

1 ESSEX PLANNING COMMISSION  
2 December 9, 2021

3 **23-24 Corporate Drive: Site Plan**

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21  
22 **Summary**

23 The proposal for seven mini-storage buildings totaling 55,775 square feet generally meets the  
24 requirements of the *Zoning Regulations*. The lighting plan does not meet all objectives because  
25 the low building heights limit the ability to achieve uniform coverage, and the Police Chief has  
26 requested additional lighting to the rear of the buildings. The Commission may continue the  
27 hearing to review a revised lighting plan, or delegate the review to staff prior to the issuance of a  
28 zoning permit (as is recommended for several minor stormwater management details). Note that  
29 the two lots involved would be deemed merged under this site plan approval, since the  
30 *Subdivision Regulations* do not provide for merger of lots.

32 **Applicant**

33 Glenn & Ronalyn Cummings  
34 65 Lakewood Court  
35 Colchester, VT 05446

36 **Proposal**

37 The proposal is for seven mini-storage buildings totaling 50,775 square feet, with associated  
38 lighting and paved access routes, all enclosed by a 6-foot-high chain-link fence. The site would  
39 span two lots (which would be deemed merged) addressed as 23 and 24 Corporate Drive in the  
40 Resource Preservation – Industrial District (RPD-I) zone, Tax Map 72, Parcel 3, Lots 23 and 24.  
41 The buildings would not require any water or sewer service, and would utilize on-site stormwater  
42 management.

43 **Background**

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

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

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

54 In September 2007 the Planning Commission approved an 11-lot subdivision for the western half  
55 of Corporate Drive. The subdivision is considered Phase II of the subdivision approved in 2000,  
56 which includes the lots currently under review.

57 On January 23, 2020 the Planning Commission approved a two-lot subdivision of the parcel at  
58 21 Corporate Drive, resulting in Lot 21A (addressed 23 Corporate Drive), a vacant 235,877-  
59 square-foot lot with 35.36 feet of frontage, and Lot 21B (addressed 21 Corporate Drive), a  
60 46,173-square-foot lot with 19.76 feet of frontage with an existing telecommunications tower  
61 and access drive. The approval specifically authorized a reduction in frontage along the outside  
62 of a cul-de-sac under Section 3.1(C)(2) of the *Zoning Regulations*.

63 Abutting properties to the east are in the RPD-I district and have been or will be developed with  
64 light manufacturing, office, and storage uses. A Medium Density Residential (R2) District  
65 contains single-unit dwellings to the north, south, and west of the parcel, separated by the RPD-  
66 I's 200-foot buffer.

67

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 the following plans:

- 76 • Sheet #1, “Overall Site Plan, Saxon Hill Industrial Park, Lot 21A & 23,” prepared by  
77 Lamoureux & Dickinson Consulting Engineers, Inc., dated 10/14/2021;
- 78 • Sheet #2, “Grading & Utility Plan, Saxon Hill Industrial Park, Lot 21A & 23,” prepared by  
79 Lamoureux & Dickinson Consulting Engineers, Inc., dated 10/14/2021;
- 80 • Sheet #3, “Lighting Plan, Saxon Hill Industrial Park, Lot 21A & 23,” prepared by  
81 Lamoureux & Dickinson Consulting Engineers, Inc., dated 10/14/2021;
- 82 • Sheet #4, “Erosion Prevention & Sediment Control Plan, Saxon Hill Industrial Park, Lot 21A  
83 & 23,” prepared by Lamoureux & Dickinson Consulting Engineers, Inc., dated 10/14/2021;
- 84 • Sheet #5, “Post-Construction Soil Depth and Quality Plan, Saxon Hill Industrial Park, Lot  
85 21A & 23,” prepared by Lamoureux & Dickinson Consulting Engineers, Inc., dated  
86 10/14/2021;
- 87 • Sheet #6, “Sitework Details & Specifications, Saxon Hill Industrial Park, Lot 21A & 23,”  
88 prepared by Lamoureux & Dickinson Consulting Engineers, Inc., dated 10/14/2021;

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

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

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

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

95 **Goal If:** *Economic development is carried out in the Saxon Hill Industrial Park*  
96 *with consideration and respect for the natural surroundings.*

97 **Specific Policy 2(S).2:** *The retention and expansion of businesses at existing*  
98 *industrial and commercial sites shall be supported...*

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

100 This project is located in the Resource Preservation – Industrial District (RPD-I), and  
101 must conform to the standards listed in Table 2.14 of the *Zoning Regulations*.

102

103 **(a) Table 2.14, Resource Preservation – Industrial District (RPD-I) Standards**

104 **i. Purpose**

105 The project reflects the purpose of the RPD-I district as an industrial  
 106 development that is outside and with no impacts to the 60% of the zone  
 107 designated for conservation and recreation purposes.

108 **ii. Permitted and Conditional Uses**

109 Storage facilities are permitted uses in the RPD-I zone. No conditional uses  
 110 are proposed.

111 **iii. District Dimensional Requirements**

112 The project involves two lots approved under the Phase II Corporate Drive  
 113 subdivision (dated 11/08/2007). The applicant has requested to merge the lots  
 114 to eliminate the required side setbacks and allow for structures to span the  
 115 boundary. Because the Subdivision Regulations do not establish a process for  
 116 the merger of two lots (i.e., the elimination of a common boundary), the lots  
 117 would be deemed merged as a result of this site plan approval.

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

<b>Dimensional Requirements</b>	<b>Required</b>	<b>Proposed</b>
Minimum Lot Area – Nonresidential	40,000 sf	Appx. 418,600 sf
Minimum Lot Frontage	200 ft.	79 ft.
Minimum Front Setback (from ROW)	50 ft.	61 ft.
Minimum Side Setback	25 ft.	26 ft.
Minimum Rear Setback	25 ft.	208 ft.
Minimum Buffer to Residential Districts	200 ft.	200 ft.
Maximum Lot Coverage – All	60 %	24.6 %
Maximum Height	45 ft.	< 12 ft.

120 The original lots were subdivided prior to adoption of minimum frontage  
 121 requirements for the RPD-I district (effective 11/03/2014). Under approval  
 122 #PC-2020-2, the Planning Commission approved further reductions in  
 123 frontage for the subdivision of 21 and 23 Corporate Drive pursuant to ZR  
 124 Section 3.1(C)(2) because the lots are located on the outside of a cul-de-sac.  
 125 In any case, combining 23 and 24 Corporate Drive would result in a frontage  
 126 of 79 feet, which meets the requirements of ZR Section 3.1(C)(1).

127 **iv. District Development Standards**

128 The plans show the retention of the required buffers, conformance with use  
 129 mix, height and coverage requirements, and installation of underground  
 130 utilities. There would be no mixed production and sales areas.

131

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

133           The proposed project will not impact public health, safety, or welfare. In an e-mail  
134           dated October 19, 2021 the Police Chief required that lighting be added to the sides  
135           and rear of the buildings for security.

136           **4. Outstanding violations**

137           The property does not have any outstanding zoning violations.

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

139           The *Zoning Regulations* state that “site layout and design, to the extent feasible, shall  
140           incorporate and protect significant natural features as identified on the Significant  
141           Features and Water Resources Maps contained in the Town Plan of record or through site  
142           investigation.” This is evaluated through the following criteria:

143           **1. Topography**

144           The *Zoning Regulations* call for minimal changes to a site’s topography and  
145           vegetation, specifying that a site “shall be planned to retain, insofar as possible, the  
146           natural contours and to conserve the natural cover and soil.” Minimal grading and tree  
147           removal would occur to clear and level the site for buildings and stormwater  
148           treatment areas.

149           **2. Steep Slopes**

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

152           **3. Surface Waters and Wetlands**

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

154           **4. Renewable Energy**

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

158           **5. Open Space**

159           The proposed building is not located in a rural area or within the Scenic Resource  
160           Protection Overlay (SRPO) District, nor does it contain any open meadows.

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

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

166           Access to the site would be suitably provided by a curb cut off Corporate Drive, a  
167           municipal Class III paved collector street. The applicant’s narrative states that the new  
168

169 building will have a traffic volume of 5 AM and 9 PM peak vehicle trip ends (VTEs).  
170 Under the Phase II Corporate Drive subdivision approval, this would leave 78 AM and 52  
171 PM peak trips available to all lots on Corporate Drive.

172 The applicant's engineer provided an analysis of impacts to level of service at nearby  
173 intersections. In an e-mail dated December 1, 2021 Public Works staff stated:

174 *The traffic impacts of the proposed project are minor, amounting to an additional 9*  
175 *PM VTE to the existing Peak Hour traffic to the Allen Martin Corridor. The technical*  
176 *memorandum submitted by the applicants engineer, Lamoureux & Dickinson, also*  
177 *provided information regarding the changes in Level of Service (LOS) within the*  
178 *Allen Martin Drive corridor. The impacts to the LOS at the intersections of Corporate*  
179 *Drive / Allen Martin Drive, and VT RT 15 / Allen Martin Drive are negligible. It*  
180 *should be noted, the LOS for the northbound left turn at the VT RT 15 / Allen Martin*  
181 *Drive intersection is nearing a LOS of F. The previously assessed trip-end impact fee*  
182 *will be calculated and used to offset future upgrade costs to the Allen Martin Drive*  
183 *corridor.*

184 Pedestrian access to the site is provided by an existing sidewalk along the south side of  
185 Corporate Drive and extending around the perimeter of the cul-de-sac along the site's  
186 frontage. Because the use of the site will generally require vehicular transportation for  
187 movement of personal goods, no significant pedestrian and bicycle demand is expected;  
188 therefore, no interior sidewalks or bicycle racks are required.

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

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

194 Vehicles entering the site from the 30-foot-wide curb cut would access each building  
195 through an access drive 30-38 feet in width through the center of the site. 20-foot-wide  
196 paved two-way drives separate each of the storage buildings, and although this is  
197 narrower than drive aisles for parking lots as required under ZR Section 3.9(A)(1), it  
198 meets the residential driveway standards under ZR Section 3.1(G)(4)(c) and will be  
199 sufficient for short-term loading and unloading. Turning angles are sufficient to  
200 accommodate emergency vehicles; fire safety is reviewed in more detail in Finding I(I).

201 There appears to be adequate space for snow storage in the areas noted on Sheet 2 of the  
202 plans, which ensure snowmelt will be directed to the stormwater treatment areas and not  
203 directly to surface waters. The applicant's narrative notes that snow from larger storms  
204 would be hauled off-site, though no location for this has been identified.

205 Since little to no pedestrian and bicycle traffic is anticipated and the paved areas provide  
206 adequate and safe pedestrian access to the units, no internal sidewalks or paths are  
207 required.

208 Storage unit tenants would be responsible for off-site waste disposal, therefore no on-site  
209 waste enclosures are required.

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

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

213 ZR Section 3.9 does not specify parking requirements for self-storage units, and since no  
214 long-term parking is required for such a use, the drive aisles separating the units will  
215 suffice for vehicular parking while loading and unloading materials. Access to units from  
216 the drive aisles must meet any applicable standards of the *Americans with Disabilities*  
217 *Act*. Since little to no bicycle traffic is anticipated, bicycle parking is not required; it is  
218 noted that bicycles may be stored securely within the proposed storage units.

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

220 The Planning Commission can require landscaping to achieve the objectives of the  
221 *Zoning Regulations* and the *Town Plan*. The landscaping objectives in the Resource  
222 Preservation District – Industrial (RPD-I) relate to preservation of forest cover.

223 The project meets this objective by retaining the 50- and 200-foot buffers required within  
224 the RPD-I zone. In addition, by retaining all other existing vegetation around the site, the  
225 proposal also provides sufficient visual enhancement as well as screening from roadways  
226 and adjacent properties to meet all the objectives for industrial districts (street trees,  
227 parking areas, lawn and building enhancements, and loading and storage areas).

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

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

234 The proposed lighting fixtures would be fully shielded and efficient light-emitting diode  
235 sources on motion sensors (except for the central access aisle) with a color close to that of  
236 natural sunlight. The lighting plan provides adequate coverage for the interior of the site  
237 where activity will occur. However, the coverage varies widely throughout the site, and  
238 the maximum illumination (10 foot-candles) exceeds the recommended 7 foot-candles,  
239 with many small areas of very low illumination. This is due to the low mounting height  
240 of the fixtures (8 feet), which is limited by the height of the buildings. Though this falls  
241 short of the objectives in ZR Section 5.6(G), it appears there are no practical design  
242 alternatives that would achieve the objectives.

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

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

245 The buildings will not require any water supply or sewage disposal, though in their  
246 November 16, 2021 memorandum, Public Works staff stated that the fire hydrant  
247 serving the site must have a 5-inch Storz connection.

248 **2. Stormwater Management**

249 The applicant's narrative (attached) describes the proposed stormwater system:

250 *The proposed stormwater management system complies with the current Vermont*  
251 *Stormwater Treatment Standards. Coverage under General Permit 3-9050 will be*  
252 *obtained for this project. Deep sump catchbasins are proposed for pretreatment*  
253 *of non-rooftop runoff. Infiltration trenches are used for runoff from pavement and*  
254 *some rooftops, with the remaining rooftops draining to stone drip edges and*  
255 *surface infiltration basins.*

256 In a memorandum dated November 16, 2021, Public Works staff provided several  
257 design changes and conditions of approval, which the applicant has corrected or met.  
258 Public Works also stated:

- 259 1. *There is a detail provided for infiltration trench inspection ports which are to be*  
260 *installed at 50-foot intervals along the length of the infiltration trench. The*  
261 *applicant's engineer needs to indicate on the plans where the inspection ports will*  
262 *be located.*
- 263 2. *There is no indication on the plans how the system will be maintained. The*  
264 *applicant's engineer shall submit to Public Works for review a plan for future*  
265 *maintenance of the proposed BMPs. This should be made a condition of approval.*
- 266 3. *EPA issued the Lake Champlain Phosphorus Implementation Plan, which calls*  
267 *for higher levels of phosphorus removal for all stormwater discharges to the Lake*  
268 *or its tributaries. Because of this plan, the applicant will need to provide the*  
269 *pounds of phosphorus to be removed by the proposed system to Public Works.*
- 270 4. *A copy of the State Stormwater Permit shall be submitted to Public Works prior to*  
271 *commencement of construction.*

272 **3. Utilities**

273 Corporate Drive has existing overhead power and telecommunications lines, but new  
274 service lines to the buildings would be installed underground. The buildings will not  
275 require natural gas service, though there is an existing line running under Corporate  
276 Drive. All utility service lines to the site will be installed underground.

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

278 As noted in Finding I(D), aisle widths and turning radii are sufficient to allow access by  
279 emergency vehicles.

280 In an e-mail dated October 19, 2021 the Fire Chief stated:

281 *The Fire Department would request that they install a Supra Box on the gate for*  
282 *purposes of emergency access during emergencies / power outages (if the gate is*



283                    *electric). They should also maintain after-hours contact information directly with*  
284                    *Essex Police Department.*

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

286        •

287        **III. Proposed Conditions**

- 288            1. All conditions from previous approvals shall remain in effect except as modified herein.
- 289            2. All construction shall be in conformance with the plans listed above as may be amended  
290            herein.
- 291            3. Prior to the issuance of a zoning permit, the plans shall be revised as follows:
- 292                    a. Locations of the infiltration trench inspection ports shall be added;
- 293            4. An electronic copy of the plans as may have been revised shall be submitted to the E911  
294            coordinator in .PDF file format. Another copy shall be submitted in geodatabase or  
295            shapefile in Vermont State Plane Meters, NAD83 (NSRS or most current); alternatively,  
296            coordinated CAD data – Vermont State Plane Coordinates, US Survey Feet, Grid Zone  
297            4400, NAD 83 (2011) epoch 2010.0, NAVD 88 (geoid12b); alternatively, paper showing  
298            three (3) values of State Plane Coordinates.
- 299            5. Prior to the issuance of a zoning permit, the applicant shall submit a stormwater system  
300            maintenance plan to be reviewed and approved by Public Works.
- 301            6. Prior to the issuance of a zoning permit, the applicant shall provide fire demand  
302            calculations if fire suppression systems are to be used in the building.
- 303            7. All utility lines shall be installed underground.
- 304            8. All water, sewer, and storm water infrastructure shall be installed in accordance with the  
305            specifications and details provided within the *Town of Essex Standard Specifications for*  
306            *Construction*. This includes ensuring any existing municipal hydrants serving the site  
307            have a 5-inch Storz connection.
- 308            9. At the discretion of the Zoning Administrator, as-built plans shall be submitted to the  
309            Community Development Department prior to the issuance of a certificate of occupancy.
- 310            10. No occupancy of the structure shall occur until a certificate of occupancy inspection and  
311            sign off is issued by the Zoning Administrator. A copy of the State’s occupancy approval  
312            shall be filed and attached to the Town’s inspection approval.
- 313            11. Prior to the issuance of a Certificate of Occupancy, the kiosk shall be equipped with a  
314            Supra Key Box located adjacent to the door closest to the exterior entrance.
- 315            12. Prior to the issuance of a Certificate of Occupancy for each building, the E911 address  
316            shall be affixed to the building in contrasting colors to be easily visible from the roadway.

- 317 13. Prior to the issuance of a Certificate of Occupancy and for the life of the project  
318 thereafter, the applicant shall maintain emergency contact information for the site directly  
319 with both the Fire Department and the Police Department.
- 320 14. All landscaping (including existing vegetation shown on the plans) shall be guaranteed  
321 for the life of the project. Any dead or diseased plantings shall be replaced as soon as  
322 seasonally possible.
- 323 15. All pavement shall be maintained in a state of good repair for the life of the project; line  
324 striping shall be maintained so as to be visible at all times.
- 325 16. By accepting the conditions of this approval without appeal, the applicant confirms and  
326 agrees for itself and all assigns and successors in interest that the conditions of this  
327 approval shall run with the land and the land uses herein permitted, and will be binding  
328 upon and enforceable against the applicant and all assigns and successors in interest.

329 **IV. Attachments**

- 330 • Project Narrative, "Site Plan Review Standards, 23 & 24 Corporate Drive," from Andrew  
331 Rowe, P.E., Lamoureux & Dickinson Consulting Engineers, dated October 2021.

332 cc: Andy Rowe, P.E., Lamoureux & Dickinson Consulting Engineers  
333

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