

Appeal Period Expires 10/2/15  
 Zoning District I1 C2 R2

Town of Essex, Vermont  
**Application for Zoning Permit**  
 www.essex.org

Application Date 9/15/15  
 Permit Number 2015-1165

All construction is to be completed in accordance with the Town of Essex Zoning Regulations and any/all federal or state regulations now in effect. You are required to post this permit in a conspicuous location on the property during the appeal period and it must remain posted throughout the construction period. You are required to contact the necessary state agencies to obtain state permits @ 477-2241 (Jeff McMahon, Permit Specialist).

Any interested person may appeal the decision of the Zoning Administrator to the Zoning Board of Adjustment within fifteen (15) days of the permit's date of issuance. Commencing construction within this fifteen (15) day appeal period is prohibited by law.

Signed: [Signature]

**A** Parcel Account Num. (Map-Parcel-Lot) 2-009-003-026  
 (found in Town Assessor's Office)  
 Property Address: 2 Bushey Lane  
 Owner: O and R Realty  
 Owner Address: P.O. Box 330 S. Hero VT 05486  
 Owner Phone: (work) 598-0407 (home) 598-4069  
 (cell) 598-0738 (Email) Sbushey@aol.com  
 Contractors name: Chris Bean Phone: \_\_\_\_\_  
 Cell: 598-1099  
 Estimated Construction Dates: Start 10/1/15 Completion: 11/1/15  
 Sq. Feet: Existing Estimated Cost (labor & materials): 20,000

**B** Sewage Disposal (Please attach Sewer or Septic Application).  
 Public  Private  Connection Fee \$ \_\_\_\_\_ Date Paid: 1/1/  
 Proposed New Bedrooms: \_\_\_\_\_ Existing Bedrooms Existing

**C** Water (Please attach Water Service Application). Existing  
 Public  Private  Fee \$ \_\_\_\_\_ Date Paid: 1/1/

**D** Driveway (Please attach copy of approved Curbcut / Utility Application).  
 Date of approval 1/1/ 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. Existing

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

**G** Signature of Tenant and Signature of Owner  
[Signature]  
[Signature]  
Susan Bushey  
O & R Realty, LLC

**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	<input 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 checked="" type="checkbox"/>
Miscellaneous	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Renewal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

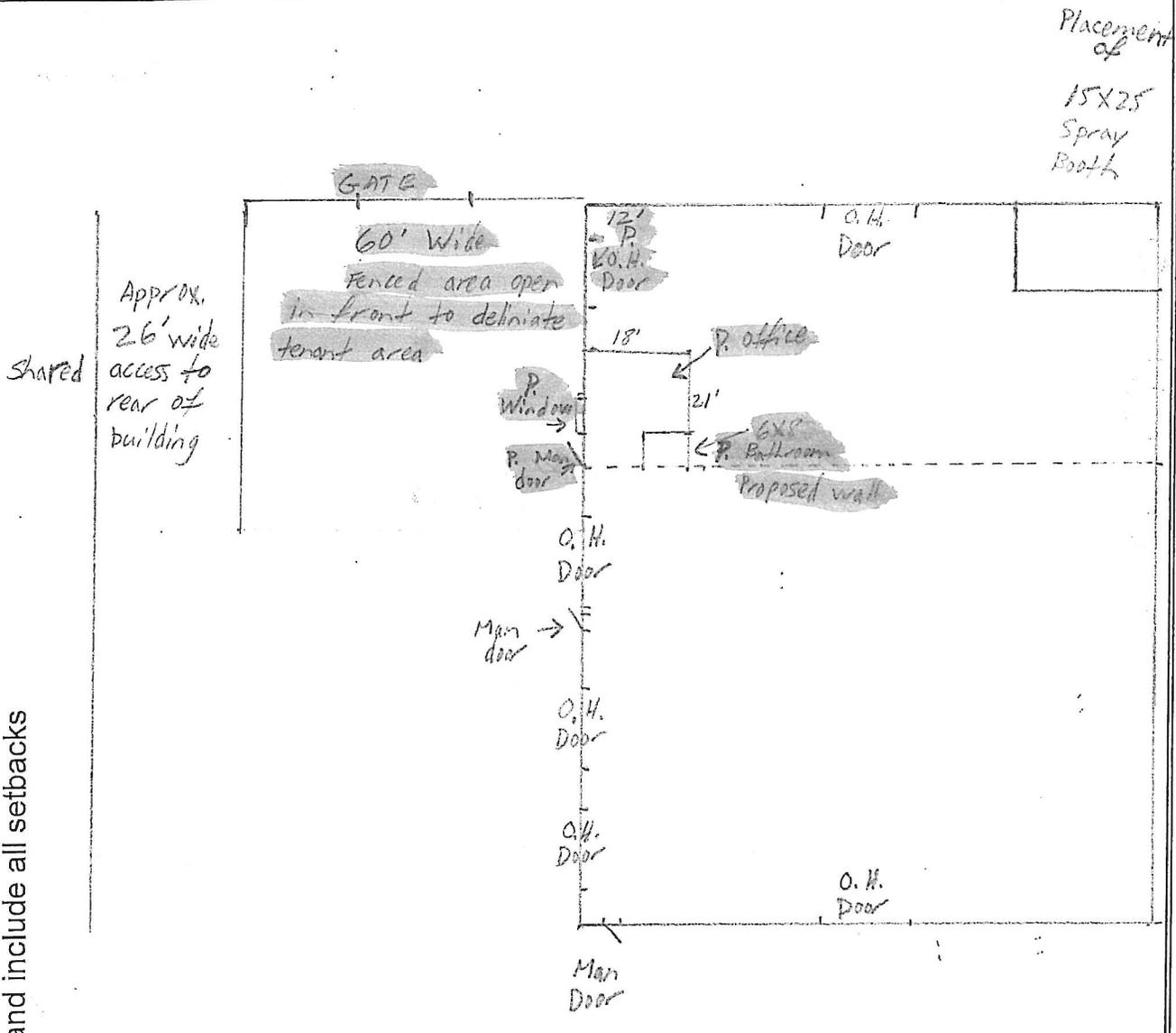
**Office Use Only**

Fees:	Type	Amount	Date Pd
Permit		\$ <u>100</u>	<u>9/15/15</u>
Recreation		\$ _____	
Recording		\$ <u>20</u>	<u>9/15/15</u>
Certificate of Occ		\$ <u>75</u>	<u>9/15/15</u>
Other		\$ _____	

Building Permit  
 Approved  Rejected  Date 9/17/15  
 Issued to: O & R Realty  
 Zoning Administrator: [Signature]  
 Notes: Emergency code  
[Signature]

C.O. Required Yes  No

F Diagram - Provide diagram here and include all setbacks



- Changes:**
- New office
  - Dividing wall
  - 12' overhead door
  - New window
  - New Bathroom
  - New Fence

30'  
Approximately

P. = Proposed

DONALD L. HAMLIN  
CONSULTING ENGINEERS, INC.  
ENGINEERS AND LAND SURVEYORS

Please reply to:

P.O. Box 9  
Essex Junction  
Vermont 05453

136 Pearl Street  
Essex Junction, Vermont

Tel. (802) 878-3956  
Fax (802) 878-2679  
E-mail: HamlinEngineers@dlhce.net

June 17, 2015

Ms. Sharon Kelley  
Town of Essex  
Zoning Administrator  
81 Main Street  
Essex Junction, Vermont 05452

HAND DELIVERED

Re: Site Plan Application, Ormond Bushey and Sons, Inc. Building Modification  
2 Bushey Lane

Dear Ms. Kelley:

As we have discussed, Ormond Bushey and Sons, Inc. would like to modify their current building at 2 Bushey Lane. As the company has downsized, it would like to make more efficient use of the current building by reconfiguring it to accommodate an auto body shop in a portion of the structure. The only changes to the building exterior will be the addition of two new overhead doors and the removal of one of the overhead doors that will be replaced by a narrower overhead door and an entrance door. I have attached a site plan showing where the new and revised doors will be located.

With regard to site use impacts, the original permit authorized 31 parking spaces, and this amount will not change due to the proposed building and use changes. Sewer and water use was approved by the Town in the amount of 300 gallons per day. Under the current State wastewater rules, that equates to 25 employees. Ormond Bushey and Sons, Inc. was originally permitted for a total of 20 employees on site. (Although permitted for this number, at its current size less than half of this number utilize the site on any given day.) It is expected that the auto body shop will have no more than 5 employees, so the original sewer and water allocation will be adequate to serve this proposed change.

The original industrial park traffic study and related impacts centered around when a traffic light would be needed at the intersection of Gauthier Drive and Kellogg Road and it was originally determined that this original project would not trigger that need. As you know, a traffic signal has since been installed at this intersection, providing the optimum solution for controlling traffic from the park to insure unsafe conditions or unreasonable congestion does not occur. Nevertheless, the original project was permitted for 10 peak hour trips and we do not anticipate that this number will change significantly due to the proposed addition of the auto body shop use because of the reduced size of the Ormond Bushey and Sons, Inc. operations.

WATER SUPPLY AND DISTRIBUTION  
WASTEWATER COLLECTION AND TREATMENT  
STREETS AND HIGHWAYS  
AIRPORTS

SUBDIVISIONS  
SKI LIFTS  
RECREATION AND INDUSTRIAL PLANNING  
SOIL BORINGS

LABORATORY ANALYSIS  
(WATER AND WASTE WATER)  
LAND SURVEYING  
SOLID WASTE MANAGEMENT

(M-F 8 AM - 5 PM  
& weekends)

OK'd by P.W. (Arron M.)  
SP

When we last spoke about the proposed reduction in size of the Ormond Bushey and Sons, Inc. floor space and the addition of an auto body shop in a portion of the building, you had mentioned that there might be a concern over hazardous materials in the auto body shop. As you may recall, this building was originally permitted to contain large quantities of vehicle related fluids including 1,000 gallons of waste oil, 500 gallons of motor oil, 300 gallons of hydraulic fluid, and 55 gallons of antifreeze. The quantity of paints and solvents utilized and stored by the auto body shop will be insignificant compared to these permitted quantities. The body shop will also be utilizing the portion of the building that has a grated floor sump that does not have a discharge outlet, so if spills do occur within the building, they will be fully contained in the sump.

In summary, we believe that the overall site use impacts related to the proposed revised use of the building to reduce the floor space used by Ormond Bushey and Sons, Inc. and to add the auto body shop use will be equal to or less than those impacts originally approved by the Town of Essex. We also believe that the addition of the two doors and the revisions to the one overhead door are also relatively minor site modifications and no other site changes to parking or landscaping will take place due to these proposed changes. Therefore we request that these changes be processed by your office without the requirement of a hearing.

Please let me know if you have any questions or if you need any additional information.

Respectfully,



Richard F. Hamlin, P.E.  
President

enc.

c: Dean Henry



## State of Vermont

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# LAND USE PERMIT

## ADMINISTRATIVE AMENDMENT

**CASE:** 4C0842-4A  
**APPLICANT** O & R Realty, LLC  
**ADDRESS** P.O. Box 330  
South Hero, VT 05486  
  
and  
  
Dean Henry  
2 Bushey Lane  
Essex Junction, VT 05452

**LAWS/REGULATIONS INVOLVED**  
10 V.S.A. §§ 6001 - 6092 (Act 250)  
Act 250 Rule 34(D)

District Environmental Commission #4 hereby issues Land Use Permit Administrative Amendment #4C0842-4A, pursuant to the authority vested in it by 10 V.S.A., §§ 6001-6092. This permit amendment applies to the lands identified in Book 346, Pages 414-415, of the land records of the Town of Essex, Vermont.

**This permit specifically authorizes the Permittees to divide an existing commercial building with a new interior wall to create an office, bathroom and commercial space to be used as a body shop. This change in use includes addition of an overhead door and exterior fencing. There are no proposed changes to water and wastewater flows or to traffic generation. The Project is located at 2 Bushey Lane in the Town of Essex.**

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 Permittees, and their assigns and successors in interest, are obligated by this permit to complete, operate and maintain the project as approved by the District Commission in accordance with the following conditions.
2. The Project shall be completed, operated and maintained in accordance with the plans and exhibits on file with the District Environmental Commission and the conditions of this permit.  
The approved plan is:  
Sheet 1 - "Landscaping Plan" dated 10/20/98, last revision 6/16/15.
3. All conditions of Land Use Permit #4C0842 and amendments are in full force and effect except as 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 District Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.

7. Pursuant to 10 V.S.A. § 8005(c), the District Commission 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.
8. The conditions of this permit and the land uses permitted herein shall run with the land and are binding upon and enforceable against the Permittees and their successors and assigns.
9. The Permittees and all subsequent owners or lessees shall install and maintain only low-flow plumbing fixtures in any buildings. Any failed water conservation measures shall be promptly replaced with products of equal or better performance.
10. At a minimum, the Permittees shall comply with the Department of Environmental Conservation's *Low Risk Site Handbook for Erosion Prevention and Sediment Control* (2006).
11. The Permittees 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 Permittees from compliance with 10 V.S.A. (§§ 1250-1284) Chapter 47, Vermont's Water Pollution Control Law.
12. There is no new exterior lighting or signage proposed in conjunction with this Project. The Permittees shall not erect exterior lighting or signage without first obtaining approval from the District Coordinator or District Commission. Signage includes banners, flags, and other advertising displays, excepting temporary real estate marketing signs.
13. The installation and/or use of electric resistance space heat is specifically prohibited without the prior written approval of the District Environmental Commission.
14. A copy of this permit and approved plans shall be on the site at all times throughout the construction process.
15. The Permittees shall provide each prospective purchaser of any interest in this Project a copy of the Land Use Permit Amendment before any written contract of sale is entered into.
16. Pursuant to 10 V.S.A. § 6090(c), 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 Permittees have not commenced construction and made substantial progress toward completion within the three year period in accordance with 10 V.S.A. § 6091(b).
17. All site work and construction shall be completed in accordance with the approved plans by **October 30, 2018**, 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 public hearing.
18. The Permittees 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 or two years from the date of this permit, whichever shall occur first. Application for extension of time for good cause shown may be made to the District Commission. 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 Permittees 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, Dewey Building, National Life Drive, Montpelier, VT 05620-3201; Attention: Certification

19. Failure to comply with all of the above conditions may be grounds for permit revocation pursuant to 10 V.S.A., § 6027(g).

Dated at Essex Junction, Vermont, this 9<sup>th</sup> day of October, 2015.

By /s/ Stephanie H. Monaghan  
Stephanie H. Monaghan  
District #4 Coordinator

This permit is issued pursuant to Act 250 Rule 34(D), Administrative Amendments, which authorizes a district coordinator, on behalf of the District Commission, to "amend a permit without notice or hearing when an amendment is necessary for record-keeping purposes or to provide authorization for minor revisions to permitted projects raising no likelihood of impacts under the criteria of the Act." The rule also provides that all parties of record and current adjoining landowners shall receive a copy of any administrative amendment.

Prior to any appeal of this Administrative Amendment to the Superior Court, Environmental Division, the applicant or a party must file a motion to alter with the District Commission within 15 days from the date of this Administrative Amendment, pursuant to Act 250 Rule 34(D)(2).

W:\NRB\DIST4\PROJECTS\4C0751-4C1000\4C0751-4C1000\4C0842\4C0842-4\4C0842-4A.administrative.amendment.docx

## CERTIFICATE OF SERVICE

I hereby certify on this 9<sup>th</sup> day of October, 2015, a copy of the foregoing **ACT 250 LAND USE PERMIT #4C0842-4A**, was sent by U.S. mail, postage prepaid to the following individuals without email addresses and by email to the individuals with email addresses listed.

Note: any recipient may change its preferred method of receiving notices and other documents by contacting the District Office staff at the mailing address or email below. If you have elected to receive notices and other documents by email, it is your responsibility to notify our office of any email address changes. All email replies should be sent to [nrb-act250essex@state.vt.us](mailto:nrb-act250essex@state.vt.us) Please note you can now fill out and submit the Act 250 survey online at: <http://permits.vermont.gov/act250-survey> instead of printing and mailing the attached pdf version.

Dean Henry  
2 Bushey Lane  
Essex Jct., VT 05452  
[dean@obusheyandsons.com](mailto:dean@obusheyandsons.com)

Kathryn Henry  
[khenryvt@aol.com](mailto:khenryvt@aol.com)

Jill Morway/Kyle Morway  
[jillkyle@aol.com](mailto:jillkyle@aol.com)

**O& R Realty LLC**  
PO Box 330  
South Hero, VT 05486  
[sbushey@aol.com](mailto:sbushey@aol.com)

Richard Hamlin  
**Donald L. Hamlin Consulting Engineers, Inc.**  
136 Pearl Street  
Essex Jct., VT 05452  
[rhamlin@dlhce.com](mailto:rhamlin@dlhce.com)

Cheryl Moomey, Town Clerk  
Chair, Selectboard/Chair, Planning Commission  
**Town of Essex Jct. - 81 Main Street**  
Essex Jct., VT 05452  
[cmoomey@essex.org](mailto:cmoomey@essex.org)

Charlie Baker, Exec. Dir./Regina Mahony, Sr. Planner  
**Chittenden County Regional Planning Commission**  
110 West Canal Street, Suite 202  
Winooski, VT 05404  
[cbaker@ccrpcvt.org](mailto:cbaker@ccrpcvt.org)  
[rmahony@ccrpcvt.org](mailto:rmahony@ccrpcvt.org)

Elizabeth Lord, Land Use Attorney/**ANR**  
National Life Drive, Davis 2  
Montpelier, VT 05602  
[anr.act250@vermont.gov](mailto:anr.act250@vermont.gov)

Barry Murphy  
**Vt. Dept. of Public Service**  
112 State Street, Drawer 20  
Montpelier, VT 05620-2601  
[barry.murphy@vermont.gov](mailto:barry.murphy@vermont.gov)

Craig Keller/John Gruchacz/Jeff Ramsey  
**VTrans Policy, Planning & Research Bureau**  
One National Life Drive, Drawer 33  
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[craig.keller@vermont.gov](mailto:craig.keller@vermont.gov);  
[jeff.ramsey@vermont.gov](mailto:jeff.ramsey@vermont.gov)  
[john.gruchacz@vermont.gov](mailto:john.gruchacz@vermont.gov)

Lauren Masseria, Act 250 Development Coordinator  
**Vt. Agency of Agriculture, Food & Markets**  
116 State Street, Drawer 20  
Montpelier, VT 05620-2901  
[AGR.ACT250@vermont.gov](mailto:AGR.ACT250@vermont.gov)

**Division for Historic Preservation**  
National Life Building, Drawer 20  
Montpelier, VT 05620  
[scott.dillon@vermont.gov](mailto:scott.dillon@vermont.gov)  
[james.duggan@vermont.gov](mailto:james.duggan@vermont.gov)

### FOR YOUR INFORMATION

**DISTRICT #4 ENVIRONMENTAL COMMISSION**  
Thomas A. Little, Chair  
111 West Street  
Essex Junction, VT 05452

Dated at Essex Junction, Vermont, this 9<sup>th</sup> day of October, 2015.

\_\_\_\_\_/s/ Barbara J. Cady  
879-5614  
[Barbara.cady@vermont.gov](mailto:Barbara.cady@vermont.gov)