ESSEX PLANNING COMMISSION
August 8, 2019

STAFF REPORT - SITE PLAN REVIEW
Prepared by Darren Schibler, Town Planner

Applicant
John Stawinski
d/b/a JSJLG Enterprises, LLC
19 Saxonhollow Drive, Unit F1
Essex, VT 05452

Proposal
The applicant has proposed a 6,200-square-foot personal fitness facility with a 0.5-acre outdoor recreation field at 22 Corporate Drive, a vacant 2.38-acre lot in the Resource-Preservation District – Industrial (RPD-I) zoning district, Tax Map 72, Parcel 3, Lot 22. Up to two employees and 30 participants would use the site at any given time.

Abutting properties to the northeast, southeast, and northwest are in the RPD-I district. Properties to the southeast have been or will be developed with light manufacturing, office, and storage uses; a telecommunications tower is located on the lot to the northeast. A Medium Density Residential (R2) District contains single-family homes to the southwest of the area, separated by the RPD-I’s 200-foot buffer.

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

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

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

In September 2007 the Planning Commission approved an 11-lot subdivision for the western half of Corporate Drive. The subdivision is considered Phase II of the subdivision approved in 2000. The community stormwater pond for Phase II, located on Lot 13, was upgraded following an August 2014 site plan approval for development on that lot.
I. Article V, Section 5.6 of the Zoning Regulations: Site Plan Review

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

The applicant has submitted the following plans:

- Plan Sheet #1, “100-Scale Overall Plan, Saxon Hill Industrial Park – Lot #22, Corporate Drive, Essex, VT,” prepared by O’Leary-Burke Civil Associates, PLC, dated 06/14/2019;
- Plan Sheet #2, “Site Plan, Saxon Hill Industrial Park – Lot #22, Corporate Drive, Essex, VT,” prepared by O’Leary-Burke Civil Associates, PLC, dated 06/14/2019;
- Plan Sheet #3, “Lighting Plan, Saxon Hill Industrial Park – Lot #22, Corporate Drive, Essex, VT,” prepared by O’Leary-Burke Civil Associates, PLC, dated 06/14/2019;
- Plan Sheet #4, “Road + Storm Details, Saxon Hill Industrial Park – Lot #22, Corporate Drive, Essex, VT,” prepared by O’Leary-Burke Civil Associates, PLC, dated 06/14/2019;
- Plan Sheet #5, “Water + Sewer Details, Saxon Hill Industrial Park – Lot #22, Corporate Drive, Essex, VT,” prepared by O’Leary-Burke Civil Associates, PLC, dated 06/14/2019;

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

1. Conformance with the *Essex Town Plan*

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

- **Goal 1f:** Economic development is carried out in the Saxon Hill Industrial Park with consideration and respect for the natural surroundings.
- **General Policy 2:** Economic growth shall be diversified, with development occurring in and around ... the Saxon Hill/Resource Preservation District – Industrial (RPD-I) zoning district.
- **Specific Policy 2(S).2:** The retention and expansion of businesses at existing industrial and commercial sites shall be supported...

The proposed use also meets the description of “Community-related services” in the 2010
Economic Development Vision and Plan and noted on page 31 of the Town Plan, as the business will “support the local population and add to the area’s overall livability” and overlaps with tourism and professional services industries.

2. Dimensional limitations and provisions of the Zoning Regulations

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

i. Table 2.14, Dimensional Requirements, Resource Preservation-Industrial District (RPD-I)

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

ii. Permitted Uses

Indoor recreation, private outdoor recreation, and personal services are permitted uses in the RPD-I district.

iii. District Dimensional Requirements

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

<table>
<thead>
<tr>
<th>Dimensional Requirements</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area – Nonresidential</td>
<td>40,000 sf</td>
<td>103,673 sf</td>
</tr>
<tr>
<td>Minimum Lot Frontage</td>
<td>200 ft.</td>
<td>142 ft.</td>
</tr>
<tr>
<td>Minimum Front Setback (from ROW)</td>
<td>50 ft.</td>
<td>65 ft.</td>
</tr>
<tr>
<td>Minimum Side Setback</td>
<td>25 ft.</td>
<td>31 ft.</td>
</tr>
<tr>
<td>Minimum Rear Setback</td>
<td>25 ft.</td>
<td>383 ft.</td>
</tr>
<tr>
<td>Minimum Buffer/Residential Districts</td>
<td>200 ft.</td>
<td>360 ft.</td>
</tr>
<tr>
<td>Maximum Lot Coverage – All</td>
<td>60%</td>
<td>13.4%</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>45 ft.</td>
<td>&lt; 45 ft.</td>
</tr>
</tbody>
</table>

The lot was approved as part of the Phase II Corporate Drive subdivision approval, dated 11/08/2007, prior to passage of minimum frontage requirements for the RPD-I district (effective 11/03/2014). Furthermore, the lot is located on the outside of a cul-de-sac and, if approved today, would be eligible for a frontage reduction per ZR Section 3.1(C)(2).

iv. District Development Standards

The plans show the retention of the 200-foot buffer along the rear of the property as required under this section. The applicant has requested a waiver to clear within the 50-foot buffer and replace it with four new street trees; this is reviewed along with the landscaping plan in Finding I(F).
3. **Protection of public health, safety, and welfare**

The proposed project will not impact public health, safety, or welfare. In an e-mail dated July 8, 2019, the Police Chief requested the following:

1. Appropriate lighting around the complete exterior of the building for evening hours;
2. Fire & burglary alarms that ring into a central facility such as Central Station in Stowe;
   a. Maintain a building contact list with EPD for building emergencies, [including] name/phone/address/email.

4. **Outstanding violations**

The property does not have any outstanding zoning violations.

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

The Zoning Regulations state that “site layout and design, to the extent feasible, shall incorporate and protect significant natural features as identified on the Significant Features and Water Resources Maps contained in the Town Plan of record or through site investigation.” Neither the Significant Features Map nor the Water Resources Map show any features on the property.

1. **Topography**

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

   The lot is generally flat, and mostly wooded. Grading would occur to level the lot, including the area of the recreation field; aside from this, no topsoil will be added or removed. The applicant would create stormwater swales on the side of the building and parking area. The 200-foot buffer area to the rear of the site would remain forested, but most of the remaining land would be cleared. The applicant has proposed planting four trees along the road to replace the 50-foot buffer. Landscaping will be covered in more detail in Finding I(F).

2. **Steep Slopes**

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

3. **Surface Waters and Wetlands**

   The property does not contain any surface waters or wetlands.

4. **Renewable Energy**

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

5. Open Space

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

(C) ZR Section 5.6 (C), Access

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

Primary access to the lot will be via a new curb cut off Corporate Drive. In the project narrative dated June 27, 2019, the applicant’s engineer stated that the project would generate 22 PM peak hour trips according to the ITE Trip Generation Manual, 8th Edition. Accounting for all lots that are approved and pending for the Corporate Drive subdivision, this would bring the total available vehicle trip ends (VTEs) to 91 AM and 59 PM. The average number of trips per lot thus far is 16.3 AM and 15.3 PM; with seven lots left to build, the average number of trip ends available would be 13 AM and 8.5 PM.

In a memorandum dated July 18, 2019, Public Works staff concurred that the traffic impact would be minimal. Public Works also stated:

The previously-assessed trip-end impact fee will be used to offset future upgrade costs to the Allen Martin Drive / VT RT 15 intersection and Allen Martin Drive.

The Parks and Recreation Director verbally stated that there were no objections to the proposal.

In an e-mail dated August 1, 2019, the Fire Captain stated that the access drive through the site must remain unobstructed for a width of 20 feet at all times, extending to the end of the parking area. He also stated that there should be an exterior door located within 50 feet of the access road or driveway.

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

The Zoning Regulations require the Planning Commission to consider on-site vehicular and pedestrian circulation, and allow the Commission to impose conditions to ensure adequate circulation. The Planning Commission must pay particular attention to safety and give consideration to accessibility, as required by the Americans with Disabilities Act.

The driveway, which narrows from a 50-foot-wide apron to a 24-foot-wide drive, runs south through the site with parking to the southeast and the building to the northwest. Snow would be plowed southwest of the parking area towards the recreation field. Aisle widths are sufficient to allow adequate vehicular circulation and emergency access.
(E) ZR Section 5.6(E), Parking

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

Plan Sheet 2 shows bicycle parking at the southern corner of the proposed building.

The parking ratio for personal service establishments is 1 space per 200 square feet of floor area. Half of the building (3,100 square feet) would be used for personal services, for which sixteen spaces must be provided. The parking ratio for recreation facilities is 1 space for every 200 SF of enclosed space, plus 1 space for every 3 persons accommodated by outside facilities. With 3,100 square feet of indoor space allocated to recreation (sixteen spaces) plus up to 30 participants for the outdoor facility (ten spaces), the total required parking for the site would be forty-two spaces.

The narrative dated June 27, 2019 states that twenty (20) parking spaces sufficiently serves the applicant’s existing personal fitness facility located at 14 Corporate Drive. Furthermore, additional parking spaces could be added southwest of the current parking area if needed in the future. Therefore, the applicant has proposed twenty (20) spaces with the current site plan, one of which would meet ADA standards for van accessibility per the requirements of ZR Section 3.9(H).

The reduction in required parking is acceptable based on the demand at the applicant’s existing facility, the provision of bicycle racks, and the option to expand parking if needed in the future.

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

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

The applicant has requested a waiver from the 50-foot buffer requirement. In the project narrative dated February 6, 2018, the applicant’s engineer wrote,

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

The applicant proposes planting two northern red oak and two red maple trees within the 50-buffer, in keeping with the Table 5.1(A) requirement of one tree for every 50 feet of frontage. The species selection matches other landscaping plans for projects recently approved in the area. However, three of the trees are located near proposed underground sewer and stormwater lines. These should be relocated at least 10 feet away from
underground utilities and the existing sidewalk to avoid root interference, as recommended by the Town Tree Warden. Given the reduced frontage of the site, up to one street tree may be eliminated if needed to avoid utilities.

(G) ZR Section 5.6(G), Lighting

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

The applicant plans to install two (2) building-mounted lights, one at a height of 10 feet over the main entrance on the northeast side of the building, and one at a height of 14 feet on the southeast side of the building to illuminate the parking area. The lighting plan demonstrates compliance with all the requirements of ZR Section 5.6(G). All fixtures will be LED-powered, fully cut-off, and would be equipped with a motion-sensor device that dims output to 10% at night unless movement is detected. Lighting levels would have a maximum of 6.19 foot-candles, maintain an average-to-minimum uniformity ratio of 3.30, and produce no light trespass above 0.2 foot-candles five feet beyond the property lines.

As noted in Finding I(A)(3), the Police Chief requested that the applicants install additional safety lighting on the southwest and northwest sides of the building. Additional lighting would be appropriate provided that it meets the requirements of ZR Section 5.6(G), and may be reviewed administratively prior to issuance of a zoning permit.

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

1. Water Supply and Sewage Disposal

In a memorandum dated July 18, 2019, Public Works staff stated:

As a requirement of Public Works’ previous review for a new lot on Corporate Drive (16 Corporate Drive), Staff requested that the applicant’s engineer provide a full accounting of the total water and sewer currently approved for all approved lots along Corporate Drive with all future submittals. This information was not provided with this application. This documentation should include all water and sewer allocation per approved building lot and the total allocation remaining. The approval of this project should be conditioned such that this information [is] provided before a building permit is issued.

The applicant’s engineer has not provided the correct water and sewer calculations for the proposed building. Table 10.12.380 of the Town’s Water Use Ordinance lists gyms / athletic clubs as having a domestic water and sewer demand of 50 GPD per 1,000 square foot of floor space. Staff calculates the water and sewage use for the proposed gym / athletic facility as follows:
Site Plan
22 Corporate Drive
August 8, 2019

\[(6,200 \text{ SF} / 1,000 \text{ SF}) \times 50 \text{ GPD/SF} = \text{310 GPD}\]

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

\begin{align*}
a. & \quad \text{Water: } 310 \text{ GPD} \times \$5.73/\text{gallon} + \$1000 = \$2,776.30 \\
b. & \quad \text{Sewer: } 310 \text{ GPD} \times \$10.30/\text{gallon} + \$1000 = \$4,193.00 \\
c. & \quad \text{Total} = \$6,969.30
\end{align*}

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

Public Works provided several other requirements that are listed in the conditions of approval.

2. **Stormwater Management**

The applicant’s engineer described the stormwater system in the project narrative dated April 8, 2019:

> The stormwater created by the proposed project will be collected by perimeter swales on-site and routed to the existing stormwater pond located on lot 13. The existing stormwater pond has been designed and permitted to treat the stormwater runoff from the future development of Corporate Drive Phase II.

Each site plan application must demonstrate that the pond has capacity to support the additional stormwater demand. The applicant will apply for a State stormwater permit amendment as well as a construction General permit 3-9020 to allow disturbance of greater than 1 acre, and appropriate erosion controls are shown on Plan Sheet 6.

In a memorandum dated July 18, 2019, Public Works staff required that the PVC stand pipe be replaced with a full catch basin, since it is within the Town right-of-way. Public Works also required that applicant’s engineer submit calculations confirming that the stormwater pond on Lot 13 can accommodate the runoff from Lot 22. Finally, the applicant’s engineer must certify that the project will disturb less than one (1) acre of soil prior to the start of construction, or else apply for State General Permit 3-9020.

3. **Utilities**

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

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

As noted above, site circulation will accommodate access by emergency vehicles. The nearest hydrant is located on the lot’s frontage, about 75 feet from the building.

As stated by Public Works staff in their memorandum dated July 18, 2019, Sheet 5 of the
plans shows a sprinkler connection detail, but the water service line to the building is only one inch (1") in diameter. The applicant must provide calculations demonstrating adequate fire flow for the proposed building.

In an e-mail dated August 2, 2019, the Fire Captain noted that if the building is equipped with a sprinkler system, the Fire Department Connection must be located on the northeast building façade (facing Corporate Drive). In addition to the access considerations noted in Finding I(C), the Fire Captain also required that the applicant install a key box for emergency access, and that the applicant secure all necessary permits from the Vermont Department of Fire and Life Safety.

II. Planning Commission Comments

While reviewing the project on August 8, 2019, the Planning Commission commented:

- “The Commission supports a waiver to clear the 50 ft. buffer along Corporate Drive in order to replace the fragmented buffer with street trees similar to Corporate Drive lots 13, 14, 16, 18, and 20. The objective is to maintain a consistent appearance throughout Corporate Drive. There will be no structures built within the 50 ft. buffer area.”

III. Proposed Conditions

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

2. All construction shall be in conformance with the plans listed above as may be amended herein.

3. Prior to the issuance of a zoning permit, the plans shall be revised as follows:

   a) On Sheet #2, any proposed street trees shall be relocated at least 10 feet away from underground utilities and the existing sidewalk to avoid root interference, as recommended by the Town Tree Warden. Given the reduced frontage of the site, up to one street tree may be eliminated if needed to avoid utilities;

   b) On Sheet #2, a sewer cleanout shall be provided at the bend in the new 6-inch service line;

   c) On Sheet #2, the PVC storm water stand pipe shall be replaced with a new catch basin and sump per Detail A-15 of the Town of Essex Standard Specifications for Construction;

   d) On Sheet #3, add light fixtures on the southwest building elevation that meet the requirements of Section 5.6(G) of the Zoning Regulations, conformance to which shall be reviewed by Community Development staff;

   e) On Sheet #4, Detail A-15 (Catch Basin) of the Town of Essex Standard Specifications for Construction shall be added.

4. An electronic copy of the plans as may have been revised shall be submitted to the E911
coordinator in .PDF file format. Another copy shall be submitted in geodatabase or shapefile in Vermont State Plane Meters, NAD83 (NSRS or most current); alternatively, coordinated CAD data – Vermont State Plane Coordinates, US Survey Feet, Grid Zone 4400, NAD 83 (2011) epoch 2010.0, NAVD 88 (geoid12b); alternatively, paper showing three (3) values of State Plane Coordinates.

5. Prior to the issuance of a zoning permit, the applicant shall pay any traffic fees as assessed by Public Works.

6. Prior to the issuance of a zoning permit, the applicant shall pay water fees ($2,776.30) and sewer fees ($4,193.00) totaling $6,969.30, or the fees in place at the time of submittal, or if a different use occupies the building.

7. Prior to the issuance of a zoning permit, the applicant shall provide a full accounting of the total water and sewer currently approved for all approved lots along Corporate Drive, as well as the total allocation remaining for future lots.

8. Prior to the issuance of a zoning permit, the applicant shall provide fire demand calculations if fire suppression systems are to be used in the building.

9. Prior to the issuance of a zoning permit, the applicant shall obtain any and all applicable state approvals and permits and shall submit copies to the Community Development Department for review.

10. Prior to the issuance of a zoning permit, the applicant shall verify that project will disturb less than one (1) acre of soil. If the area of disturbance for construction on this site is greater than one (1) acre, General Permit for Construction 3-9020 will be required, and a copy of the permit shall be submitted to Public Works prior to the start of construction.

11. Prior to the issuance of a zoning permit, the applicant shall submit to Public Works calculations that the existing storm water pond located on Corporate Drive Lot 13 has been designed to accommodate the additional storm water runoff generated by this project.

12. The applicant must follow the Town’s Small Site Erosion Control Guide during construction.

13. All utility lines shall be installed underground.

14. All water, sewer, and storm water infrastructure shall be installed in accordance with the specifications and details provided within the Town of Essex Standard Specifications for Construction.

15. The proposed 1-inch water service line shall be copper.

16. The proposed building shall be metered and billed off one meter. The applicant’s engineer shall provide peak domestic water demand calculations, based on the number of fixture units, for properly sizing the water meter for the proposed building. The Town of Essex will not size the meter based on line pressure in the building.

17. The applicant’s engineer shall supply an accurate fixture unit count of the proposed facility to properly size the water meter. Furthermore, the applicant’s engineer shall work with the
Town of Essex Water and Sewer Department and the Champlain Water District on properly sizing any fire suppression systems to be designed into the approved building.

18. If fire suppression systems are to be used in the building, the Fire Department Connection shall be located on the northeast building façade (facing Corporate Drive).

19. No occupancy of the structure shall occur until a certificate of occupancy inspection and sign off is issued by the Zoning Administrator. A copy of the State’s occupancy approval shall be filed and attached to the Town’s inspection approval.

20. Prior to the issuance of a Certificate of Occupancy, the applicant shall install an exterior door within 50 feet of the access drive to provide access to the interior of the building for emergency personnel.

21. Prior to the issuance of a Certificate of Occupancy, the applicant shall install an exterior key box to provide access for emergency personnel, to be obtained from the Fire Department.

22. The access drive running from Corporate Drive through the end of the parking area shall be marked as a fire lane. The applicant shall ensure that the pavement markings are clearly visible and that the access remains unobstructed for a width of 20 feet and a height of 13 feet 6 inches at all times.

23. All landscaping shall be guaranteed for the life of the project. Any dead or diseased plantings shall be replaced as soon as seasonally possible.

24. By accepting the conditions of this approval without appeal, the applicant confirms and agrees for itself and all assigns and successors in interest that the conditions of this approval shall run with the land and the land uses herein permitted, and will be binding upon and enforceable against the applicant and all assigns and successors in interest.

IV. Attachments

- Memorandum, “Final Site Plan, 22 Corporate Drive,” from Aaron K. Martin, P.E., Utilities Director / Town Engineer; Annie Costandi, E.I., Stormwater Coordinator / Staff Engineer; and Dennis Lutz, P.E., Public Works Director, dated 07/18/2019.

cc: Bryan Currier, P.E., O’Leary-Burke Civil Associates, PLC
John Stawinski, JSJLG Enterprises, LLC
Hector Leclair, Saxon Hill Corporation, LLC

G:\PC\REPORTS\Corporate Drive 22 Site Plan 20190808.docx