

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

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41 **FINDINGS**

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43 **1. Applicant**

44 Glenn and Ronalyn Cummings
45 65 Lakewood Court
46 Colchester, VT 05446

47 **2. Proposal**

48 This application was reviewed and approved on October 13, 2022. Minor updates have been
49 made to the plans to meet the changes made to Public Works Specification since this was last
50 approved.

51 The applicant proposes a single 16,100-square-foot warehouse or storage building and 22
52 parking spaces at 22 Corporate Drive (Parcel ID 2-072-003-019), a vacant 2.38-acre lot in the
53 Resource-Preservation District – Industrial (RPD-I) zoning district. The building would
54 accommodate up to 10 employees, generating 3 AM and 4 PM peak hour vehicle trips, and
55 would utilize up to 150 gallons per day of municipal water and sewer capacity; stormwater from
56 this site would be routed to the shared pond at 13 Corporate Drive. As previously approved, the
57 applicant is seeking a waiver to clear the 50' buffer and plant with a streetscape consistent with
58 other parcels along Corporate Drive.

59 **3. Article V, Section 5.6 of the Zoning Regulations: Site Plan Review**

60 As a commercial use, the project requires site plan review pursuant to Section 5.6 of the Town of
61 Essex Zoning Regulations. The purpose of site plan review is to ensure compliance with the Town
62 Plan, the Zoning Regulations, and conditions of previous approvals, if any. Site plan review
63 standards specifically include preservation of natural and scenic features, layout of development,
64 access, internal circulation, parking, landscaping, lighting, and utilities and fire protection.

65 The applicant has submitted the following plans:

- 66 • Plan Sheet #1, "100-Scale Overall Plan, Saxon Hill Industrial Park – Lot #22
67 Corporate Drive, Essex, VT," prepared by O'Leary-Burke Civil Associates, PLC,
68 dated 08/30/2022; revised 11/22/2022;
- 69 • Plan Sheet #2, "Site Plan, Saxon Hill Industrial Park – Lot #22, Corporate Drive,
70 Essex, VT," prepared by O'Leary-Burke Civil Associates, PLC, dated 08/30/2022;
71 revised 11/22/2022;

- 72 • Plan Sheet #3, “Lighting Plan, Saxon Hill Industrial Park – Lot #22, Corporate Drive,
73 Essex, VT,” prepared by O’Leary-Burke Civil Associates, PLC, dated 08/30/2022;
74 revised 11/22/2022;
- 75 • Plan Sheet #4, “Erosion Prevention & Sediment Control Plan & Specifications, Saxon
76 Hill Industrial Park – Lot #22, Corporate Drive, Essex, VT,” prepared by O’Leary-
77 Burke Civil Associates, PLC, dated 08/30/2022; revised 11/22/2022 and 12/03/2025;.
- 78 • Plan Sheet #5, “Roadway & Stormwater Details, Saxon Hill Industrial Park – Lot
79 #22, Corporate Drive, Essex, VT,” prepared by O’Leary-Burke Civil Associates,
80 PLC, dated 08/30/2022; revised 12/03/2025;
- 81 • Plan Sheet #6, “Water & Sewer Details, Saxon Hill Industrial Park – Lot #22,
82 Corporate Drive, Essex, VT,” prepared by O’Leary-Burke Civil Associates, PLC,
83 dated 08/30/2022 revised 12/03/2025;

84
85 **(A) ZR Section 5.6(A), General Requirements**

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

87 The project complies with the following goals and objectives of the *2024 Essex Town*
88 *Plan*:

89 *General Policy 2: Economic growth shall be diversified, with development*
90 *occurring in and around the Essex Town Center, the Susie Wilson Road Corridor,*
91 *and the Saxon Hill/RPD-I district.*

92 *Goal 1f: Economic development is carried out in the Saxon Hill Industrial Park*
93 *with consideration and respect for the natural surroundings.*

94 *Specific Policy 2(S).1: Assure that new industrial and commercial development*
95 *occurs within existing industrial and commercial zoning districts.*

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

97 This project is located in the RPD-I district and must conform to the standards listed
98 in Table 2.14 of the *Zoning Regulations*.

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

100 **i. Purpose**

101 The project reflects the purpose of the RPD-I in that the development activity
102 is located within the 40% industrial area designation and will be carried out in
103 harmony with the natural surroundings. Furthermore, natural attributes (i.e.,
104 forest cover and trails) will be protected for public enjoyment.

105 **ii. Permitted and Conditional Uses**

106 Warehouses are permitted uses in the RPD-I district. No conditional uses are
107 proposed.

108 **iii. District Dimensional Requirements**

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

Dimensional Requirements	Required	Proposed
Minimum Lot Area – Nonresidential	40,000 sf	103,673 sf
Minimum Lot Frontage	200 ft.	143 ft.
Minimum Front Setback (from ROW)	50 ft.	67 ft.
Minimum Side Setback	25 ft.	28 ft.
Minimum Rear Setback	25 ft.	210 ft.
Minimum Buffer/Residential Districts	200 ft.	210 ft.
Maximum Lot Coverage – All	60%	31.9%
Maximum Height	45 ft.	<45 ft.

111 The lot was approved as part of the Phase II Corporate Drive subdivision
112 approval, dated 11/08/2007, prior to passage of minimum frontage
113 requirements for the RPD-I district (effective 11/03/2014). Furthermore, the
114 lot is located on the outside of a cul-de-sac and, if approved today, would be
115 eligible for a frontage reduction per ZR Section 3.1(C)(2).

116 **iv. District Development Standards**

117 The plans show the retention of the 200-foot buffer along the rear of the
118 property as required under this section. The applicant has requested a waiver
119 to clear within the 50-foot buffer and replace it with four new street trees; this
120 is reviewed along with the landscaping plan in Finding I(F).

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

122 The proposed project will not impact public health, safety, or welfare.

123 **4. Outstanding violations**

124 The property does not have any outstanding zoning violations.

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

127 The *Zoning Regulations* state that “site layout and design, to the extent feasible, shall
128 incorporate and protect significant natural features as identified on the Significant
129 Features, Scenic Resources and Water Resources Maps contained in the Town Plan of
130 record or through site investigation.”

131 The proposal does not impact any of the site’s natural resources, including existing
132 topography and steep slopes, surface waters and wetlands, open space or scenic features,
133 or the ability to generate renewable energy.

134 Essex Parks and Recreation reviewed the plans and offered the following comments in an
135 email dated 12/16/2025:

136 *No comments from Parks & Recreation.*

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(C) ZR Section 5.6 (C), Access

Pedestrian and vehicular access to the site, including road intersections, shall meet all applicable design standards, including the Town’s Public Works Specifications and related access requirements under Section 3.1.

The plan proposes access via a new curb cut and 20-foot-wide driveway off Corporate Drive.

In a memo dated 01/23/2026, Public Works provided the following comments:

Transportation:

1. *The applicant has provided a traffic study which is acceptable. The traffic impacts of the proposed project are minor, amounting to an additional 4 VTE to the existing PM Peak Hour traffic to the Allen Martin Corridor. The study results indicate that there is essentially no change in Level of Service (LOS) at the intersection of Corporate Drive and Allen Martin Drive. There are minor impacts to the intersection of VTRT15 and Allen Martin Drive but it does indicate that the traffic from the proposed development will add to the intersection delays.*
2. *The previously assessed trip-end impact fee will be used to offset future upgrade costs to the Allen Martin Drive / VT RT 15 intersection and Allen Martin Drive.*
3. *The traffic data provided is based on a Warehouse category of use. An update to this study will be required if the proposed use changes in the future as each individual suite comes in for a permit.*

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

The DRB shall consider and may impose conditions as necessary to ensure the adequacy of on-site vehicular and pedestrian circulation.

(1) Particular attention shall be given to safety, including:

- (a) Aisle widths to accommodate emergency vehicles;
- (b) Traffic and pedestrian movement patterns; and
- (c) The location of paring areas and loading docks to prevent conflicts with traffic entering and existing on to a public street.

The Applicant’s proposed design satisfies ZR 5.6(D)(1) requirements.

(3) The DRB may require pedestrian walkways to facilitate pedestrian movements.

There is no provision for pedestrian access to the building; at minimum, a 5-foot-wide paved path shall be added that extends from the sidewalk along the south side of Corporate Drive to the first (northeasterly) entrance to the

174 building. All sidewalks and crosswalks shall be constructed to ADA
175 standards.

176 (4) In all districts, the DRB may require provision for pedestrian trails/paths and
177 walkways along waterways or other natural features to connect with similar present
178 or anticipated trails/paths on adjacent properties for use by residents or occupants
179 of the development.

180 (5) The DRB may require dedicated easements for future access roads, lanes, non-
181 motorized paths or trails for use by residents or occupants of the development.

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

184 Parking must be provided in accordance with Section 3.9 of the *Zoning Regulations*, which
185 states that for the proposed warehouse use there must be at least:

- 186 • 1 parking space per 400 gross sq. ft. of floor space, or
- 187 • 2 parking spaces per 3 employees

188 The applicant is proposing a 16,100 square foot building and 10 employees maximum,
189 requiring either 41 or 7 parking spaces. The plans show 22 spaces, 2 of which would be
190 accessible by ADA standards. In accordance with ZR Table 3.4, at least one of the
191 accessible spaces would need to be van-accessible. The plans indicate that both of these
192 spaces will be van-accessible.

193 Staff feel that 22 parking spaces is a reasonable amount considering this proposal exceeds
194 the minimum requirement based on employees.

195 (2) Bicycle parking spaces/racks shall be provided in accordance with Section 3.9(H)(2)
196 of these Regulations, which states:

197 Businesses, public buildings, and multi-unit dwellings may be required, at the
198 discretion of the DRB, to provide facilities for bicycle parking. Uses which may be
199 required to provide bicycle parking include but are not limited to shopping centers,
200 restaurants, grocery stores, recreation facilities, motels, government offices, schools,
201 hospitals and clinics, multi-unit dwellings, and mass transit terminals.

202 The proposed plans show a bike rack on the Northwestern corner of the parking area.

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

205 The DRB can require landscaping to achieve the objectives of the *Zoning Regulations* and
206 the Town Plan. The landscaping objectives in the RPD-I just relate to the preservation of
207 forest cover, including routing utilities along driveways where possible and replacing any
208 disturbed buffer areas with trees of the same species and at the same density.

209 The applicant is requesting a waiver from the 50-foot buffer requirement. In the narrative
210 the applicant states:

211 *As part of a previous site plan approval, a waiver to clear the 50 ft buffer along*
212 *Corporate Drive was granted. This was done to allow for a streetscape consistent*
213 *with the current build-out of Corporate Drive Phase 2. As shown, 4 street trees are*
214 *proposed within the front yard setback similar to the adjacent lots. A building permit*
215 *(#2022-71) was obtained in 2022 for the clearing of this lot which has been*
216 *completed.*

217 The purpose of the 50' buffer is stated in ZR Table 2.14(9) as to provide visual screening
218 between industrial development and adjacent streets and residential areas, as well as to
219 maintain trails and the natural environment to the greatest extent possible.

220 While the previous approval included a waiver for the 50 ft buffer, and the applicant has
221 currently cleared that buffer, the Zoning Regulations state in Table 5.1 (E)(2):

222 "Where the placement of utility lines or other construction has removed existing
223 vegetation in required set-back areas or buffer areas, trees of the same species shall
224 be planted at densities that approximate that of the existing vegetation to the extent
225 possible."

226 The DRB should determine if the Applicant's waiver request to clear the 50' buffer should
227 be granted. If the DRB determines that a waiver from the regulations should indeed be
228 granted, then the DRB should provide a reason for granting the waiver.

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

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

236 The lighting plan meets the standards of ZR Section 5.6(G) and provides sufficient
237 lighting for the anticipated activities while blending with the surrounding context and
238 maximizing efficiency.

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

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

242 In a memo dated 01/23/2026, Public Works offered the following comments:

243 1. *The applicant's engineer has based the water and sewer calculations for the proposed*
244 *buildings off a total of 10 employees for the site. Table 10.12.380 of the Town's Water*
245 *Use Ordinance lists occupied warehouses as having a domestic water and sewer*
246 *demand of 15 GPD per employee. Staff calculated the water and sewage usage for the*
247 *proposed warehouse as follows:*

248 $10 \text{ employees} \times 15 \text{ GPD} = \underline{150 \text{ GPD}}$

- 287 1. *The total proposed lot coverage is 0.76 acres. Lot 22 is the last lot to connect to the*
288 *stormwater pond. The Phase II stormwater pond has a treatment capacity that can*
289 *serve up to 9.50 acres of impervious runoff and with the development of this lot, the*
290 *pond has met its maximum design capacity. This lot shall not exceed 0.76 acres for*
291 *which it was permitted. In the future, any additional impervious proposed from the*
292 *existing lots (Lots 12-20 and Lot 22) that connect to the stormwater pond will not be*
293 *permitted to use to the stormwater pond for treatment. Any proposed additional*
294 *impervious will require its own stormwater management plan.*
- 295 2. *In 2025, the Town took over stormwater permit 4181-9050.1 for Corporate Drive that*
296 *includes Lot 22. The Town signed a stormwater agreement with the property owners*
297 *of each of the lots for the inspection, maintenance, and cost sharing of the stormwater*
298 *infrastructure.*
- 299 3. *The applicant shall follow the Low-Risk Site Handbook for Erosion Prevention and*
300 *Sediment Control during construction.*
- 301 4. *All storm water infrastructure shall be installed in accordance with the specifications*
302 *and details provided within the Town of Essex Standard Specifications for*
303 *Construction.*
- 304 5. *A copy of the Stormwater General Construction permit shall be submitted to Public*
305 *Works prior to commencement of construction.*

307 **3. Utilities**

308 Corporate Drive has existing overhead power lines, as well as water and sewer stub
309 connections. Natural gas will be tapped along the existing line running under
310 Corporate Drive. All utility service lines to the site will be installed underground.
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312 **(I) ZR Section 5.6(I), Fire Protection**

313 Site circulation will accommodate access by emergency vehicles. The nearest hydrant is
314 located along the frontage of Lot 22, approximately 80 feet from the proposed building.
315 In response to an e-mail from the Fire Chief dated September 7, 2022, the applicant's
316 engineer noted that the building will include a sprinkler system and fire walls between
317 any individual units; the sprinkler room likely would be located within the unit closest to
318 Corporate Drive; and that the applicant would coordinate with the Fire Department to
319 install key boxes and label all utilities.

320 In an email dated 12/12/2025, the Fire Department offered the following comments:

321 *The Fire Department would only add to our previous comments that all units shall*
322 *have a keybox (Supra Box) installed for ease of access during an emergency. The*

323 *Fire Department Connection shall be a 5" Storz connection, and I believe this would*
324 *now invoke our impact fees for the project.*

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326 **4. Additional Findings by the Development Review Board**

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328 **5. Proposed Conditions**

329 1. All construction shall be in conformance with the plans listed above as may be amended
330 herein.

331 2. Prior to the issuance of a zoning permit, the plans shall be revised as follows:

332 a. A 5-foot-wide sidewalk connecting the building entrance to Corporate Drive shall
333 be added, as well as details A-5 and A-6 from the *Town of Essex Standard*
334 *Specifications for Construction*.

335 3. An electronic copy of the plans as may have been revised shall be submitted to the E911
336 coordinator in .PDF file format. Another copy shall be submitted in geodatabase or
337 shapefile in Vermont State Plane Meters, NAD83 (NSRS or most current); alternatively,
338 coordinated CAD data – Vermont State Plane Coordinates, US Survey Feet, Grid Zone
339 4400, NAD 83 (2011) epoch 2010.0, NAVD 88 (geoid12b); alternatively, paper showing
340 three (3) values of State Plane Coordinates.

341 4. Prior to the issuance of a zoning permit, the applicant shall pay any traffic fees per PM
342 peak trip end as previously assessed by Public Works.

343 5. Prior to the issuance of a zoning permit, the applicant shall pay water fees (\$1,885.00)
344 and sewer fees (\$2,590.00) totaling \$4,475.00, or the fees in place at the time of
345 submittal.

346 6. Prior to the issuance of a zoning permit, the applicant's engineer shall conduct a hydrant
347 flow test on the existing fire hydrant located in front of the proposed building lot to
348 confirm that there is adequate domestic water pressure for the proposed building, and
349 sufficient fire flows available. Fire demand calculations shall be submitted to Public
350 Works.

351 7. The applicants engineer shall provide peak domestic water demand calculations, based on
352 the number of fixture units proposed for each building, for properly sizing the water meter.
353 The Town of Essex will not size the meter based on line size in the building or pressure.
354 If the applicant intends to bill individual suites within the building at any time in the future,
355 each additional water meter in addition to the building meter will be purchased from the
356 Town of Essex at the cost of the meter at the time of request.

- 357 8. As permits are issued for individual suites, if there is a significant increase in water and
358 sewer needs, additional allocation shall be addressed prior to issuance of the building
359 permit.
- 360 9. The water and sewer service infrastructure proposed will need to be modified to reflect the
361 following comments. Public Works staff will work with the applicant's engineer to ensure
362 compliance with the Town's specifications and details provided within the *Town of Essex*
363 *Standard Specifications for Construction*.
- 364 a. The proposed 6" water service appears to cross the storm sewer. The applicant's
365 engineer shall provide documented verification that the line separation between the
366 water, storm and sewer meets or exceeds the requirements of Detail A-34, Water
367 and Sewer Crossing.
- 368 b. All water service infrastructure after the service valve located at the R.O.W. of
369 Corporate Drive will remain private and will be the responsibility of the applicant.
- 370 10. This lot shall not exceed 0.76 acres for which it was permitted. In the future, any additional
371 impervious proposed from the existing lots (Lots 12-20 and Lot 22) that connect to the
372 stormwater pond will not be permitted to use to the stormwater pond for treatment. Any
373 proposed additional impervious will require its own stormwater management plan.
- 374 11. The applicant shall follow the Low-Risk Site Handbook for Erosion Prevention and
375 Sediment Control during construction.
- 376 12. All storm water infrastructure shall be installed in accordance with the specifications and
377 details provided within the *Town of Essex Standard Specifications for Construction*.
- 378 13. A copy of the Stormwater General Construction permit shall be submitted to Public Works
379 prior to commencement of construction.
- 380 14. All utility lines shall be installed underground.
- 381 15. Prior to the issuance of a zoning permit, the applicant shall obtain all applicable state and
382 federal approvals and permits and shall submit copies to the Community Development
383 Department for review. These shall include the State of Vermont Stormwater Operating
384 and General Construction permits.
- 385 16. All units shall have a keybox (Supra Box) installed for ease of access during an
386 emergency.
- 387 17. The Fire Department Connection shall be a 5" Storz connection.
- 388 18. Town of Essex Fire Impact Fees shall apply and shall be paid at the time of submittal of
389 the zoning permit.
- 390 19. Prior to the issuance of a Certificate of Occupancy for each building, the E911 address
391 shall be affixed to the building in contrasting colors to be easily visible from the roadway.

- 392 20. Prior to the issuance of a Certificate of Occupancy and for the life of the project thereafter,
393 the Applicant shall maintain emergency contact information for the site directly with both
394 the Fire Department and the Police Department.
- 395 21. All landscaping (including existing vegetation shown on the plans) shall be guaranteed for
396 the life of the project. Any dead or diseased plantings shall be replaced as soon as
397 seasonally possible. There shall be no structures built within the 50 ft. buffer area, and no
398 clearing except as necessary for the driveway and utilities.
- 399 22. All pavement shall be maintained in a state of good repair for the life of the project; any
400 line striping shall be maintained so as to be adequately visible at all times.
- 401 23. At the discretion of the Zoning Administrator, as-built plans shall be submitted to the
402 Community Development Department prior to the issuance of a certificate of occupancy.
- 403 24. No occupancy of the structure shall occur until a certificate of occupancy inspection and
404 sign off is issued by the Zoning Administrator.
- 405 25. Any change in use shall require an application for a zoning permit or site plan review, as
406 determined by the Zoning Administrator.
- 407 26. All conditions from previous approvals shall remain in effect except as modified by this
408 approval.
- 409 27. By accepting the conditions of this approval without appeal, the applicant confirms and
410 agrees for itself and all assigns and successors in interest that the conditions of this
411 approval shall run with the land and the land uses herein permitted, and will be binding
412 upon and enforceable against the applicant and all assigns and successors in interest.
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- 414 Staff report submitted by Brittany McGregor, Planning Technician.
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