124 Colchester Road: Site Plan Amendment

Applicant

Jason Leo
294 Shunpike Road
Williston, VT 05495

Proposal

The applicant has proposed an expansion to an existing 4,000-square foot building used for automotive maintenance located in the Mixed-Use Development (MXD) zoning district at 124 Colchester Road (VT-2A), tax map 48, parcel 4. The improvements include a 4,000-square-foot expansion to the repair area and office and new 5,400-square-foot building for vehicle storage, in addition to an extended driveway, additional parking, new septic disposal system, and stormwater treatment facilities.

Abutting properties to the south and west are used for single- or multiple-unit dwellings. A farm stand and an industrial storage building are located to the north, and the New England Central Railway is located across VT-2A east of the property.

Background

On September 26, 1985, the Planning Commission approved a site plan application for the addition of a 4-foot-by-12-foot gasoline pump island at the existing Autoworks garage at 124 Colchester Road.

On February 2, 2017, the Zoning Board of Adjustment approved a conditional use amendment for Jason Leo to sell nine (9) motor vehicles located within the existing pavement at the northeast corner of the parcel at 124 Colchester Road, in conjunction with the existing automotive repair shop. On February 10, 2017, the Planning Commission approved an application from Jason Leo to allow motor vehicle sales in conjunction with the existing automotive repair shop located at 124 Colchester Road.

On September 14, 2017, the Planning Commission approved a boundary adjustment conveying 1.16 acres of land from property at 87 Pinecrest Drive to the property at 124 Colchester Road, with the latter becoming a 5.04-acre lot.

Findings

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

The applicant has requested a Site Plan Amendment pursuant to Section 5.5 of the Town of Essex Outside the Village of Essex Junction Official Zoning Regulations (ZR). The Zoning Administrator has determined that the proposed changes qualify as substantial amendments because they will result in changes to curb cuts, internal circulation patterns, screening, and the general location of structures and parking areas. ZR Section 5.5(B) requires submission of a revised application for review under the relevant site plan criteria.

The applicant has submitted the following plans:

- Plan Sheet #1, “Site Plan Amendment, Jason Leo’s Automotive, 124 Colchester Road, Essex, VT,” prepared by O’Leary-Burke Civil Associates, PLC, dated 01/17/20;
- Plan Sheet #2, “Existing Conditions Plan, Jason Leo’s Automotive, 124 Colchester Road, Essex, VT,” prepared by O’Leary-Burke Civil Associates, PLC, dated 01/17/20;
- Plan Sheet #3, “Details + Specifications (1 of 2), Jason Leo’s Automotive, 124 Colchester Road, Essex, VT,” prepared by O’Leary-Burke Civil Associates, PLC, dated 01/17/20;
- Plan Sheet #4, “Details + Specifications (2 of 2), Jason Leo’s Automotive, 124 Colchester Road, Essex, VT,” prepared by O’Leary-Burke Civil Associates, PLC, dated 01/17/20;
- Plan Sheet #5, “Photometric Plan, Jason Leo’s Automotive, 124 Colchester Road, Essex, VT,” prepared by O’Leary-Burke Civil Associates, PLC, dated 01/17/20;

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

1. Conformance to the Essex Town Plan

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

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

**Goal 6b:** Flood damage and fluvial erosion are reduced by protecting and restoring vulnerable areas.

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

**Specific Policy 2(S).2:** The retention and expansion of businesses at existing industrial and commercial sites shall be supported...
2. Dimensional limitations and provisions of the Zoning Regulations

This project is located in the Mixed-Use Development (MXD) district, and must conform to the standards listed in Table 2.13 of the Zoning Regulations. Automotive repair shops are listed as a conditional use within this district; the current use was in existence prior to the establishment of local zoning bylaws, and has received conditional use approval for motor vehicle sales on February 2, 2017. The proposed addition and new building will conform to the district’s purpose and allowed uses.

Nonresidential development within the MXD district must conform to the dimensional requirements of Table 2.9, the Retail-Business (B1) district, which are listed in the table below. The existing building is located within the front setback, which is an existing non-conformity, but the proposed improvements will conform to all dimensional requirements.

<table>
<thead>
<tr>
<th>Dimensional Requirements</th>
<th>Required (with off-site water or sewer)</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area – Nonresidential</td>
<td>30,000 sf</td>
<td>219,542 sf</td>
<td>219,542 sf</td>
</tr>
<tr>
<td>Minimum Lot Frontage</td>
<td>150 ft.</td>
<td>1,077 ft.</td>
<td>1,077 ft.</td>
</tr>
<tr>
<td>Minimum Front Setback (from ROW)</td>
<td>50 ft.</td>
<td>40 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>Minimum Side Setback</td>
<td>None</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Minimum Rear Setback</td>
<td>None</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Minimum Buffer/Residential Districts</td>
<td>30 ft.</td>
<td>30 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Maximum Lot Coverage – All</td>
<td>70%</td>
<td>9.5 %</td>
<td>18.1 %</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>40 ft.</td>
<td>&lt;40 ft.</td>
<td>&lt;40 ft.</td>
</tr>
</tbody>
</table>

3. Protection of public health, safety, and welfare

The proposed changes will not impact public health, safety, or welfare. In an e-mail dated January 21, 2020, the Police Chief stated that there were no concerns with the proposal. Fire and life safety considerations are further reviewed in Finding I(I).

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.”

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.” Both the existing and proposed development is located on the western side of the property on a fairly flat plateau with a mix of lawn and forest cover. The proposal involves minimal grading for buildings, access drives, stormwater infrastructure, and the septic disposal area. No other topographical changes would occur.

2. Steep Slopes

The Zoning Regulations and the Town Plan discourage development on slopes of 15% or greater and prohibit development on slopes of 20% or greater. The embankment leading down to Indian Brook has steep slopes ranging from approximately 25-62%. None of the proposed development would occur on these slopes except for the stormwater overflow outfall.

3. Surface Waters and Wetlands

Indian Brook flows south to north through the property with extensive areas of floodplain wetland on both sides of the channel. Except for a short stretch at the northern part of the site adjacent to the existing parking and waste storage area, the 50-foot-wide riparian buffer required under ZR Section 3.12(C)(2)(a) is completely within the 50-foot-wide wetland buffer required under ZR Section 3.12(C)(2)(c). The edge of the wetland buffer extends partly up the embankment for most of the property, but towards the north extends west beyond the top of the embankment.

All of the proposed development would take place outside the required buffers except for the stormwater overflow discharge, would be directed to a stone outfall within the wetland buffer. This has been reviewed and approved by Public Works staff.

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

Though the southern portion of the site is proposed for development, there is no scenic view in the background, and site is not located within the Scenic Resource Overlay Protection (SRPO) district.

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.
The site has two existing curb cuts: one on Pinecrest Drive approximately 70 feet west of the intersection with VT-2A, and another on VT-2A approximately 150 feet south of the intersection with Pinecrest Drive. The proposal includes an additional curb cut on VT-2A approximately 480 feet south of the existing curb cut, which requires review and approval from the Vermont Agency of Transportation (VTrans).

There is a recently-constructed sidewalk running along the north side of Pinecrest Drive, but no direct pedestrian or bicycle access is proposed or required given the use of the site.

Based on the Institute of Traffic Engineers (ITE) Trip Generation Rates (9th ed.), the applicant’s engineer estimates that the proposed 4,000-square-foot addition would generate an additional 18 daily vehicle trip ends (VTEs) exclusively in the PM peak hour; the proposed storage building would generate an additional 36 VTEs (also in the PM peak hour) for a total of 54 VTEs.

In a memorandum dated February 12, 2020, Public Works staff stated:

1. As the proposed development includes a new drive entrance on to VT RT 2A, the applicant will require a 1111 Permit from VTrans. Public Works will require a copy of this application and approval letter prior to any construction.

2. All drives internal to the project shall meet the requirements of the Town of Essex Standard Specifications for Construction.

(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 as well as safety and accessibility.

The proposal involves converting the existing gravel parking area into a two-way, 20-foot-wide driveway extending south through the site to access the parking area for the addition and new storage building. South of the storage building, the driveway narrows to 18 feet wide and becomes one-way exiting onto VT-2A, with a turn-around just south of the building.

The layout of the site would allow adequate emergency vehicle access, facilitate traffic movements (including waste pickup), and prevent traffic conflicts along public streets. Given the proposed use and location of the site, little pedestrian or bicycle traffic is anticipated, and the proposed layout will not create hazards for non-motorized users. Snow storage areas sufficient to serve the site are shown north and south of the proposed storage building.

In an e-mail dated February 12, 2020, the Fire Chief asked whether a guardrail would be installed on the west side of the new parking area and driveway; this would prevent vehicles falling down the ravine and is strongly recommended.
(E) **ZR Section 5.6 (E): Parking**

Parking must be provided in accordance with Section 3.9 of the *Zoning Regulations*. Parking areas should be located to minimize their visibility, and no more than 50 percent of a front-yard setback can be devoted to parking. ZR Section 3.3(B) states that the parking space requirements for automobile repair shops are 1 space per 200 square feet of gross floor area.

In addition to the 16 existing spaces on the site, the applicant has proposed 13 new outdoor spaces and 18 indoor spaces within the 5,400-square-foot storage building for a total of 47. In an e-mail dated February 12, 2020, the applicant’s engineer stated that 7 of those indoor spaces would be dedicated for long-term storage of customer vehicles.

The proposed amount and layout of parking meets the standards of ZR Section 3.9, including the required amount of ADA-accessible parking. Due to the automobile-oriented use of the site, bicycle parking is not required.

(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 for commercial uses in the MXD District relate to street trees, parking areas, and a planting strip.

1. **Street Trees**

   The landscaping objectives require one street tree for every 50 feet of road frontage; with 909 feet of frontage along VT-2A and 167 feet of frontage along Pinecrest Drive, 22 street trees (rounded up from 21.5) are required under this provision.

   The landscaping plan on Sheet 1 shows four existing mature red maple (*Acer rubrum*) trees along VT-2A, as well as a forested area at the very southern boundary of the property. Though not depicted on the landscaping plan, there are several additional street trees on the property – one is a red maple on the northeast corner of the property and lies within the VT-2A right-of-way. There is also red maple west of the Pinecrest Drive curb cut that is in poor health; west of this, there is a cluster of honey locust (*Gleditsia triacanthos*) trees along the top of the bank to Indian Brook.

   Of the trees along VT-2A, all would be retained except one to allow construction of a stormwater retention pond, which would include two new shadblow serviceberry (*Amalanchier canadensis*) trees. Five additional red maples would be planted south along VT-2A frontage for a total of 12 street trees for the site.

   Though the total number of street trees proposed for the site is less than the minimum requirement, the layout of the site and the need to maintain sight distances along VT-2A limits suitable locations for additional trees. Additional landscaping for the planting strip should compensate for the reduced number of street trees.

   At their meeting on February 11, 2020, the Conservation and Trails Committee and the Tree Warden indicated that red maple generally is intolerant of salt, making them
susceptible to damage from salt spray along VT-2A. Salt-tolerant species suitable for street trees include common hackberry (*Celtis occidentalis*) and honey locust.

### 2. Parking Areas

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

The landscaping plan meets these requirements for the new parking area by using three Austrian pine (*Pinus nigra*) trees as screening from the road, as well as a red maple within the parking lot island. However, the Conservation and Trails Committee and Tree Warden noted that Austrian pine is a poor screening tree when open-grown due to its tendency to be flat-topped and prune lower limbs; it is also non-native susceptible to many pests and diseases. Alternative suitable species include red cedar and white spruce.

The existing parking area is screened and enhanced only by two existing street trees, one of which is in poor condition and should be replaced.

### 3. Planting Strip

The landscaping objectives call for a planting strip including shrubs, bushes, and/or trees that covers 30% of the front yard setback along the front of the lot; this area must be kept free of buildings and parking areas.

The applicant has proposed 12 Japanese yew along the west side of the proposed storage building to screen and enhance it from the road. This does not constitute a planting strip because it does not extend along the entire length of the two frontages, and is less than the required 30% depth of the front yard setback.

However, a full planting strip along VT-2A may not be necessary to screen the site given the site’s isolation from adjoining properties, and would not provide significant enhancement from the road given travel speeds along VT-2A and the lack of pedestrian facilities. Therefore, the street trees and Japanese yew will meet the intent of the landscaping objectives for the VT-2A frontage.

Additional plantings along the Pinecrest Drive frontage are required to screen the property from the road and enhance the area planned for a sidewalk.

### (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 lighting for the new buildings meets the standards of ZR Section 5.6(G) and provides sufficient lighting for the anticipated activities while blending with the surrounding context and maximizing efficiency. All lighting will be LED-powered, downcast, and
building-mounted at a height of 20 feet for the repair shop addition and 8 feet for the storage building. No light trespass beyond the property lines will occur.

However, the applicant did not provide a lighting plan for the existing building, and there are several fixtures that are out of conformance with current regulations. These fixtures must be replaced with fixtures that are fully cut-off and down-shielded, with a maximum illumination of no more than seven (7) foot-candles.

**ZR Section 5.6 (G): Utilities and Services**

6. **Water Supply and Sewage Disposal**

   In a memorandum dated February 12, 2020, Public Works stated:

   2. *The project as proposed will require an additional 45 GPD of water allocation (3 employees X 15 GPD / employee). The municipal water connection fees for the project as proposed will be as follows:*

   a. *Water: (45 GPD X $5.73) = $257.85*

   *The $1,000 water service connection fee will be waived due to this being an existing water service connection.*

   3. *The Town of Essex will require that the applicant install a backflow protection device on the existing water service to the building. In addition, the Town will require that a new water meter be installed prior to issuance of a certificate of occupancy.*

   4. *The proposed sewer will be constructed on site and will not be utilizing municipal sewer systems. Public Works has no further comment.*

7. **Stormwater Management**

   In a memorandum dated February 12, 2020, Public Works staff stated:

   1. *This project is located within the Indian Brook watershed. This has been identified as an impaired watershed by the State. The applicant shall make every effort to contain any additional storm water generated by this project onsite. This site will require a State General Permit for construction as the area of disturbance will be more than one acre.*

   2. *The applicant’s engineer has met with Public Works staff previously regarding the storm water design during development of these plans. All comments have been addressed to the satisfaction of staff.*

   3. *Public works staff would like to review and offer input before any storm water application is made to the State for a storm water permit.*
8. Utilities

A Green Mountain Power electric line runs along VT-2A for the length of the property. No natural gas lines are present on the property, though one runs along the north side of Pinecrest Drive. Finally, a 30-inch diameter stormwater pipe owned by _____ runs east to west under the site just north of the existing wasted storage area and discharges into Indian Brook.

ZR Section 5.6 (G): Fire Protection

As noted in Finding I(D), aisle widths and turning radii are sufficient to allow access to all sides of the building by emergency vehicles, though larger vehicles may be required to back into the new parking area to access the addition.

In an e-mail dated February 12, 2020, the Fire Chief stated that the building must conform to state fire codes; it should also meet the 2015 Essex Fire Department Building Standards (attached). Though not required for either building at this time, future uses may require installation of a sprinkler system, in which case the landowner should coordinate the location of the Fire Department Connection with staff. In addition, the proposed driveway should be designated as a fire lane and kept clear of obstructions at all times; pavement markings should be maintained to ensure proper parking and site circulation.

II. Additional Findings by the Planning Commission

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Conditions of Approval

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 1, additional landscaping constituting a planting strip under Section 5.6(F) of the Zoning Regulations shall be added along the Pinecrest Drive frontage, to be reviewed and approved by staff;

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 obtain any and all applicable state approvals and permits required as a result of this approval and shall submit copies to the Community Development Department for review.

6. Prior to the issuance of a zoning permit, the applicant shall pay a water connection fee of $277.85.

7. 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*, January 2017.

8. The proposed building shall conform to all standards listed in the *Essex Fire Department Building Standards*, January 2015 (attached).

9. The driveway internal to the site shall conform to the standards in Detail 100.10, Driveway (Type A) in the *Town of Essex Standard Specifications for Construction*.

10. No occupancy of the addition or storage building 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.

11. Prior to the issuance of a certificate of occupancy, a backflow prevention device and new water meter shall be installed on the existing water service to the building.

12. Prior to the issuance of a certificate of occupancy, the driveway running through the site shall be marked as a fire lane and shall remain unobstructed at all times. Parking spaces and fire lanes shall remain clearly marked and visible at all times.

13. Prior to the issuance of a certificate of occupancy, a guardrail shall be installed along the west side of the parking area and driveway south of the repair shop addition.

14. Prior to the issuance of a certificate of occupancy, the exterior lighting on the north and east sides of the existing structure shall be replaced with fixtures that conform to the standards of Section 5.6(G) of the *Zoning Regulations*, including the requirement that fixtures be fully cut-off and down-shielded, with a maximum illumination no greater than 7 foot-candles.

15. All landscaping shall be guaranteed for the life of the project; any dead or diseased plantings shall be replaced as soon as seasonally possible, including the existing red maple tree west of the site’s Pinecrest Drive entrance.

16. Any change in use shall require review by the Fire Department; if the new use requires installation of sprinklers, the applicant shall submit documentation of fire flow capacity and coordinate the location of the Fire Department Connection with staff.
17. 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.

### List of Attachments

- Project narrative, from Dan Heil, P.E., O’Leary-Burke Civil Associates, PLC, dated 01/17/2020
- Essex Fire Department Building Standards, revised January 2015.

**cc:** Dan Heil, P.E., and David Burke, O’Leary-Burke Civil Associates, PLC

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