

Appeal Period Expires <u>4, 25, 24</u> Zoning District <u>I1</u>	<b>Town of Essex, Vermont</b> <b>Application for Zoning Permit</b> (Building Permit)	Application Date <u>   /   /   </u> Permit Number <u>2024-38</u>
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- Contact State Permit Specialist Jeff McMahon (477-2241) to check for state permitting and/or setbacks.
- Post permit card visible to the road immediately as Permit is appealable within 15 days of issuance.
- Call the Zoning Administrator at 878-1343 to schedule a Certificate of Occupancy inspection if indicated below as required.
- Call the Assessor at 878-1345 to schedule a re-assessment upon completion of work.
- Provide a diagram showing proposal and any easements, well or septic locations, etc.

**SIGN HERE:** Michael Feitelberg dotloop verified 04/10/24 10:02 AM EDT EUB-KCC-FB8-DU2C

**A** Parcel Account Numb. (Map-Parcel-Lot) 2-053-004-004

Property Address : 4 Morse Drive

Owner: Sports & Fitness Edge, Inc *do Mike Feitelberg*

Owner Address: 142 West Twin Oaks Terrace, South Burlington, VT 05403

Owner Phone: (work) 802-860-3343 x 1212 (Cell) \_\_\_\_\_  
 (Email) mfeitelberg@edgevt.com

Project Manager: David Raphael David.Raphael@ArtisanRealtyVT.com  
 Cell:802-363-7002

Estimated Construction Dates: Start: 04/29/2024 Completion: 07/31/2024

Sq. Feet: \_\_\_\_\_ Estimated Cost (labor & materials): \$269,000

**G**

Check box(es) which describe proposed use or construction (circle choice in parenthesis).

**N = New A = Addition R = Remodel**

<i>Residential:</i>	N	A	R
Single Family	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Two-family (duplex)(other)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Multi-family	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Condominium / Townhouse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mobile home	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Inclusions or Additions:</i>			
Garage (attached) (detached)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Porch (enclosed) (open)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deck	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pool (in) (above) ground	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barn (residential) (agriculture)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Non-residential:</i>			
Commercial Industrial <i>remodel re pair</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Stormwater:</i>			
Stormwater	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Erosion Control	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Other:</i>			
Change in use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Miscellaneous	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Renewal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**B** Sewage Disposal (Please attach Sewer and/or State Septic Approval).

Public  Septic  Connection Fee \$ \_\_\_\_\_ Date Paid: \_\_\_\_\_

Proposed New Bedrooms: N/A Existing Bedrooms Existing

**C** Water (Please attach Water Service Application if applicable).

Public  Well  Fee \$ N/A Date Paid: Existing

**D** Driveway (Please attach copy of approved Curbcut / Utility Application).

Date of approval : N/A Existing

**E** Stormwater

Project disturbs an area greater than or equal to 1 acre – Erosion Control Permit Required. Attach completed permit application.

Project creates new or expands existing impervious surface greater than or equal to 1/2 acre – Erosion Control Permit and Stormwater Management Permit required. Attach completed permit application.

**F** Diagram – Show a sketch of project on reverse of this application with property lines, building, and setbacks or attach separate sheet.

*see attached*

Signature of Tenant and Signature of Owner Michael Feitelberg dotloop verified 04/10/24 10:02 AM EDT 90GV-QJ8D-RBHT-PHHC

**Office Use Only**

Fees:	Type	Amount	Date Pd
Permit		\$ <u>1,615.</u>	<u>4/10/24</u>
Recreation		\$ _____	<u>   /   /   </u>
Recording		\$ <u>30.</u>	<u>   /   /   </u>
Certificate of Occ		\$ <u>100.</u>	<u>   /   /   </u>
Other		\$ _____	<u>   /   /   </u>

**Building Permit**

Approved  Rejected  Date 4/10/24

Issued to: Sports & Fitness Edge, Inc.

Zoning Administrator: Shawn Kelley

Notes: \_\_\_\_\_

C.O. Required (Certificate of Occupancy) Yes  No

**THIS PERMIT VALID FOR TWELVE (12) MONTHS FROM DATE OF ISSUE  
 RENEW FOR 1 YEAR (FREE) IF NOT EXPIRED**

**F Diagram – Provide diagram here and include all setbacks**

Attached are the plans for the site plan changes and revised lighting plan as well as the ACT 250 approval.

The following is a narrative of the changes:

This project consists of reconfiguring the existing parking lot and lighting. The existing railroad ties, many of which are rotted or displaced, will be removed and replaced with concrete curbing. Parking is going from angled to straight. Trees whose roots have buckled pavement will be removed. Falling and damaged light poles will be removed and replaced with new LED lights and poles per the attached lighting plan. The one-way entrance at the back of the project will be moved slightly to accommodate the expansion of the Kids and Fitness playground. Traffic will continue to be one-way from that entrance and exit onto Morse Drive closer to the Kellogg Road intersection, as it does today. Grading changes and some site improvements for stormwater will alleviate the pooling and water issues on the site currently. The entire parking lot will be repaved with new stripping. Don Weston Excavating will be performing the work.



# LAND USE PERMIT AMENDMENT

State of Vermont

Natural Resources Board

District 4 Environmental Commission

111 West Street

Essex Junction, VT 05452

<https://nrb.vermont.gov/>

[phone] 802-879-5614

**CASE NO:** 4C0193-6E

**LAW/REGULATIONS INVOLVED**

10 V.S.A. §§ 6001 – 6111 (Act 250)

Sports and Fitness Edge  
142 W. Twin Oaks Terrace  
South Burlington, VT 05403

The District 4 Environmental Commission hereby issues Land Use Permit amendment 4C0193-6E, pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6111. This permit amendment applies to the lands identified in Book 395, Pages 254-257 of the land records of the Town of Essex as the subject of a deed to Burlington Indoor Tennis Center.

**This permit specifically authorizes a retrofit of the existing parking lot to create more parking spaces and a smoother flow of traffic. The project includes an upgrade to the stormwater system and upgrades to the existing parking lot lights. The project is located at 4 Morse Drive in Essex, Vermont.**

Jurisdiction attaches because the Project constitutes a material change to a permitted development or subdivision, and thus requires a permit amendment pursuant to Act 250 Rule 34.

1. The Permittee and its assigns and successors in interest are obligated by this permit to complete, operate, and maintain the project as approved by the District Commission (the "Commission") in accordance with the following conditions.
2. The project shall be completed, operated, and maintained in accordance with: (a) the conditions of this permit, and (b) the permit application, plans, and exhibits on file with the Commission and other material representations. In the event of any conflict, the terms and conditions of this permit shall supersede the approved plans and exhibits.

The approved plans are:

Sheet 1 - "Site Plan," dated 7/12/23, last revision 8/10/23 (Exhibit 005);

Sheet EX - "Existing Conditions Plan," dated 7/12/23 (Exhibit 006);

Sheet 2 - "Lighting Plan," dated 7/12/23 (Exhibit 007); and

Sheet 3 - "Details & Specifications," dated 7/12/23, last revision 8/10/23 (Exhibit 008).



3. All conditions of Land Use Permit 4C0193 and amendments are in full force and effect except as further amended herein.
4. Representatives of the State of Vermont shall have access to the property covered by this permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.
5. A copy of this permit and plans shall be on the site at all times throughout the construction process.
6. No change shall be made to the design, operation, or use of this project without a permit amendment issued by the Commission or a jurisdictional opinion from the District Coordinator that a permit amendment is not required.
7. No further subdivision, alteration, and/or development on the tract/tracts of land approved herein shall be permitted without a permit amendment issued by the Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.
8. Pursuant to 10 V.S.A. § 8005(c), the Commission or the Natural Resources Board may at any time require that the permit holder file an affidavit certifying that the project is in compliance with the terms of this permit.
9. The conditions of this permit and the land uses permitted herein shall run with the land and are binding upon and enforceable against the Permittee and its successors and assigns.
10. The Permittee shall apply and maintain water and/or other agents approved by the Watershed Management Division in the Project's Erosion Prevention and Control Plan on all roadways or disturbed areas within the project during construction and until pavement and/or vegetation is fully established to control dust.
11. At a minimum, the Permittee shall comply with the Vermont Department of Environmental Conservation's *Low Risk Site Handbook for Erosion Prevention and Sediment Control* (February 2020).
12. The Permittee shall comply with Exhibit 002 for erosion prevention and sediment control. The Permittee shall prevent the transport of any sediment beyond that area necessary for construction approved herein. All erosion prevention and sediment control devices shall be periodically cleaned, replaced, and maintained until vegetation is permanently established on all slopes and disturbed areas.
13. All mulch, siltation dams, water bars and other temporary devices shall be installed immediately upon grading and shall be maintained until all roads are permanently surfaced and all permanent vegetation is established on all slopes and disturbed areas. Topsoil stockpiles shall have the exposed earth completely mulched and have siltation checks around the base.
14. All areas of disturbance must have temporary or permanent stabilization within 14 days of the initial disturbance. After this time, any disturbance in the area must be stabilized at the

end of each workday. The following exceptions apply: i) Stabilization is not required if work is to continue in the area within the next 24 hours and there is no precipitation forecast for the next 24 hours. ii) Stabilization is not required if the work is occurring in a self-contained excavation (i.e., no outlet) with a depth of 2 feet or greater (e.g., house foundation excavation, utility trenches).

15. All disturbed areas of the site shall be stabilized, seeded, and mulched immediately upon completion of final grading. All disturbed areas not involved in winter construction shall be mulched and seeded before October 15. Between the periods of October 15 to April 15, all earth disturbing work shall conform with the "Requirements for Winter Construction" standards and specifications of the Vermont Department of Environmental Conservation's *Low Risk Site Handbook for Erosion Prevention and Sediment Control* (February 2020).
16. In addition to conformance with all erosion prevention and sediment control conditions, the Permittee shall not cause, permit, or allow the discharge of waste material into any surface waters. Compliance with the requirements of this condition does not absolve the Permittee from compliance with 10 V.S.A. (§§ 1250-1284) Chapter 47, Vermont's Water Pollution Control Law.
17. Any extracted stumps shall be disposed of on-site above the seasonal high water table and not in any wetland, or at a state-certified stump and inert waste disposal facility, so as to prevent groundwater pollution.
18. No landscaping is proposed in conjunction with the project.
19. Prior to any site work, the Permittee shall install and maintain temporary fencing around trees to be retained as depicted on Exhibit 005 (Site Plan).
20. The installation of exterior light fixtures is limited to those approved in Exhibits 002 and 007 (Schedule B; and Lighting Plan) and shall be mounted no higher than 16 feet above grade level. All exterior lighting shall be installed or shielded in such a manner as to conceal light sources and reflector surfaces from view beyond the perimeter of the area to be illuminated.
21. No signage is proposed in conjunction with the project. The Permittee shall not erect exterior signage without prior written approval from the District Coordinator or the Commission, whichever is appropriate under the Act 250 Rules. Signage includes banners, flags, and other advertising displays, excepting temporary real estate marketing signs and temporary Grand Opening signs.
22. Pursuant to 30 V.S.A. § 53, the energy design and construction shall comply with Vermont's Commercial Building Energy Standards (CBES) in accordance with the NRB Criterion 9(F) Procedure effective at the time of construction. (More information on this subject can be found at [http://publicservice.vermont.gov/energy\\_efficiency/cbes](http://publicservice.vermont.gov/energy_efficiency/cbes) and [https://nrb.vermont.gov/documents/9f-procedure\\_2020-09-01](https://nrb.vermont.gov/documents/9f-procedure_2020-09-01).)
23. The Permittee shall provide each prospective purchaser of any interest in this Project with a copy of the Land Use Permit amendment before any written contract of sale is entered into.

24. Pursuant to 10 V.S.A. § 6090(b)(1), this permit amendment is hereby issued for an indefinite term, as long as there is compliance with the conditions herein. Notwithstanding any other provision herein, this permit shall expire three years from the date of issuance if the Permittee has not commenced construction and made substantial progress toward completion within the three-year period in accordance with 10 V.S.A. § 6091(b).
25. All site work and construction shall be completed in accordance with the approved plans by **October 15, 2026**, unless an extension of this date is approved in writing by the Commission. Such requests to extend must be filed prior to the deadline and approval may be granted without a public hearing.
26. The Permittee shall file a Certificate of Actual Construction Costs, on forms available from the Natural Resources Board, pursuant to 10 V.S.A. § 6083a(g) within one month after construction has been substantially completed. If actual construction costs exceed the original estimate, a supplemental fee based on actual construction costs must be paid at the time of certification in accordance with the fee schedule in effect at the time of application. Upon request, the Permittee shall provide all documents or other information necessary to substantiate the certification. Pursuant to existing law, failure to file the certification or pay any supplemental fee due constitutes grounds for permit revocation. The certificate of actual construction costs and any supplemental fee (by check payable to the "State of Vermont") shall be mailed to: Natural Resources Board, 10 Baldwin Street, Montpelier, VT 05633-3201; Attention: Certification.
27. Failure to comply with any condition herein may be grounds for permit revocation pursuant to 10 V.S.A. sec. 6027(g).

Dated this September 25, 2023.

By /s/ Parker Riehle  
Parker Riehle, Vice Chair  
District 4 Commission

Members participating in this decision:  
Monique Gilbert  
Scott Baldwin

Any party, or person denied party status, may file within 15 days from the date of a decision of the District Commission one and only one motion to alter with respect to the decision, pursuant to Act 250 Rule 31(A). Under Rule 31(A), no party, or person denied party status, may file a motion to alter a District Commission decision concerning or resulting from a motion to alter. Per Rule 31(A)(3), the running of the time for filing a notice of appeal is terminated as to all parties by a timely motion to alter.

Any person aggrieved by an act or decision of a District Commission or District Coordinator, or any party by right, may appeal to the Environmental Division of Vermont Superior Court within 30 days of the act or decision pursuant to 10 V.S.A. § 8504. Such

appeals are governed by Rule 5 of the Vermont Rules for Environmental Court Proceedings. The appellant must file a notice of appeal with the clerk of the court and pay any fee required under 32 V.S.A. § 1431.

The appellant must also serve a copy of the Notice of Appeal on the Natural Resources Board and on other parties in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. The Natural Resources Board's copy may be sent to [NRB.Legal@vermont.gov](mailto:NRB.Legal@vermont.gov) and/or 10 Baldwin Street, Montpelier, VT 05633-3201.

Note, there are certain limitations on the right to appeal, including on interlocutory appeals. See, e.g., 10 V.S.A. § 8504(k), 3 V.S.A. § 815, and Vermont Rule of Appellate Procedure 5. There shall be no appeal from a District Commission decision when the Commission has issued a permit and no hearing was requested or held, or no motion to alter was filed following the issuance of an administrative amendment. 10 V.S.A. § 8504(k)(1). If a District Commission issues a partial decision under 10 V.S.A. § 6086(b), any appeal of that decision must be taken with 30 days of the date of that decision. 10 V.S.A. § 8504(k)(3). For additional information on filing appeals, see the Court's website at: <http://www.vermontjudiciary.org/GTC/environmental/default.aspx> or call (802) 951-1740. The Court's mailing address is Vermont Superior Court, Environmental Division, 32 Cherry Street, 2<sup>nd</sup> Floor, Suite 303, Burlington, VT 05401.

The foregoing statements regarding motions to alter and appeals are intended for informational purposes only. They neither supplant nor augment any rights or obligations provided for by law nor do they constitute a complete statement of the rights or obligations of any person or party.





ALED4150NK/D10/PCT

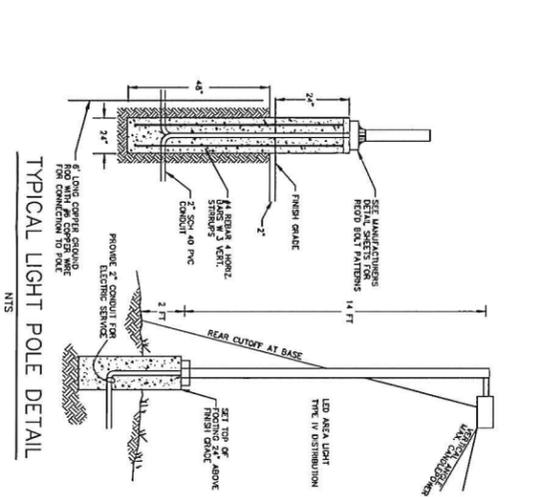
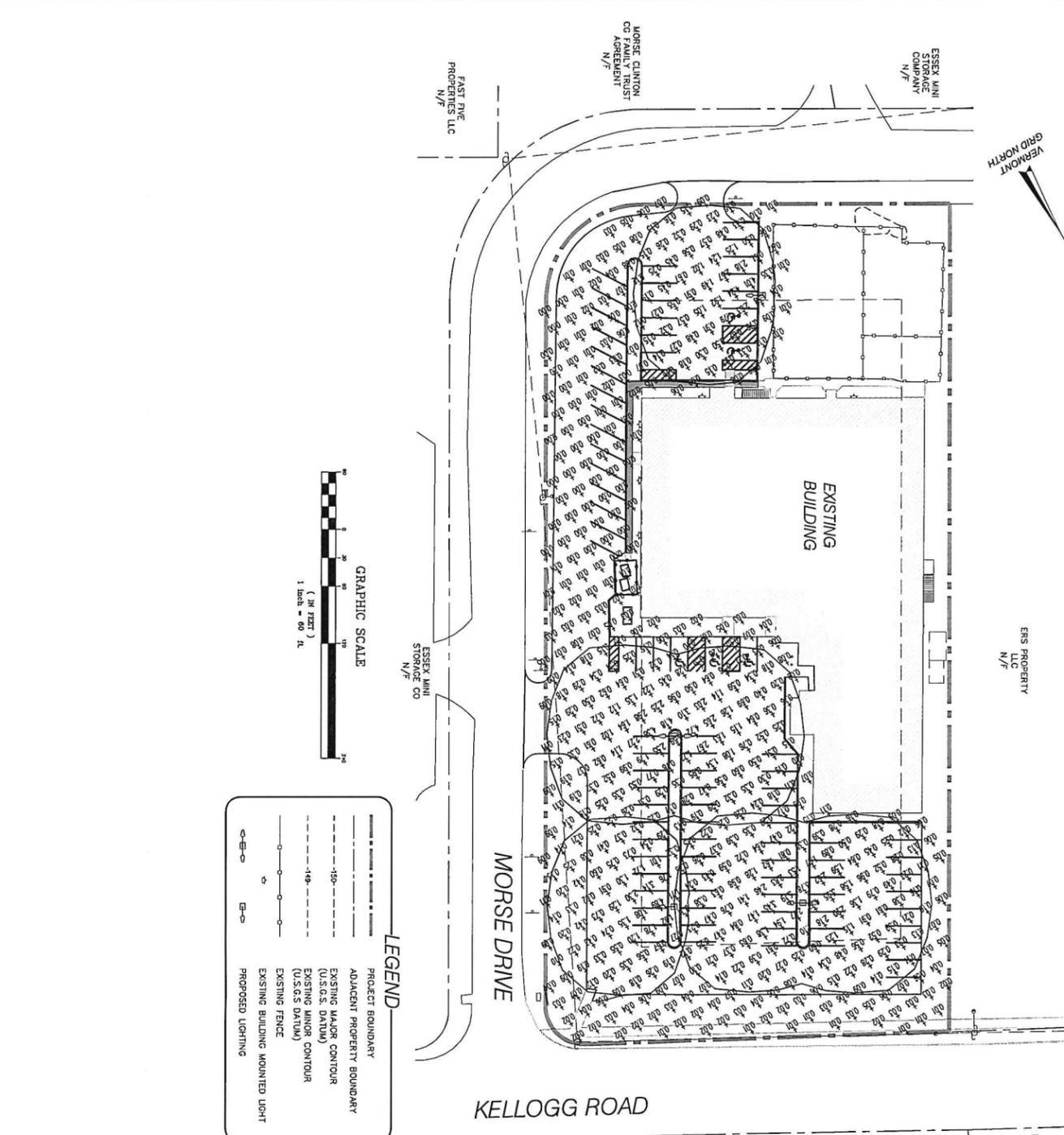
RAB

		Project	Type
Gen. SVA	Height: 13.25ft	Issued By	Date
		Design	UDMB
		Drawn	UDMB
		Checked	UDMB
		Reviewed	UDMB
		Approved	UDMB
		Final	UDMB

**Technical Specifications:**

<b>Compliance</b>	UL Listed	UL Type: 1
<b>IP Rating</b>	IP65	
<b>LED Chipset</b>	3000K, 4000K, 5000K	
<b>Warranty</b>	5 Year	
<b>Performance</b>	High CRI, Dimmable	
<b>Construction</b>	Die-cast Aluminum	
<b>Dimensions</b>	13.25ft H, 10.0ft W	
<b>Weight</b>	15.0 lbs	
<b>Material</b>	Aluminum	
<b>Finish</b>	Black	
<b>Accessories</b>	Mounting Hardware	
<b>Notes</b>	See drawing for details and specifications.	

ITEM	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
1	LED LIGHT FIXTURE	10	EA	150.00	1500.00
2	MOUNTING HARDWARE	10	EA	20.00	200.00
3	WARRANTY	1	YEAR	100.00	100.00
4	INSTALLATION	1	HR	100.00	100.00
5	MAINTENANCE	1	HR	100.00	100.00
6	DEMOLITION	1	HR	100.00	100.00
7	TRAVEL	1	HR	100.00	100.00
8	MEALS	1	HR	100.00	100.00
9	PERMITS	1	HR	100.00	100.00
10	INSURANCE	1	HR	100.00	100.00
11	UTILITIES	1	HR	100.00	100.00
12	TESTING	1	HR	100.00	100.00
13	TRAINING	1	HR	100.00	100.00
14	STARTER	1	HR	100.00	100.00
15	FINISH	1	HR	100.00	100.00
16	CONCLOSURE	1	HR	100.00	100.00
17	COMPLETION	1	HR	100.00	100.00
18	POST-COMPLETION	1	HR	100.00	100.00
19	TOTAL				1500.00



**PROJECT INFORMATION**

PROJECT: SPORTS & FITNESS EDGE PARKING RETROFIT

CLIENT: ESSEX ADVERTISING

DATE: 10/20/2023

SCALE: 1"=30'

DESIGNER: O'LEARY-BURKE CIVIL ASSOCIATES, P.C.

PROJECT NO: 2023-01-02

DATE: 10/20/2023

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