The proposal is to demolish the Woodside Juvenile Rehabilitation Center at 26 Woodside Drive
38 and construct a new 10,000-square-foot physically-secure recovery residence, to be operated by
39 the Vermont Department of Mental Health with 16 beds and 50 total employees. The new layout
40 covers roughly the same footprint as the existing site, and includes 52 parking spaces located in
41 the rear (east) of the building, a drop-off area near the west entrance, and a loading dock / staff
42 entry to the north, with extensive landscaping around the building and within the courtyard. The
43 building would utilize existing municipal water and sewer connections; access is provided via
44 Woodside Drive, a private road maintained by the state.

45 The parcel (ID #2-005-003-001) is located within the Open Recreation (O1) district, the
46 Floodplain Overlay (C2) district, and the Scenic Resource Protection Overlay (SRPO) district.
47 Neighboring uses include two natural areas and the New England Central Railway to the north;
48 beyond the railroad, VT Route 15 separates the parcel from the Fort Ethan Allen Parade
49 Grounds.

50 **Background**

51 In 1982, the Vermont Legislature directed the construction of a juvenile detention facility to
52 occur on the former state tree nursery on Old Colchester Road (currently known as the Tree
53 Farm). After several public hearings between September 23 and October 28, 1982, the Planning
54 Commission denied the site plan proposal for the Old Colchester Road location.

55 The Town Selectboard and Planning Commission requested that the State reconsider its decision
56 due to the site's proximity to Essex High School, adjacent residential neighborhoods, and lack of
57 utility and road infrastructure. The Town instead offered to site the facility at its current location,
58 which was obtained from the federal government for recreation purposes, and the Legislature
59 ultimately agreed to this location.

60 On June 15, 1983, the Planning Commission granted site plan approval for the Woodside
61 Juvenile Rehabilitation Center on a 10.28-acre portion of the Town-owned 68-acre recreation
62 parcel off VT Route 15 at Dalton Drive. The building connected directly to the 20-inch diameter
63 Champlain Water District distribution main that runs through the site, and connected to
64 municipal sewer via a forcemain connected to the pump station at Dalton Drive and Barnes
65 Avenue. Although the State of Vermont Buildings Division recommended that the Town
66 upgrade Woodside Drive to a Class III Town Highway, the Town's approval did not require this,
67 and the Vermont Environmental Board Executive Officer Opinion EB-83-20 by W. Gilbert
68 Livingston (dated June 10, 1983) indicated that the roadway was simply an access road and
69 would not be upgraded or reconstructed.

70 On November 9, 1994, the Planning Commission approved a site plan amendment to construct a
71 6,570-square-foot gymnasium on the site. On April 24, 1996, the Community Development
72 Director approved a minor site plan amendment to remove the enclosed walkway from the main
73 building to this gymnasium.

74 On December 22, 2005, the Planning Commission issued a site plan amendment for additional
75 12 gravel parking spaces to supplement the 20 existing paved spaces on the site. On February 23,
76 2006, the Planning Commission issued an amendment to remove a condition requiring an
77 additional sidewalk connection from the existing to the new parking area.

78 **I. Article V, Section 5.6 of the Zoning Regulations: Site Plan Review**

79 The applicant has requested a Site Plan Amendment pursuant to Section 5.5 of the *Town of Essex*
80 *Outside the Village of Essex Junction Official Zoning Regulations*. The Zoning Administrator
81 has determined that the proposed changes qualify as Substantial Amendments because the
82 project changes to the general location of structures and parking areas, internal circulation
83 patterns, and pedestrian circulation. For Substantial Amendments, Section 5.5(B) of the *Zoning*
84 *Regulations (ZR)* requires applicants to submit “a revised application for review and approval by
85 the Planning Commission.”

86 The applicant has submitted the following plans:

- 87 • Sheet #C-1, “Existing Conditions Plan, DMH Recovery Residence, 26 Woodside Drive,
88 Essex, Vermont,” prepared by Stevens & Associates, P.C., dated 03/17/2021;
- 89 • Sheet #C-2, “Site Prep Plan, DMH Recovery Residence, 26 Woodside Drive, Essex,
90 Vermont,” prepared by Stevens & Associates, P.C., dated 03/17/2021;
- 91 • Sheet #C-3, “Layout, DMH Recovery Residence, 26 Woodside Drive, Essex, Vermont,”
92 prepared by Stevens & Associates, P.C., dated 03/17/2021;
- 93 • Sheet #C-4, “Grading, Drainage, & Erosion Control Plan, DMH Recovery Residence, 26
94 Woodside Drive, Essex, Vermont,” prepared by Stevens & Associates, P.C., dated
95 03/17/2021;
- 96 • Sheet #C-5, “Utilities Plan, DMH Recovery Residence, 26 Woodside Drive, Essex,
97 Vermont,” prepared by Stevens & Associates, P.C., dated 03/17/2021;
- 98 • Sheet #C-6, “Landscape Plan, DMH Recovery Residence, 26 Woodside Drive, Essex,
99 Vermont,” prepared by Stevens & Associates, P.C., dated 03/17/2021;
- 100 • Sheet #C-7, “Erosion Control & Drainage Details, DMH Recovery Residence, 26 Woodside
101 Drive, Essex, Vermont,” prepared by Stevens & Associates, P.C., dated 03/17/2021;
- 102 • Sheet #C-8, “Water & Sewer Details, DMH Recovery Residence, 26 Woodside Drive, Essex,
103 Vermont,” prepared by Stevens & Associates, P.C., dated 03/17/2021;
- 104 • Sheet #C-9, “Site & Concrete Details, DMH Recovery Residence, 26 Woodside Drive,
105 Essex, Vermont,” prepared by Stevens & Associates, P.C., dated 03/17/2021.

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

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

108 The project complies with the following goals and objectives of the 2016 *Essex Town*
109 *Plan*:

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

112 ***Housing Policy 2(S).14:*** *The provision of new housing in the community shall be*
113 *balanced with impacts on the environment and on public facilities and services.*

114 ***Housing Policy 2(S).16:*** *The housing stock shall serve residents of all income levels,*
115 *ages, and special needs.*

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

117 This parcel is located in the Open Recreation (O1) district and the Scenic Resource
118 Overlay Protection (SRPO) district, and must conform to the standards listed in
119 Tables 2.17 and 2.20 of the *Zoning Regulations*.

120 Though the parcel is also located within the Floodplain Overlay (C2) district, no
121 development would take place within the district, which is delineated by flood zone
122 AE as mapped by the Federal Emergency Management Agency and has a 1% annual
123 chance of flooding. It is noted that the site lies within FEMA flood zone X, which has
124 a 0.2% annual chance of flooding.

125 **(a) Table 2.17, Open Recreation (O1) District Standards**

126 **i. Purpose**

127 The project reflects the purpose of the O1 district in that it protects the natural
128 resources in an essentially undeveloped area by redeveloping within an
129 existing footprint. It also does not utilize additional municipal services.

130 **ii. Permitted and Conditional Uses**

131 The proposed use (physically-secure mental health recovery residence) is
132 classified as a public facility under 24 V.S.A. §4413, which limits local
133 review to specific criteria (location, size, height, building bulk, yards, courts,
134 setbacks, density of buildings, off-street parking, loading facilities, traffic,
135 noise, lighting, landscaping, and screening), and only to the extent that local
136 regulation does not have the effect of interfering with the intended functional
137 use. Site plan review by the Planning Commission addresses all of the above
138 criteria that are regulated by the Town of Essex.

139

140 **iii. District Dimensional Requirements**

141 The proposed project conforms to Table 2.17(D), Dimensional Requirements
142 of the O1 district, as noted below:

Dimensional Requirements	Required	Proposed
Minimum Lot Area	10 acres	10.2 acres
Minimum Lot Frontage	200 ft.	498.5 ft.
Minimum Front Setback (from ROW)	50 ft.	119 ft.
Minimum Side Setback	25 ft.	223 ft.
Minimum Rear Setback	25 ft.	92 ft.
Maximum Lot Coverage – All	70 %	18.6 %
Maximum Height	40 ft.	33 ft.

143
144 **3. Table 2.20, Scenic Resource Protection Overlay (SRPO) District Standards**

145 The proposal meets the purpose of the SRPO by avoiding adverse impacts on
146 identified scenic resources, viewsheds, and roadscape corridors. *Views to the*
147 *Mountain: A Scenic Protection Manual* identifies extensive natural vegetation as the
148 primary scenic feature along Woodside Drive. During the leaf-off season, Camel’s
149 Hump and the spine of the Green Mountains can be seen from the top of Woodside
150 Drive / VT Route 15.

151 The proposal would not impact any of these scenic resources, as it maintains the
152 existing site footprint which is located at a far lower elevation than the scenic
153 viewpoints. In addition, all natural vegetation and buffers along the site’s perimeter
154 would be retained during construction.

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

156 The proposed project will not impact public health, safety, or welfare. In an e-mail
157 dated March 29, 2021, the Police Chief initially expressed concern about the project’s
158 burden on police and rescue services due to the high call volume at the existing
159 juvenile detention facility. The applicant responded to these concerns in an e-mail
160 dated May 6, 2021, noting that residents of the new facility have different needs,
161 choose to be at the facility, and there would be more alternatives to relocate to other
162 facilities if needed. The applicant also noted that law enforcement within the facility
163 would be provided by Vermont State Police, while local police would handle
164 incidents outside the facility.

165 **5. Outstanding violations**

166 The property does not have any outstanding zoning violations.

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

168 The *Zoning Regulations* state that “site layout and design, to the extent feasible, shall
169 incorporate and protect significant natural features as identified on the Significant

170 Features and Water Resources Maps contained in the Town Plan of record or through site
171 investigation.” This is evaluated through the following criteria:

172 **1. Topography**

173 The *Zoning Regulations* call for minimal changes to a site’s topography and
174 vegetation, specifying that a site “shall be planned to retain, insofar as possible, the
175 natural contours and to conserve the natural cover and soil.” Minimal grading would
176 occur to level the site for the facility.

177 **2. Steep Slopes**

178 There are several embankments on the parcel with slopes greater than 20%. One
179 supports the New England Central Railway to the northwest of the site; the other lies
180 southeast of the site and defines the shelf of an abandoned floodplain of the Winooski
181 River. All redevelopment would occur well away from these slopes.

182 **3. Surface Waters and Wetlands**

183 As noted in Finding I(A), the development lies just outside the regulatory floodway
184 and floodplain of the Winooski River (though within an area with a 0.2% annual
185 chance of flooding). These flood areas roughly coincide with the state-mapped river
186 corridor, the area in which the main channel may meander. A large Class II wetland
187 complex (floodplain forest and old oxbow) is located generally within this river
188 corridor, providing flood attenuation and wildlife habitat.

189 All development would take place outside these areas and their associated buffers.

190 **4. Renewable Energy**

191 The applicant plans to use geothermal heat pumps for the facility and possibly
192 provide three electric vehicle charging stations north of the service entrance. The
193 proposal would not impact the ability of neighboring properties to use renewable
194 energy, as it would not create light or wind shade over property lines. The potential
195 impact of the geothermal heat pumps on groundwater temperatures is unknown, but it
196 is unlikely it would reduce the viability of this renewable resource for the nearest
197 heated structure.

198 **5. Open Space**

199 The site is enclosed by forest on all sides, including a priority interior forest block as
200 mapped by Vermont Conservation Design to the east, south, and west. Combined
201 with the floodplain areas noted in Finding I(B)(3), this provides a substantial area of
202 wildlife habitat as well as connectivity along the Winooski River corridor and access
203 to Sunderland Brook and its connecting forest blocks. The proposed development
204 would not further impact these habitats and connecting areas.

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

206 Access to the site would be provided via Woodside Drive, a Class 9 private road which is
207 maintained by the State of Vermont located off VT Route 15 / College Parkway (starting
208

209 in the Town of Colchester). In an e-mail dated March 29, 2021, the Public Works
210 Director reiterated that the Town of Essex has not maintained Woodside Drive in any
211 way since 1984 and has no intention or capacity to assume maintenance responsibilities.

212 In a memorandum dated May 6, 2021, Public Works stated:

213 *1. The applicant has not provided any information or calculations regarding the*
214 *proposed traffic to be generated by the employees to and from the proposed 16 bed*
215 *rehabilitation facility. Public Works understands that this project will decrease the*
216 *size of the facility and number of patients served, possibly decreasing traffic to and*
217 *from the facility. The AM and PM Peak Hour traffic will need to be calculated to set a*
218 *baseline for traffic impacts for any future development on site. These impacts may or*
219 *may not have an influence on existing traffic flows onto VT Route 15, College*
220 *Parkway.*

221 *2. With the access drive to the current facility on VT Route 15, the Town will defer*
222 *approval to the State of Vermont Agency of Transportation for any conditions and/or*
223 *upgrades to the intersection that may be required due to the traffic impacts. A written*
224 *response should be provided from VTRANS to the developer, approving the traffic*
225 *impacts. This documentation shall be provided to Public Works and the Planning*
226 *Commission.*

227 The applicant's engineer estimates that the new facility would generate approximately
228 120 vehicle trip ends per day based on two trips per employee per day and 20 visitor
229 trips. The applicant's engineer estimates that this is significantly less than the current
230 facility, which supported 30 beds and more than 50 employees.

231 The applicant's engineer does not expect significant pedestrian volume to the site, so no
232 sidewalk or path improvements are proposed. Although pedestrian and bicyclist traffic to
233 the site likely will remain low, it is recommended that non-motorized access to the site be
234 provided. Given the low volume of vehicular traffic along Woodside Drive, pedestrians
235 and bicyclists could use the road safely, but there is no crosswalk at VT Route 15 /
236 College Parkway and Woodside Drive / Barnes Avenue. A pedestrian crossing at this
237 location would enable employees to safely access the site through walking, biking, and
238 public transit, since it would connect to the shared use path along the north side of Route
239 15 currently under construction as well as Green Mountain Transit's highest-volume
240 route, the blue line, which stops nearby at Barnes Avenue and Ethan Allen Avenue.

241 As noted by Public Works, the Town does not have authority to require installation of a
242 crosswalk at this location because VT Route 15 is a state road, but the Town strongly
243 supports this in keeping with state and local complete streets policies as well as state and
244 local energy plans.

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

246 The *Zoning Regulations* require the Planning Commission to consider on-site vehicular
247 and pedestrian circulation and allow the Commission to impose conditions to ensure

248 adequate circulation. The Planning Commission also must consider safety and
249 accessibility, as required by the Americans with Disabilities Act.

250 Passenger vehicles would enter the site from Woodside Drive and enter the drop-off area
251 immediately to the right, or proceed around the building to the rear parking area, whose
252 aisle widths exceed the standards of ZR Section 3.9(A)(1). Delivery vehicles would
253 utilize the same access road to reach the loading dock on the north side of the building.

254 The applicant's engineer worked closely with the Fire Department to design an access
255 that accommodates emergency vehicles, including mountable curbs around the loading
256 dock and parking lot islands. Fire safety is reviewed further in Finding I(I).

257 The design of the loading dock also allows for waste haulers to access the waste
258 enclosure to the north. The applicant intends to use the un-curbed edges of the access
259 drive and parking areas for snow storage, which appears to be sufficient.

260 The site layout includes extensive areas of sidewalk and interior courtyards, providing
261 pedestrian connections around and through the site. All sidewalks shall be constructed to
262 ADA standards.

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

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

266 There is no prescribed parking ratio for mental health residences in ZR Section 3.3(B);
267 the closest use is hospital, which requires 2 spaces per bed or 1 space per 250 square feet
268 of floor area. With 16 beds, the proposed facility would require 32 parking spaces; based
269 on floor area, the facility would require 40 spaces.

270 The applicant has proposed 52 spaces, mostly located east of the building, which exceeds
271 the minimum requirements for a hospital. Four of the spaces are van-accessible under
272 ADA standards, as required under ZR Section 3.9(H). One bicycle rack would be located
273 at the employee / loading dock entrance to the north of the building.

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

275 The Planning Commission can require landscaping to achieve the objectives of the
276 *Zoning Regulations* and the *Town Plan*. There are no landscaping objectives specific to
277 the Open Recreation (O1) district, but since the proposal is for a public facility, the
278 objectives of the Business Districts (B1) are applied and relate to street trees, parking
279 areas, and a planting strip.

280 **1. Street Trees**

281 The landscaping objectives require one street tree for every 50 feet of road frontage;
282 with 498.5 feet of frontage along Woodside Drive, 10 street trees (rounded up from
283 9.97) are required under this provision. In addition to retaining the natural vegetation
284 around the site and Woodside Drive, the site plan shows 11 new street trees along the
285 access road into the facility with a diverse mix of species including sugar maple (*Acer*

286 *saccharum*), sweetgum (*Nyssa sylvatica*), and green hawthorn (*Cretaeus viridis*).
287 Additional shade trees are located around the edges of the parking areas.

288 At their meeting on April 13, 2021 the Conservation and Trails Committee and the
289 Tree Warden made the following recommendations:

- 290 • The applicant should conduct soil testing to determine the composition of the
291 soil, which is noted as “fill land.” If the fill is gravelly or sandy, topsoil should
292 be replaced or amended as needed to support the selected species.
- 293 • The sugar maples should be located further from the access drives and parking
294 areas to avoid salt damage, and should be spaced at least 40 feet apart unless
295 smaller-growing varieties (‘Legacy’ or ‘Majestii’) are used.
- 296 • The littleleaf linden at the northeast corner of the parking area should be
297 moved at least 10 feet away from the pavement to ensure enough root growth
298 area.
- 299 • Although the Tree Warden expressed concern that eastern redbud and green
300 hawthorn may suffer from salt damage if located near the parking areas, the
301 applicant indicated that those species have thrived in similar sites. If the trees
302 succumb to salt damage, they should be replaced with alternative species.

303 **2. Parking Areas**

304 The landscaping objectives require screening of parking areas from roadways and
305 landscaped islands to break up and provide shade on large expanses of parking. The
306 plans show two parking lot islands in the main parking area each landscaped with two
307 thornless honeylocust (*Gleditsia triacanthos*) and a Japanese holly (*Ilex crenata*),
308 exceeding the requirements of ZR Section 3.9(H)(3) and ZR Table 5.1(B).

309 **3. Planting Strip**

310 The landscaping objectives call for a planting strip including shrubs, bushes, and/or
311 trees that covers 30% of the front yard setback along the front of the lot; this area
312 must be kept free of buildings and parking areas. The site plan would maintain natural
313 vegetation along Woodside Drive, meeting this requirement, in addition to providing
314 dense shrub plantings to complement the street trees along the entrance drive to the
315 building and within the courtyard areas.

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

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

322 The applicant has requested a waiver from the requirement to submit a lighting plan
323 because the remote location of the site creates limited possible impacts to adjoining
324 properties. Community Development staff agree that no impacts will occur; nevertheless,

325 the applicant must still comply with the provisions of ZR Section 5.6(G), including the
326 fixture height limits and requirements to down-shield and use energy-efficient fixtures.

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

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

329 In a memorandum dated May 7, 2021, Public Works stated:

- 330 1. *The existing 30-Bed rehabilitation facility currently onsite has assigned and*
331 *purchased water and sewer allocation in the amount of 60 GPD per bed based on the*
332 *Town's Water and Sewer Use Ordinances. The current total for both water and sewer*
333 *is 1,800 GPD. The new facility as proposed will have 16 beds requiring 960 GPD.*
334 *This project has sufficient water and sewer allocation and will not require additional*
335 *allocation to proceed.*
- 336 2. *The applicant will be required to remove the existing water meter from the existing*
337 *building prior to demolition and return it to the Town of Essex. Additionally, all new*
338 *internal plumbing and fixtures on the domestic side shall be designed around a 2-*
339 *Inch meter. The Town will not size water meters based on pressure and/or flow*
340 *requirements of the new plumbing. A full fixture unit count and calculated peak*
341 *demand shall be provided to the Town of Essex for review.*
- 342 3. *All water mains located on site are owned and maintained by the Champlain Water*
343 *District (CWD). All wet taps and work near these lines shall be coordinated with*
344 *CWD. The applicant will be required to apply for a wet tap for the new water service*
345 *from CWD. All new water lines proposed as part of this project will be private service*
346 *lines, with all future maintenance being the sole responsibility of the applicant /*
347 *owner.*
- 348 4. *The sewer service force main for the existing building was originally installed by*
349 *sleeving the force main pipe through an abandoned gravity sewer line from Fort*
350 *Ethan Allen, no longer used by the collection system. This abandoned gravity sewer*
351 *line runs along the northern side of the Woodside access road and crosses VT RT 15,*
352 *into the existing collection system. The Town of Essex considers this section of gravity*
353 *sewer to be private and used for the purposes of sleeving a private sewer force main.*
354 *The Town of Essex no longer maintains any part of this infrastructure. All future*
355 *maintenance and repairs of this section of the gravity system used by the applicant*
356 *will be the responsibility of the applicant in the future.*
- 357 5. *Public Works has a concern with the sanitary sewer service from the gymnasium to*
358 *the new structure located between proposed SMH1 and the new pump station. This*
359 *service line is roughly 450 feet in length with numerous bends. If this sewer service is*
360 *gravity, the potential for blockage is greatly increased. Alternate routes should be*
361 *investigated to minimize both the number of bends and length.*

362 Public Works also noted required revisions to the design drawings, which are included as
363 conditions of this approval.

26 Woodside Drive
Site Plan Amendment
May 13, 2021

364

365 **2. Stormwater Management**

366 In a memorandum dated May 6, 2021, Public Works staff provided several design
367 changes and conditions of approval which are included in the conditions of this
368 approval. Public Works also stated:

- 369 1. *The proposed storm water system will require a State storm water permit and*
370 *General Construction Permit including erosion control. A copy of these permits,*
371 *once obtained, must be filed with the Town.*
- 372 2. *While the project is not located in an impaired watershed, the applicant shall*
373 *make every effort to mitigate runoff on site.*
- 374 3. *The EPA has issued the Lake Champlain TMDL Implementation Plan which calls*
375 *for higher levels of phosphorus removal for all storm water discharges to the*
376 *Lake or its tributaries. The applicant stated that the proposed system will mitigate*
377 *3 lbs of phosphorus.*

378 **3. Utilities**

379 In addition to water and sewer connections, Woodside Drive has existing overhead
380 power lines maintained by Green Mountain Power, and a natural gas line maintained
381 by VT Gas provides service through the north side of the site. These service lines will
382 remain mostly as they are today, with any new lines to be installed underground.

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

384 In an e-mail dated March 12, 2021, the Fire Chief initially expressed concerns regarding
385 the facility's potential demand on emergency response services (police, fire, and rescue)
386 as well as the ability of emergency vehicles to physically maneuver around the site, the
387 design of hydrant systems, and building equipment details (alarm and annunciator panel,
388 key box, etc.). After a meeting with the Fire Chief on March 16, the applicant made
389 design changes and provided more details on facility operations and emergency response
390 plans to the satisfaction of the Fire Chief.

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

- 392 • *The Planning Commission finds that the proposed lighting will have a negligible impact*
393 *on adjacent properties and rights-of-way. Therefore, the Planning Commission waives the*
394 *requirement for a lighting plan provided the site continues to comply with the provisions*
395 *of Section 5.6(G) of the Zoning Regulations.*

396 **III. Proposed Conditions**

- 397 1. All conditions from previous approvals shall remain in effect except as modified herein.
398 2. All construction shall be in conformance with the plans listed above as may be amended
399 herein.
400 3. Prior to the issuance of a zoning permit, the plans shall be revised as follows:

- 401 a. On Sheet C-1, the 20-Inch waterline shall be labeled (CWD Transmission Main).
- 402 a. On Sheet C-1, a note shall be provided on all sheets with the contact information
403 for Champlain Water District (CWD) with a note stating that the contractor will
404 be required to contact CWD prior to working on or around any water
405 infrastructure on site.
- 406 b. On Sheet C-2, inlet protection shall be added for existing catch basins CB #1 and
407 CB #2.
- 408 b. On Sheet C-4, the forebays shall be labeled on the plans, and a detail for the
409 forebay shall be provided on Sheet C-7.
- 410 c. On Sheet C-4, the pipe sizes and elevations for the proposed system shall be
411 shown. This includes the culvert under the parking lot exiting into the forebay.
- 412 d. On Sheet C-4, the outlets from DMH #2, Ex. CB #1, and Ex. CB #2 shall be
413 stoned lined in accordance with the Town's *Standard Specifications for*
414 *Construction* Detail A-18.
- 415 c. On Sheet C-4, the two catch basins that tie into CB #4 from the courtyard shall be
416 labeled to indicate their source.
- 417 d. The locations of "Area Drains" and "Temporary Check Dams" as shown on Sheet
418 C-7 shall be noted on Sheet C-4.
- 419 e. On Sheets C-3, C-4, and C-5, to ensure a single shut-off point, a single copper
420 water service line shall be used instead of two separate lines for the new building
421 and the existing gymnasium.
- 422 f. On Sheet C-6, the sugar maple (*Acer saccharum*) trees on the northern side of the
423 access road shall be relocated at least 20 feet from the roadway, or else replaced
424 with salt-tolerant tree species.
- 425 g. On Sheet C-6, the sugar maples shall be spaced at least 40 feet apart, or else
426 small-growing varieties such as 'Legacy' or 'Majestii' shall be used.
- 427 h. On Sheet C-6, the littleleaf linden (*Tilia cordata*) at the northeast corner of the
428 parking area should be moved at least 10 feet away from the pavement to ensure
429 enough root growth area.
- 430 i. On Sheet C-7, a detail shall be provided for the outlet structure.
- 431 j. On Sheet C-7, tracer wire shall be provided along the centerline of all new
432 stormwater infrastructure installed, pursuant to Detail A-17 of the *Town of Essex*
433 *Standard Specifications for Construction*.
- 434 k. On Sheet C-8, the Hydrant Detail shall match Detail A-32 of the *Town of Essex*
435 *Standard Specifications for Construction*, including the requirements for a 5-inch

- 436 Storz connection, plugging of all hydrants, and 6 feet depth of cover over the
437 hydrant service.
- 438 1. On Sheet C-8, the Water Trench detail shall be revised to note a minimum
439 insulation layer of 5 feet in grassed or unplowed areas and 6 feet in paved areas.
440 Additionally, tracer wire shall be provided along the centerline of all new water
441 infrastructure installed. Please refer to Detail A-31 of the Town's Specifications.
- 442 m. A detail shall be provided for the proposed 1,000-gallon grease trap.
- 443 n. A detail shall be added for the new sewer service pump station referenced on
444 Sheet C-5.
- 445 4. An electronic copy of the plans as may have been revised shall be submitted to the E911
446 coordinator in .PDF file format. Another copy shall be submitted in geodatabase or
447 shapefile in Vermont State Plane Meters, NAD83 (NSRS or most current); alternatively,
448 coordinated CAD data – Vermont State Plane Coordinates, US Survey Feet, Grid Zone
449 4400, NAD 83 (2011) epoch 2010.0, NAVD 88 (geoid12b); alternatively, paper showing
450 three (3) values of State Plane Coordinates.
- 451 5. Prior to the issuance of a zoning permit, the applicant shall obtain all applicable state and
452 federal approvals and permits and shall submit copies to the Community Development
453 Department for review.
- 454 6. Prior to the issuance of a zoning permit, additional information regarding the relocation
455 of the channel grinder shall be provided to the Town.
- 456 7. All new utility lines shall be installed underground.
- 457 8. All plantings, fences, and above-grade structures shall be located outside utility
458 easements.
- 459 9. All water, sewer, and storm water infrastructure shall be installed in accordance with the
460 specifications and details provided within the *Town of Essex Standard Specifications for*
461 *Construction*.
- 462 10. The connection to the existing 20-Inch water main shall be approved by Champlain
463 Water District. All work, materials, and subcontractors performing line tapping shall also
464 be approved by CWD.
- 465 11. The applicant shall provide new hydrants for all existing hydrants to be relocated as part
466 of this project.
- 467 12. All new water and sewer infrastructure to be tested, including services, shall be witnessed
468 by an employee of the Town of Essex Water and Sewer Department.
- 469 13. At the discretion of the Zoning Administrator, as-built plans shall be submitted to the
470 Community Development Department prior to the issuance of a certificate of occupancy.

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- 471 14. No occupancy of the structure shall occur until a certificate of occupancy inspection and
472 sign off is issued by the Zoning Administrator. A copy of the State's occupancy approval
473 shall be filed and attached to the Town's inspection approval.
- 474 15. All landscaping shall be guaranteed for the life of the project. Any dead or diseased
475 plantings shall be replaced as soon as seasonally possible.
- 476 16. All pavement shall be maintained in a state of good repair for the life of the project; line
477 striping shall be maintained so as to be visible at all times.
- 478 17. By accepting the conditions of this approval without appeal, the applicant confirms and
479 agrees for itself and all assigns and successors in interest that the conditions of this
480 approval shall run with the land and the land uses herein permitted, and will be binding
481 upon and enforceable against the applicant and all assigns and successors in interest.

482 **IV. Attachments**

483 cc: Brud Sanderson & Jamie Martell, Stevens & Associates, P.C.

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