

1 **ESSEX PLANNING COMMISSION**
2 **June 10, 2021**

3 **19 Corporate Drive – Site Plan**

4 **Applicant**

5 Brad & Renee LaFountain
6 119 Brigham Hill Road
7 Essex Junction, VT 05452

8 **Proposal**

9 The applicant has proposed two warehouse buildings (9,000 and 3,600 square feet for a total of
10 12,600 square feet) at 19 Corporate Drive, a vacant 2.21-acre lot in the Resource-Preservation
11 District – Industrial (RPD-I) zoning district, Tax Map 72, Parcel 3, Lot 19. The buildings would
12 connect to municipal water and sewer and utilize on-site stormwater treatment. Up to fifteen
13 employees would occupy all three buildings; 19 parking spaces are included in the site plan.

14 **Background**

15 In October 1997 the Planning Commission approved a private road on Lot C in the RPD-I
16 district, with the expectation that the road would eventually become a public road. The approval
17 included a condition that a sidewalk be installed when lots were developed.

18 In November 2000 the Planning Commission gave Final Approval to a 13-lot subdivision, the
19 first of two phases of the subdivision of Lot C. Lots 1-12 were created, the 13th being the
20 remaining lands for Phase II, and the previously approved private road was made public and
21 named Corporate Drive.

22 In January 2002 the Planning Commission approved a Final Plan Amendment allowing overhead
23 power lines on Corporate Drive. Individual lots had to connect to the overhead power via
24 underground lines.

25 In September 2007 the Planning Commission approved an 11-lot subdivision for the western half
26 of Corporate Drive. The subdivision is considered Phase II of the subdivision approved in 2000,
27 though the current lot is within Phase I.

28 Abutting properties to the west, south, and east are in the RPD-I district and have been or will be
29 developed with light manufacturing, office, and storage uses. A Medium Density Residential
30 (R2) District contains single-unit dwellings to the south of the parcel, separated by the RPD-I's
31 200-foot buffer.

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

33 The applicant has applied for Site Plan Review pursuant to Section 5.6 of the *Town of Essex*
34 *Outside the Village of Essex Junction Official Zoning Regulations*. The purpose of site plan
35 review is to ensure the project's compliance with the *Town Plan*, the *Zoning Regulations*, and
36 conditions of previous approvals. Site Plan review standards specifically include preservation of
37 natural and scenic features, layout of development, access, internal circulation, parking,

38 landscaping, lighting, and utilities and fire protection.

39 The applicant has submitted the following plans:

- 40 • Plan Sheet #1, “100-Scale Overall Plan, Saxon Hill Industrial Park – Lot #19
41 Corporate Drive, Essex, VT,” prepared by O’Leary-Burke Civil Associates, PLC,
42 dated 04/28/2021;
- 43 • Plan Sheet #2, “Site Plan, Saxon Hill Industrial Park – Lot #19, Corporate Drive,
44 Essex, VT,” prepared by O’Leary-Burke Civil Associates, PLC, dated 04/28/2021,
45 revised 05/03/2021;
- 46 • Plan Sheet #3, “Lighting Plan, Saxon Hill Industrial Park – Lot #19, Corporate Drive,
47 Essex, VT,” prepared by O’Leary-Burke Civil Associates, PLC, dated 04/28/2021;
- 48 • Plan Sheet #4, “Erosion Prevention + Sediment Control Plan + Specifications, Saxon
49 Hill Industrial Park – Lot #19, Corporate Drive, Essex, VT,” prepared by O’Leary-
50 Burke Civil Associates, PLC, dated 04/28/2021.
- 51 • Plan Sheet #5, “Road + Storm Details, Saxon Hill Industrial Park – Lot #19,
52 Corporate Drive, Essex, VT,” prepared by O’Leary-Burke Civil Associates, PLC,
53 dated 04/28/2021;
- 54 • Plan Sheet #6, “Water + Sewer Details, Saxon Hill Industrial Park – Lot #19,
55 Corporate Drive, Essex, VT,” prepared by O’Leary-Burke Civil Associates, PLC,
56 dated 04/28/2021;

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

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

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

61 ***Goal 1f:*** *Economic development is carried out in the Saxon Hill Industrial Park*
62 *with consideration and respect for the natural surroundings.*

63 ***General Policy 2:*** *Economic growth shall be diversified, with development*
64 *occurring in and around ... the Saxon Hill/Resource Preservation District –*
65 *Industrial (RPD-I) zoning district.*

66 ***Specific Policy 2(S).2:*** *The retention and expansion of businesses at existing*
67 *industrial and commercial sites shall be supported...*

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

69 This project is located in the RPD-I district, and must conform to the standards listed
70 in Table 2.14 of the *Zoning Regulations*.

71 **(a) Table 2.14, Resource Preservation-Industrial District (RPD-I) Standards**

72 **i. Purpose**

73 The project reflects the purpose of the RPD-I in that the development activity is
74 located within the 40% industrial area designation, and will be carried out in
75 harmony with the natural surroundings. Furthermore, natural attributes (i.e.,
76 forest cover and trails) will be protected for public enjoyment.

77 **ii. Permitted Uses**

78 Warehouses are permitted uses in the RPD-I district. No conditional uses are
79 proposed.

80 **iii. District Dimensional Requirements**

81 The proposed project conforms to Table 2.14(D), Dimensional Requirements of
82 the RPD-I district, as noted below:

Dimensional Requirements	Required	Proposed
Minimum Lot Area – Nonresidential	40,000 sf	96,268 sf
Minimum Lot Frontage	200 ft.	193 ft.
Minimum Front Setback (from ROW)	50 ft.	53 ft.
Minimum Side Setback	25 ft.	27 ft.
Minimum Rear Setback	25 ft.	217 ft.
Minimum Buffer/Residential Districts	200 ft.	217 ft.
Maximum Lot Coverage – All	60%	32.4 %
Maximum Height	45 ft.	30 ft.

83
84 **iv. District Development Standards**

85 The plans show the retention of the 200-foot buffer along the rear of the
86 property as required under this section. The applicant has requested a waiver to
87 clear within the 50-foot buffer and replace it with four new street trees; this is
88 reviewed along with the landscaping plan in Finding I(F).

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

90 The proposed project will not impact public health, safety, or welfare. In an e-mail
91 dated May 14, 2021, the Police Chief stated that there were no concerns with the
92 proposal.

93 **4. Outstanding violations**

94 The property does not have any outstanding zoning violations.

95 **(B) ZR Section 5.6 (B), Natural features**

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

100 **1. Topography**

101 The *Zoning Regulations* call for minimal changes to a site’s topography and
102 vegetation, specifying that a site “shall be planned to retain, insofar as possible, the
103 natural contours and to conserve the natural cover and soil.”

104 The lot is currently wooded and mostly flat except for a small embankment. Grading
105 would occur to level the site and create the stormwater swales.

106 The 200-foot buffer area to the rear of the site would remain forested, but most of the
107 remaining land would be cleared. The applicant has proposed planting four trees
108 along the road to replace the 50-foot buffer. Landscaping is evaluated in Finding I(F).

109 **2. Steep Slopes**

110 An embankment with an approximate grade of 15-20% and drop of 5 feet runs east-
111 west through the site, with the higher portion closer to Corporate Drive. This would
112 be leveled as part of site grading, a minimal change that will not create erosion or
113 drainage problems.

114 **3. Surface Waters and Wetlands**

115 The property does not contain any surface waters or wetlands.

116 **4. Renewable Energy**

117 The applicant has not proposed production of renewable energy on-site at this time.
118 The proposal would not impact the ability of neighboring properties to use renewable
119 energy, as it would not create light or wind shade over property lines.

120 **5. Open Space**

121 The site does not contain any open meadows. The RPD-I’s 200-foot buffer, which
122 runs along the southwestern boundary of the property, will remain forested and open
123 to the public via an existing trail.

124 The Parks and Recreation Director did not comment on this application.

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

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

130 Primary access to the lot will be via a new curb cut off Corporate Drive. The applicant’s
131 engineer has indicated that the project would generate 4 AM and PM peak hour trips
132 according to the ITE Trip Generation Manual, 8th Edition, and that this would have a
133 negligible impact on delays at nearby intersections.

134 Accounting for all lots that are approved and pending for the Corporate Drive
135 subdivision, this would bring the total available vehicle trip ends (VTEs) to 86 AM and
136 65 PM. The average number of trips per lot thus far is 14.6 AM and 13.1 PM; with five

137 lots left to build, the average number of remaining trip ends available for each lot would
138 be 17.0 AM and 13.0 PM.

139 In a memorandum dated May 28, 2021 Public Works staff stated:

- 140 1. *The applicant has provided a traffic study which is acceptable. The traffic impacts of*
141 *the proposed project are minor, amounting to an additional 4 VTE to the existing PM*
142 *Peak Hour traffic to the Allen Martin Corridor. The study results indicate that there*
143 *is essentially no change in Level of Service (LOS) at the intersection of Corporate*
144 *Drive and Allen Martin Drive. There is a minor impact at the intersection of VTRT15*
145 *and Allen Martin Drive with respect to the north bound left turns. Although the LOS*
146 *remains at E in the PM for the Northbound left turn, the increase in delay is*
147 *negligible. We note that this is not a substantial change, but it does indicate that the*
148 *traffic from the proposed development will add to the intersection delays.*
- 149 2. *The previously assessed trip-end impact fee will be used to offset future upgrade costs*
150 *to the Allen Martin Drive / VT RT 15 intersection and Allen Martin Drive.*
- 151 3. *The traffic data provided is based on a Warehouse category of use. An update to this*
152 *study will be required if the proposed use changes in the future.*

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

154 The *Zoning Regulations* require the Planning Commission to consider on-site vehicular
155 and pedestrian circulation, and allow the Commission to impose conditions to ensure
156 adequate circulation. The Planning Commission must also carefully consider safety and
157 accessibility, as required by the Americans with Disabilities Act.

158 The driveway, which narrows from a 40-foot-wide apron to a 24-foot-wide drive, runs
159 northeast through the site, with most parking located along the west and some east
160 against Building 1. Snow would be plowed west of the parking areas, and additional
161 snow could be stored off the northeast side of the paved area. This would create a snow
162 storage area that could accommodate a total snowfall of about 3 feet. Aisle widths are
163 adequate for vehicular circulation and emergency access, including waste removal (which
164 is located between the two buildings).

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

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

168 Sheet 2 of the plans shows bicycle parking at the southern corner of the parking area.

169 The parking ratio for manufacturing and warehouse buildings is 1 space per 400 square
170 feet of floor area, or 2 spaces for every 3 employees. With a total of 12,600 square feet of
171 floor area and 15 employees maximum, the required number of spaces would be 32
172 spaces by floor area or 10 spaces by employees. The plans show 19 spaces, 2 of which
173 would be van-accessible by ADA standards. This exceeds the minimum requirement
174 based on employees, and is an acceptable modification of the requirement based on floor

175 area given the proximity of a sidewalk and provision of bicycle parking.

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

177 The Planning Commission can require landscaping to achieve the objectives of the
178 *Zoning Regulations* and the *Town Plan*. The landscaping objectives in the RPD-I district
179 involve the preservation of forest cover, including routing utilities along driveways where
180 possible and replacing any disturbed buffer areas with trees of the same species and at the
181 same density. In addition to the landscaping requirements, Table 2.14(D)(7)(c) of the
182 *Zoning Regulations* specifies that a 50-foot buffer must be maintained along interior
183 RPD-I streets, including Corporate Drive, unless the Planning Commission waives the
184 requirement.

185 The applicant has requested a waiver from the 50-foot buffer requirement. In the project
186 narrative dated March 1, 2021, the applicant’s engineer wrote,

187 *We are requesting a waiver to clear the 50 ft buffer along Corporate Drive in order*
188 *to replace the fragmented buffer with street trees similar to the recently approved*
189 *Corporate Drive projects.*

190 The applicant proposes planting one northern red oak (*Quercus rubra*), one pagoda
191 dogwood (*Cornus alternifolia*), and two witch hazel (*Hamamelis virginiana*) within the
192 50-buffer, in keeping with the Table 5.1(A) requirement of one tree for every 50 feet of
193 frontage. The species selection matches other landscaping plans for projects recently
194 approved in the area as well as species native to the area while avoiding tree sizes and
195 placements that would impact buried utility lines.

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

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

202 The applicant plans to install five (5) building-mounted lights at a height of 12 feet; four
203 along the western sides of the buildings facing the parking area, and one between the
204 buildings to illuminate the waste storage area. The lighting plan conforms to the
205 requirements of ZR Section 5.6(G). All fixtures will be LED-powered, fully cut-off, and
206 would be equipped with a motion-sensor device that dims output to 10% at night unless
207 movement is detected. Lighting levels would have a maximum of 4.91 foot-candles and
208 produce no light trespass above 0.2 foot-candles five feet beyond the property lines.

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

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

211 In a memorandum dated May 28, 2021, Public Works staff stated:

212 *1. The applicant’s engineer has based the water and sewer calculations for the*

213 *proposed building off of a total of 15 employees for the site. Table 10.12.380 of*
214 *the Town's Water Use Ordinance lists occupied warehouses as having a domestic*
215 *water and sewer demand of 15 GPD per employee. Staff calculates the water and*
216 *sewage usage for the proposed school as follows:*

217
$$15 \text{ employees} \times 15 \text{ GPD} = \underline{225 \text{ GPD}}$$

218 *The total number of employees to be onsite at any time shall be no more than 15.*

219 2. *The applicant has proposed two separate warehouse buildings, a 9,000 SF*
220 *building and a 3,600 SF Building. For ease of tracking allocation and usage*
221 *within each building, staff recommends assigning allocation for each building to*
222 *aid in tracking sewer and water capacity. The fees below are based off one*
223 *building. In addition, if the fee schedules changes, then the fee charged shall be*
224 *the fee in effect at the time of submittal for a building permit.*

225 a. *Water: 225 GPD x \$5.78/gallon + \$1000 = \$ 2,300.50*

226 b. *Sewer: 225 GPD x \$10.30/gallon + \$1000 = \$ 3,317.50*

227 c.
$$\text{Total} = \underline{\$ 5,618.00}$$

228 3. *Recent hydrant flow testing confirms that there is adequate domestic water*
229 *pressure for the proposed building. Public Works recommends that fire demand*
230 *calculations be submitted before final approval of the project. It appears that the*
231 *fire demand will be satisfied but approval cannot be given without the fire flow*
232 *documentation.*

233 4. *The proposed buildings shall be metered and billed off individual meters. The*
234 *applicant's engineer shall provide peak domestic water demand calculations,*
235 *based on the number of fixture units proposed for each building, for properly*
236 *sizing the water meter. **The Town of Essex will not size the meter based on line***
237 ***size in the building or pressure.***

238 5. *The water and sewer service infrastructure proposed will need to be modified to*
239 *reflect the following comments. Public Works staff will work with the applicant's*
240 *engineer to ensure compliance with the Town's specifications and details*
241 *provided within the Town of Essex Standard Specifications for Construction. This*
242 *comment must be made a condition of approval.*

243 a. *The proposed 6" water service line shall provide a 2" blow-off assembly at*
244 *the end of the line to allow for proper flushing as necessary.*

245 b. *All water service curb stops within paved areas shall have a valve box with*
246 *cover placed over them.*

247 **2. Stormwater Management**

248 The applicant's engineer described the stormwater system for the 0.72 acres of
249 proposed impervious coverage in the project narrative dated April 29, 2021:

250 *The stormwater created by the proposed project will be collected by perimeter*
251 *swales on-site and collected by a yard drain and catch basin at the front of the*
252 *site. These structures will route stormwater to the existing pond located on Lot*
253 *13. The existing stormwater pond has been designed and permitted to treat the*
254 *stormwater runoff from future development of Corporate Drive Phase II under*
255 *Stormwater Discharge Permit #4181.9015.1A.*

256 In a memorandum dated May 28, 2021, Public Works staff stated:

- 257 1. *The total proposed lot coverage is 0.72 acres. The applicant has provided a full*
258 *accounting of the Phase II stormwater pond which has a treatment capacity that*
259 *can serve up to 9.50 acres of impervious run-off. This project would increase the*
260 *total imperious area treated by the Phase II stormwater pond to 8.74 acres.*
261 *Please note, this leaves approximately 0.76 acres of impervious treatment*
262 *capacity remaining for all remaining unconstructed lots and any future site plan*
263 *amendments for existing developed lots.*
- 264 2. *The applicant shall follow the Low Risk Site Handbook for Erosion Prevention*
265 *and Sediment Control during construction.*
- 266 3. *All storm water infrastructure shall be installed in accordance with the*
267 *specifications and details provided within the Town of Essex Standard*
268 *Specifications for Construction.*

269 **3. Utilities**

270 Corporate Drive has existing overhead power lines, as well as water and sewer stub
271 connections. Natural gas will be tapped along the existing line running under
272 Corporate Drive. All utility service lines to the site will be installed underground.

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

274 As noted above, site circulation will accommodate access by emergency vehicles. The
275 nearest hydrant is located across the cul-de-sac of Corporate Drive along the frontage of
276 Lot 22, approximately 170 feet from Building 1 and 320 feet from Building 2. Staff
277 recommends the Fire Department’s standard conditions be included in the approval.

278 **II. Planning Commission Comments**

279 While reviewing the project on June 10, 2021, the Planning Commission commented:

- 280
- 281 • “The Commission supports a waiver to clear the 50 ft. buffer along Corporate Drive in
282 order to replace the fragmented buffer with street trees similar to Corporate Drive Phase 2
283 lots. The objective is to maintain a consistent appearance throughout Corporate Drive.
284 There will be no structures built within the 50 ft. buffer area.”

285 **III. Proposed Conditions**

- 286 1. All conditions from previous approvals shall remain in effect except as modified herein.

- 287 2. All construction shall be in conformance with the plans listed above as may be amended
288 herein.
- 289 3. Prior to the issuance of a zoning permit, the plans shall be revised as follows:
- 290 a) The proposed 6” water service line shall provide a 2” blow-off assembly at the end of the
291 line to allow for proper flushing as necessary.
- 292 b) All water service curb stops within paved areas shall have a valve box with cover placed
293 over them.
- 294 4. An electronic copy of the plans as may have been revised shall be submitted to the E911
295 coordinator in .PDF file format. Another copy shall be submitted in geodatabase or shapefile
296 in Vermont State Plane Meters, NAD83 (NSRS or most current); alternatively, coordinated
297 CAD data – Vermont State Plane Coordinates, US Survey Feet, Grid Zone 4400, NAD 83
298 (2011) epoch 2010.0, NAVD 88 (geoid12b); alternatively, paper showing three (3) values of
299 State Plane Coordinates.
- 300 5. The previously assessed trip-end impact fee will be used to offset future upgrade costs to the
301 Allen Martin Drive / VT RT 15 intersection and Allen Martin Drive.
- 302 6. Prior to the issuance of a zoning permit for the first building, the applicant shall pay water
303 fees (\$2,300.50) and sewer fees (\$3,317.50) totaling \$5,616.00, or the fees in place at the
304 time of submittal, or if a different use occupies the building.
- 305 7. Prior to the issuance of a zoning permit, the applicant shall provide fire demand calculations
306 to the Town to ensure demand can be satisfied.
- 307 8. Prior to the issuance of a zoning permit, the applicant shall obtain all applicable state
308 approvals and permits and shall submit copies to the Community Development Department
309 for review.
- 310 9. All utility lines shall be installed underground.
- 311 10. All road, water, sewer, and storm water infrastructure shall be installed in accordance with
312 the specifications and details provided within the *Town of Essex Standard Specifications for*
313 *Construction*.
- 314 11. The applicant shall follow the Low Risk Site Handbook for Erosion Prevention and Sediment
315 Control during construction.
- 316 12. Each of the proposed buildings shall be metered and billed off individual meters. The
317 applicant’s engineer shall provide peak domestic water demand calculations, based on the
318 number of fixture units proposed for each building, for properly sizing the water meter. The
319 Town of Essex will not size the meter based on line size in the building or pressure.
- 320 13. The applicant’s engineer shall work with the Town of Essex Water and Sewer Department on
321 properly sizing any fire suppression systems to be designed into the approved building.
- 322 14. If the building is equipped with a sprinkler system, the Fire Department Connection (FDC)
323 must be located on façades of each buildings that face parking areas so that there is pavement
324

- 325 underneath the FDC.
- 326 15. Fire Department Connections shall be 5-inch Storz connections with approved signage from
327 the Fire Department.
- 328 16. If buildings are to be protected by an Automatic Fire Alarm detection system with
329 notification and monitoring capabilities, there shall be an annunciator installed at the front
330 door entry of building on the inside of doorway left or right.
- 331 17. A key box will need to be purchased for each individual building from the Essex Fire
332 Department and shall be installed near the front entry door on driveway side of each building.
- 333 18. Signage for gas meters, FDC, building construction triangle, street address on building and
334 all other interior and exterior safety signage will need to be coordinated thru the Essex Fire
335 Department and the Vermont Division of Fire and Life Safety.
- 336 19. The landowner shall notify Fire Department staff if high hazard contents will be used on site,
337 otherwise the buildings will be assumed to have low or ordinary hazard contents.
- 338 20. No occupancy of the structure shall occur until a certificate of occupancy inspection and sign
339 off is issued by the Zoning Administrator. A copy of the State's occupancy approval shall be
340 filed and attached to the Town's inspection approval.
- 341 21. Prior to the issuance of a Certificate of Occupancy, the applicant shall install an exterior key
342 box to provide access for emergency personnel, to be obtained from the Fire Department.
343 Also, the building address, gas service, and entries for sprinkler, FDC, and electrical services
344 shall be clearly marked in reflective material at a height of ten (10) feet above finished grade.
- 345 22. The access drive running from Corporate Drive northeast through the parking areas shall be
346 marked as a fire lane. The landowner shall ensure that the pavement markings are clearly
347 visible and that the access remains unobstructed for a width of 20 feet and a height of 13 feet
348 6 inches at all times.
- 349 23. All landscaping shall be guaranteed for the life of the project. Any dead or diseased plantings
350 shall be replaced as soon as seasonally possible.
- 351 24. If a change in use for the site or any building is proposed, the applicant shall provide a traffic
352 impact update prior to the issuance of a zoning permit.
- 353 25. By accepting the conditions of this approval without appeal, the applicant confirms and
354 agrees for itself and all assigns and successors in interest that the conditions of this approval
355 shall run with the land and the land uses herein permitted, and will be binding upon and
356 enforceable against the applicant and all assigns and successors in interest.

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358 cc: Ryan Morse, E.I., O'Leary-Burke Civil Associates, PLC

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