

Kittell

TOWN OF ESSEX

APPLICATION FOR CERTIFICATE OF OCCUPANCY

No. 252-86

12-22-1986

The undersigned herewith requests an inspection of the premises and the issuance of "Certificate of Occupancy" of premises, or portion thereof, for use or habitation.

This request is for use only of existing land or buildings.

This request is for new construction or rehabilitated or altered structure which was done under authority of building/zoning permit # 252-86 issued 10-7-1986 to Mervin Kittell (NAME)

premises are at 76 Center Road (STREET ADDRESS)

Applicants Mailing Address (If different) P.O. Box 506 Essex Ct.

Driveway location inspected and approved by State Dept. of Transp.

Water service installation inspected and approved by

Existing (NAME)

Sanitary sewer connection or septic system inspected and approved by: Existing (NAME) 19 (DATE)

Construction was begun Oct. 1986 and completed Dec 23 1986

Actual cost of construction \$ 100,000

Approval granted by Planning Commission Zoning Board of Adjustment 4-21-1986

Use of premises intended Gas pumps + Store Renov. (What will you use the new bldg, addition or alt. for)

Daytime phone # 829-8981

[Signature] (APPLICANT'S SIGNATURE) 12/22/1986 (DATE)

Certificate of Occupancy approved with without conditions. Certificate of Occupancy denied . See Attachment with condition with reasons for denial. Please see attachment

19-31-86

ATTACHMENT TO CERTIFICATE OF OCCUPANCY # 252-86

This Certificate of Occupancy is being issued with the following conditions:

- 1: Temporary curbing and rope to be put on front of store to close off old parking area.
- 2: Temporary curbing and rope around center island and along easterly property line and continue along northerly side of parking area to the westerly end of six car parking lot by the redemption center door.
3. Define area on southeasterly corner of building including entry doorway.
4. Ditch along easterly and northerly property lines as a temporary measure to collect water run-off.
5. Post a letter of irrevocable credit in the sum of \$18,000.00 to guarantee construction of the retention pond, paving and curbing for parking lot, line striping and landscaping as indicated on the approved site plan. This letter of irrevocable credit will guarantee construction completion of the preceding items by June 1, 1987.
6. As built plans to be provided by June 1, 1987
7. Additional landscaping be provided pursuant to stipulation # 11 of the April 21, 1987 Selectmen's approval.

You will also find attached a copy of the Board of Selectmen's letter of approval dated April 7, 1986 and May 1, 1986. All other stipulations not mentioned above shall be adhered to.

JLF/11



**TOWN OF ESSEX
VERMONT**

81 MAIN STREET, ESSEX JUNCTION, VERMONT 05452 • 802/879-0413

December 19, 1986

Kevin Kittell
Essex Discount Beverage
Essex Junction, VT 05452

RE: Inspection for Certificate of Occupancy made on 12/18/86

Dear Kevin:

This letter is being written to document the results of my inspection for the opening of your new gas pump facility at 76 Center Road. The following listed items are to be completed prior to opening for business.

1. Temporary curbing and rope to be put on front of store to close off old parking area.
2. Temporary curbing and rope around center island and along easterly property line and continue along northerly side of parking area to the westerly end of six car parking lot by the redemption center door.
3. Define area on southeasterly corner of building including entry doorway.
4. Ditch along easterly and northerly property lines as a temporary measure to collect water run-off.
5. Post a letter of credit with the Town in an amount sufficient to guarantee construction of the retention pond, paving and curbing for parking lot and driveway and landscaping. This letter would guarantee the preceding items to be completed by June 1, 1987.

If you have any questions or disagreements, please feel free to call.

Sincerely,

Jerry L. Firkey
Zoning Administrator

JLF/11

cc: Dawn Francis



**TOWN OF ESSEX
VERMONT**

81 MAIN STREET, ESSEX JUNCTION, VERMONT 05452 • 802/879-0413

April 7, 1986

Kevin Kittell
P.O. 506
Essex, Vt. 05451

RE: Town of Essex Board of Selectmen Interim Zoning Hearing of
March 3, 1986.

Dear Mr. Kittell:

At its Interim Zoning Hearing of March 3, 1986, the Town of Essex Board of Selectmen unanimously voted to approve your application as warned and presented for expansion of a nonconforming use involving the installation of a self-serve gas pump with the following stipulations.

STIPULATIONS OF APPROVAL

1. A hold up alarm shall be installed and connected to the police department.
2. The drainage plan shall meet the requirements of the Town Engineer.
3. Gasoline pumps shall not be illuminated in any manner that shall cause any undue distraction, confusion, glare or hazard to vehicular traffic or adjacent property owners.
4. Sale of diesel fuel shall be restricted to one pump nozzle, as presented.
5. Bottle redemption door shall be moved to the northerly end of the building.

During their deliberations, the Board determined the following findings of fact.

THE BOARD FINDS THAT:

1. Applicant's property is located in an AR-2 zoning district.
2. No one from the public spoke relative to this application.
3. This application is for expansion of a nonconforming use. Applicant proposed to install self-serve gas pumps at the location.
4. Staff input is:
The current zoning proposal by the Planning Commission is to rezone Kittell's land to a B-3 Business Zoning District. Automobile Service Stations will be a conditional use in the B-3 zone.

Section 601.2 - both the existing and proposed Regulations address the expansion of a nonconforming business.

By definition - a convenience business is a retail store selling groceries and sundry necessary items, designed primarily to serve the immediate neighborhood. Such stores may include the selling of gas, oil, etc. as a secondary portion of the business.

Diesel Fuel - should not be sold as this creates larger volumes of truck traffic which the site may not be able to accommodate. Most trucks take 10 times the time to fill up as a car.

The bottle redemption door - be moved to the northerly end of the building. This would keep the cars with the extended parking time out of the more congested area on the east side of the building.

Drainage Plan - shall meet the requirements of the Town Engineer.

Hold up alarm - required and connected to the Police Station.

Staff has requested the applicant to obtain a traffic study by a qualified consultant. This is in the process of being done.

We are not prepared to make a firm recommendation for approval or denial at this time and will await the outcome of the traffic study. If everything goes on schedule, a report will be made at the hearing.

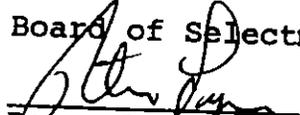
5. The Legislative Body finds that this proposed use is consistent with the purposes of this Interim Regulation in the interest of the public health, safety, and welfare of the Town of Essex.
6. The proposed use does not adversely affect the capacity of existing or planned community facilities.
7. The proposed use does not adversely affect the character of the area or neighborhood.
8. The proposed use does not adversely affect the traffic on the roads and highways in the vicinity.
9. The proposed use does not adversely affect Bylaws now in effect.
10. The proposed use does not adversely affect utilization of renewable energy.

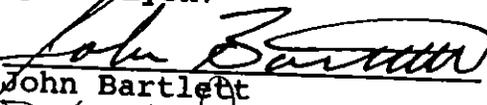
11. In addressing Title 24 VSA Section 4410 (e):
 - A. The capacity of existing or planned community facilities, services or land is sufficient
 - B. The existing patterns and uses of development in the area are inconsistent.
 - C. Environmental limitations of the site or area, and significant natural areas and sites are not limiting.
 - D. Municipal plans and other municipal bylaws, ordinances or regulations in effect are complying and conforming.
12. The proposed use is in conformance with the Lot and Yard requirements of Section 1120, Table 1 of the previously enacted Zoning Regulations.
13. This application is being heard under interim zoning due to the proposed rezoning under the duly warned proposed Town Plan.

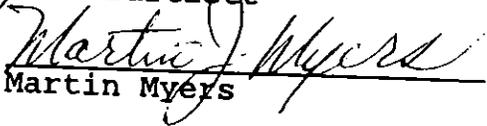
Prior to use or occupancy of the premises for which the approval is granted, a Certificate of Occupancy must be issued by the Zoning Administrator.

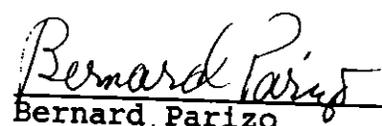
If you have any questions, please do not hesitate to call the Zoning Office.

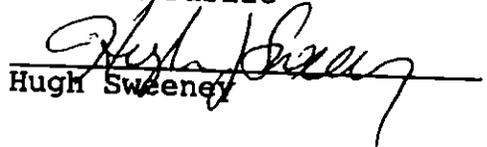
Board of Selectmen


Peter Lyon


John Bartlett


Martin Myers


Bernard Parizo


Hugh Sweeney

/mm

cc: To all the following : The Pomerleau Agency, John Hill, John Tardie, Roger Dow, John Mitchell, and Paul Wamsanz

CERTIFIED MAIL

**TOWN OF ESSEX
VERMONT**

81 MAIN STREET, ESSEX JUNCTION, VERMONT 05452 • 802/879-0413

May 1, 1986

Kevin Kittell
P.O. Box 506
Essex Jct., Vt. 05452

RE: Town of Essex Planning Commission and Board of Selectmen
Public Hearing held in accordance with 24 V.S.A, Chapter
117, Section 4443(c) for Site Plan Approval as requested
by Kevin Kittell dba Essex Discount Beverage

Dear Mr. Kittell:

At a public hearing held by the Town of Essex Planning Commission on April 10, 1986 and reopened by the Board of Selectmen on April 21, 1986, the Town of Essex Board of Selectmen unanimously voted to approve your application as warned and presented for site plan review involving the erection of two self-service gasoline pump islands with an overhead canopy, modifications to the ingress/egress and parking areas, and alterations to the exterior of the building involving the relocation of entrances with the following stipulations:

STIPULATIONS OF APPROVAL

- (1) All parking spaces and ingress/egress points shall be delineated by lines painted on the pavement in accordance with the scheme set forth on the site plan. The lines shall be repainted as necessary to maintain visibility at all times.
- (2) No outdoor storage of goods for sale shall be permitted.
- (3) No excavation, site development or building construction shall occur until a drainage plan for the site has been reviewed and approved by the Town Engineer. There are safety concerns relative to the retention pond. The need for fencing and for screening shall be as determined by the Town Administration.
- (4) The applicant shall bear the cost of installing a sidewalk and curbing along the frontage of the property in accordance with the Town's public works specifications and as approved by the Town Engineer. The Planning Commission notes that this requirement is waived until the waterline construction improvements along Route 15 are completed or until December 31, 1987, whichever comes first.

- (5) As-builts shall be provided.
- (6) All landscaping and plantings as shown on the site plan shall be guaranteed for a period of three years.
- (7) All curbing as indicated on the site shall be in accordance with the Town's Public Works Specifications or as approved by the Town Engineer.
- (8) All exterior lighting shall be installed or shielded in such a manner as to conceal light sources and reflector surfaces from view substantially beyond the perimeter of the area to be illuminated.
- (9) That a bike rack be included.
- (10) That a handicapped parking space be provided.
- (11) That five, each 1 1/2 inch to 2 inch caliper, trees be added to the landscaping in addition to the low shrubs.
- (12) That an exterior light be attached to the rear of the building for security reasons.
- (13) That site plan approval be good for one year.

During their deliberations, the Board determined the following findings of fact.

THE BOARD FINDS THAT:

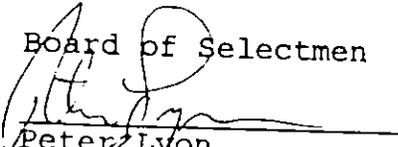
1. This application is for site plan review and design control review as submitted by Kevin Kittell for site modifications to an existing commercial establishment known as Essex Discount Beverage located at 76 Center Road (tax map 57, parcel 13). Specific improvements proposed by the applicant include the erection of two self-service gasoline pump islands with an overhead canopy, modifications to the ingress/egress and parking areas, and alterations to the exterior of the building involving the relocation of entrances.
2. Applicant's property is presently located in an AR-2 zoning district. A public hearing has been warned and held by the Planning Commission to change the zoning district in which this property is located to a B-3, Business District. Automobile Service Stations will be a conditional use in the proposed B-3 zone.
3. Applicant's property is also located in a proposed B-DC, Business Design Control District. The Board of Selectmen have acted to delete this district from the proposed Municipal Development Plan and Zoning Regulations.

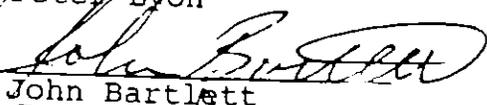
4. Applicant previously received approval from the Board of Selectmen on March 3, 1986 for expansion of a nonconforming use involving the installation of a self-serve gas pump.
5. No one from the public spoke relative to this application.
6. The Town of Essex Planning Commission and Board of Selectmen have considered this project under Section 805.1 of the proposed Zoning Regulations in accordance with the following standards:
 - (1) adequacy of traffic ingress and egress to the site from Route 15;
 - (2) maximum safety of vehicular and pedestrian circulation.
 - (3) adequacy and safety of on-site circulation, parking and loading facilities;
 - (4) adequacy of landscaping and screening and setbacks for maximum compatibility and protection of adjacent property; and
 - (5) compatibility of the bottle redemption business, retail business and gasoline service in terms of parking demand and traffic generation.
7. The site plan as proposed meets the requirements of Section 805.1 of the Town of Essex Zoning Regulations.

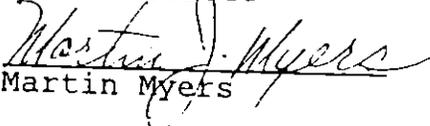
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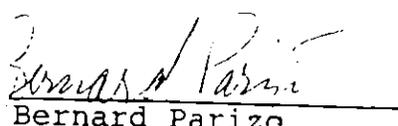
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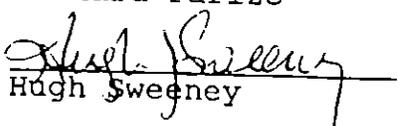
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DHF/mm

cc: To all the following: The Pomerleau Agency, John Hill, John Tardie, Roger Dow, John Mitchell, and Paul Wamsanz