

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
January 15, 2009**

MEMBERS PRESENT: Mark Thibeault (Chairman); Diane Clemens, Andrew Boutin, Liza Kilcoyne, John Alden, Dan Kerin. (Aaron Martin was absent.)
ADMINISTRATION: Robin Pierce, Development Director.

1. CALL TO ORDER and AUDIENCE FOR VISITORS

Chairman Mark Thibeault called the meeting to order at 7 p.m.

2. ADDITIONS/AMENDMENTS TO AGENDA

None.

3. MINUTES

December 18, 2008

MOTION by John Alden, SECOND by Liza Kilcoyne, to approve the 12/18/08 minutes with the following correction(s):

Page 2, last line - replace the semicolon (;) with colon (:) following the word "condition".

VOTING: unanimous (6-0); motion carried.

4. PUBLIC MEETING

Mark Thibeault explained the procedure to be followed with applications before the Planning Commission and swore in those individuals to give testimony.

Conceptual plan for conversion of single family dwelling to a duplex and construction of six additional units at 4 Park Terrace in the VC District by Frank and Judy Naef, owners

MOTION by Dan Kerin, SECOND by Liza Kilcoyne, to table the application by Frank and Judy Naef for 4 Park Terrace. VOTING: unanimous (6-0); motion carried.

5. PUBLIC HEARING

Preliminary plan for 48 units in a Planned Residential Development at 216 Maple Street (off Woods End Drive and Kiln Road) in the R-1 District by Sheppard, Brogna, Gardner Essex LLC, agent for Patricia Sutliff, Michael Bouffard, Richard Bouffard and Paul Bouffard, owners
Mike Burke with Krebs and Lansing Engineering appeared on behalf of the application.

APPLICANT COMMENTS

Mike Burke reviewed the project which includes 48 dwelling units comprised of 38 single-family units and 10 duplex units. Units will have frontage on Maple Street and Woods End Drive. There will be public streets through the project from Woods End Drive to Kiln Drive to a cul-de-sac. The project will be served by an extension of the municipal water line from the CWD (Champlain Water District) main along the VELCO power line for the upper portion of the development. Water supply for the lower portion of the development (Maple Street) will come from the water line on the opposite side of Maple Street. The existing Bouffard house on the site

will be removed. The site is wooded with a two to three percent slope up to the power lines where the slope increases down to the lower development area. There is a network of informal trails on the property. The design is trying to address connectivity to surrounding neighborhoods. The area is zoned R-1. The property is 22.4 acres. Minimum lot size will be 15,000 sq. ft. Current zoning allows 68 units to be built, but only 48 are proposed. Regarding storm water management, the soils on the site have the ability to infiltrate and absorb run off. There will be a series of infiltration basins throughout the development. The storm water management system is designed for the 50 year 24-hour storm event. The village standard is a 25 year 24-hour storm event. Regarding sewer, the project will have a gravity feed in the upper section into the municipal sewer service. The lower section will feed into existing sewer collection lines on Maple Street. The design of the development is to utilize space for residential units as efficiently as possible and preserve as much open space as possible. Nearly 50% of the acreage is open space. Lot coverage is 20% due to shortened roads and the elimination of housing units from the original design. The neighborhood street will be friendly to pedestrians. The curve in the roadway will offer a traffic calming effect and visually break up the view of the dwelling units (avoids the cookie cutter effect). Side yard setbacks are 16', the front yard setback is 20' and the rear yard setback is 25'. The rear yard setback for lots on the westerly edge is 40'. On the easterly side of the parcel there is a 25' setback that increases going north. There is a 10' wide gravel trail access to Forest Road from the proposed development to provide connectivity with the proposed sidewalk network. There are primitive trail easements on the east and west sides of the property from Maple Street to the VELCO power line and connection to the public right-of-way. Mr. Burke pointed out the location of the infiltration basins and storm water collection infrastructures in the development, noting post development flows will be at pre-development levels. The units on Maple Street will be served by a private 20' wide road with individual driveways off the roadway. The footprint of units in the lower portion of the project will be smaller than the footprint of units in the upper portion. Units have been moved closer to Maple Street to be more in-line with the existing average setback of 25'. Each unit will have 750 sq. ft. of limited-use open space for each unit's use. The design provides for the same configuration in the upper area. There is visitor parking in the northern portion of the upper part of the development. Staff comments have been addressed, continued Mr. Burke, though there are a few items still under discussion. The staff suggestion of a 24' wide road is acceptable, but adding curbs means the grass lined swales will be lost (part of the storm water management system). The roadway is curved by design. A radius of 250' as suggested by the Village Engineer does not allow the "coving" effect and does little for traffic calming. There are other radiuses in the area smaller than 250' (i.e. Woods End Drive is 125', Briar Lane is 150'). The Land Development Code (LDC) does not specify radius so the recommendation is to permit the 100' radius as shown on the plan.

Mike Burke reviewed the letter listing changes to the plan, dated 12/3/08, highlighting the following:

Private Limited Common Open Space 6 Limited common open space is shown for each unit at 750 sq. ft. or more. Liza Kilcoyne asked if space at the front and back of the units for porches is included in the lot coverage figures. Mike Burke said this is not included and it is unlikely the entire 750 sq. ft. for the unit would be covered by a porch. Mark Thibeault stated the Planning Commission will determine if lot coverage needs to be limited.

Landscape Plan - the design shows street trees 40' on center along the right of way. Screening is provided in parking areas as well as storm water retention basin areas. Areas where existing trees are to be preserved are shown on the site plan and will be included in the homeowners association documents. Hardy salt resistant trees that are approved by the Village will be planted. In the lower portion, there will be at least one tree in front of each unit. Some units will have two trees. Landscaping and screening trees will be closer to the buildings. Liza Kilcoyne asked what other landscaping will be done besides street trees by the units. Mike Burke replied the project will have the typical unit landscape plan.

Road Width - There were no comments/questions.

Location of Walking Trails and Easements - There is a 10' perimeter trail easement on the west and east sides of the VELCO power line right-of-way as well as across the VELCO right-of-way. There is an access easement next to the retention basin making connectivity to the sidewalk in the development. There is a connection from the public street to Forest Road via a 10' gravel trail. There are several paths through the trees on the property. On the VELCO power line right-of-way there are also paths and possibly an old wood road. The path along the VELCO power line right-of-way is the most permanent path. The fingers of paths through the property will be formalized with public rights-of-way. John Alden stated the existing trails outlined on the plan are well established trails. Mike Burke reviewed the existing (informal) trail system on the parcel, noting connectivity with the trail easements and public rights-of-way most likely can be re-established. John Alden asked about the possibility of maintaining the primitive features (of trails) in the upper section as is done in the lower section. Mike Burke said the developer is sensitive to impacting on private yards. Mr. Alden questioned why the path to Forest Road is gravel since the existing trails are not formal. Mike Burke agreed the trail can be further discussed. Dan Kerin cautioned about making trails that may be used by motorcycles, ATVs, and other motorized vehicles. John Alden stressed the wooded section is not overly developed which is what makes the area so important and desirable to nearby residents. The paths do not need paving or gravel. Walking, not driving, should be encouraged. Connectivity is what is desired, not that the paths be formalized, stated Mr. Alden. Mark Thibeault asked if an easement or access to the water line has been discussed. Mr. Burke confirmed there have been preliminary discussions. The easement exists. The developer is trying to respect the setbacks to neighboring properties. Mark Thibeault observed the easement is for water line, not public access, and asked if the developer would be open to making access available to the public. Mike Burke agreed this could be considered.

Sidewalks - There will be sidewalk on one side of the street from Woods End Drive to Kiln Road to the cul-de-sac as well as a sidewalk along Maple Street. There will also be a sidewalk on the private road and sidewalk connection from the upper to the lower portion of the development. John Alden asked about a sidewalk connection to the town line. Mark Thibeault reminded the Planning Commission's jurisdiction ends at the village boundary. Mike Burke also pointed out the State of Vermont right-of-way would put the sidewalk even farther onto the property. The state does not know why the land was taken for a right-of-way, but it is well documented that the right-of-way exists.

Open Space - Mike Burke pointed out the open space areas are shown on the site plan. The homeowners association documents will include provisions to protect the open space.

Development Pattern - Units with frontage on Maple Street are within 25' of the right-of-way. There is screening for the units.

Kiln Drive Connection - Mike Burke noted the connection to Kiln Drive is shown on the site plan. Kiln Drive is 28' wide with a curve radius of 60 feet. The development road will be built to village specifications except for width and no curbs.

Water Line - The water line easement is 20' wide and the units were moved back another 20' making a 40' setback on the westerly property line. John Alden questioned the location of Unit #35 as being right on the property line. Mike Burke confirmed the unit adheres to the 40' setback.

Driveway - Mike Burke stated there is room for two cars parked in each driveway. Mark Thibeault asked if there is 20' from edge of the structure to the right-of-way. Mike Burke confirmed this. Mark Thibeault questioned why there is no visitor parking for units in the lower portion. Mike Burke said the current design does not provide for visitor parking, but there is space and this will be delineated. Chairman Thibeault suggested enlarging the roadway to create room for parking. Mike Burke will take the matter under consideration. Mr. Thibeault asked about plowing. Mr. Burke said the homeowners association will handle plowing and mowing.

Homeowners Association Covenants - The Planning Commission would like to review the documents.

Building Envelopes - Mike Burke stated the building envelopes were increased to account for overhangs and bump-outs.

Lot Coverage - Mark Thibeault noted the Planning Commission may restrict limited common area to 50% coverage.

Traffic Study - Mike Burke explained the projection of trip ends is based on the ITE Manual for morning and afternoon peak hours and overall trips per day. For the upper section of the development it is hard to predict which intersection will be used (Woods End Drive or Kiln Drive). The projected average daily trips for 27 single family units is 7.5 trips per unit. Multi-family units are projected at 3.3 trips per unit for a total of 229 daily trips. Projected peak hours trips are ½ trip per unit for single family units and ¼ trip per unit for a multi-family unit. Total projection for peak hour is 16 trips during the morning (8 a.m.-9 a.m.) and 20 trips during the afternoon (5 p.m.-6 p.m.). Liza Kilcoyne questioned the traffic impact. Mike Burke stated the threshold according to the state on an intersection is 70 peak hour trips. The capacity of roads is beyond the number of trips. There is a spider web of roads in the area of the proposed development over which traffic is distributed. Liza Kilcoyne questioned the validity of the projections since many people drive their children to school prior to the 8 a.m. peak hour so there could be more trip ends than indicated in the projection. Ms. Kilcoyne felt the numbers appear low based on other developments. Mike Burke reiterated projections are based on the ITE

Manual which publishes projections after hundreds of counts and regression analyses. Most likely the numbers are correct. Mark Thibeault stated the Planning Commission has not varied from the ITE numbers with developments in the village.

Density - Diane Clemens asked about a bonus density and affordable housing. Mike Burke stated the density has been decreased and as a result the developer can no longer commit to the affordable housing component as proposed at Preliminary review. Robin Pierce suggested making the original affordable housing units VFHA eligible.

Architecture -Mike Burke showed photographs of existing houses on Woods End Drive. Three units in the proposed development will front Woods End Drive. The units will be of contemporary design, cape style, single and two-story structures. The structures will be of compatible building style to existing dwellings in the area. There will be nice roof lines and trim yet variation within the range of the style. Charlotte Gardner, realtor and broker for the project, stated the project offers flexibility in house design and style. The development offers multi-generational appeal with single-story and two-story single family units as well as attached units. The market supports shared common space. The developer has built similar houses in Chittenden County which have sold well.

STAFF REPORT

The Planning Commission received a written staff report on the project, dated 1/15/09. Robin Pierce pointed out the proposed houses are dominated by garages which can be softened by mature vegetation. The properties should be built with the house dominant to the street, not the garages. Mr. Pierce acknowledged this could be a value judgment. Charlotte Gardner said she has not heard any comments to that affect and agreed it is a value judgment. Liza Kilcoyne said many houses have garages on the side which takes more paving and lot coverage, but avoids the garage dominating the structure. A different color choice and not having one large garage door could lessen the dominance of the garage. John Alden agreed the mass of the structure is the garage. Mr. Alden urged utilizing space above the garage as living space to help break up the mass. Mike Burke showed examples of the single family structures proposed for the upper development. The lower units were described as cottage style two-story units with rear load on the garage and a deck area in the back. The units are built on the 10 foot grade. Most of the living space is on the 2nd floor including living space over and around the garage. Charlotte Gardner added the units are low maintenance with vinyl siding, fascia, and corner boards, and asphalt shingles. Diane Clemens observed the view from Maple Street will be a three story building. Robin Pierce commented the buildings follow the topography and there is a window above the garage breaking up the mass as John Alden had suggested earlier. Mike Burke said the number of units has been decreased to have a stable grade. John Alden asked if there is a plan for soil stabilization due to the removal of trees. Mike Burke clarified the plan is for the drainage system to collect/direct run off. The area will be re-vegetated with grass.

Robin Pierce stated the applicant is working with the Village Engineer and Public Works on outstanding technical issues. John Alden asked if the storm water infiltration basins will be maintained by the homeowners association. Mike Burke replied the details are still being worked out, but residents will maintain the private road and the Village will maintain the public road as a village street.

Mike Burke stated an illumination diagram for street lights will be provide, but the parking lot standards in the Land Development Code will not be met. There will be dark spots between streetlights. Robin Pierce stated the street light issue will be addressed when updating the Land Development Code. Photometric data for street lighting, computation errors, and comments from the Public Works Department are still outstanding. Mark Thibeault stressed all items should be addressed before going to Final Review. Mike Burke said there is agreement with the comments from the Village Engineer on the road curvature, the 24' width of road, and the importance of swales for storm water treatment as opposed to curbing.

PUBLIC COMMENT

Jack Barnes, 39 Woods End Drive for the past 23 years, said the road is used as a short cut which could impact the traffic numbers. There is a lot of traffic. Mr. Barnes suggested the cars be counted to better understand traffic numbers. Mark Thibeault explained the Planning Commission is looking at the increase in traffic over what is existing and will decide if a traffic study is needed. Mr. Barnes observed the similarity of existing houses in the neighborhood is diluted by having a distance between them. Having similarly styled houses side by side will not look good.

Jerry Lasky, 32 Woods End Drive, requested the street lights be down shielded in the parking areas and along the street to avoid shine in windows. Mr. Lasky also asked that back porch lights be directed down to decrease visibility. Robin Pierce pointed out the Land Development Code requires lights to be downcast. Mr. Lasky noted his appreciation of the additional 20 foot buffer along the water main, and asked if there will be a visual barrier such as trees where the new water line will come be located. Mark Thibeault assured the Planning Commission will look at this. Mr. Lasky asked for clarification of the slope being excluded in the density calculation, noting the Town of Essex says a slope greater than 15% is excluded from the calculation while the Village ordinance says it may be considered. Mark Thibeault stated the Planning Commission approved the conceptual plan with units presented and agreed not to exclude the slope from the calculation.

Kent Booraem, Forest Road, expressed concern with the number of buildings in the proposal as it relates to the Woods End side of the forest. Mr. Booraem said there was a meeting with the developer about more originality in design and fewer buildings or perhaps even the same number of units, but a response to the discussion has not as yet been received.

Jon Anderson, attorney representing neighborhood residents, confirmed the meeting with the developers where concerns of the neighborhoods were voiced as well as suggested solutions. A response from the developer has not been received. The zoning ordinance calls out and requires neighborhood compatibility and innovative design in land use and building design, stated Mr. Anderson. The neighborhood group suggests the ordinance be followed on these matters. The development is high density and not of good design. Density exceeds what is in the existing neighborhood. The developers are encouraged to design what works better in the neighborhood. What is proposed does not seem to be consistent with what exists today. Better design, having fewer buildings, or having more duplexes are options. Duplexes can be designed to look like single family homes. There could be a decrease in the number of buildings yet the same square

footage maintained. Attorney Anderson mentioned a recent development case in which he was involved that was directed to mediation by the Environmental Court and resulted in modification of the development design. The Planning Commission was urged to direct dialogue sooner than later and hold off until the development meets the zoning ordinance (good design consistent with the neighborhood). Other approaches to improve the project include:

- Have restrictions on lighting to minimize impact.
- Maintain existing vegetation on the east side of the development (the landscaping plan does not address landscaping or the concerns of the neighbors). Deciduous trees on the west side provide little buffering so extensive landscaping is needed.
- Provide variety in architectural design.
- Create a deeper buffer by moving houses closer to the street. Presently there is a 40 foot setback on the west side and only 20 feet on the east side. The village right-of-way is 50ø (road and easement). The street should be wide enough to allow on-street parking. Houses should not have to be set back farther to allow parking in the driveway.
- Maintain vegetation and no cut zones on lots to help to increase buffering of the development.

Attorney Anderson requested the opportunity to review the landscaping and trails documents and make recommendations to the Planning Commission.

Ed Ziemer, 30 Grandview Street and member of the Essex Town Trails Committee, said their charter is to maintain communications between communities on trails and easements. The current 10ø wide easement under the power lines is not wide enough if in the future funds are available to develop a path. A 15ø wide easement at a minimum is needed. The corridor is heavily used. There is a trail diagonally to the east that connects to a town easement. The easements shown by the developer are useless because the slope is so steep. These should be eliminated. There should be connection to the Town of Essex easement. There was discussion of the difference between open space and easements. Mark Thibeault pointed out there is a need for an easement over the open space if connection to and continuation of the easement in the Town of Essex is desired. Mr. Thibeault requested an outline of the location of the Town of Essex easement.

Priscilla Kimberly, 32 Woods End Drive, noted the easement through the power lines is important due to potential for a future transportation path. The easement should be formalized to at least 15ø wide in order to receive federal or state funding in the future. The other trail is simply a path. Mike Burke stated the power line is a connector. Mark Thibeault stated the application is not impacted by having a 15ø wide easement.

Bill Stunu, So. Burlington, urged the Planning Commission to recognize the project as a misapplication of Planning Residential Development (PRD) concepts where buildable land is preserved for future use and the land is not used to increase density. Mr. Stunu said he did not buy a house in the area because of the proposal which he feels significantly impacts the value of houses by up to \$75,000. To create livable communities, garages should be set back from the front of the house, stated Mr. Stunu. Garages in the front enforce a car dependent community and put up barriers in the neighborhood. There is a negative aesthetic impact. Zoning is supposed to protect the interest of neighbors, businesses, and adjoining homeowners, but the project fails to do this. Mr. Stunu pointed out the 20ø buffer is not much and should be 100ø

Using a PRD to achieve density is not right. If density is the goal, the entire area should be zoned as such and opportunity for public input provided.

Todd Centybear, 30 Woods End Drive, opined the issue is a question of balance. Mr. Centybear felt past minutes on the subject were not reflective of comments by the public. Mr. Centybear said he is not opposed to the development, but density is an issue. Comment was made on the walking path in the right-of-way. The path has been incorporated into backyards that are there and formalizing this path will impact existing neighbors. Mr. Centybear encouraged screening to provide a buffer.

There were no further comments.

MOTION by Mark Thibeault, SECOND by Andrew Boutin, to close the public portion of the Preliminary Plan application for a 48 unit Planned Residential Development at 216 Maple Street. VOTING: unanimous (6-0); motion carried.

DELIBERATION/DECISION

MOTION by Mark Thibeault, SECOND by Andrew Boutin, to deliberate the application for 216 Maple Street at the next Planning Commission meeting. VOTING: unanimous (6-0); motion carried.

6. OTHER PLANNING COMMISSION ITEMS

Update of Land Development Code

Planning Commission received information to be covered at the next meeting. Robin Pierce suggested addressing the following in the LDC:

- Demolition of buildings
- Expiration of applications
- Noise

7. ADJOURNMENT

MOTION by Mark Thibeault, SECOND by Dan Kerin, to adjourn the meeting. VOTING: unanimous (6-0); motion carried.

The meeting was adjourned at 9:25 p.m.

RScty: M.E.Riordan