

Appeal Period Expires 11/19/10  
 Zoning District CIR + BDC

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

Application Date 1/1  
 Permit Number 2010-157

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 and it must remain posted throughout the construction period.

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.

Occupancy of the premises shall not take place until a Certificate of Occupancy is obtained.

Approval is subject to accuracy of information provided by the applicant.

**A** Parcel Account Numb. (Map-Parcel-Lot) 2-058-049-000  
 (found in Town Assessor's Office)  
 Property Address: 111 CENTER ROAD, ESSEX VT  
 Owner: KEVIN MACY + Ann H.  
 Owner Address: 113 CENTER ROAD, ESSEX VT  
 Owner Phone: (work) 802-879-6050 (home) \_\_\_\_\_  
 (cell) \_\_\_\_\_ (Email) \_\_\_\_\_  
 Contractors name: Josef Roubal Phone: 877 1048  
Patrick Roubal Cell: \_\_\_\_\_  
 Estimated Construction Dates: Start: 11/1/10 Completion: 11/15/10  
 Sq. Feet: \_\_\_\_\_ Estimated Cost (labor & materials): \$ 8,000.00

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

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

**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.  
N/A

**F** Diagram – Show a sketch of project on reverse of this application with property lines, building, and setbacks or attach separate sheet. (Instruction sheet available upon request.)  
NO OUTSIDE CHANGES TO THE EXISTING STRUCTURE  
INSIDE: ROOMS ARE TOO LARGE FOR 1 (ONE) MESSAGE  
BOOT - WE WILL ADD LIGHT DIVIDING WALLS. IN  
WILL ADD 1 TABLE SHOWER 9 2 ROOMS  
7 DAYS A WEEK / 7 AM - 10 PM 2 employees

**G** Signature of Owner Kevin Macy

**G**

Check box(es) which describe proposed use or construction (circle choice in parenthesis).  
 N = New A = Addition R = Remodel

<b>Residential:</b>	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"/>
<b>Inclusions or Additions:</b>			
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"/>
<b>Non-residential:</b>			
Commercial / Industrial	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Stormwater:</b>			
Stormwater	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Erosion Control	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Other:</b>			
Change in use	<input checked="" 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"/>

Message parlor  
1 table  
2 employees  
house is total of 120 floor area

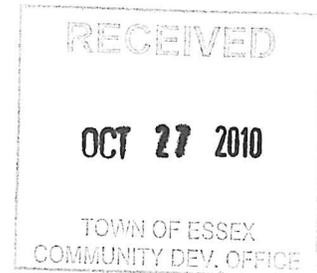
**Office Use Only**

Fees:	Type	Amount	Date Pd
	Permit	\$ <u>100.00</u>	<u>10/20/10</u>
	School	\$ _____	<u>1/1</u>
	Recreation	\$ _____	<u>1/1</u>
	Recording	\$ <u>20</u>	<u>10/26/10</u>
	Other	\$ <u>75</u>	<u>1/1/10</u>

**Building Permit**  
 Approved  Rejected  Date 11/14/10  
 Issued to: Kevin Macy  
 Zoning Administrator: Sharon K. Kelly  
 Notes: This permit is approved  
for 3 employees per day and  
to use  
 C.O. Required Yes  No

THIS PERMIT VALID FOR TWELVE (12) MONTHS FROM DATE OF ISSUE

Josef Roubal  
401 Depot Road  
Colchester, VT 05446  
878-1048



SHARON L. KELLEY  
ZONING ADMINISTRATOR  
TOWWN OF ESSEX

10/27/2010

Dear Sharon,

Thank you very much for your help trough for me a new, complicated process of zoning application. I appreciate very much your patience and the ease you navigated me through the process.

I submitted zoning permit application to change permit to use the House at 111 Center Road in Essex Town from the current Day Care Facility to the Massage Therapy. There were emails exchanged between Nick Grimley, the real estate agent, Peter Keibel, District # 4 coordinator natural resources Board and Jeff (no last name) before I submitted applications. It was determined by Peter and Jeff that there is no Act 250 jurisdiction on this site, and there is no need to check with AOT.

Property information:

Location: 111 Center Rd. Essex Town, VT (the pre 911 address listed on the waste water permit is 113 Center Rd.)

Owner: Kevin @ Ann Macy (previous owner was Clement Cardinal, who permitted it for a Day Care Facility.

Previous Use: Day Care Facility with 27 Children & 4 Staff.

Proposed Use: Massage Therapy with 2 massage therapists & 1 business manager.

During our debate, we came to conclusion that the facility will serve maximum of 10 customers per day. It was my mistake, because I mentioned that 10 customers a day would be a good day.

There had been done water and wastewater flow computation by Jesanne Wyman. The result shows that the facility can serve up to 38 customers per day without exceeding approved design flow.

Also, previous (or still current?) permit was for 27 children, and 4 staff. It means to that there was 58 (27x2+4) cars entering and leaving premises daily. The most of them came at relatively short period of time usually at high-traffic period. In case of the new business arrivals will be spread more evenly with arriving or leaving maximum of three cars in 1 hour.

It seems to me that it is not wise to limit theoretical customer flow when numbers are so favorable.

New proposal: Massage Therapy with 2 massage therapists & 1 business manager, 3 massage tables, 18 customers a day maximum. The facility will work at 50% of approved water and wastewater capacity and at 30% of approved traffic capacity if there will be 18 customers a day.

Hours of operation: 7 am to 10 pm

modification to existing structure.

Outside; adding business sign to the front wall next to the entrance door, and adding the same to the existing free standing display.

Inside; adding light, dividing walls to create small, cozy massage rooms.

Adding a table shower.

The sign description: the circle 3 ft in diameter, painted golden with very dark brown, almost black sign

MASSAGE            6 IN

SUN                10 IN

THERAPY           6IN

Words MASSAGE and THERAPY will be curved accordingly.

## Sharon Kelley

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**From:** Hall, Robert [Robert.Hall@state.vt.us]  
**Sent:** Thursday, November 04, 2010 3:23 PM  
**To:** Sharon Kelley  
**Cc:** French, Timothy; Keller, Craig  
**Subject:** RE: 111 & 115 Center Road

Good Afternoon Sharon:

I have looked over the material you e-mailed to me and VTrans has determined that unless the applicant is proposing to do work within the State highway right-of-way, a new 19 V.S.A. § 1111 permit will not be necessary for the proposed change of use of one of the buildings. It is our opinion that the requested change of use from a Day Care facility to a three table message therapy business will likely decrease the number of peak hour trips into and out of the facility onto the VT 15.

We appreciate you taking the time to contact us in situations like this and allowing VTrans to have input on these permitting issues. Please feel free to contact me if you have any questions or wish to discuss this any further.

*Rob Hall*, Utilities and Permits Supervisor  
VTrans  
Utilities and Permits Unit  
One National Life Drive  
Montpelier, Vermont 05633-5001

Tel (802) 828-2654  
Fax (802) 828-5742  
e-mail [robert.hall@state.vt.us](mailto:robert.hall@state.vt.us)

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**From:** Sharon Kelley [mailto:[gert@essex.org](mailto:gert@essex.org)]  
**Sent:** Monday, November 01, 2010 11:37 AM  
**To:** Hall, Robert  
**Cc:** Sharon Kelley  
**Subject:** FW: 111 & 115 Center Road

Hi Robert:

I am forwarding an email, with some of the attachments, regarding an applicant who would like to move into a vacant structure on Route 15, near the intersection of Jericho/Westford/Essex. I checked with Peter Keibel, who reported that he does not have jurisdiction. The applicant is not proposing any changes to the curb cut, however I am looking for confirmation from you that the AOT does not review the amount of traffic this new use could generate, or the safety of the access with the potential of so many trips in and out of the site.

Please advice. Thanks, Sharon Kelley, Essex Zoning Administrator

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**From:** Sharon Kelley  
**Sent:** Friday, October 29, 2010 9:23 AM  
**To:** 'Keibel, Peter'  
**Cc:** Sharon Kelley  
**Subject:** 111 & 115 Center Road

Hi Peter:

11/4/2010

A little background:

Kevin Macy (landowner) owns two lots that share a driveway. 111 Center Road has a single-family house that was approved by the Town for a 22-child daycare in 1993. The daycare has been vacant for a few years, the house remains empty.

115 Center Road has an 2-unit apartment house and garage at the front of the lot, and a building in the rear of the lot housing a photography studio on the 1<sup>st</sup> floor and the landowner's living quarters on the second floor.

Attached are documents I found issued from the State. The AOT document has special conditions attached – on page 2, the last paragraph speaks to traffic concerns. Also attached is a traffic study done in 2001 and the applicant's narrative for the massage therapy use.

Thanks for your help!

Sharon

*Sharon L. Kelley, Zoning Administrator  
Town of Essex  
81 Main Street, Essex Jct., VT 05452  
(w) (802) 878-1343  
(f) (802) 878-1353*

## Sharon Kelley

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**From:** Sharon Kelley  
**Sent:** Tuesday, February 22, 2011 10:58 AM  
**To:** 'roubalj@aol.com'  
**Cc:** Sharon Kelley  
**Subject:** 111 Center Road  
**Attachments:** Cert of Occupancy App Jun 09.pdf

Josef,

This is to inform you that your sandwich board sign is not an approved color for the Business Design Control District. It must be removed immediately.

Your application to add signage to Mr. Macy's existing free-standing sign remains incomplete as you have not provided the actual colors to be used on the sign. You also mentioned that you were considering a façade sign. As I previously informed you, all signage must be approved by the Planning Commission. I was hoping to bring your request to them informally as you are looking to amend an existing sign however it has been since November that I have been waiting for this information.

I am returning the sign application and fee to you via regular mail. When you are ready to formalize your signage requests, please resubmit the application.

In the meanwhile no signage is allowed on the site advertising your business.

In addition, I have not received your Certificate of Occupancy application form, signed by the landowner. Once I receive this application, I will need to do a final inspection of the premises before I sign off on the application.

Attached is the Certificate of Occupancy form to be filled out by you and signed by the landowner.

Thank you for your prompt attention to these matters.

*Sharon L. Kelley, Zoning Administrator  
Town of Essex  
81 Main Street, Essex Jct., VT 05452  
(w) (802) 878-1343  
(f) (802) 878-1353*

# SIGN APPLICATION-TOWN OF ESSEX

Date \_\_\_\_\_ APPLICATION FEE \$95.00 pd PERMIT # \_\_\_\_\_  
(includes recording fee) Appeal Period Expires \_\_\_\_\_  
Zoning District ctr + B-DC

Address of Sign Location: 111 CENTER ROAD, ESSEX MAP 058 PARCEL 049 LCT 1020

Business Name for Sign: SUN SPA

Type of Sign: Free Standing EXISTING held A panel (size) Façade 3 ft (size)

Height (from ground level to top of free-standing sign): \_\_\_\_\_

Applicant's Mailing Address: 401 DEPOT ROAD, COLCHESTER, VT 05446

Phone Number – Home: 878-1048 Work: - Cell: 802-999-0856 Fax: \_\_\_\_\_

*Roady@aol.com*

Applicant(s) Signature: Jouf Roubal

Landowner(s) Signature: Kevin Macey

### INSTRUCTIONS FOR FILING APPLICATION:

All sign approval applications will be pursuant to the Town of Essex Sign Regulations contained within Section 25.10 of the Town of Essex Sign Regulations. A copy has been attached to this application form for your review and information. Approval or denial will be based upon a complete submittal of all the required information. In the case of denial of the application an explanation will be in writing.

### INSTRUCTIONS FOR FREE STANDING SIGNS:

- a) Scaled lot plan indicating sign location;
- b) Diagram if sign with information according to the attached sample diagram.

### INSTRUCTIONS FOR FAÇADE SIGNS:

- a) Plan of building façade and sign pursuant to the attached sample plan.

**Note: The Zoning Administrator may require additional information to make a proper evaluation on a case by case basis.**

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, your application was:  
\_\_\_\_\_ approved \_\_\_\_\_ denied.

See attachment for conditions of approval or reasons for denial.

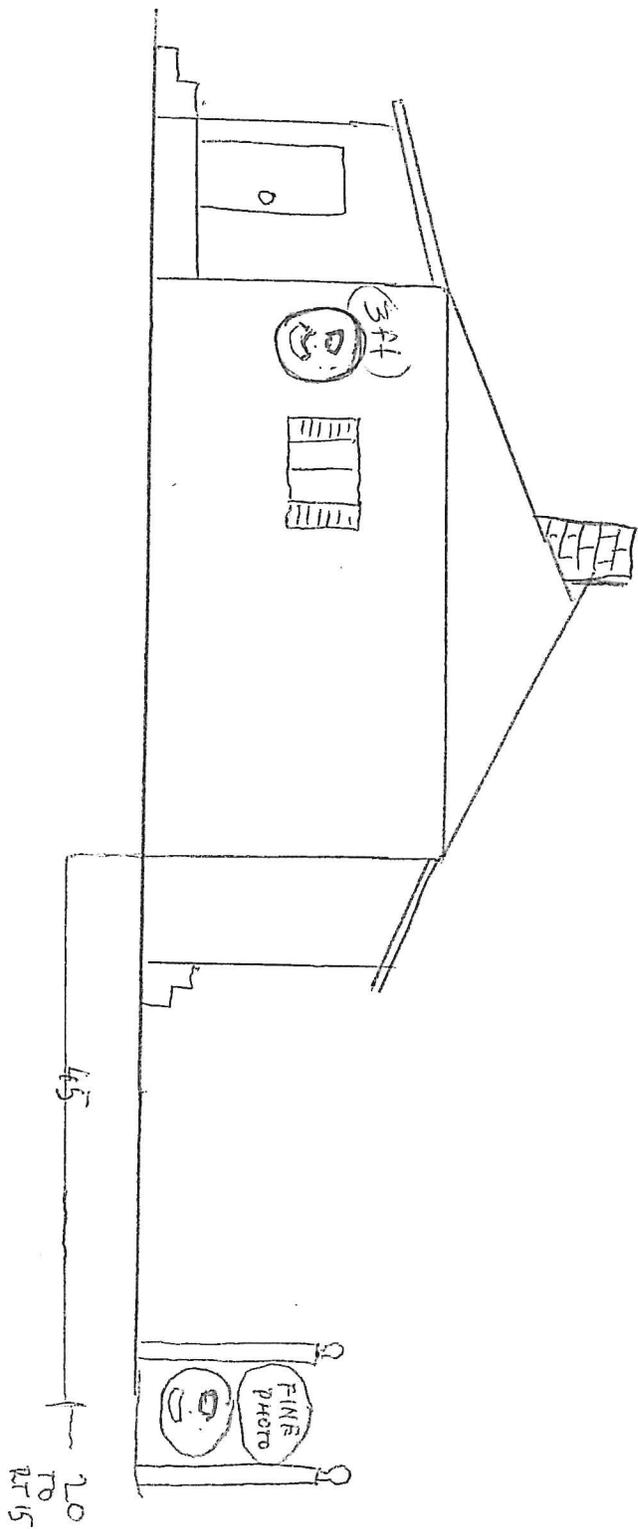
*2/22/11 Application remains incomplete - Return to Applicant*

TOWN OF ESSEX

By: \_\_\_\_\_  
Zoning Administrator

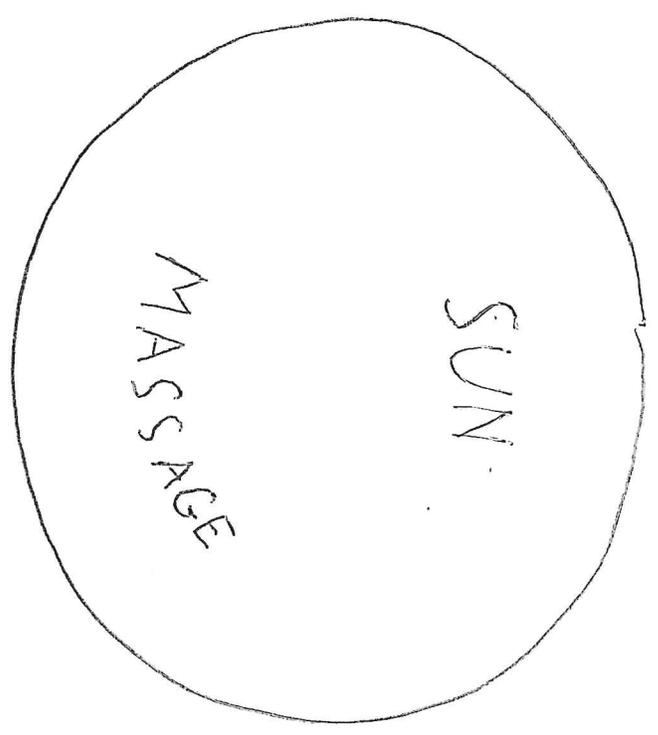
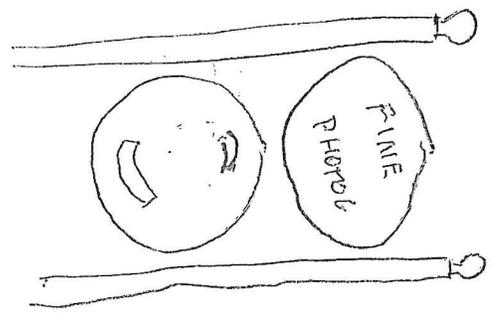
**ANY INTERESTED PERSON MAY APPEAL THE DECISION OF THE ZONING ADMINISTRATOR TO THE ZONING BOARD OF ADJUSTMENT WITHIN 15 DAYS OF PERMIT ISSUANCE. COMMENCING CONSTRUCTION WITHIN THIS 15 DAY APPEAL PERIOD IS PROHIBITED BY LAW.**

111 CENTER RD



111 CENTER RD.

WILL BE ATTACHED TO EXISTING SIGN FINE PHOTOGRAPHY



BACKGROUND - GOLD  
LETTERS 6 in.

111 CENTER RD  
TOP VIEW

