

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
February 5, 2009**

MEMBERS PRESENT: Mark Thibeault (Chairman); Diane Clemens, Andrew Boutin, Liza Kilcoyne, John Alden, Dan Kerin, Aaron Martin.
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

January 15, 2009

MOTION by Liza Kilcoyne, SECOND by Dan Kerin, to approve the 01/15/09 minutes as written. VOTING: unanimous (7-0); motion carried.

4. PLANNING COMMISSION DISCUSSION ON OPEN SPACE

The Planning Commission reviewed a list and map of open spaces and recreation parks in the village and town (the areas encompass approximately 1,756 acres). Diane Clemens inquired about how much of the acreage has structures (i.e. the open space on school property). John Alden suggested differentiating areas with parking, established trails, on-going recreational activities versus areas that are simply open fields. Liza Kilcoyne stated it should be known if an area is accessible to the overall public or restricted to adjacent neighborhood use only. Mark Thibeault said if there is an agreement for open space then the area should be open to the entire community. The Planning Commission will work with Robin Pierce on suggested categories for the open space areas and a list of those with structures on them.

5. PUBLIC HEARING

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

Deliberation of Preliminary Plan for a 48 unit Planned Residential Development (PRD) 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

Aaron Martin recused himself due to any potential conflicts in executing his duties on the Commission and as Utilities Director for the Town of Essex. Mark Thibeault noted the following issues need further discussion:

- Density
- Buffers ó boundary near water line

- Housing design
- Road design
- Village Engineer's comments
- Traffic study
- Affordable units
- Benefits from use of PRD

DENSITY

Liza Kilcoyne expressed concern about how the density is handled with the application. The upper level development density does not fit in with the character of the existing streetscape on Woods End. The developer needs to handle the density there more gracefully. Mark Thibeault summarized the concern is the design of the project (how the site is laid out) versus the number of units in the project. John Alden stated layout modifications and buffers are issues as well. Liza Kilcoyne questioned whether doing a PRD is reaping the best use out of the land (i.e. what is the community gaining). John Alden stressed the inner connections to the neighborhood and trails in the area should come through with a strong design in a PRD. Dan Kerin pointed out the proposal is offering different housing to what is there already. Liza Kilcoyne agreed the level of density is more urban which works better closer to the center of the village. There is a different feel in the Woods End neighborhood and the proposed project will stick out because it does not fit the character in the area. Perhaps duplexes with more space between them would be better, suggested Ms. Kilcoyne. John Alden noted one positive is some units offer different living arrangements so the concept is not bad and has been done in other area neighborhoods. Mr. Alden pointed out the houses, the mixes, and the spaces are well done in the existing nearby neighborhoods and he would like to see a similar design with the proposal.

BUFFERS

John Alden advised if the design is too different from the surrounding area, then larger buffers and more spacing is needed. The housing closer to the existing neighborhood should look similar and buffer those that are different. Liza Kilcoyne questioned walling in the development with a buffer. If the PRD is something the village wants then the development should be visible, not hidden. Ms. Kilcoyne also questioned if the village is gaining open space since the open space areas are not really usable. Mark Thibeault pointed out the space is being used now for trails and power lines. John Alden said the power line is its own ecosystem, different from the forested areas. Most of the trails are on the upper portion of the property and provide connectivity to the surrounding area. If the trails are in the neighborhood, the usability of the remaining parcel is changed. With development on both the upper and lower sections, trails will be better used.

HOUSING DESIGN

Diane Clemens commented the housing in the lower section seems to fit the environment there. The same should apply to the upper level. Robin Pierce suggested decreasing the size of the lots to take pressure off the open space and surrounding neighborhoods (smart growth concept). Mark Thibeault disagreed with creating many small lots. Chairman

Thibeault did agree that architectural style in the housing is missing. The houses look like two-car garages.

ROAD DESIGN

Mark Thibeault noted the Village Engineer's recommendation of 22' or 24' wide roads with shoulders and grass swales, no curbing. John Alden agreed a narrower road is an attractive design scheme which should be allowed in some circumstances. Liza Kilcoyne and Diane Clemens spoke in support of not having curbs which yields a softer, cozier neighborhood feeling. Robin Pierce commented the Street Department likes curbing for plowing ease. Dan Kerin spoke in support of sidewalks to increase safety for pedestrians. It was noted sidewalk on only one side of the street is plowed in winter.

VILLAGE ENGINEER'S COMMENTS

Robin Pierce stated the applicant must address all issues raised by the Village Engineer before final review. The mainly technical issues include the radius of the road curve (250' decreased to 100' to slow traffic speed) and the street design. John Alden stated the 40' wide curb cut for the driveway to the double garages is out of scale and should be reduced to a 14' wide curb cut and the addition of vegetation in the center of the driveway to create essentially two separate driveways to the garages.

TRAFFIC STUDY

Mark Thibeault noted the traffic numbers for the proposed development are below the state threshold to require a traffic study. John Alden commented the Woods End and Kiln/Mason connection points are relatively light traffic areas consisting of mainly the traffic from the neighborhood that is there now.

AFFORDABLE UNITS

Mark Thibeault pointed out affordable housing ties into the benefits of a PRD, however, when the developer reduced the number of units the request for affordability was withdrawn. Mark Thibeault said the question is whether affordability should be a criterion of a PRD/PUD. There is no request for a density bonus by the applicant, and the development is below the density allowed per zoning for the area.

BENEFITS FROM USE OF PRD

The benefits of doing the project as a PRD include different types of housing, open space, connectivity of walking paths, and less pressure on other land in the village. Diane Clemens read language in the Land Development Code relative to a PRD, noting that clustering and innovative design are not part of a density bonus. Liza Kilcoyne felt the proposal needs more work on the design and the site plan itself. The driveways should be divided into two. Screening should be used to soften, not as a fence to hide the development. Discussion continued on housing and layout of the site. Dan Kerin felt design is very subjective ó what one person likes, another does not.

DELIBERATION/DECISION

Preliminary Plan, 48 unit PRD, 216 Maple Street, Bouffard et al

MOTION by Mark Thibeault, SECOND by Dan Kerin, to approve the Preliminary Plan for a 48 unit Planned Residential Development at 216 Maple Street (off Woods End Drive and Kiln Road) by the Bouffard et al with the following conditions:

- 1. There shall be limited common area for all units including the single family units.**
- 2. The architectural style of the buildings and footprint layouts shall be redesigned to minimize the impact of the garages in front of the buildings and blend the style of housing to the existing surrounding project and buildings/houses including multiple building design and layouts.**
- 3. A conservation easement shall be granted for the open space acceptable to the Village Planner.**
- 4. There shall be an additional buffer of trees/bushes near the cul-de-sac on the west side of the property.**
- 5. The easement under the power lines shall be increased to 15'.**
- 6. The roadways shall be accepted at 24' wide pavement with no curbs and grass swales on both sides.**
- 7. All of the Village Engineer's concerns and comments shall be addressed and accepted by the Village Engineer except those listed within in numbers 6 & 9**
- 8. The number of visitor parking spaces shall be increased, changed to parallel and spread throughout the project including the upper and lower portions of the development.**
- 9. The radius of the curves on the roadways shall be accepted.**
- 10. The 40' wide driveway shall be reconfigured into two sections with grass (landscaping) in between the driveways.**

DISCUSSION: Liza Kilcoyne suggested adding another condition to have the developer revisit unit layout on the site to provide more diversity. Mark Thibeault was not willing to include Ms. Kilcoyne's suggested condition. Andrew Boutin said he would like to study the proposal further and abstain from the vote. The development seems dense in areas. Perhaps more could be done. Diane Clemens spoke in support of including the condition suggested by Liza Kilcoyne. Mark Thibeault explained reclustering the units constitutes a redesign (which is the essence of the condition suggested by Ms. Kilcoyne) so the proposal as presented should be denied. Robin Pierce added if the architecture is not right and the design of the units is not right, then the application is basically a road. Liza Kilcoyne observed there is not much clustering of houses in the proposal, but rather individual small lots. John Alden suggested comparing buildings to the lot pattern of the surrounding neighborhoods and the proposal to see the pattern is the same, but the density is different. Liza Kilcoyne noted architecture is driven by how the site is organized. Mark Thibeault reminded the Planning Commission that conceptual approval of the proposal was previously granted to the applicant. If the position of the Commission now is that the design as presented is not acceptable then redesign of the project is necessary. There was further discussion of redesign of the project. John Alden observed all the units do not have to be changed. Diversity can be achieved by changing three or four units and the garages, for example. Mark Thibeault urged the Planning Commission to give the applicant specific direction, not general comments. Suggestions like dividing the

driveway into two and having vegetation in between is good direction. Andrew Boutin stated having houses on larger lots at the entry to the development is a better design. The more compact units can be clustered toward the back of the development. Mark Thibeault suggested reviewing the building footprints for diversity of design (i.e. porch, different entryway, and such). The buildings as proposed are very square boxes. Mark Thibeault agreed to expand Condition #2 in the motion (relative to architectural design) to include footprint layouts and the blending of the style of housing to the existing surrounding project and buildings/houses including multiple building design and layouts. Robin Pierce suggested incorporating language from Section 724 – Design Considerations in the Land Development Code. Mark Thibeault said multiple units with different configurations of footprints meet the diversity requirement. John Alden added diversity to the patterning and improved response to the adjacent neighborhoods is also achieved. Dan Kerin commented the general public will not likely be using the roads in the neighborhood (i.e. it is not a through road). The houses at the entrance to the development are the ones that will be seen so these structures should be redesigned and diversified. Liza Kilcoyne stated a better design will have less of a barracks look, will free up setbacks, and allow more landscaping between the units. There were no further comments.

VOTING ON MOTION AS AMENDED (i.e. language added to Condition #2 relative to building footprints and design/layout and the addition of Condition #10 regarding reconfiguring the 40' wide driveway): unanimous (6-0); motion carried.

Aaron Martin returned to the Planning Commission.

6. PUBLIC MEETING

Conceptual Plan for conversion of a 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

Frank Naef appeared on behalf of the application.

APPLICANT COMMENTS

Frank Naef noted his presentation is on a DVD. Mr. Naef reviewed the following three ideas for development of the lot at 4 Park Terrace which were presented to the Planning Commission in September, 2008:

1. Build a two story townhouse style duplex of approximately 1,200 sf. in the southeast corner of the lot and a 4-plex along the eastern property line of approximately 2,400 sf., or
2. Add a three story addition off the southeast corner of the existing house (this would be a large footprint on the site), or
3. Replace the existing building with a three story building of 17 units and underground parking. The new entrance road to the proposed hotel under discussion would be used to access the site. The structure would be 7,400 sf. on the ground floor. The development will maximize the property use versus its value and heavily develop the area in the central business district.

The current proposal is of a smaller scale, continued Mr. Naef, and essentially option #1 as noted above except for a second curb cut off Park Terrace for one of the units and a setback variance at the southeast corner of the property. The townhouse units will be two-story to match the existing house at 4 Park Terrace.

STAFF REPORT

The Planning Commission received a written staff report on the project, dated 1/15/09. Robin Pierce reported an application for a hotel on Park Terrace is anticipated. Staff researched the record for discussion of a curb cut by Mr. Naef, but could not find any information. It may be possible to access the Naef lot from the back through the Poon property so there would be no access from Park Terrace, only sidewalk along the street. Mr. Poon has expressed support for the access. Mr. Naef said the access would be a 20' swath of land on the western corner of the Poon property that runs parallel to the eastern property line on the Naef parcel. Robin Pierce said Mr. Naef will secure an easement across the Poon property for the access.

Mark Thibeault commented the Naef lot is in the Village Center District (VCD) and the Planning Commission has designated the VCD for dense, urban development, not suburban development. Presently there are no ordinances in the village preventing the removal of a building. Regarding the proposal, Mark Thibeault said he would totally redesign the plan to show as many units as possible even if the development is phased in over a five or six year period. The VCD is zoned for high density. Mark Thibeault acknowledged the residents in the area, but felt their concerns can be addressed by phasing, creating a park setting, or other ideas. Eventually, the residences will go, but that could be well into the future. The density issue is the same with the hotel, noted Chairman Thibeault. John Alden read the Purpose section of the VCD which refers to new structures designed to be visually compatible to historic existing structures. Robin Pierce pointed out the hotel developer plans to take advantage of the VCD regulations which allows up to six story buildings.

There was discussion of the Naef property being the transition from the urban street of Rte. 2A to the historic houses on School Street. The development as designed attempts to match the existing buildings, yet the courtyard item is a more urban development feature so a more urban style of building is expected. The units will be owned as condominiums so this is a residential development. With access to the property from the back, the view from Park Terrace will not change. There is no need for a second curb cut.

Diane Clemens asked if the trees being removed are on the neighboring property. Mr. Naef said his property has never been surveyed. The Poon property was surveyed and there are three pins in place. Robin Pierce pointed out if the access is from the back of the property some of the trees to be cut down can remain standing.

Frank Naef asked if there are any issues with the second curb cut on Park Terrace. Robin Pierce said only the Board of Trustees can grant curb cuts. Mr. Naef polled the Planning Commission for preference to a multi-story addition to an existing structure or a multi-story stand alone structure. John Alden said the plan should try to maintain historic

character elements of the existing structure to sustain some of the qualities of the neighborhood for now, but eventually higher density should be built. Mark Thibeault said another approach is to maintain the existing building and construct another higher density building which eventually replaces the original building. There was further discussion of the Naef lot being the transition between the six story hotel and the existing residences on School Street. There was also further discussion of the access road, possible curb cuts onto Park Terrace, improving landscaping along Park Terrace, and deeding land to the Village so Park Terrace can be widened in the future.

PUBLIC COMMENT

Linda McKenna of 9 School Street, pointed out with all the discussion of commercial development on Park Street, at Five Corners, and on Pearl Street, the residential neighborhood on School Street is 130-140 years old. The residents have invested in the neighborhood. There are large houses on small lots, no easement on the street, and a narrow street not designed for large cars. The residents already live with many disadvantages of living in the center of the village. Mark Thibeault reiterated the area is zoned village commercial. A hotel is a permitted use. Mr. Thibeault acknowledged it is a fact that there are residents in the area, but that does not change the fact that this is a commercial zone. Linda McKenna argued there is very little commercial use there. Ms. McKenna stressed as taxpayers the residents are an important part of the consideration. The area is also part of the historic district. Ms. McKenna asked about her rights regarding the waiver (4ø8ö) from the property line. Mark Thibeault said the waiver can be appealed. Linda McKenna pointed out the Staff Report says a commercial concern next to a single family residence requires a 15øbuffer. Mark Thibeault stated multi-family development falls into the residential category. It was clarified the staff report states any multifamily use adjacent to a single family use shall provide a buffer zone of not less than 15ø. Linda McKenna expressed her concern for fire protection for her house which is close to the proposed development (there is concern about a fire truck being able to access the courtyard). Mark Thibeault noted the Fire Chief reviews development plans and provides input.

Elizabeth Skinner, 8 School Street, pointed out there is a mix of offices and residences on the street. It was confirmed the west side of School Street is zone R-O (Residential-Office). Ms. Skinner said she has lived most of her adult life in New York City and loves the urban setting, but has chosen to live in the village to be near the amenities they use. Ms. Skinner, noting her anticipated plans to invest in improvements to her house, asked if there is any guarantee that the proposal will not change if the property is sold. Mark Thibeault replied the property owner must abide by the granted permit or apply to amend the permit. Mrs. Skinner asked if there is any requirement for a number of the units to be affordable. Mark Thibeault said there is no requirement for affordable housing unless a density bonus is requested. If a bonus is not requested and there is no density limit then the developer can max out the lot with a six story building no greater than 84øin height. Parking can be underground. Mrs. Skinner also mentioned sidewalks, noting there are none now and traffic is a concern.

Ann White, 10 School Street, also expressed concern for traffic especially on Park Terrace which is one way, narrow with no sidewalks. There is little to no enforcement of the speed of cars on the street, and more living units mean more traffic. Ms. White mentioned the situation when a train backs up traffic at Five Corners and the increase in cars using Park Terrace as a short cut, often going the wrong way on the one way street. Ms. White asked if there is any provision for the units to be owner-occupied or if the units will be rented. Mark Thibeault stated the Planning Commission cannot dictate ownership, but a mortgage company may be able to build in such provisions with the property owner. Ann White expressed concern about the ability of the village to enforce violations if the units fall into disrepair or violate fire codes, noting the past experience with another property on Park Terrace. Mark Thibeault conceded past attempts to resolve such violations have not been fully successful. The Planning Commission is aware Park Terrace is an undersized street. The developer may be asked to deed some land to the village so the road can be widened. Robin Pierce pointed out with access from the back of the property there will not be vehicle access to Park Terrace. Ann White asked about dumpsters and mailboxes on the property, and who will be doing the plowing. Mr. Thibeault stated typically such information is contained in the condominium association documents. Ms. White said her idea of a courtyard is a pedestrian friendly place, but the schematic shows cars parking behind cars in the courtyard area. The courtyard in the proposal is more of a driveway or cul-de-sac. Also, there is no play area for children. Mark Thibeault noted the VCD allows 100% lot coverage. The Planning Commission does want some visitor parking for the units. For larger developments, a play area might be required. The Planning Commission can require 750 sf. of limited common area where a garden can be planted, for instance. Ms. White expressed concern about glare from lights and the need for screening/buffering. As single-family homeowners and having raised their families here, Ms. White said she and her neighbors have a vested interest in the neighborhood and should not be considered a minority interest. Mark Thibeault suggested getting involved when the Planning Commission is discussing changes to the zoning rather than just when the changes impact them personally. Ms. White observed the on-going investment in lights, the streetscape, and other enhancements to create a village feel and a cohesive space should be taken into account when the proposal is considered.

Matthew Diem, 4 School Street, said he has two young children and would welcome more young families in the neighborhood. Mr. Diem expressed concern for congestion in the area, especially if the trend is toward six story buildings. Mr. Diem referred to Section 708 of the Code regarding waiver of screening/buffering if there is no adverse impact on adjacent properties, asking who decides if the impact is adverse. Mark Thibeault stated the Planning Commission makes the decision. Aaron Martin stated the area is zoned to be urbanized in the future. Density is desired in the VCD. Liza Kilcoyne assured the Planning Commission is sensitive to buffering and uses it as a tool. Mr. Diem questioned if property values will decline as a result of a six story building on the street. Chairman Thibeault said evidence has not been presented against an application to show the development has had an economic impact on property value. Mr. Diem commented the development by Mr. Naef seems to be the lesser of the proposals. Mark Thibeault said he understands there is sensitivity because there are residents still living in the vicinity.

Concern was expressed by residents about the potential to repeat the negative impact on quality of life due to lack of enforcement of violations on the Poon property. Mark Thibeault urged the residents to talk to the Board of Trustees about enforcement of the Code.

Mike Dowling, 5 School Street, asked if there have been discussions with the school district about the access road which will cross the Park Street School property. Robin Pierce said negotiations with the school district for an agreement to control the front of the Park Street School property are on-going.

Robert Mann, 7 School Street, inquired about parking to accommodate all the anticipated commercial development in the area. The area appears to be more residential than commercial. Mark Thibeault said the Planning Commission can waive parking requirements. Liza Kilcoyne added before a parking waiver is granted for a project, there must be nearby public parking to compensate. The concept is to avoid strip development and create more of a village, pedestrian friendly area. Parking must be planned.

There were no further comments.

DELIBERATION/DECISION

Conceptual Plan, Duplex plus Six Units, 4 Park Terrace, Naef

MOTION by Mark Thibeault, SECOND by John Alden, to table the application by Frank and Judy Naef for 4 Park Terrace. VOTING: unanimous (7-0); motion carried.

7. ADJOURNMENT

MOTION by Mark Thibeault, SECOND by Liza Kilcoyne, to adjourn the meeting. VOTING: unanimous (7-0); motion carried.

The meeting was adjourned at 9:50 p.m.

RScty: M.E.Riordan