

1 **ESSEX PLANNING COMMISSION**
2 **October 14, 2021**

3 **35 Essex Way: Site Plan**

4 **Contents**

5 Applicant & Landowner..... 2
6 Proposal..... 2
7 Background..... 2
8 I. Article V, Section 5.6 of the *Zoning Regulations*: Site Plan Review..... 2
9 (A) ZR Section 5.6(A), General Requirements..... 3
10 (B) ZR Section 5.6 (B), Natural and Scenic Features..... 4
11 (C) ZR Section 5.6 (C), Access..... 5
12 (D) ZR Section 5.6(D), Site Circulation..... 7
13 (E) ZR Section 5.6(E), Parking..... 7
14 (F) ZR Section 5.6(F), Landscaping and Screening..... 8
15 (G) ZR Section 5.6(G), Lighting..... 9
16 (H) ZR Section 5.6(H), Utilities and Services..... 10
17 (I) ZR Section 5.6(I), Fire Protection..... 11
18 II. Additional Findings by the Planning Commission..... 11
19 III. Proposed Conditions..... 11
20 IV. Attachments..... 13
21 V. Appendix A: List of Plans..... 13

22 **Summary**

24 The proposal is for the new headquarters for Essex Rescue, located on the recently
25 subdivided Parcel C-1 of the Lang Farm. Staff have classified the use as an office and personal
26 services establishment and found that the plans generally meet all site plan review requirements,
27 though some additional minor documentation and revisions are needed to landscaping and
28 stormwater. After extensive discussions about potential conflicts between ambulances and
29 pedestrians / bicyclists on the site, given the proximity of the Essex Transportation Path and the
30 proposal for shared overflow parking with the Links at Lang Farm, staff and the applicant have
31 come to general agreement on several required improvements to increase safety. Finally, the
32 landowner must provide a 60-foot right-of-way easement to the Town over the existing private
33 road (“Stimson Drive”), since future development of the remainder of Parcel C will require this
34 to be a public road.

35 Essex Way
Site Plan
October 14, 2021

36 **Applicant & Landowner**

37 Essex Rescue, Inc.	Why Not, LLC
38 c/o Karen Danaher, President	c/o John & Nancy Lang
39 PO Box 2166	16 Hagan Drive
40 South Burlington, VT 05407-2166	Essex, VT 05452

41 **Proposal**

42 The applicant proposes a 10,095-square-foot emergency rescue service building located on
43 Parcel C-1 (tentatively assigned Parcel ID 2-091-010-001) of the Lang Farm subdivision, a
44 recently subdivided 3.07-acre lot located across from Freeman Woods and Myers Park in the
45 Mixed Use Development – Planned Unit Development zoning district. Access would be
46 provided via an existing road off Essex Way (tentatively named Stinson Drive) that currently
47 leads to the Links at Lang Farm golf course. The site would be served by municipal water and
48 sewer, but would have on-site stormwater treatment.

49 **Background**

50 On February 28, 1985, the Planning Commission granted final subdivision approval (see
51 attachment 1) for an 11-lot subdivision of the Lang Farm which consisted of a mix of land uses
52 including retail/commercial, residential, and recreation / open space. The land was initially
53 divided into 9 lots (lettered A through I), but two of those parcels were further subdivided by
54 number (A-1 and D-1) at the time of final approval to create 11 lots.

55 The current proposal involves part of the lands labeled on the 1985 master subdivision plan as
56 Parcel C, which was originally planned for light industrial and research and development uses,
57 though this never came to fruition. The undeveloped plateau currently under review was used to
58 deposit fill excavated from the construction of the Circumferential Highway (VT-289) in the late
59 1980s and early 1990s.

60 In 1998, the Lang Family and Stephen Kolvoord proposed establishing an 18-hole golf course on
61 the remaining undeveloped lands. After a lengthy debate over the allowed uses and zoning for
62 the area, on September 24, 1998 the Commission approved a master plan amendment which
63 redesignated the Industrial (I1) and Residential (R2) areas as Retail-Business (B1). At the time,
64 the applicants' intent was to develop the plateau currently under review with professional office
65 buildings in coordination with the golf course, which was ultimately approved on May 13, 1999.

66 On April 9, 2021 the Planning Commission approved a subdivision of Parcel C to create the
67 3.07-acre Parcel C-1 currently under review.

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

69 As a commercial use, the project requires Site Plan Review pursuant to Section 5.6 of the *Town*
70 *of Essex Outside the Village of Essex Junction Official Zoning Regulations*. The purpose of site
71 plan review is to ensure the project's compliance with the *Town Plan*, the *Zoning Regulations*,
72 and conditions of previous approvals. Site Plan review standards specifically include

73 preservation of natural and scenic features, layout of development, access, internal circulation,
74 parking, landscaping, lighting, and utilities and fire protection.

75 The applicant has submitted plans as listed in Appendix A.

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

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

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

80 *General Policy 1: Development shall occur in areas suitable for growth in a compact*
81 *manner as opposed to scattered development throughout Town.*

82 *General Policy 3: Transportation systems shall be integrated with land use policy in*
83 *such a way that improvements are compatible with the overarching settlement pattern*
84 *of compact settlement surrounded by rural countryside.*

85 *Specific Policy 2(S).19: The Town shall support regulatory and non-regulatory*
86 *initiatives that result in decreased greenhouse gas emissions, reduced energy*
87 *consumption, and increased renewable energy generation.*

88 *Public Safety Specific Goal 2: A robust first responder system (police, fire and*
89 *rescue) and a police department that is engaged, active, visible, and strong.*

90 In addition, Page 111 of the Town Plan notes, “Because emergency call volume has
91 increased to more than 2,000 responses per year, Essex Rescue is exploring options for
92 various response models, including additional station sites.”

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

94 This project is located in the Retail-Business (B1) subzone of the Mixed-Use
95 Development – Planned Unit Development (MXD-PUD) district, and therefore must
96 follow the requirements of Table 2.13 of the *Zoning Regulations*.

97 **(a) Table 2.13, Mixed Use Development – Planned Unit Development (MXD-
98 PUD) District Standards**

99 **i. Purpose**

100 The project reflects the purpose of the MXD-PUD district in that it is
101 consistent with the Lang Farm Master Plan and the Essex Town Plan. It also
102 provides a needed commercial service to the community that can take
103 advantage of proximity to major roadways.

104 **ii. Permitted and Conditional Uses**

105 Commercial development in this district must conform to the use requirements
106 of the Retail-Business (B1) district (Table 2.9), except that automobile service
107 stations, car washes, and conveniences stores are not allowed.

108 The Zoning Administrator has classified the proposed emergency rescue
 109 service as an office / personal services establishment, both of which are
 110 permitted uses in the B1 district. No conditional uses are proposed.

111 **iii. District Dimensional Requirements**

112 Commercial development in this district must conform to the uses and
 113 dimensional requirements of the Retail-Business (B1) district. The proposal
 114 conforms to Table 2.9(D), Dimensional Requirements of the B1 district, as
 115 noted below:

Dimensional Requirements	Required (off-site water & sewer)	Proposed
Minimum Lot Area – Nonresidential	30,000 sf	133,704 sf
Minimum Lot Frontage (on Essex Way)	150 ft.	317 ft.
Minimum Front Setback (from ROW)	50 ft.	57 ft. / 140 ft.*
Minimum Side Setback	None	30 ft.
Minimum Rear Setback	None	N/A (corner lot)
Maximum Lot Coverage – All	70 %	50.2 %
Maximum Height	40 ft.	26 ft.

116 *Actual front setbacks are listed for Essex Way (public) and the proposed
 117 Stimson Drive (private), respectively.

118 **iv. District Development Standards**

119 Because the project is not a planned unit development, nor are there adjoining
 120 residential uses, the MXD-PUD district development standards do not apply.

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

122 The proposed project will not negatively impact public health, safety, or welfare, and
 123 in fact would improve them through faster medical emergency response times
 124 throughout the community.

125 In an e-mail dated August 25, 2021 the Police Chief initially expressed concern about
 126 whether the location of sidewalks would encourage the general public to cut across
 127 the site, thus creating security issues and potential conflicts with ambulances on calls.
 128 However, after discussion the Police Chief agreed that the proposed sidewalk and
 129 crosswalk along the main entrance drive would not encourage cut-through pedestrian
 130 traffic, and would avoid potential conflicts with vehicles by creating a consolidated
 131 crossing point. This is further addressed in Finding I(D).

132 **4. Outstanding violations**

133 The property does not have any outstanding zoning violations.

134 **(B) ZR Section 5.6 (B), Natural and Scenic Features**

135 The *Zoning Regulations* state that “site layout and design, to the extent feasible, shall
 136 incorporate and protect significant natural features as identified on the Significant
 137

138 Features and Water Resources Maps contained in the Town Plan of record or through site
139 investigation.” This is evaluated through the following criteria:

140 **1. Topography**

141 The *Zoning Regulations* call for minimal changes to a site’s topography and
142 vegetation, specifying that a site “shall be planned to retain, insofar as possible, the
143 natural contours and to conserve the natural cover and soil.” Minimal grading would
144 occur to level the site, which was previously used to deposit fill excavated from the
145 construction of VT Route 289.

146 **2. Steep Slopes**

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

149 **3. Surface Waters and Wetlands**

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

151 **4. Renewable Energy**

152 The project narrative notes that the applicant is exploring a geothermal heating
153 system pilot project for the site with Efficiency Vermont and Vermont Gas. In
154 addition, a set of ground-mounted solar trackers potentially would be located to the
155 west of the parking area. These elements in combination could allow the project to
156 operate at the net-zero energy standard. As noted in the 2019 Essex Community
157 Energy Plan, the Town strongly supports on-site renewable energy generation that
158 minimizes impacts to natural, scenic, and historic resources. The Town also strongly
159 encourages the applicant to consider installing charging infrastructure (i.e., conduits)
160 in anticipation of the proliferation of both light- and heavy-duty electric vehicles.

161 **5. Open Space**

162 The proposed building is not located in a rural area or within the Scenic Resource
163 Protection Overlay (SRPO) District. Although it does contain an open meadow, the
164 visual impact of the development is mitigated through the topographical change and
165 generous setback from VT-289, as well as by the proposed landscaping which is
166 reviewed in detail in Finding I(F).

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

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

172 Vehicular access to the site would be provided by an existing private driveway off Essex
173 Way (a Class III paved collector street), which the applicant has tentatively proposed to
174 name “Stimson Drive.”

175 In a memorandum dated October 1, 2021, Public Works staff stated:

176 1. *The Applicant’s engineer has submitted a traffic impact study dated August 03, 2021.*
177 *Staff has reviewed the study and takes no exception to its content. Furthermore, the*
178 *impacts to the Level of Service at intersections within the corridor are negligible. The*
179 *proposed project will generate an additional 5 PM VTE. Public Works staff is of the*
180 *opinion that the traffic impacts to the existing intersection with Essex Way and other*
181 *intersections within the corridor will be mitigated through payment of the corridor*
182 *impact fee which will be put towards future identified traffic improvements. Public*
183 *Works recommends the road impact fee should be paid prior to issuance of a zoning*
184 *permit.*

$$(5 \text{ PM peak trips}) \times (\$277.00 \text{ per PM peak trip}) = \mathbf{\$1,385.00}$$

186 2. *The applicant will provide a 60-foot wide right of way to the Town of Essex, centered*
187 *on the existing drive entrance to the Links at Lang Farm. The proposed building on*
188 *Lot C-1 will gain access off of the existing drive. The Town of Essex will not take*
189 *ownership or maintain the existing within the right of way until such time as the drive*
190 *is brought up to a Class III road standard per Detail A-2 in the Town of Essex*
191 *Standard Specifications for Construction. This will not be a requirement for this*
192 *project but will be required as future development takes place on Lot C. During the*
193 *interim, a maintenance agreement should be executed between all those who access*
194 *this private drive to maintain this shared section of drive.*

195 Excellent pedestrian and bicycle access are afforded via existing 8-foot-wide bituminous
196 concrete paths – one along the north side of “Stimson Drive,” which connects to the
197 Essex Transportation Path which runs along the west side of Essex Way in this location.
198 However, given the high volume of pedestrian and bicycle traffic on this route, both the
199 Parks & Recreation Director and the Fire Chief requested that the applicant install “Stop”
200 or “Yield” signs along the path at the intersection of Essex Way and “Stimson Drive” to
201 avoid potential conflicts with ambulances. In addition, Public Works staff stated:

202 1. *Staff has some concerns with the existing pedestrian facilities along Essex Way, the*
203 *access drive intersection, and the new drive entrance to the proposed ambulatory*
204 *facility. Public Works recommends the following to help mitigate any pedestrian /*
205 *vehicular conflicts at these locations.*

206 a. *A new concrete accessible ramp with detectable warnings shall be installed at*
207 *the north corner of the existing drive / Essex Way intersection.*

208 b. *New concrete accessible ramps with detectable warnings shall be installed on*
209 *both sides of the proposed emergency services driveway.*

210 c. *The crosswalk at the new driveway shall be painted per MUTCD standards.*

211 d. *The applicant’s engineer shall work with Public Works staff to review the*
212 *existing intersections referenced above, to install the proper traffic control*
213 *devices for the pedestrian traffic along the existing bike paths fronting Lot C-*
214 *1.*

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

216 The *Zoning Regulations* require the Planning Commission to consider on-site vehicular
217 and pedestrian circulation and allow the Commission to impose conditions to ensure
218 adequate circulation. The Planning Commission also must consider safety and
219 accessibility, as required by the Americans with Disabilities Act.

220 Passenger vehicles would enter the site through the 28-foot-wide curb cut off “Stimson
221 Drive” and park either directly in the front lot, or use the 20-foot-wide drives (running
222 clockwise) to access the parking area to the rear of the truck bays. Ambulance trucks
223 would also utilize the two-way portions of these drives to access the truck bays. The aisle
224 widths meet or exceed the standards required under ZR Section 3.9(A)(1), and turning
225 angles are sufficient to accommodate anticipated vehicular traffic, including emergency
226 vehicles. Fire safety is reviewed in more detail in Finding I(I).

227 5-foot-wide concrete sidewalks provide pedestrian access from the south side of the main
228 driveway to the building’s doors and the rear parking area, with crosswalks over vehicle
229 drive aisles. The internal pedestrian circulation plan will provide sufficient and safe
230 access, and will minimize potential conflicts with the frequent emergency vehicle traffic
231 entering and exiting the site. All sidewalks and crosswalks should be constructed to ADA
232 and MUTCD standards.

233 Snow storage would be located on a plateau southwest of the front parking area. There
234 appears to be adequate space for snow storage, though as noted in Finding I(F), salt-
235 tolerant species should be selected for the adjacent shade trees.

236 A fenced-in waste enclosure is located on the northwest corner of the rear parking area,
237 which will provide safe and efficient access to waste hauling vehicles.

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

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

241 Parking ratios for emergency rescue services are not specifically listed in Table 3.3, but
242 the applicant and staff agreed on health care office / personal services as a comparable
243 use for the purpose of estimating parking demand as required under ZR Section 3.9(G).
244 Health care offices and personal services require 1 parking space for every 200 square
245 feet of gross floor area; with 5,600 square feet of office floor area (not counting other
246 portions of the building), the site would require 28 parking spaces in total. Under ZR
247 Section 3.9(H), 2 of the parking spaces must meet ADA accessibility standards, of which
248 1 of those must be van-accessible.

249 The proposal meets the total number of required parking spaces as well as van-accessible
250 spaces, but one additional (not necessarily van-accessible) ADA space is required. This
251 could be easily accommodated by designating the space on the east side of the van-
252 accessible aisle an ADA space as well.

253 Six bicycle parking spaces would be located just southeast of the building's main
254 entrance, easily visible and accessible from both the sidewalks / paths and vehicular
255 access drives. The design of the racks would not provide shelter from the elements, but
256 would provide sufficient stability and security.

257 The project narrative notes that occasional evening training events for up to 60 attendees
258 would be hosted at the site. The applicant has obtained permission from the Links at Lang
259 Farm to utilize their 85-space parking lot as overflow parking since their parking demand
260 diminishes during the evening. This off-site parking generally meets the requirements of
261 ZR Section 3.9(E) since there is an existing paved connection that is less than 700 feet
262 between the building entrance and the most remote off-site parking space. However, as
263 suggested by the Parks & Recreation Director in an e-mail dated September 27, 2021, the
264 applicant also must install a crosswalk over "Stimson Drive."

265 As noted in ZR Section 3.9(E)(3), if the off-site parking is removed from use by the
266 applicant, or the number of parking spaces available is reduced, the applicant must
267 provide additional parking on-site or reduce the capacity of the training events. It is
268 strongly recommended that sufficient space to the north of the rear parking area be
269 reserved for a possible future additional bay of 14 parking spaces (where the possible
270 future solar trackers are shown).

271 The Parks & Recreation Director recommended that the applicant install a "No Public
272 Parking" sign at the site entrance to deter parking by users of Myers Park.

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

274 The Planning Commission can require landscaping to achieve the objectives of the
275 *Zoning Regulations* and the *Town Plan*. The landscaping objectives in the business
276 districts relate to street trees, parking areas, and a planting strip.

277 **1. Street Trees**

278 The landscaping objectives require one street tree for every 50 feet of road frontage;
279 with 317 feet of frontage along Essex Way and 179 feet of frontage along the
280 proposed private road "Stimson Drive," 10 street trees (rounded up from 9.92) are
281 required under this provision. The proposal exceeds this requirement by providing 13
282 street trees (3 along Stimson Drive and 7 along Essex Way) with a relatively even
283 mix of three species, including two existing mature white ash (*Fraxinus americana*).
284 Care should be taken to avoid damaging the roots of these trees when excavating the
285 stormwater swale, and they should be monitored for signs of emerald ash borer
286 (*Agrilus planipennis*) infestation.

287 **2. Parking Areas**

288 The landscaping objectives require screening of parking areas from roadways and
289 landscaped islands to break up and provide shade on large expanses of parking.
290 Though not technically required under ZR Section 3.9(H)(3), both parking areas are
291 bordered by landscaped islands with a variety of additional street trees. Additional
292 small trees and shrubs would enhance the building itself; however, the swamp white

293 oak (*Quercus bicolor*) located on the northwest corner of the main building should be
294 removed or relocated, since it is directly over the proposed water service line.

295 **3. Planting Strip**

296 The landscaping objectives call for a planting strip including shrubs, bushes, and/or
297 trees that covers 30% of the front yard setback along the front of the lot; this area
298 must be kept free of buildings and parking areas. Although the proposal does not
299 include a full traditional planting strip due to the location of stormwater treatment
300 facilities along both frontages, it meets the planting strip requirement by screening the
301 utility box at the southeast corner of the property with a dense bed of Karl Foerster
302 reed grass. In addition, two clusters of three littleleaf linden (*Tilia cordata*) would
303 flank the main driveway; however, those on the western side should be substituted
304 with a more salt-tolerant tree, since they will be located directly adjacent to the snow
305 storage area. In an e-mail dated September 27, 2021 the Parks & Recreation Director
306 recommended that the street trees located at the driveway entrance be moved back
307 from the corners to increase visibility of pedestrians crossing the driveway.

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

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

314 The lighting plan generally meets the standards of ZR Section 5.6(G) and provides
315 sufficient lighting around building entrances and parking areas while blending with the
316 surrounding context and maximizing efficiency. Though the uniformity ratio exceeds 5:1,
317 the photometric grid demonstrates sufficient coverage in the areas of highest use with a
318 maximum illumination of 7.0 foot-candles. The plan demonstrates that there would be no
319 light trespass as defined in ZR Section 5.6(G).

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

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

322 In a memorandum dated October 1, 2021, Public Works stated:

- 323 1. *Currently, Lot C-1 has 2.2 E.U. ’s, (440 GPD) of unpurchased sewer allocation*
324 *assigned to the parcel. The applicant’s engineer has provided calculations based on*
325 *the proposed use for Lot C-1 and staff agrees with the total required allocation*
326 *requested. The assigned sewer allocation for both lots will be as follows.*
- 327 2. *The applicant’s engineer has provided a breakdown of proposed water and sewer*
328 *use at the proposed ambulatory facility. The current water and Sewer Use*
329 *Ordinances does not provide flows for this specific category of use. The following*
330 *was proposed by the applicants engineer and is supported by staff.*

331

332	(2) Admin Staff @15 GPD	30 GPD
333	(2) Back up ambulance crew @15 GPD	30 GPD
334	(4) Full Time ambulance crew @45 GPD	180 GPD
335	(50) assembly attendees @ 4GPD/Seat	<u>200 GPD</u>
336	Total	440 GPD

337 *Public Works recommends that the sewer and water connection fees should be paid*
 338 *prior to issuance of a zoning permit. Based on the above table, the total required*
 339 *water and sewer allocation required for this proposed building will be 440 GPD.*

340	Water: (440 GPD x \$5.78/gal) + \$1000 =	\$ 3,543.20
341	Sewer: (440 GPD x \$10.30/gal) + \$1000 =	<u>\$ 5,532.00</u>
342	Total =	\$ 9,075.20

- 343 3. *Recent hydrant flow testing confirms that there is adequate domestic water pressure*
 344 *for the proposed building.*
- 345 4. *Public Works recommends that fire demand calculations be submitted before final*
 346 *approval of the project. It appears that the fire demand will be satisfied but approval*
 347 *cannot be given without the fire flow documentation.*
- 348 5. *The proposed building shall be metered and billed off of one meter. The applicants*
 349 *engineer shall provide peak domestic water demand calculations, based on the*
 350 *number of fixture units, for properly sizing the water meter for the proposed*
 351 *building. The Town of Essex will not size the meter based on internal line pressure in*
 352 *the building.*

353 **2. Stormwater Management**

354 In a memorandum dated October 1, 2021, Public Works staff stated:

- 355 1. *The proposed storm water system will require a State storm water permit and*
 356 *General Construction Permit including erosion control. A copy of these permits,*
 357 *once obtained, must be filed with the Town.*
- 358 2. *The applicants engineer shall provide a standard detail / cross-section for the*
 359 *proposed stormwater forebays. This shall be submitted for review and approval*
 360 *by Public Works.*
- 361 3. *This project is located within an impaired watershed, the applicant shall make*
 362 *every effort to mitigate runoff on site.*
- 363 4. *The EPA has issued the Lake Champlain TMDL Implementation Plan which calls*
 364 *for higher levels of phosphorus removal for all storm water discharges to the*
 365 *Lake or its tributaries. The applicant has not provided phosphorus calculations*
 366 *for review. This shall be made a condition of approval.*

367 **3. Utilities**

368 An existing underground power line runs along Essex Way and “Stimson Drive”
369 along the project’s frontage. Natural gas will be tapped along the existing stub
370 connection running across Essex Way towards “Stimson Drive.” All new utility
371 service lines to the site will be installed underground.

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

373 As noted in Finding I(D), aisle widths and turning radii are sufficient to allow access by
374 emergency vehicles. In an e-mail dated October 8, 2021 the Fire Chief stated the
375 following:

- 376 • *The Fire Department supports the naming of the access off Essex Way as a new street*
377 *name, and then creating a street address for this building.*
- 378 • *The Fire Department recommends that the Applicant work with the Highway*
379 *Department to construct the crosswalk at that intersection in such a manner so as to*
380 *make pedestrians/cyclists stop before crossing. Given that emergency vehicles are*
381 *using this, additional signage alerting path users of emergency vehicles should be*
382 *considered (and approved by Highway).*
- 383 • *The water line supplying the building shall stay as an 8” supply line extending*
384 *towards the building to a point where there shall be another Hydrant that is located*
385 *within 50’ of the FDC connection on the side of the building. This additional hydrant*
386 *should be located along the driveway so that a Fire Engine can pull up to within 20’*
387 *of the hydrant and then connect to the FDC. The on-site hydrant shall be owned and*
388 *maintained by the landowner, not the Town of Essex.*
- 389 • *Applicants will need to satisfy all the requirements of the State Fire Marshal.*
- 390 • *Utilities shall be marked with reflective signage on the sides of the building at the 10’*
391 *level and not be obstructed by any plantings or vegetation (and we are happy to work*
392 *with the Applicant to finalize this).*
- 393 • *The building shall be equipped with a Supra Key Box located adjacent to the door*
394 *closest to where the fire annunciator panel will be (either by the main entrance or the*
395 *door closest to the sprinkler room if the fire panel will be located in this area).*

396 **II. Additional Findings by the Planning Commission**

- 397 •

398 **III. Proposed Conditions**

- 399 1. All conditions from previous approvals shall remain in effect except as modified herein.
- 400 2. All construction shall be in conformance with the plans listed above as may be amended
401 herein.

- 402 3. Prior to the issuance of a zoning permit, the plans shall be revised as follows:
- 403 a. A new fire hydrant served by an 8-inch water line shall be located along the
404 driveway to allow a fire engine to connect within 20 feet of the hydrant, and
405 within 50 feet of the Fire Department Connection on the building. This hydrant
406 shall be owned and maintained by the landowner, not the Town of Essex.
- 407 b. A standard detail / cross-section for the proposed stormwater forebays (reviewed
408 and approved by Public Works) shall be added;
- 409 c. The parking space located north of the designated van-accessible space shall be
410 designated and reserved as ADA-accessible;
- 411 d. A new concrete accessible ramp with detectable warnings shall be added at the
412 north corner of the existing drive / Essex Way intersection.
- 413 e. New concrete accessible ramps with detectable warnings shall be installed on
414 both sides of the proposed emergency services driveway.
- 415 f. A crosswalk across the new driveway painted per MUTCD standards shall be
416 added.
- 417 g. A crosswalk connecting the site entrance to the auxiliary parking across the
418 existing private roadway (“Stimson Drive”) meeting MUTCD standards shall be
419 added;
- 420 h. The swamp white oak (*Quercus bicolor*) located on the northwest side of the
421 building over the water service line shall be removed or relocated;
- 422 i. The littleleaf linden (*Tilia cordata*) located on the west side of the main driveway
423 shall be substituted with a salt-tolerant tree species;
- 424 j. Any landscaping obscuring visibility of utility signage required by the Fire
425 Department shall be removed or relocated.
- 426 4. An electronic copy of the plans as may have been revised shall be submitted to the E911
427 coordinator in .PDF file format. Another copy shall be submitted in geodatabase or
428 shapefile in Vermont State Plane Meters, NAD83 (NSRS or most current); alternatively,
429 coordinated CAD data – Vermont State Plane Coordinates, US Survey Feet, Grid Zone
430 4400, NAD 83 (2011) epoch 2010.0, NAVD 88 (geoid12b); alternatively, paper showing
431 three (3) values of State Plane Coordinates.
- 432 5. Prior to the issuance of a zoning permit, the applicant shall obtain Town approval for the
433 name of the new road.
- 434 6. Prior to the issuance of a zoning permit, the applicant shall record in the Land Records a
435 60-foot right-of-way easement to the Town of Essex centered on the existing drive
436 entrance to the Links at Lang Farm for a possible future public road, to be approved by
437 the Town Engineer and the Town Attorney. The Town of Essex will not take ownership
438 of or maintain the existing road within the right-of-way until such time as the drive is
439 brought up to a Class III road standard per Detail A-2 in the Town of Essex Standard

- 440 Specifications for Construction, which will be required for future development of Parcel
441 C. An interim maintenance agreement shall be executed between all parcels that share
442 this access, to be approved by the Town Engineer and the Town Attorney.
- 443 7. Prior to the issuance of a zoning permit, the applicant shall pay a road impact fee of
444 \$1,385.00.
- 445 8. Prior to the issuance of a zoning permit, the applicant shall pay water fees (\$3,543.20)
446 and sewer fees (\$5,532.00) totaling \$9,075.20, or the fees in place at the time of
447 submittal.
- 448 9. Prior to the issuance of a zoning permit, the applicant shall provide fire demand
449 calculations to confirm that adequate fire suppression flow will be available.
- 450 10. Prior to the issuance of a zoning permit, the applicant shall obtain all applicable state and
451 federal approvals and permits and shall submit copies to the Community Development
452 Department for review.
- 453 11. Prior to the issuance of a zoning permit, the applicant's engineer shall submit calculations
454 demonstrating the amount of phosphorus removal that will be provided by the proposed
455 stormwater systems.
- 456 12. All utility lines shall be installed underground.
- 457 13. All water, sewer, and storm water infrastructure shall be installed in accordance with the
458 specifications and details provided within the *Town of Essex Standard Specifications for*
459 *Construction*.
- 460 14. The applicant's engineer shall work with Public Works staff to review the intersections of
461 the existing drive / Essex Way and the existing drive / proposed emergency services
462 driveway to install the proper traffic control devices for the pedestrian traffic along the
463 existing bike paths fronting Lot C-1.
- 464 15. The building shall be metered and billed off its own single water meter. The applicant's
465 engineer shall provide peak domestic water demand calculations, based on the number of
466 fixture units, for properly sizing the water meter for the proposed building. The Town of
467 Essex will not size the meter based on internal line pressure in the building.
- 468 16. At the discretion of the Zoning Administrator, as-built plans shall be submitted to the
469 Community Development Department prior to the issuance of a certificate of occupancy.
- 470 17. No occupancy of the structure shall occur until a certificate of occupancy inspection and
471 sign off is issued by the Zoning Administrator. A copy of the State's occupancy approval
472 shall be filed and attached to the Town's inspection approval.
- 473 18. Prior to the issuance of a Certificate of Occupancy, utilities shall be marked with
474 reflective signage on the sides of the building a height of 10 feet and not be obstructed by
475 any plantings or vegetation.
- 476 19. Prior to the issuance of a Certificate of Occupancy, the building shall be equipped with a
477 Supra Key Box located adjacent to the door closest the fire annunciator panel.

- 478 20. All landscaping shall be guaranteed for the life of the project. Any dead or diseased
479 plantings shall be replaced as soon as seasonally possible.
- 480 21. All pavement shall be maintained in a state of good repair for the life of the project; line
481 striping shall be maintained so as to be visible at all times.
- 482 22. If the capacity of off-site parking is reduced, the applicant shall provide additional on-site
483 parking and/or reduce the building's occupancy commensurate with the loss of off-site
484 parking spaces. The applicant shall notify the Community Development Department of
485 any such change to determine if additional review by the Planning Commission is
486 required.
- 487 23. By accepting the conditions of this approval without appeal, the applicant confirms and
488 agrees for itself and all assigns and successors in interest that the conditions of this
489 approval shall run with the land and the land uses herein permitted, and will be binding
490 upon and enforceable against the applicant and all assigns and successors in interest.

491 **IV. Attachments**

- 492 • Project Narrative, "RE: Why Not LLC (tax map #91, Lot #10), Town of Essex Planning
493 Commission – Site Plan Application, Proposed Essex rescue Site," from Doug Henson,
494 L.S., Lamoureux & Dickinson Consulting Engineers, Inc., dated August 4, 2021
- 495 • "Traffic Impact Assessment, Essex Rescue – New Rescue Station," from Roger
496 Dickinson, P.E., P.T.O.E., Lamoureux & Dickinson Consulting Engineers, Inc., dated
497 August 3, 2021

498 **V. Appendix A: List of Plans**

- 499 • Sheet #1, "Overall Site Plan, Land of Why Not LLC, 35 Essex Way, Essex, VT," prepared
500 by Doug Henson, L.S., Lamoureux & Dickinson Consulting Engineers, Inc., dated
501 05/20/2021, revised 09/10/2021;
- 502 • Sheet #2, "Detailed Site and Utility Plan, Land of Why Not LLC, 35 Essex Way, Essex, VT,"
503 prepared by Doug Henson, L.S., Lamoureux & Dickinson Consulting Engineers, Inc., dated
504 05/20/2021, revised 09/10/2021;
- 505 • Sheet #3, "Grading Plan, Land of Why Not LLC, 35 Essex Way, Essex, VT," prepared by
506 Doug Henson, L.S., Lamoureux & Dickinson Consulting Engineers, Inc., dated 05/20/2021,
507 revised 09/10/2021;
- 508 • Sheet #4, "Road & Drive Details & Specifications, Land of Why Not LLC, 35 Essex Way,
509 Essex, VT," prepared by Doug Henson, L.S., Lamoureux & Dickinson Consulting Engineers,
510 Inc., dated 05/20/2021;
- 511 • Sheet #5, "Sewer & Water Details & Specifications, Land of Why Not LLC, 35 Essex Way,
512 Essex, VT," prepared by Doug Henson, L.S., Lamoureux & Dickinson Consulting Engineers,
513 Inc., dated 05/20/2021, revised 08/16/2021;

35 Essex Way
Site Plan
October 14, 2021

- 514 • Sheet #6, “Storm & Miscellaneous Sitework Details, Land of Why Not LLC, 35 Essex Way,
515 Essex, VT,” prepared by Doug Henson, L.S., Lamoureux & Dickinson Consulting Engineers,
516 Inc., dated 05/20/2021, revised 08/16/2021;
- 517 • Sheet #7, “Landscaping & Erosion Control Details & Specifications, Land of Why Not LLC,
518 35 Essex Way, Essex, VT,” prepared by Doug Henson, L.S., Lamoureux & Dickinson
519 Consulting Engineers, Inc., dated 05/20/2021, revised 08/16/2021;
- 520 • Sheet #8, “Lighting Plan, Land of Why Not LLC, 35 Essex Way, Essex, VT,” prepared by
521 Doug Henson, L.S., Lamoureux & Dickinson Consulting Engineers, Inc., dated 05/20/2021,
522 revised 09/10/2021;
- 523 • Sheet #9, “Erosion Prevention & Sediment Control Plan, Land of Why Not LLC, 35 Essex
524 Way, Essex, VT,” prepared by Doug Henson, L.S., Lamoureux & Dickinson Consulting
525 Engineers, Inc., dated 09/10/2021;
- 526 • Sheet #10, “Floor Drain Details & Specifications, Land of Why Not LLC, 35 Essex Way,
527 Essex, VT,” prepared by Doug Henson, L.S., Lamoureux & Dickinson Consulting Engineers,
528 Inc., dated 05/20/2021;
- 529 • Sheet L-2, “Landscape Plan, New Essex Rescue Headquarters, Essex Way, Essex Junction,
530 Vermont,” prepared by Michael Lawrence & Assoc. Landscape Architects, dated
531 09/21/2021;
- 532 • Sheet L-3, “Site Photos, New Essex Rescue Headquarters, Essex Way, Essex Junction,
533 Vermont,” prepared by Michael Lawrence & Assoc. Landscape Architects, dated
534 07/20/2021;
- 535 • Sheet L-4, “South and East Building Landscape Elevations, New Essex Rescue
536 Headquarters, Essex Way, Essex Junction, Vermont,” prepared by Michael Lawrence &
537 Assoc. Landscape Architects, dated 07/19/2021;
- 538 • “East Elevation, Essex Rescue,” prepared by Michael Dugan, Architect, dated 07/20/2021;
- 539 • “North Elevation, Essex Rescue,” prepared by Michael Dugan, Architect, dated 07/20/2021;
- 540 • “South Elevation, Essex Rescue,” prepared by Michael Dugan, Architect, dated 07/20/2021;
- 541 • “West Elevation, Essex Rescue,” prepared by Michael Dugan, Architect, dated 07/20/2021;
- 542
- 543 cc: Doug Henson, L.S., Lamoureux & Dickinson Consulting Engineers, Inc.
544 John & Nancy Lang, Why Not, LLC
545
- 546 G:\PC\REPORTS\Essex Way 35 SitePlan 20211014.docx