

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
May 7, 2009**

MEMBERS PRESENT: Mark Thibeault (Chairman); Diane Clemens, Andrew Boutin, Dan Kerin, John Alden, Aaron Martin. (Liza Kilcoyne 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. There were no comments from the public.

2. ADDITIONS/AMENDMENTS TO AGENDA

None.

3. MINUTES

April 16, 2009 – Work Session

MOTION by John Alden, SECOND by Dan Kerin, to approve the 4/16/09 minutes as written. 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 a 60-room hotel with parking at 9&11 Park Street and 2 Park Terrace, removal of a retail building at 11 Park Street, and removal of a dwelling at 2A Park Terrace in the Village Center District by Ruggiano Engineering, Inc., agent for Park Street Holding Co., owner

Cliff Collins (Ruggiano Engineering) and Mike Dugan (architect) appeared on behalf of the application.

APPLICANT COMMENTS

Cliff Collins reviewed the proposal for a four story, 60-room hotel (LaQuinta franchise) with 60 parking spaces (one per room per Code requirement). The site will be served by municipal sewer and water, natural gas, power and telephone (underground). There will be underground storage (chamber) for attenuation of storm water and an oversized storm drain for piping. Lot #1 on the site plan is .97 acres and is the location for the hotel and parking. The other parcels are separate. Lot #2 is .11 acres with an existing two family house. There is no further development proposed for this lot at this time. The existing restaurant and apartment are on the third parcel which is .19 acres in size. There will be parking on this lot as well. Regarding frontage, the lot with the hotel has 94' of frontage on Park Street. The lot does not front Park Terrace. The height of the hotel is 66'. The actual building is 54' in height, but the stair tower and elevator are higher than the building. Handicap parking will abut the adjacent property (Naef). There is parking under

the second story of the hotel. The lighting plan has not yet been designed, but lights will be a maximum height of 15' and down shielded. There will be one 24' wide curb cut on Park Street (the southern property line of the parcel) which will put traffic farther away from Five Corners. A waiver of the requirement for 25' separation between properties is requested. Regarding screening/buffering, a fence is not shown on the perimeter. Feedback from the Planning Commission is requested as to what is preferred. There is a letter from Mr. Naef saying it is not a problem for the development to be closer to the setback on his property line. There is about six feet from the edge of the parking area to the southern border of the Naef property and about three feet to the school property border. Regarding shading of the parking lot (20%), more information will be provided at the next level of review, but with the trees shown on the site plan there is 19% shade. It is possible to have an island in the center of the parking lot if a parking waiver is granted, but this will impact snow removal. A traffic study has not been done for the current proposal, but one was done for an earlier hotel proposal of 91 rooms and it was found there is not significant traffic impact on Five Corners. According to the IT Manual, a 60-room hotel will generate 31 AM and 37 PM peak hour trips. Total daily trips on weekdays are eight trips per room or 490 trips per day. The impact on Five Corners has not been evaluated. The footprint for the 91-room hotel is two times as large as the 60 room proposal. The property owner wanted a smaller hotel to preserve revenue from the dwelling(s) on the lot which would be lost if the house is removed. There is a 14 unit residential development proposed on the Naef property, continued Mr. Collins, and access to the development will be provided from the hotel project. An emergency access is shown to the school property, but this could be the main access for both projects (hotel and Naef) with concurrence by the school district. With this arrangement traffic will be removed from Park Terrace.

Mike Dugan reviewed the architecture of the building, noting the franchise prototype and the standards put forth. LaQuinta has been made aware of the 'look' the village is seeking for the area, said Mr. Dugan. The footprint of the hotel is an urban prototype which has been modified due to site constrictions. The outside of the building is typical stucco. Brick on the lower level with stucco above has been recommended to LaQuinta. The roof is flat (it was noted there are many examples of flat roofed buildings in the area). There are no guest rooms on the first floor, only a swimming pool, laundry, gym, breakfast area, and offices. Guest rooms are on the second through fourth floors. The lot has 94' of frontage. The driveway is 24' wide. Entry to the building is set farther into the lot to help traffic flow.

STAFF REPORT

The Planning Commission received a written staff report on the project, dated 5/7/09. Robin Pierce stated in the long run for the village and the applicant to look at the site in its entirety would be a better solution. Landscaping to screen the parking from Park Terrace is needed.

Mark Thibeault noted that the Planning Commission will review the entire site plan (all three lots). There was discussion of incorporating the restaurant in the plan. Mike Dugan said originally the lots were combined. There are reasons the lots with the house and

restaurant are not part of the proposal. The franchise has very specific requirements. Mark Thibeault stated the Planning Commission will consider the constraints, but will determine what works best for the community.

There was discussion of the emergency access which is designed as a private driveway. The Naef development has an easement over the Poon property to use the emergency access/driveway. Dan Kerin observed there will be traffic from both projects using the access. Mark Thibeault asked about granting an easement to the Naef development to travel on the access way for the hotel connecting to Park Street. Mike Dugan said the hotel will not stop people from using the hotel access to Park Street. Mr. Thibeault pointed out the driveway/access is only 12' wide. Aisle width should be 20'. Mr. Dugan said the planted island can be removed and the aisle will then be 20' wide. Robin Pierce stated the driveway/access is to promote connectivity and decrease the impact of traffic on Park Terrace. John Alden suggested increasing the size of the driveway and planting trees in the parking lot so the area is not such a large paved expanse. Mr. Alden commented the residents in the apartment may not be comfortable driving under the hotel canopy in order to access their dwelling. Mr. Alden asked about employee parking for the hotel. Mike Dugan said the owner of property on the other side of the railroad tracks (Kalanges) has been contacted about overflow parking there. Also, cleaning and restaurant employees are not at the site all day long. The average occupancy at the hotel is 70% (approximately 50 rooms occupied) so there will be open parking spaces. Mark Thibeault noted a formal document outlining the parking arrangement with Kalanges will be needed for the file. Also, the driveway connection to the Naef development becomes a secondary access for the hotel so this should be incorporated into the plans.

Chairman Thibeault asked about land deeded to the village along Park Terrace for widening of the road. Mike Dugan stated as long as the function of the restaurant can remain that is not a problem. There was discussion of the curb cut and traffic circulation on the site. Mike Dugan said the owner would like the restaurant and two-family house to remain. There was mention of having one-way circulation on the site, dispersing traffic from the hotel and the Naef development, and moving traffic farther from Five Corners.

John Alden asked about a retaining wall on the perimeter of the site. Cliff Collins explained the retaining wall around the parking lot goes up about four feet going west. There will likely be a fence to prevent access to the wall. Mike Dugan said it may be possible to have the Naef parking garage be a portion of the retaining wall. Mr. Alden asked about snow storage. Mr. Collins stated the retaining wall is pushed back to allow some snow storage, but large snow storms will require trucking the snow off site. John Alden commented on the combination of brick and stucco on the building, and suggested balancing the location of the brick on the front corner of the building.

Diane Clemens mentioned the 17 parking spaces in the underground garage on the Naef property. Mike Dugan said if an agreement for one-way circulation is secured there will be signs posted directing traffic circulation. Mark Thibeault suggested handicap parking should be closer to the building. Mr. Dugan said it may be possible to locate the spaces

under the second floor canopy. Chairman Thibeault pointed out some of the hatched area at the entrance to the hotel could be handicap parking.

PUBLIC COMMENT

Linda McKenna, 9 School Street, expressed concern about using the school property for the access/driveway since the building is an operating school with students coming to the site during the day. There is also concern about the safety of exiting by the railroad tracks. Mark Thibeault assured the Planning Commission will look at the situation carefully.

Frank Naef, 4 Park Terrace, suggested putting a sidewalk on the north side of Park Terrace (Chittenden Bank side) all the way to School Street and narrowing Park Terrace to one lane (one way) just beyond the proposed developments. The road would be two way traffic by the restaurant and hotel. Mark Thibeault agreed the road design of Park Terrace needs review. Mr. Naef also suggested a slope at the west end of the parking lot rather than a retaining wall to help with snow storage. Mr. Collins said a 2:1 slope could be built, but this may not yield much snow storage space.

Sean Ryan, Essex Paint and Carpet, suggested closing Park Terrace at the end of the Poon property to allow School Street to remain as a neighborhood.

Eric Fenton, 125 Iroquois Ave., expressed concern about collecting storm water from the large parking lot proposed for the hotel. Mr. Collins said there is a sewer drain to collect the water. Mark Thibeault stated storm water details will be covered at the next level of review.

There were no further comments.

MOTION by Dan Kerin, SECOND by Diane Clemens, to close the public portion of the conceptual plan for 60-room hotel at 9&11 Park Street and 2 Park Terrace by Park Street Holding Co. VOTING: unanimous (6-0); motion carried.

DELIBERATION/DECISION

Conceptual Plan, Hotel, 9&11 Park Street and 2 Park Terrace, Park Street Holding Co.
The Planning Commission will deliberate the application at the next meeting.

Continued Site Plan for an after-the-fact building addition of 31.6' x 13.1', a new containment structure, and revised parking and landscaping at 33 Park Street in the R-2 District by Chad Whitehead, Dufresne & Associates, agent for D&C Transportation, owner

Chad Whitehead (Dufresne Engineering) and Scott Oeschyer (D&C Transportation) appeared on behalf of the application.

Mark Thibeault asked about compliance issues with the site. Robin Pierce stated the water line application required that the old water line be capped and this has not been done so the applicant is in violation. Also, the applicant is requesting removal of a

building that was constructed without a permit. A site plan from 2008 shows a large vertical tank and three horizontal tanks. Now there are four horizontal tanks. There is not a permit on file for the fourth tank. Chairman Thibeault assured as part of the next revision to the Land Development Code there will be the requirement that projects must be in compliance with all permits before any proposal is reviewed.

APPLICANT COMMENTS

Chad Whitehead explained the proposal to remove the building and bio-diesel tank and replace the earthen berm with a concrete containment wall. The addition to the building and the bio-diesel tank were installed and a permit sought after-the-fact, acknowledged Mr. Whitehead. Scott Oeschyer confirmed he owned the property at that time. Mr. Whitehead listed what is currently on the property including a 3,800 s.f. garage with office space, three horizontal tanks and one vertical tank surrounded by an earthen containment dike which the Federal Environmental Protection Agency (EPA) says is not good for the area. The proposal is to construct a concrete structure factored for storm events. The fuel unloading area will be moved away from the neighbors. A six foot high privacy fence and trees will be planted as a buffer as well as a cedar hedge row on the property line. Mr. Whitehead explained how fuel is unloaded from trucks into the holding tank then pumped to the containment area. There is a water/oil separator to be used if water collected in the containment area exceeds the three inch tolerance level and shows a sheen otherwise the water is allowed to simply evaporate. The parking area has been reduced, said Mr. Whitehead. Truck circulation on the site was reviewed.

Scott Oeschyer stated unfortunately the bio-diesel tank has not been used. Bio-diesel likely is going to leave the area. When the site was purchased it was more active than it is today. There are fewer trucks. Mark Thibeault noted a nonconforming use cannot be expanded, but meeting EPA requirements may not be considered an expansion. Mr. Oeschyer said the existing site has to be brought into compliance in order to continue operating. The use is not being expanded. The bio-diesel tank is being removed and an impervious concrete structure is required by the EPA instead of the earthen berm. There was further discussion of expanding the use and complying with EPA regulations. Robin Pierce pointed out the footprint of the concrete retaining wall is smaller than the earthen berm. John Alden noted more buffering will be possible with a smaller footprint. Mark Thibeault clarified that making changes to comply with regulations is maintenance. Scott Oeschyer said by October, 2009 the site must be in 100% compliance with EPA requirements. It is hoped to begin work in June. Mark Thibeault asked about requirements for reporting a spill. Scott Oeschyer stated the tolerance is two gallons within 24 hours. There are only distillates on site, not gasoline.

Chairman Thibeault noted the 20' right-of-way needs to be shown on the site plan connecting to Park Street. There should be no parking in the right-of-way. Chad Whitehead assured the deed for the property addresses the right-of-way.

Andrew Boutin asked about requiring trucks to stop idling while waiting to unload. Mr. Oeschyer stated two transfer pumps are to be added to the system so trucks do not have to run their pumps to off load. Drivers have been told to stop idling. Some have complied.

Others have not. Drivers will be reminded again. Mr. Oeschyer acknowledged ultimately having responsibility to control the trucks that come to the thru-put facility. John Alden asked how long it takes for a truck to unload. Mr. Oeschyer said a maximum of 40 minutes. The truck dispatcher is informed of trucks on the site to avoid stacking. Also, the delivery ticket is punched when a truck arrives and leaves. Mr. Boutin asked if the surface is impervious where the trucks unload. Mr. Whitehead stated paving will be done where required. Andrew Boutin mentioned dump trucks parked on the site. Scott Oeschyer acknowledged the dump trucks have been allowed to park on the site as a courtesy, but can be asked to leave.

There was mention of deadening the noise of the pumps and the capacity of the storage tank (10 trucks/day). The applicant indicated the site is handled about half that amount. Dan Kerin observed the gate is secured. Aaron Martin asked about an automatic gate. Mr. Oeschyer said there are no plans to install a new gate at this time. Jim Robinson manages the site. Comments from the neighbors have been heard and effort is being made to address their concerns, stressed Mr. Oeschyer.

STAFF REPORT

The Planning Commission received a written staff report on the application, dated May 7, 2009.

PUBLIC COMMENTS

Rich Hamilton, 1 Nicholas Court, asked if the fill point could be located farther from the property line, noting trucks are on the site in the middle of the night and some do not stop their engines. Chad Whitehead pointed out the location is 40' back. There will be a cedar hedge the length of the berm and the property line. There will be a six foot high fence and three Blue Spruce trees where the trucks pull in. Scott Oeschyer said enforcement has been stepped up with regard to idling trucks. Drivers are told they will not be allowed on the site if they do not comply. Chairman Thibeault mentioned having lights around the pumps so trucks can turn off their headlights. The Planning Commission may require that trucks are completely shut down (lights and engine).

Mary Sorrentino, 3 Nicholas Court, said the gate is locked and the truck idling issue has improved. The police have been called when there has been a problem. Some of the truckers have said they cannot shut off their vehicle. Scott Oeschyer stated the trucks must run in order to pump out the fuel. Once the transfer pumps are in place this will not be necessary. Ms. Sorrentino noted there is no one on the site at night to ensure the trucks do not idle. Ms. Sorrentino asked about five tall trees abutting the berm and providing shade for 60% of the property. Chad Whitehead stated two of the trees will be removed, one by the filling station and one behind the tank. Tress on the berm will also be removed. Mary Sorrentino asked about the height of the cement berm. Chad Whitehead explained the total height is based on square footage and volume. The structure is much like a foundation. It is 91.6" to the bottom of the dike and 96.3" to the top (about five feet). There will be about eight inches of the wall showing above ground. John Alden suggested the grade outside the containment area be clarified on the site plan and a typical be added showing what the neighbors will see of the structure.

Eric Fenton, 125 Iroquois Ave., requested the trees to be removed be marked so it is clear which ones will be cut down. There was brief discussion of ensuring all trees on the property are shown on the site plan. Mr. Fenton mentioned having a lock on the valve. Mr. Fenton thanked the truckers for slowing down on Iroquois Ave., especially the Robinson trucks. Also, there is a noticeable decrease in trucks. Eric Fenton mentioned the possibility of having a generator (and the associated noise) for the pumps if there is a power outage.

There were no further comments.

DELIBERATION/DECISION

Continued Site Plan, Building (after-the-fact) and other construction, 33 Park Street, D&C Transportation

MOTION by Mark Thibeault, SECOND by Andrew Boutin, to table the application for a containment structure, revised parking and landscaping, and an after-the-fact building addition at 33 Park Street by D&C Transportation. VOTING: unanimous (6-0); motion carried.

5. OTHER PLANNING COMMISSION ITEMS

Meeting with Board of Trustees

Postponed.

Municipal Education Grant Program

Robin Pierce will schedule a presentation on zoning enforcement.

6. ADJOURNMENT

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

The meeting was adjourned at 9:40 p.m.

RScty: M.E.Riordan