

**CITY OF ESSEX JUNCTION  
DEVELOPMENT REVIEW BOARD  
MINUTES OF MEETING  
APRIL 20, 2023  
APPROVED MAY 20, 2023**

**MEMBERS PRESENT:** John Alden, Chair; Robert Mount, Vice Chair; Maggie Massey.

**MEMBERS ABSENT:** Christin Gildea, Dylan Zwicky.

**ADMINISTRATION:** Chris Yuen, Community Development Director.

**OTHERS PRESENT:** Colen Johnson, Kristie LaFountain, Ron LaFountain, Bradd Rubman, Carol Rubman, Jeff Rubman, Allen Spencer, Lucy Thayer.

**1. CALL TO ORDER/ADDITIONS OR AMENDMENTS TO AGENDA**

Chair Alden called the meeting to order at 6:30 P.M.

There were no additions or amendments to the agenda.

**2. PUBLIC TO BE HEARD**

Community Development Director Yuen conveyed a message from a resident who reached out electronically. He said that Rich Callahan spoke with regards to the new Handy building being constructed on Route 15, specifically about the privacy fence that has been erected on the property. He said that the fence creates a blind spot for anyone heading east on Susie Wilson Road, and asked whether there is existing code that could be enforced to address this. Community Development Director Yuen said that he reviewed this case and that the western fence is in the visibility triangle was previously there as a non-conforming structure and the city cannot require its removal. He also noted that both fences are within the front setback requirements in the Land Development Code (LDC) that state that fence height on front setbacks cannot exceed 29 inches in height if they are not transparent, but that this application was approved with a new full-height fence on the east side despite this. He said that he has reached out to the developer to see what can be done to address this as a safety issue.

**3. MINUTES**

A. Regular Meeting – February 16, 2023

**MOTION by MAGGIE MASSEY, SECOND by ROBERT MOUNT, to approve the minutes as presented. The motion passed 3-0.**

**4. PUBLIC HEARING**

A. Final site plan to renovate 2<sup>nd</sup> floor of two story building into 6 one-bedroom apartments at 1 Jackson Street in the MCU District, by Fat Tire, LLC, Ron LaFountain and Kristie Wildes, owners.

Chair Alden mentioned a potential conflict of interest, but other Board members did not express concern that it rises to the level of recusal.

Chair Alden swore in the Applicants.

Community Development Director Yuen began by providing an overview of the staff comments pertaining to the final site plan. He said that this project is within the mixed commercial use district and

that it is consistent with the uses in the district. He noted that this application entails the renovation of an existing building and that no new structures will be built on the site. He said that parking requirements were met. He said there were no issues with building height. He said that previous issues around bicycle rack requirements have been addressed. He noted an open question around lighting, specifically that the lighting as proposed was too bright/had too much contrast. The Applicant, Ron LaFountain, said that it has been difficult to find a light fixture that would give enough light along the border while not being too hot. He noted that the previous design had not enough coverage in some areas and some trespass. Chair Alden suggested working with staff on shielding and obtaining lighting fixtures that would drop down the brightness a bit. Community Development Director Yuen said that it could also be possible to turn down the intensity and accept that a corner of the parking lot maybe slightly dimmer. Chair Alden said he would be comfortable with the light tapering off in that northern corner. Mr. LaFountain asked if they would still need to work with 16' fixtures, and Chair Alden said that there isn't a justification to work with anything different than that, though the light fixtures that had been previously installed are much higher than 16'.

The Development Review Board continued discussing staff comments. Chair Alden noted that there was a recommendation about maintaining the existing curb cut, which all parties were satisfied with. He then noted that screening and buffering were the largest outstanding issues. He said that as this lot is turned from a commercial to a residential space, residents may expect to see additional landscaping amenities. Mt. Mount said that he wouldn't be surprised if residents requested additional landscaping, but did not think that they could require it through the LDC. Mr. LaFountain said that he would be amenable to putting plantings in at the property, but that the property line for the railroad is right flush with the edge of the building. Chair Alden said that the tenants would benefit from some additional plantings where it is possible to do so.

**MOTION by JOHN ALDEN, SECOND by ROBERT MOUNT, to approve the final site plan at 1 Jackson Street with proposed stipulations within the staff report as well as the following additional stipulations:**

- 1.) Continue to work with staff on the lighting plan;
- 2.) Recommend that landscaping suitable for residential applications be considered by the applicant;
- 3.) All proposed stipulations must be satisfied.

**The motion passed 3-0.**

B. Final site plan of Village at Autumn Pond Phase II for a Planned Use Development (PUD) to redevelop Amber Lantern Apartments. Construct 3 buildings (39 units each) with underground parking at 169 Autumn Pond Way in the M-F2 District, by Trudell Consulting Engineers, agent for Amber Lanterns, LLC c/o Jeffrey Rubman, owner.

Chair Alden swore in the Applicants.

Ms. Thayer began by noting that this is a 9.7-acre parcel in the MF-2 District and that they are proposing 3 buildings with a total of 39 units in each building for 117 total rental units proposed, and a mix of one-bedroom, one-bedroom and den, and two-bedroom units in each building. She oriented the DRB to the proposed development location, noting Essex High School to the east, Tree Farm Soccer Complex to the west, Autumn Pond Phase 1 to the north, and Old Colchester Way to the south. She noted that buildings

are oriented in a Z-configuration to maximize use of natural features, including wetlands (to the east) and wetlands to both sides of Autumn Pond Way. She said that the footprint is not being expanded from the existing developed footprint, and that the development is well-buffered by existing mature trees and vegetation. She noted that this is an extension of the Autumn Pond Phase 1 project, and that all amenities available to Phase 1 residents will also be available to Phase 2 residents, including a heated in-ground pool, community room, fitness center, private dog park, fire pit, outdoor barbecue grills, on-site management, and walking trails. She noted that on-site parking is underground, located under each building, and that there is some surface-level parking.

Mr. Spencer said that in terms of buildings, they attempted to complement Autumn Pond Phase 1 but also differentiate it slightly from Phase 1. He said that building colors are proposed to be muted, so as to blend in with natural surroundings.

Chair Alden began reviewing the staff notes. He noted that they are requesting a height waiver, which he does not have concerns about, given that the development is at least 700 feet from other developments and that there are mature trees around the development that would be taller than the buildings. Other members of the DRB also did not have concerns about the height waiver. He also said that the Applicant is requesting a waiver for parking. He noted that in Phase 1 there were 53 spaces that were not built, and asked whether a parking analysis has occurred to assess whether there is additional parking needed for Phase 1. Ms. Thayer replied that they conducted a parking analysis by Roger Dickinson, and that the parking that currently exists is sufficient (and that they have extra parking to handle overflow). Chair Alden noted that the Applicant is proposing 1.75 spaces per unit, and that that is generally more than adequate for this type of unit mix.

Chair Alden asked about the access road and whether it is operating safely and correctly and whether complaints have been received. He noted that the road goes through wetlands and that they are proposing widening the road and striping it to provide guidelines for vehicles. Ms. Thayer replied that the road will be widened to 28 feet per the Department of Public Works' standard and there will be a four-foot buffer on either side, per the staff notes. Community Development Director Yuen replied that there will not be a centerline stripe, as the lack of a stripe encourages cars to slow down and be more cautious.

Chair Alden asked about lighting along the road and whether it is proposed. He asked whether there have been any issues with the lack of lighting. Community Development Director Yuen said that the access road is the shortest way into town when walking, though it has been unlit for a number of years. Chair Alden asked whether residents have requested that the access road be lit. Jeff Rubman, owner of Autumn Pond Phase 1, noted that a primary reason why people walk down that road is to get to the bus, and asked whether it could be possible to have a closer bus stop. The DRB discussed the feasibility of this, and Community Development Director Yuen said that it is unlikely that GMT would include Autumn Pond as a stop on its fixed route services since the Autumn Pond development is located in a dead-end and the deviation would be time-consuming through-riders continuing into town. Mr. Mount said that additional lighting may negatively impact the area, and would learn toward not adding lighting, since it does not seem as though there is a problem with the current lack of lighting. Chair Alden noted that additional lighting was on the table for further exploration in future during Phase 1 of Autumn Pond but did not think additional lighting is needed at this time. Ms. Massey concurred. Community Development Director Yuen said if the DRB does not require the applicant include lights along the

roadway at this time, but asks that they consider it in the future, if safety impact is noticed, the request will merely be a “recommendation” since the City will have no legal leverage to require any changes.

Chair Alden noted a staff question about stormwater drainage inside the parking area due to snowmelt. Mr. Spencer said that it has not come up as an issue for other projects. Mr. Johnson said that the runoff and snowmelt should drain to the south toward the parking lot, away from the building.

Chair Alden noted a staff comment about Building #3 and the proposed lighting around the sidewalk. Community Development Director Yuen noted that there is no proposed lighting around one of the side paths. Ms. Thayer said that the path is for internal circulation and is not an access point meant for ingress or egress. She added that the developer wants to be sensitive to light levels and not have unnecessary lighting for the project. Chair Alden said that he is fine with the lighting as proposed, and other DRB members concurred.

**MOTION by JOHN ALDEN, SECOND by MAGGIE MASSEY, to approve the final site plan for the Village at Autumn Pond Way Phase II project as presented, granting the requested waivers for height and parking requirements based on the evidence presented at the hearing, including all proposed stipulations within the staff report as well as the following additional stipulation:**

- 1. Recommend that the Applicant consider adding street lighting on Autumn Pond Way as the neighborhood grows in density and popularity or a safety impact is noticed.**

**The motion passed 3-0.**

## **5. OTHER DEVELOPMENT REVIEW BOARD ITEMS**

Chair Alden asked about Senate Bill S.100 at the State legislature. He noted that the Vermont League of Cities and Towns (VLCT) has been opposed to some components of the bill, as it would allow the State to modify municipalities’ zoning regulations in certain cases (for example, setting formulaic density requirements when a piece of property is in proximity to sewer lines). Community Development Director Yuen noted that the proposed LDC amendments for Essex Junction would have similar requirements to what is being proposed in S.100, so the impact would not be as noticeable for Essex Junction as it could for other municipalities.

Community Development Director Yuen noted that he is working on additional amendments to the LDC based on S.100 and that he is working to bring the City Council up to speed on the LDC and to prepare for their public hearings and approval of the amendments.

## **6. ADJOURNMENT**

The meeting was adjourned without objection at 7:49 PM.

*RScty: AACoonradt*