ESSEX PLANNING COMMISSION

November 14, 2019

STAFF REPORT – 25 CARMICHAEL STREET

Sketch & Final Subdivision and Site Plan

Prepared by Darren Schibler, Town Planner

Contents

Applicants ............................................................................................................................ 2

Proposal............................................................................................................................... 2

Background ......................................................................................................................... 2

I. Article II of the Subdivision Regulations: Subdivision Procedures .......................... 4

II. Section 4.2 of the Subdivision Regulations: Subdivision Standards .................... 6

(A) SR Section 4.1: Standards Applicable to All Subdivisions ................................. 6

(B) SR Section 4.2: Standards Applicable to Minor Subdivisions ......................... 6

(C) SR Section 4.3: Preservation of Natural and Scenic Features ......................... 6

(D) SR Section 4.4: Blocks and Lots – Planning and Design Standards ................ 6

(E) SR Section 4.5: Streets .............................................................................................. 7

(F) SR Section 4.6: Sidewalks ....................................................................................... 7

(G) SR Section 4.7: Land for Public Open Space and Recreational Use ................ 7

(H) SR Section 4.8: Utility and Access Easements and Improvements .................. 7

(I) SR Section 4.9: Water Supply and Wastewater Systems ................................. 8

(J) SR Section 4.10: Stormwater Management and Erosion Control ..................... 8

(K) SR Section 4.11: Monuments and Lot Markers ................................................... 8

III. Article V, Section 5.6 of the Zoning Regulations: Site Plan Review ..................... 8

(A) ZR Section 5.6(A), General Requirements ......................................................... 8

(B) ZR Section 5.6 (B), Natural and Scenic Features ............................................... 13

(C) ZR Section 5.6 (C), Access ................................................................................. 14

(D) ZR Section 5.6(D), Site Circulation ................................................................. 14

(E) ZR Section 5.6(E), Parking ................................................................................ 15

(F) ZR Section 5.6(F), Landscaping and Screening ............................................... 15

(G) ZR Section 5.6(G), Lighting ............................................................................. 16

(H) ZR Section 5.6(H), Utilities and Services ....................................................... 17

(I) ZR Section 5.6(I), Fire Protection ..................................................................... 19

IV. Additional Findings by the Planning Commission .................................................. 19

V. Proposed Conditions ................................................................................................. 19

VI. Attachments ............................................................................................................. 22
The applicants have proposed a 3,500-square-foot bank with drive-through on a greenfield site that is currently part of an existing shopping center and commercial planned unit development (PUD-C). The proposal involves subdividing a 0.91-acre parcel from the PUD-C, which requires sketch and final subdivision review for the new lot (in addition to a final and master plan amendment for the remaining lands of the PUD-C, which is reviewed in a separate set of findings). The proposed lot meets all the applicable subdivision standards.

Construction of the proposed bank also requires site plan review. In general, the proposal conforms to those criteria and general provisions of the Zoning Regulations; however, the proposal does not conform to the B-DC design goals and objectives or the landscaping standards. The automobile-oriented design of the site is an inefficient use of space that fails to engage with the streetscape and public realm, which is underscored by the severe shortage of landscaping along Carmichael Street and Essex Way. Ideally, the building should be relocated closer to Carmichael Street with parking located at the rear or on Carmichael Street. Alternatively, the applicant could design more integrated civic spaces along the project’s frontages.

Applicants

SeaComm Federal Credit Union
Eurowest Retail Partners, LTD

30 Stearns Street
PO Box 8567
Massena, NY 13662

Proposal

The applicants have proposed a new 3,500-square-foot drive-through bank on a 0.91-acre parcel to be subdivided from an existing 24.64-acre neighborhood shopping center and commercial planned unit development (PUD-C). Though the new parcel would be known as 25 Carmichael Street, the existing parcel is located at 21 Essex Way, Tax Map 92, Parcel 1 in the Retail-Business (B1) subzone of the Mixed Use Development – Planned Unit Development (MXD-PUD) zoning district and the Business Design-Control Overlay (B-DC) district.

The site would be accessed through a service road off Carmichael Street near its intersection with Essex Way. Site improvements also include 20 new parking spaces and a four-lane drive-through, stormwater infrastructure, relocated utility lines, site landscaping, and a new sidewalk along the service road connecting the site to the rest of the PUD-C.

Background

On February 28, 1985, the Planning Commission granted final approval for an 11-lot subdivision of the Lang Farm, located between Essex Center and the Village of Essex Junction, and consisting of a mix of retail/commercial, residential, and open space. The land was initially divided into 9 lots (lettered A through I), but two of those parcels were further subdivided by number (A-1 and D-1) at the time of final approval to create 11 lots.

On February 28, 1985, the Planning Commission also granted site plan approval for Lang Farm
Parcel A as a neighborhood shopping center and included 38,500 square feet of retail space on Parcel A (the Essex Outlets) and a 42,000-square-foot supermarket on Parcel A-1 (Hannaford).

On June 12, 1986, the Planning Commission approved a subdivision of the 10-acre Parcel F into four commercial lots numbered F-1 through F-5, located on either side of Essex Way at the intersection with VT Route 15 / Center Road. At that time, Lot F-4 (0.28 acres) was merged with Parcel A (currently known as 21 Essex Way), and a 60-foot right-of-way running west off Essex Way was reserved for a future road that later became Carmichael Street. The current proposal is for a portion of the land originally designated as Lot F-3.

On May 12, 1988, the Planning Commission approved an expansion to the retail center including a 40,280-square-foot building and a 61,714-square-foot building, leaving the parcel with a total of 140,494 square feet and 510 parking spaces. This was later modified by a March 9, 1989 approval to increase the floor area to a total of 144,500 square feet and parking to 784 spaces.

On November 18, 1993, the Planning Commission approved Lang Farm Parcel A (21 Essex Way) as a planned business development (now termed a commercial planned unit development, PUD-C) along with a site plan amendment to increase the number of parking spaces (over 800, but it is unclear exactly how many were approved) and associated improvements. The main consideration for approving the PUD-C was to allow setbacks along Essex Way to be reduced to as few as 15 feet where 50 feet would normally be required, allowing the applicant to create storefronts that were more visually appealing from the street and relocate parking to the rear of the buildings. The PUD-C plan was effectively approved as the master plan for the development.

On April 14, 1994, the Planning Commission approved a final subdivision amendment to the overall Lang Farm subdivision to combine Parcels A and F-3.

Since that time, site plan and final plan amendments for minor alterations have been approved by the Planning Commission, and various conditional uses have been approved by the Zoning Board of Adjustment.

On August 23, 2007, the Planning Commission approved a site plan amendment for the Essex Shoppes and Cinema PUD-C to construct a 12,094-square-foot hardware store as Building 5 (15 Essex Way, part of the land formerly designated as Parcel F-4) and a 7,200-square-foot restaurant as Building 6 (25 Carmichael Street, formerly known as Parcel F-3 and the site currently under review), which was never constructed. Around the same time in 2007, the Zoning Administrator approved a 0.67-acre footprint lot for Building 5 that extended beyond the building foundations. This was recorded in slide 440 of the Land Records.

On February 24, 2014, the Planning Commission approved a simple parcel subdivision to create a footprint lot for the Essex Cinemas building, addressed as 27 Essex Way.

Today, adjacent land uses include a hardware store to the south; the shopping center to the southwest (including a grocery store closest to the proposed bank); a general commercial and office building to the northwest; a pharmacy to the north; and professional offices and a United States post office to the east.
I. Article II of the Subdivision Regulations: Subdivision Procedures

Pursuant to Section 2.12 of the Town of Essex outside the Village of Essex Junction Official Subdivision Regulations (SR), creation of the new 0.91-acre lot from the existing PUD-C requires a final and master plan amendment because the development is one parcel within the larger Lang Farm subdivision, both of which have approved master plans on file. This is reviewed in a separate set of findings pertaining specifically to the PUD-C at 21 Essex Way.

The creation of a new lot also qualifies as a subdivision in and of itself. Pursuant to SR Section 2.2, for purposes of classification, subdivisions that occurred within 10 years of a proposed subdivision are counted with proposed lots. The 2014 simple parceling to create a footprint lot at 27 Essex Way counts as one parcel for a total of three; therefore, the proposal is considered a minor subdivision and requires sketch and final review and must meet the standards in SR Section 4.2. However, given the extensive history of development related to this parcel that has been reviewed by the Town, and the fact that the proposal is consistent with the original intent of the Lang Farm subdivision, sketch and final review may be combined for this proposal.

Finally, construction of the proposed bank requires site plan review pursuant to ZR Section 5.6, which is reviewed under Finding III.

In support of the application, the applicant has submitted the following plans and documentation:

- Project Narrative, “Proposed Minor Subdivision & Site Plan Review, Proposed Seacomm Federal Credit Union, 21 Essex Way,” prepared by Jeff Olesky, Catamount Consulting Engineers, PLLC, dated October 9, 2019;
- Sheet C002, “Existing Conditions Site Plan, Eurowest Retail Partners, LTD and SeaComm Federal Credit Union, Proposed Minor Subdivision, 21 Essex Way,” prepared by Catamount Consulting Engineers, PLLC, dated 08/28/2019;
- Sheet C003, “Proposed Conditions Site Plan, Eurowest Retail Partners, LTD and SeaComm Federal Credit Union, Proposed Minor Subdivision, 21 Essex Way,” prepared by Catamount Consulting Engineers, PLLC, dated 08/28/2019;
Credit Union, Proposed Minor Subdivision, 21 Essex Way,” prepared by Catamount Consulting Engineers, PLLC, dated 08/28/2019;

- Sheet C302, “Existing Stormwater Drainage Area Site Plan, Eurowest Retail Partners, LTD and SeaComm Federal Credit Union, Proposed Minor Subdivision, 21 Essex Way,” prepared by Catamount Consulting Engineers, PLLC, dated 08/28/2019;

- Sheet C304, “Proposed Stabilization Site Plan, Eurowest Retail Partners, LTD and SeaComm Federal Credit Union, Proposed Minor Subdivision, 21 Essex Way,” prepared by Catamount Consulting Engineers, PLLC, dated 08/28/2019;


- Sheet C401, “Civil Engineering Details, Eurowest Retail Partners, LTD and SeaComm Federal Credit Union, Proposed Minor Subdivision, 21 Essex Way,” prepared by Catamount Consulting Engineers, PLLC, dated 08/28/2019;

- Sheet C402, “Civil Engineering Details, Eurowest Retail Partners, LTD and SeaComm Federal Credit Union, Proposed Minor Subdivision, 21 Essex Way,” prepared by Catamount Consulting Engineers, PLLC, dated 08/28/2019;

- Sheet C403, “Civil Engineering Details, Eurowest Retail Partners, LTD and SeaComm Federal Credit Union, Proposed Minor Subdivision, 21 Essex Way,” prepared by Catamount Consulting Engineers, PLLC, dated 08/28/2019;

- Sheet C404, “Civil Engineering Details, Eurowest Retail Partners, LTD and SeaComm Federal Credit Union, Proposed Minor Subdivision, 21 Essex Way,” prepared by Catamount Consulting Engineers, PLLC, dated 08/28/2019;


- Sheet SP102, “ADA Accessible Route Plan, Eurowest Retail Partners, LTD and SeaComm Federal Credit Union, Proposed Minor Subdivision, 21 Essex Way,” prepared by Catamount Consulting Engineers, PLLC, dated 08/28/2019;

- Sheet SP301, “Planting Plan, Eurowest Retail Partners, LTD and SeaComm Federal Credit Union, Proposed Minor Subdivision, 21 Essex Way,” prepared by Catamount Consulting Engineers, PLLC, dated 08/28/2019;

- Sheet SP302, “Planting Details, Eurowest Retail Partners, LTD and SeaComm Federal Credit Union, Proposed Minor Subdivision, 21 Essex Way,” prepared by Catamount Consulting Engineers, PLLC, dated 08/28/2019;

- Plat Sheet 1, “Survey Subdivision Plat, Eurowest Retail Partners, LTD and SeaComm Federal Credit Union, Proposed Minor Subdivision, 21 Essex Way,” prepared by Catamount Consulting Engineers, PLLC, dated 08/28/2019;

- Plat Sheet 2, “Easement Plat, Eurowest Retail Partners, LTD and SeaComm Federal Credit Union, Proposed Minor Subdivision, 21 Essex Way,” prepared by Catamount Consulting Engineers, PLLC, dated 08/28/2019;

- Plat Sheet 3, “Plat References and Notes, Eurowest Retail Partners, LTD and SeaComm Federal Credit Union, Proposed Minor Subdivision, 21 Essex Way,” prepared by
II. Section 4.2 of the Subdivision Regulations: Subdivision Standards

The Planning Commission must evaluate any proposed subdivision according to the Subdivision Standards in Article IV, and may require modification or phasing of the proposed subdivision in light of findings relating to those standards.

(A) SR Section 4.1: Standards Applicable to All Subdivisions

All subdivisions must conform to the general standards in SR Section 4.1, which are captured under minor subdivision or site plan review in other findings herein.

(B) SR Section 4.2: Standards Applicable to Minor Subdivisions

In addition to the General Standards in SR Section 4.1, minor subdivision applications are reviewed against the standards in SR Sections 4.2 – 4.11.

(C) SR Section 4.3: Preservation of Natural and Scenic Features

Preservation of natural and scenic features is reviewed under Finding IV(B); requirements for street trees and landscaping is reviewed under Finding IV(F). The proposed parcel is not located within a floodplain or flood hazard area.

(D) SR Section 4.4: Blocks and Lots – Planning and Design Standards

Due to the small size of the proposed subdivision, no new blocks are proposed. However, the master plans for the Town Center and the PUD-C at 21 Essex Way have been designed in conformity with the block standards.

As noted in Finding III(A)(2), the proposed bank’s lot conforms to the minimum dimensional standards for commercial development in the MXD-PUD district.
SR Section 4.5: Streets

No new streets are proposed, as the lot is located along two Class 1 Town Highways and a private service road (tentatively named “SeaComm Drive” on the plans), and its small size does not require additional streets. Because Essex Way is a minor arterial road and a new curb cut on Carmichael Street (a collector road) would be too close to its intersection with Essex Way, access to the site would be provided through a curb cut on the service road via an access easement (which is further reviewed in Finding II(H)). Further details of site access and circulation are reviewed in Findings IV(C) and (D).

SR Section 4.6: Sidewalks

There are currently sidewalks within the Town right-of-way (ROW) along Essex Way and Carmichael Street that serve as main pedestrian routes through the area. Conceptual plans showed a sidewalk connection from Essex Way to the northeastern corner of the proposed building. However, Community Development and Public Works staff anticipate that pedestrian traffic would arrive primarily from Carmichael Street and the Essex Experience (21 Essex Way), and therefore recommended that the applicant provide a sidewalk connection along the access road to Ace Hardware (15 Essex Way), which totals approximately 250 feet. The original sidewalk connection to Essex Way may be warranted in the future if significant development occurs east of the site.

Though the provision of sidewalks is adequate to the anticipated use, as noted in review of conformance to the Business-Design Control (B-DC) overlay district in Finding III(A)(3)(a), the site is primarily designed around automobile use, rather than pedestrian or bicycle use. Better integration of sidewalks and paths into the design would enhance the experience and safety of non-motorized use of the site.

SR Section 4.7: Land for Public Open Space and Recreational Use

The applicant has not proposed any public or private civic or recreation space, though neighborhood parks, greens, and paths are located nearby. Though the development is not subject to recreation impact fees, it is highly recommended that the applicant provide some form of civic space due to the building’s prominent location on the corner of Essex Way and Carmichael Street, as recommended in Finding III(A)(3), conformance to the Business-Design Control (B-DC) overlay district.

SR Section 4.8: Utility and Access Easements and Improvements

Sheet C002 shows that there are numerous utility lines (municipal water, sewer, and stormwater as well as natural gas, electric, and telecommunications, and a private water service) that run through the site and provide service to other properties. Several of these (water, sewer, stormwater, and natural gas) would be impacted by the proposed building and will be relocated as shown on Sheets C001, C003, and C301. The existing easements associated with these utilities will be relocated accordingly; the applicants must provide revised easement deeds for review by the Town prior to issuance of a zoning permit for the proposed bank.
As noted in Finding III(E), the site’s access is provided through a private service road that will be retained by the 21 Essex Way parcel; therefore, a 50-foot-wide access easement running 110 feet south from the intersection of Carmichael Street. It is recommended that the access easement extend along the entire western side of the parcel in the event that the site’s access is relocated further south. As with the utility easements, the applicants must provide an easement deed for this access for review by the Town prior to the issuance of a zoning permit for the proposed bank.

(I) **SR Section 4.9: Water Supply and Wastewater Systems**

The proposed changes to water supply and wastewater systems are discussed under Finding III(H)(1); changes to utility easements are discussed under Finding II(H).

(J) **SR Section 4.10: Stormwater Management and Erosion Control**

The proposed changes to stormwater management are discussed under Finding IV(H)(2); changes to utility easements are discussed under Finding II(H).

(K) **SR Section 4.11: Monuments and Lot Markers**

Upon approval of the amendment and recording of the mylar, the applicants must adjust and/or install lot markers in accordance with SR Section 4.11.

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

The applicant has requested site plan review for the proposed bank 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 (ZR), 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.

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

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

The proposed project conforms to the following goals and policies of the 2016 Essex Town Plan:

- **Goal 1c:** The Town Center is a focus of concentrated growth and community life.
- **Goal 1d:** A human scale of development that fosters a sense of community in the Neighborhood Growth Centers.
- **General Policy 2:** Economic growth shall be diversified with development occurring in and around the Town Center...
- **Specific Policy 2(S).1:** Infill development within existing industrial and commercial zoning districts shall be promoted.
However, as noted in Finding III(A)(3)(a), the proposal does not fully conform to the following goal because it is primarily designed around automobile use:

**Goal 3c: A community that is served by varied modes of transportation with automobile use balanced by increased availability of public transit, sidewalks, and multi-use trails.**

### 2. Dimensional limitations and provisions of the Zoning Regulations

This project is located in the Retail-Business (B1) subzone of the Mixed-Use Development – Planned Unit Development (MXD-PUD) district, and must conform to the purpose and standards listed in Table 2.13 of the *Zoning Regulations*. The project is also located within the Business – Design Control (B-DC) Overlay District and must conform to the standards in Table 2.16.

The proposal meets the purpose of the MXD-PUD district in that represents commercial development that aligns with the intent of the comprehensive mixed-use planning effort for the Lang Farm. For commercial development, the allowed uses and dimensional standards refer to Table 2.9, the Retail-Business (B1) district standards, except that automobile service stations, car washes, and convenience stores are not allowed within the MXD-PUD district. A bank with a drive-through is a permitted use within the B1 and MXD-PUD districts.

The proposed lot and building conform to the B1 district dimensional requirements as shown in the table 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>30,000 s.f.</td>
<td>39,595 s.f.</td>
</tr>
<tr>
<td>Minimum Lot Frontage</td>
<td>150 ft.</td>
<td>384 ft.</td>
</tr>
<tr>
<td>Minimum Front Setback (from ROW)</td>
<td>50 ft.</td>
<td>58 ft.</td>
</tr>
<tr>
<td>Minimum Side Setback</td>
<td>None</td>
<td>27 ft.</td>
</tr>
<tr>
<td>Minimum Rear Setback</td>
<td>None</td>
<td>N/A</td>
</tr>
<tr>
<td>Maximum Lot Coverage – All</td>
<td>70%</td>
<td>59.0%</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>40 ft.</td>
<td>&lt; 40 ft.</td>
</tr>
</tbody>
</table>

The proposal also conforms to the district development standards in ZR Table 2.9(F).

### 3. Table 2.16, Business Design-Control Overlay (B-DC)

**(a) Purpose, Goals, and Objectives**

The purpose of the B-DC is to create a coordinated visual appearance for the Essex Center area and applies all uses other than single-unit dwellings, two-unit dwellings, accessory dwellings, and agricultural uses. Development should follow the recommendations in the *Historic Preservation and Design Control Standards for Essex Center and Fort Ethan Allen (1986)* report, as well as the district goals and design objectives in ZR Table 2.16(A).

Construction of the proposed bank on a vacant site would increase the property value of the parcel itself and likely those of nearby parcels compared to the
present. In addition, the project would strengthen the Center’s economic base by providing local jobs and services. The building is somewhat architecturally-compatible with surrounding development; this is reviewed in detail under Finding III(A)(3)(d)(iii).

However, the site is designed primarily around automobiles, rather than pedestrians or bicyclists. This layout makes inefficient use of space due to the large expanses of pavement required (failing to achieve full potential property value). Over half of the site’s lot coverage would be dedicated to vehicles in the form of parking, drive aisles, and the drive-through, with approximately 10% dedicated to non-motorized access and 15% to the building itself. Furthermore, though the generous front setbacks preserve some scenic views to the mountains, the foreground of these views would be occupied by pavement and vehicles. Parking and access design are further reviewed in Finding III(A)(3)(d).

Finally, the separation of the building from the public realm makes it visually incompatible with adjacent buildings and fails to create the engaging streetscape envisioned in the 1991 Town Center Master Plan and more recent planning work under ETC|NEXT. Relocating the building closer to the streets or integrating functional civic space would enhance the pedestrian experience and achieve a better relationship to the site’s surroundings.

(b) General Provisions of the B-DC

The B-DC standards apply in addition to the requirements of the underlying zoning district, allowed uses, and dimensional standards.

(c) District Design Review Process

The applicant has submitted building elevations in un-numbered Sheets 1-6; conformance to applicable design control standards is reviewed in Finding (I)(A)(3)(d).

(d) Design Requirements for all B-DC districts

i. Relationship of Buildings to Surrounding Areas

However, though adequate parking is provided, it is located along the site’s frontages on Carmichael Street and Essex Way with minimal screening, which does not achieve a desirable transition from the streetscape. The preferred design would be to locate the building along Carmichael Street to allow for more direct sidewalk access as well as on-street parking. Alternatively, some form of functional civic space could be incorporated into the site to provide more attraction for pedestrians and users of the site, such as a plaza, pocket park, or landscaped paths. If parking must be located along the Essex Way frontage, it should be better screened from the roadway.
ii. Landscaping and Site Treatment

Landscaping and lighting are fully reviewed in Findings III(F) and (G), and the B-DC standards mirror site plan review standards in these regards. However, it is noted that the proposed landscaping does adequately screen the waste storage area and stormwater pond, but does little to enhance the parking areas and access roads, which would be prominently visible from Carmichael Street and Essex Way. This is also addressed in Finding III(A)(3)(d)(iv).

iii. Building Design

The *Historic Preservation and Design Control Standards for Essex Center and Fort Ethan Allen* (1986) emphasize that conformance to early nineteenth-century architectural style is not required; however, new buildings should reflect this character. Specifically, new construction should be residential in style with a maximum height of 1.5 to 2 stories with first floor levels at grade. Roofs should be gabled with orientation to the street or common spaces, should include roof overhangs and cornice treatments. Windows should be double-hung sash, and panel entry doors should reflect existing styles. Exterior walls should be faced with horizontal clapboard siding or brick. With approximately 1.5 stories, the building is appropriately-scaled to the site and neighboring structures, as well as the residential character recommended in the design report. Certain exterior building materials, such as brick and precast concrete foundation that imitates the visual appearance of stone, are compatible with traditional materials within the Center. In addition, the use of a hipped roof with overhangs somewhat reflects the gable-roofed style of the Center, but no cornice treatments are included. However, the design does not follow recommendations for double-hung sash windows and paneled entry doors, though not all buildings in the immediate vicinity reflect these style.

iv. Access and Parking

As noted in Findings II(E) and III(C), the site’s access is provided through a shared private service road rather than directly to a collector or arterial street. However, the placement of parking areas along Carmichael Street and Essex Way is in direct conflict with the recommendation for parking to be located at the rear of commercial establishments, and the proposed landscaping does little to enhance the visual quality of the parking areas.

In the project narrative dated October 9, 2019, the applicant’s engineer addressed parking layout in the context of this provision:

> Although we know the Town typically discourages parking along property frontages, the proposed drive through bank poses challenges from a layout perspective to accommodate that request. There are several reasons for the proposed site layout that include the following:
• The property is fairly small and limits layout options.
• The preference is to have counterclockwise drive through traffic so drivers can more easily access the tellers.
• The walk-in entrance generally needs to be opposite the drive through from an internal layout perspective.
• The parking needs to be near the main building entrance, which ideally is located along the main property frontages.
• The layout attempts to screen the drive through queuing traffic.
• The layout separates the drive through and walk-in traffic to minimize conflicts on site that can include queued traffic impacting the parking areas.

Another concern of the Town was the ability to have access completely around the building for fire protection.

It is acknowledged that the site’s layout present certain design challenges; however, the design premise assumes and encourages a large volume of automobile traffic, rather than discouraging automobile use in favor of non-motorized transportation. This is in conflict with the Town’s goals of reducing automobile use and associated energy consumption. The necessity of excess parking spaces and four drive-through lanes, or even a drive-through at all, is strongly questioned. Furthermore, the applicant has made no attempt to continue provision of on-street parking along Carmichael Street.

Rather than add more landscaping to screen parking areas and access roads, it is recommended that parking be relocated so that it does not separate sidewalks from the building, either to a different part of the site and/or through the use of on-street parking. Alternatively, some form of functional civic space as recommended in Finding III(A)(3)(d)(1) could be added along the frontages. If parking must be located along Essex Way, it should be further enhanced with landscaping or a greenbelt treatment.

v. Signs

The applicant will submit a separate sign application after the project receives final approval; however, initial façade sign depicted on the elevations appears to be in general conformance with the requirements of the B-DC and ZR Section 3.10, provided that the area of the façade sign does not exceed the requirements of ZR Section 3.10(F)(2) and sign lighting is indirect or reverse-channeled. Conformance to these provisions shall be reviewed by the Zoning Administrator upon application for a sign permit.

(e) B-DC design requirements for the MXD-PUD District

The proposal does not conflict with the standards limiting direct access or curb cuts on Old Stage Road, Lost Nation Road, and VT Route 15.
4. Protection of public health, safety, and welfare

The proposed project will not impact public health, safety, or welfare. In an e-mail dated October 16, 2019, the Police Chief requested adequate lighting and limited landscaping around the entire building to deter criminal activity, which are reviewed in Findings III(G) and (F), respectively. The Police Chief also noted that any building alarms must be registered with the Police Department and monitored by a third-party company such as Central Station in Stowe.

5. Outstanding violations

The property does not have any outstanding zoning violations.

(B) ZR Section 5.6 (B), Natural and Scenic 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.” This is evaluated through the following criteria:

1. Topography

The site is located within the Town Center area and is surrounded by extensive development, and the site has already been altered from its original state. The proposed building site is flat and open except for a depression in the center for a stormwater catch basin. Minimal grading would occur to level the site for the building, and two trees on the southern portion of the site would be removed.

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

There are no surface waters or wetlands present on the site.

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 proposed building would be located within an open meadow that is currently maintained as lawn. Though Mt. Mansfield and Camel’s Hump are visible from the western side of the site, the property is not located within the Scenic Resource Protection Overlay (SRPO) district and has been designated for development since the original Lang Farm subdivision approval.
(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.

As noted in Finding III(E), site access would be provided through an existing private service road off Carmichael Street due to the difficulty of providing a curb cut on Carmichael Street so close to its intersection with Essex Way. There is an existing curb cut on the private access road, but it is located very close to the intersection with Carmichael Street, which may lead to vehicle backups and challenges with turning radii, so the applicants have proposed relocating this curb cut further south.

The applicants provided a full study of traffic demands and impacts to nearby intersections of Carmichael Street, Essex Way, and VT Route 15. In a memorandum dated November 6, 2019, Public Works staff stated:

There does appear to be some negative impacts due to the proposed traffic from the new bank including any change in Level of Service (LOS) at the intersection of Carmichael Street and Essex Way. Table 4 on page 12 shows that the LOS of all East Bound traffic from Carmichael Street at the Essex Way intersection will decrease in the PM hour from a LOS of C to a LOS of D. Public Works is not concerned about this slight negative impact, knowing the existing traffic patterns within the study area and the Town Center will change as the final construction of Carmichael Street is completed in the future.

As noted on page 13 of the traffic study, the applicant will be required to pay a State traffic impact fee under the requirements of Act 145. The applicant will also be responsible for paying a local traffic impact fee to the Town of Essex for all new traffic impacts created by the proposed bank within the Essex Way and Town Center corridor. These impacts will be mitigated through payment of the corridor impact fee which will be put towards future identified traffic improvements. Public Works recommends the road impact fee be paid prior to issuance of a zoning permit.

(19 PM peak trips) X ($277.00 per PM peak trip) = $5,263.00

All vegetation along the western side of the access road to the Eurowest property from Carmichael Street must be removed in order to provide adequate sight distance around the corner for vehicles to drive south onto the drive.

(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 as well as safety and accessibility.

The layout of the site would allow adequate emergency vehicle access, facilitate traffic and pedestrian movements (including waste pickup), and prevent traffic conflicts along
public streets. Furthermore, Sheet SP102 demonstrates adequate provision for accessibility under the Americans with Disabilities Act. The proposed snow storage areas located around the outside edge of pavement circling the site appears to be adequate for typical snowfall.

However, as noted in Finding III(A)(3), the site is largely designed around automobiles rather than non-motorized use, and land could be used more efficiently if it were designed around pedestrians, with a reduced amount of parking, some of which could be on-street, and a reduced number of drive-through lanes (or no drive-through at all).

As noted by Public Works staff in their November 6, 2019 memorandum, in order to improve sight distance and safety, all vegetation along the west side of the access road must be removed and replaced with lawn or low-growing vegetation.

(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 a bank with drive-through are 1 space per 200 square feet of gross floor area, plus 6 queuing spaces for each drive-through window. With 3,500 square feet of floor area and four drive-through lanes, the proposed bank would require 18 parking spaces 24 queuing spaces. Under ZR Section 3.9(H), one of the parking spaces must meet ADA van-accessibility standards.

The applicants have proposed 20 parking spaces, two in excess of the number required, and there appears to be queueing space for up to 24 cars in total across the four drive-through lanes. Though the area of front-yard setback dedicated specifically to parking approximately 15%, if drive aisles to access the parking spaces are included, the area totals approximately 55%.

As noted in Finding III(A)(3)(d)(iv), if less space on the site were dedicated to parking, access aisles, and the drive-through, more could be dedicated to other amenities such as pedestrian access, civic space, or landscaping (or even an additional building). Some of the parking spaces could also be converted to on-street parking, reducing the amount of the front-yard setback dedicated to parking and the landowner’s maintenance responsibilities while achieving a better transition with the streetscape and improved engagement with the public realm.

Sheet C003 shows that bicycle parking would be located on the northwestern corner of the building, near the primary pedestrian entrance facing the private service road.

(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 business districts include 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 384.4 feet of frontage along Carmichael Street and Essex Way, 8 street trees (rounded up from 7.7) are required.

The landscaping plan on Sheet SP301 involves retaining three existing mature butternut trees along Essex Way (as well as three spruce trees along the southern property line). Four new street trees, comprised of a mix of Sienna Glen red maple and Shademaster honeylocust, would be planted along Carmichael Street and Essex Way. An eighth tree could be planted on the corner of these streets, but it would interfere with traffic visibility. Furthermore, the applicant has retained several other trees throughout the site and has added street trees along the private service road to mitigate this shortfall.

As noted in Finding III(H), several of the proposed trees are located close to underground utility lines; where possible, new trees should be located at least 10 feet away from underground utilities.

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 proposes a row of 25 Kelseyi dogwood plants along Carmichael Street and Shademaster honeylocust trees within the two internal parking lot islands.

Aside from the required street trees, the applicant has proposed very little landscaping to screen and enhance the parking areas on Essex Way. Further landscaping shall be added along this frontage, unless the site is redesigned as recommended in Finding III(A)(3).

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 proposed landscaping plan fails to meet this requirement, as there are parking areas located within the front 30% of the setback, and the proposed landscaping (the proposed street trees and a 5-foot-wide by 75-foot-long row of Kelseyi dogwood) covers only 5.3% of the front yard setback on Carmichael Street and 5.8% of the front yard setback on Essex Way.

The applicant must submit a revised landscaping plan that meets the planting strip objectives.

(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.”

In general, the lighting plan on Sheet SE101 generally 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. Though the maximum illumination (13.2 foot-candles) would exceed 7 foot-candles under the drive-through canopy, this is advisable to improve safety, and the uniformity ratio outside the canopy area is within the recommended average-to-minimum of 5:1.

Some light spillover in excess of 0.2 foot-candles onto Carmichael Street would occur, but it would in fact improve lighting along the roadway by illuminating a public sidewalk in an urban setting. The Planning Commission must provide a waiver under ZR Section 5.6(G)(5) to allow this light trespass.

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

1. Water Supply and Sewage Disposal

In a memorandum dated November 6, 2019, Public Works stated:

The applicant’s engineer has stated that Eurowest has sufficient water and sewer allocation to accommodate the proposed additional water and sewer usage for the proposed bank. The most recent development within the property owned by Eurowest required the applicant to apply for and purchase additional allocation. The applicant will be required to apply for additional sewer allocation from the Town of Essex. Approval and purchase of additional sewer and water allocation will be required prior to issuance of a building permit.

The applicant’s engineer has stated there will be 10 employees maximum to be located at the new building at 21 Essex Way. The proposed bank would fall under the category of use “offices” as noted on Table 10.12.380 of the Town’s Water Use Ordinance. This category of use has a domestic water and sewer demand of 15 GPD per employee. Staff calculates the water and sewage usage for the proposed building as follows:

\[(10 \text{ Employees}) \times 15 \text{ GPD/Employee} = 150 \text{ GPD}\]

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

\[
\begin{align*}
a. \text{ Water: } & 150 \text{ GPD} \times \$5.73/\text{gallon} + \$1000 \quad = \$1,859.50 \\
b. \text{ Sewer: } & 150 \text{ GPD} \times \$10.30/\text{gallon} + \$1000 \quad = \$2,545.00 \\
c. \text{ Total }\quad = \$4,404.50
\end{align*}
\]

Recent hydrant flow testing confirms that there is adequate domestic water pressure for the proposed building.
The applicant’s engineer has proposed to insulate the existing 6-Inch DI water service line for Ace Hardware within the area of the proposed Bio-Retention pond, (storm water BMP). The existing finish grade over the service line at the proposed BMP location is at contour (501’). The proposed BMP will be at (499’), with a 4-Inch underdrain having an invert of (494.5’) crossing the service line. Assuming there is a minimum of 6-Feet of cover over the existing water service line, there are potential cover issues and conflicts with the underdrain. Public Works will not accept anything less than 4-Feet of cover in grassed areas and 5-Feet in paved areas as per Detail No. 400.09 of the Town of Essex Specifications for Construction. Furthermore, the underdrain crossing must meet the separation requirements provided in Detail No. 400.04. If these requirements cannot be achieved, relocated the existing water service out of the footprint of the BMP will be the preferred alternative.

The applicant’s engineer proposes to connect the proposed 4-Inch PVC sewer service directly to the existing sewer manhole located at the south east corner of the proposed building. Public Works requires this service connection to be located on the gravity sewer main, not a direct connection to the sewer manhole. The connection must adhere to Detail No. 300.06 of the Town of Essex Standard Specifications for Construction.

Public Works also provided several other requirements for the design of water and sewer infrastructure, which are listed under the proposed conditions of approval.

Finally, where possible, trees and underground utilities should be separated by at least 10 feet to avoid conflicts between root systems and utility infrastructure.

2. Stormwater Management

Though the proposed bank lot will no longer be part of the PUD-C, stormwater treatment would be integrated with the existing system designed for the Town Center area, which collects stormwater from the area and directs it to a series of detention ponds south of the area along the frontage with VT-289. This system is owned and maintained under an agreement between the Town and the owners of 21 Essex Way (Eurowest Retail Partners, LTD), 23 Essex Way (Hannaford Bros. Co.), and 74 Upper Main Street (HDI Real Estate, Inc.). The owner of the proposed parcel (SeaComm) would become a fifth party to that agreement in order to use the ponds to meet the flow restoration requirements of the State Stormwater Management Rule. The applicant must coordinate with Public Works and the other landowners to amend this stormwater agreement.

However, under the latest Rule, the proposed parcel must also meet water quality standards for stormwater that the retention ponds are not equipped to meet. The applicants have proposed a bio-retention area on the site of the proposed bank to meet this requirement, with overflow directed into the retention ponds. The applicants will submit a stormwater permit to the State after local approval.
In a memorandum dated November 6, 2019, Public Works staff noted several requirements related to stormwater, which are listed in the proposed conditions of approval.

3. Utilities

As noted in Finding II(H), there are numerous public and private utility lines that would be relocated as part of the proposal. Public Works has reviewed and approved the utility relocation plan except as noted herein and in the proposed conditions of approval.

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

As noted in Finding III(D), aisle widths and turning radii are sufficient to allow access to all sides of the building by emergency vehicles. Though the clearance height of the drive-through is too low for the Town’s fire apparatus, a passing lane has been provided to allow passage around the drive-through. In an e-mail dated October 16, 2019, the Fire Chief stated that the building must meet the 2015 Essex Fire Department Building Standards (attached), and that any fire department connection (FDC) should be located away from the drive-through structure. Furthermore, emergency contact information must be kept current with the Essex Police Dispatch Center, in addition to any third-party monitoring company.

IV. Additional Findings by the Planning Commission

- The Planning Commission finds that the light spillover onto Carmichael Street is advisable in that it illuminates a sidewalk on a major pedestrian route in an urban area. Therefore, the Planning Commission waives the requirement prohibiting light trespass of two-tenths (0.2) foot-candles five feet beyond the property line into the Carmichael Street right-of-way.

V. Proposed Conditions

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

2. The applicant shall record a mylar in the Land Records no more than 180 days from the date of the written Final approval, otherwise the subdivision is void. The mylar and three (3) paper copies shall be submitted to the Community Development Department for review and Planning Commission signature at least two weeks prior to the 180-day statutory recording deadline.

3. Prior to the recording of the mylar, the applicant shall install monuments and lot markers to the standards specified in Section 4.11 of the Subdivision Regulations.

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

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

   a. A planting strip shall be added that meets the landscaping objectives in ZR Table
5.1(F), as determined by Community Development Staff;

b. Proposed trees shall be located at least 10 feet away from underground utility lines where possible;

c. The crossing of the existing 6-inch ductile iron water service line to the building at 15 Essex Way with the bio-retention swale at the south of the site shall be redesigned per the recommendations by Public Works noted in Finding III(H)(1);

d. The proposed 4-Inch PVC sewer service connection to the existing sewer manhole located at the south east corner of the proposed building shall be eliminated, and instead the service connection shall be located on the gravity sewer main, as recommended by Public Works noted in Finding III(H)(1).

6. 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.

7. Prior to the issuance of a zoning permit, all easements, deeds, and other legal documents shall be submitted to the Community Development Department for review by the Town Attorney at the expense of the applicant. These include, but are not limited to:

a. 50-foot-wide access easement over the 21 Essex Way parcel benefiting the 25 Carmichael Street parcel along the existing service road;

b. Revised 20-foot-wide easements over the 25 Carmichael Street parcel benefiting the Town of Essex for water and sewer infrastructure;

c. Revised 20-foot-wide easement over the 25 Carmichael Street parcel benefiting the parties of the Town Center stormwater agreement for stormwater infrastructure;

d. Revised 10-foot-wide easement over the 25 Carmichael Street parcel benefiting the 15 Essex Way parcel for water service infrastructure.

8. Prior to the issuance of a zoning permit, the applicant shall pay a traffic fee of $5,263.00, or the fees in place at the time of submittal for a zoning permit.

9. Prior to the issuance of a zoning permit, the applicant shall pay water fees ($1,859.50) and sewer fees ($2,545.00) totaling $4,404.50, or the fees in place at the time of submittal for a zoning permit.

10. 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.

11. The new storm water infrastructure and proposed bio retention system shall be private, and all maintenance and permitting will be the responsibility of the applicant.
12. The total lot coverage is 0.92 acres. Under the Town’s Storm water Ordinance, the applicant is required to follow the Small Site Erosion Control Guide. A copy of the guide can be found on the Town’s website.

13. The total disturbance for this project must remain under one acre. If the area of disturbance for construction on this site is greater than one acre, General Permit for Construction 3-9020 will be required. The applicant’s engineer shall verify that this project will not disturb more than one acre prior to issuance of building permit. A copy of the permit shall be submitted to Public Works prior to commencement of construction.

14. Calculations shall be submitted to Public Works by the applicant’s engineer demonstrating that the existing storm water ponds located on the Eurowest site behind the movie theater, are designed to treat additional storm water runoff. Also, the applicant’s engineer shall provide calculations to Public Works documenting the total phosphorus removed by the proposed stormwater infrastructure.

15. Prior to the issuance of a zoning permit, the applicant shall execute an agreement with the Town and the parties responsible for maintenance of the shared stormwater ponds to be utilized by the proposed development. The cost share shall be based upon the percentage of impervious surface contributed by each party to the agreement.

16. All utility lines shall be installed underground.

17. 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.

18. The Town of Essex will own and maintain the water service valve located at the ROW. The applicant will be responsible for all service lines after this first service valve. A representative of the Town of Essex shall be present during installation of the service wet tap.

19. The proposed building shall be metered and billed off its own 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.

20. 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.

21. Prior to the issuance of a certificate of occupancy, all vegetation along the west side of the access road must be removed to allow traffic visibility around the turn.

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

23. 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.
VI. Attachments


- Essex Fire Department Building Standards, revised January 2015.

cc: Scott Wilson, SeaComm Federal Credit Union
    Peter Edelmann, Eurowest Retail Partners, LTD

G:\PC\REPORTS\Carmichael Street 25 Sketch-FinalSub & SitePlan 20191114.docx