PROPOSAL: Increase existing daycare facility located at 27 River Road from 59 children and 8 employees to 79 children and 14 employees.

BACKGROUND: The Wright Development was originally approved March 7, 1991 for the development of 3 buildings on 2 lots. Lot 1 is 2.60 acres and two commercial buildings are situated on the lot. Building 1 is occupied by the daycare using 3,000 square feet; State Farm relocated to Building 2, thereby leaving 2,000 square feet of vacant space that the daycare will utilize if the application is approved. Building 2 currently houses State Far, and Teradyne.

Lot 2 is a 2.18-acre lot and houses Building 3. JP’s Diner, 1st Republic and other commercial uses occupy this building.

The lot and building under review are referred to on the plan as Lot 1, Building 1. A day care use was reviewed and approved by the ZBA & PC for this building on the dates noted below.

- On December 19, 2007, the Zoning Board of Adjustment granted approval for a 43-child Day Care Facility.
- On March 13, 2008, the Planning Commission granted site plan approval for the daycare.
- On February 12, 2014, the Zoning Board of Adjustment granted approval to increase the daycare to 59 children, with 8 employees, utilizing 3,000 square feet of the building.

The following uses received approvals however these approvals were never activated and are void:
- On March 7, 2012, the Zoning Board of Adjustment granted approval to convert building 1 into 6 residential apartment units.
- On May 24, 2012, the Planning Commission granted site plan approval to convert building 1 into 6 residential apartment units.

GENERAL FINDINGS:

1. The landowner is Jason Adams d/b/a WAD Real Estate, LLC. The tenant is ‘Nadeau’s Playschool Essex.’ The owner of the Playschool is Yvonne Brown, and the Director is Danielle Pouliot.

2. 27 River Road is located in the Mixed-Use Development (MXD) District.

4. The proposal is to increase the existing daycare operation from 59 and 8 employees to 79 children and 14 employees. (79 full time children and 0 part-time after school children).

5. The operating hours remain the same Monday through Friday from 7:30 a.m. to 6:00 p.m. The arrival times will continue to be staggered. No school bus drop-off is needed.

6. This application is being reviewed by the Zoning Board of Adjustment under Section 4.5 Day Care Facilities and Section 5.7 Conditional Use.

7. Section 4.5 requires a review before the Planning Commission. At the 2/13/20 Planning Commission meeting, the Commission agreed to allow the Zoning Board to review this application and not require further review by the Planning Commission.

8. Pursuant to state statute a ‘Notice of Hearing’ was provided to the applicant for posting on the property.

9. The applicant was mailed a copy of this Staff Report prior to the meeting.

10. The abutting property owners were notified by certified mail.

11. __________ provided comments on this application.

12. No one from the public commented on this application OR __________ provided the following comments: __________.

13. In an email dated 2/3/2020, the Fire Chief said, “The Applicant must obtain all necessary state permits and conform to any requirements set forth by the State Fire Marshal’s Office.”

14. The Police Chief and Parks and Recreation Director reported “no feedback on this application.”

15. In an email dated 2/24/2020, Public Works said,

The proposed conditional use application and other documentation for the proposed daycare facility expansion in the existing building at 27 River Road has been reviewed by the Public Works office and comments have been provided below. Public Works staff recommends that all comments below be addressed by the applicant prior to approval.

Traffic:
1. As the proposed development includes utilizing the existing drive entrance onto VT RT 117, the applicant will be required to communicate with VTrans, and submit any calculated additional traffic to the intersection for review. Public Works will require a copy of the VTRANS approval letter prior to any construction and/or certificate of occupancy.

Water/Sewer:
1. The applicant's engineer has provided no water and sewer calculations for the proposed conditional use of the existing building at 27 River Road. Public Works staff has taken the time to calculate the additional water and sewer allocation required for the daycare expansion. The applicant will be required to apply for additional sewer allocation from the Town Selectboard.

   a. 27 River Road, also known as Building #1, currently has 858 GPD of assigned / purchased water and sewer allocation, (Daycare: 828 GPD, State Farm: 30 GPD).
   
   b. With a daycare expansion into the State Farm portion of the building by the daycare with 24 additional people, (children and teachers), the total allocation required for Building #1 will be 1,116 GPD.
   
   c. The current owners of Building #1 will be required to apply for an additional 258 GPD of sewer allocation, from the Selectboard. Once approved, the applicant will be required to purchase the additional allocation. Please note, the additional allocation for the daycare facility does not include serving meals onsite. if the daycare intends to serve meals to the children in the future, the applicant will be required to request additional sewer allocation from the Town Selectboard, and purchase the approved allocation at the rate at the time of approval.

2. The sewer and water connection fees have been estimated under the assumption that the building will only house a 79-child daycare facility with 14 fulltime employees. In addition, if the fees schedule changes, then the fee charged shall be the fee in effect at the time of submittal for a building permit.

   a. Water: 258 gpd x $5.73/gal + $0 = $ 1,478.34
   
   b. Sewer: 258 gpd x $10.30/gal + $0 = $ 2,657.40
   
   c. Total = $ 4,135.74

16. In a letter dated February 27, 2020, James Clancy, State Permit Coordinator, issued a Jurisdiction Opinion approving the daycare expansion. See attached.

17. In addressing Section 4.5 (B) ‘Day Care Facility’ of the Zoning Regulations, the Applicant’s engineer provided the following:

   (1) (a) Parking- Since daycare facilities are not listed in the Zoning Regulations, Table 3.3, we based our calculations on the ITE Parking Generation Manual, 5th edition, dated January 2019. The peak parking demand for a Day Care Center (565) for a weekday is 0.24 spaces/student. Based on the proposed 79 students, this results in 19 required parking spaces. The site currently has 24 available spaces, with 2 being ADA compliant.

   (b) It is not anticipated that this existing use will create objectionable noise or disturbance to adjoining properties.
ZBA Staff Report
27 River Road, Essex, VT
March 5, 2020

(c) This facility will comply with the State requirements for certified day care facilities.

(d) This facility does not have playground equipment or play areas within the front yard setback.

(2) (a) There is an adequate amount of off-street parking spaces for employees and pick-up and drop-off of students.

(b) There are no changes proposed to the playground area. The current playground is surrounded with a chain link fence with two 3’ wide gates.

Sewer and Water Demand- With the change of use from the State Farm office to the expanded day care use, an additional 258 gpd of sewer allocation is required. An application for sewer allocation is being submitted concurrently with this application.

18. In addressing Section 5.7 (A) & (B), the Applicant’s engineer provided the following:

5.7(A) General Standards

(1) Capacity of existing or planned community facilities - It is anticipated that this project will not have an undue adverse impact on the capacity of existing or planned community facilities. This is a modest (34%) expansion of the number of children in the facility, and the existing use received ZBA approval in 2014. The building is served by municipal water and sewer services.

(2) Character of the area -- It is anticipated that this project will not have an undue adverse impact on the character of the area. This is a modest (34%) expansion of the number of children in the facility, and the existing use received ZBA approval in 2014. There are no proposed exterior site improvements.

(3) Traffic on roads and highways in the vicinity - The existing daily and peak hour traffic volumes for this building with the daycare use and existing office use are 305 vte/day and 45 am peak hour trips. With the proposed daycare expansion, the existing daily and peak hour traffic values are 396 vte/day and 61 am peak hour trips. PM peak hour volumes are similar to am peaks for both conditions. This is an increase of approximately 33%. Trip generation is higher with the proposed daycare facility replacing the State Farm office space, however, given that River Road has both exclusive right and left turn lanes into this site, and turning lanes for exiting the site, we do not anticipate a significant change in the capacity or level of service at the project access road/River Road intersection. A review of VTrans traffic volumes along River Road at this general location indicates that from 2004 to 2011, volumes along River Road have dropped from 8,100 vpd to 6,500 vpd.

(4) Bylaws and Ordinances in effect – We believe this proposal is in compliance with the ordinances and bylaws in effect at this time.
(5) Utilization of renewable energy resources – This project will occupy the existing building and there are no new site improvements proposed. It is anticipated that this project will not interfere with the sustainable use of renewable energy resources on this property or adjoining properties.

5.7(B) Specific Standards

(1) Given that this is an existing use previously approved by the ZBA, it is our opinion that it is in conformance with the Town Plan. This proposal provides a needed daycare facility in close proximity to numerous employers along River Road.

(2) Site plan review criteria – There are no exterior site improvements proposed with this application.

(3) Given that this is an existing use previously approved by the ZBA, it is our opinion that it is in conformance with the community character as specified in the Essex Town Plan. The proposed expansion will not change the character of the existing operation on the site.

19. In addressing Section 5.7(A) of the Zoning Regulations the Zoning Board finds:

a) There will be no adverse affect on the capacity of the existing or planned community facilities;
b) There will be no adverse affect on the character of the area/neighborhood affected;
c) There will be no adverse affect on traffic on roads and highways in the vicinity;
d) The proposed use appears to be in compliance with the bylaws now in effect;
e) The proposed use will not adversely affect utilization of renewable energy resources;
f) The proposed use is in conformance with the Town Plan;
g) The proposed use does not require changes to the approved site plan; and
h) The proposed use is in conformance with community character.

PROPOSED CONDITIONS:

1. The ZBA approves the expansion of the existing day care facility to 79 children and 14 employees.

2. Any change to the number of children; request for longer hours of operation; or request for bus drop-off/pick-up, shall require an amendment to this approval.

3. The tenant shall coordinate with the Essex Fire Department on an updated emergency plan.

4. The applicant shall secure any/all other state permits and inspections that may be required as a result of this approval.
5. A Zoning Permit, Certificate of Occupancy and associated fees shall be submitted to the Zoning Administrator for the fit-up/use of the expansion.

6. Prior to the issuance of a Zoning Permit, the applicant shall secure an increase for sewer allocation from the Town Selectboard.

7. Prior to the issuance of a Zoning Permit, the applicant shall complete a water application and pay $1,478.34; and a sewer application and fee in the amount of $2,657.40, or the fees in place at the time of application.

8. Prior to the issuance of a Town Certificate of Occupancy, the tenant shall provide a copy of its amended State Day Care License.

9. All conditions from the previous approvals shall remain in effect as they may still apply.

10. By acceptance of the conditions of this approval without appeal, the applicant confirms and agrees for himself 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.
February 27, 2020

Adams Real Properties, LLC
Jason Adams
207 Boyer Circle #30
Williston, VT 05495

(VIA E-MAIL)

RE: Jurisdictional Opinion, Essex, VT117 - Adams Real Properties

Dear Jason:

This jurisdictional opinion (JO) is written in response to the expansion of the existing daycare facility located at 27 River Road (VT117), Essex Vermont. VTrans has no concerns with this expansion and in accordance with 24 V.S.A. § 4416 and the applicability of 19 V.S.A. § 1111 jurisdiction offers the following:

- No physical work is proposed or required in the State highway right-of-way;
- The existing access meets VTrans minimum standards for a commercial access;
- There are no safety or traffic concerns at this location;
- The existing access was permitted (permit #2020) November 25, 1991; and
- This Jurisdictional Opinion takes the place of a Letter of Intent (LOI) for the purpose of 24 V.S.A. § 4416.

If you have any further question about this matter, please contact Jim Clancy at (802) 279-1098.

Sincerely,

James Clancy
Permit Coordinator
Permitting Services

Attachment

cc: Randy Snelling, District 5 (via e-mail)
Douglas Goulette, P.E., Lamoureux & Dickinson (via e-mail)
Sharon Kelley, Zoning Administrator, Town of Essex (via e-mail)
Jason Adams, Adams Real Properties, LLC (via e-mail)