

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
December 4, 2008**

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

November 20, 2008

MOTION by Liza Kilcoyne, SECOND by Dan Kerin, to approve the 11/20/08 minutes with the following corrections:

Page 1, Administration – change “Developer” to “Development” in the title for Robin Pierce;

Page 1, Minutes – correct the vote on approval of the minutes to read: “4 ayes, 2 abstentions (Alden, Martin)”;

Page 2, Howard Center, Staff Report, 2nd paragraph – delete the sentence reading: “If the Trustees do not approve of use of the right-of-way....”.

VOTING: unanimous (7-0); 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.

Final Plan for a three lot subdivision at the end of Taft Street in the R-1 District by U-46 School District and Center for Technology at Essex, owners

Mike Burke with Krebs and Lansing Engineering and Bruce Murdough with the School District appeared on behalf of the application. John Alden announced his office has worked with the applicant on projects. The Planning Commission felt this was not a problem with review of the current application.

APPLICANT COMMENTS

Mike Burke reviewed the proposed three lot subdivision and extension of Taft Street by approximately 250’ ending in a cul-de-sac. There will be a storm water treatment pond per current state rules. Total impervious area is less than the one acre threshold for a permit. The treatment pond will be built to the 50 year 24-hour storm event. The village standard is a 25 year 24-hour storm event. The 9.9 acre parcel is owned by the U-46 School District. The lots are teaching labs for the Tech Center vocational program.

Students build the houses (each house typically takes two years to complete). There are existing water lines through the property and on the street. Research of the record did not reveal any easements for the water line across the property so a 20' easement is included as part of the current application. There are pedestrian circulation patterns on the property in close proximity to the high school grounds. The applicant is trying to accommodate these patterns. The path is used by students and neighborhood residents from Athens Drive and Taft Street. The application includes a 15' extension of the right-of-way to the village to perpetuate the easement to Athens Drive. School policy with regard to transportation of students shows the path corridor is more conducive to neighborhood residents because the path is not maintained and semi-remote which does not support school policy for paths used by students. Sewer service for the new lots will be connected to the existing service on Taft Street.

Liza Kilcoyne asked about a vision for the entire parcel and potential connection of the cul-de-sac streets (connectivity). Mike Burke speculated the road could be extended to the edge of the property and include a sidewalk which will allow easy pedestrian access to the high school. Mr. Burke outlined potential future lots on the site and a road connection to Meadow Terrace by following the water line easement through the property. There would also likely be connection with existing informal pedestrian paths. The high school vo-tech program has planted apple trees and Christmas trees on the school property. Mr. Burke stated a formal conceptual plan of full build out of the parcel has not been developed at this time. Bruce Murdough noted the school department did not want to go beyond the three lot subdivision at this time due to financial considerations. Mark Thibeault recalled the Planning Commission at the last hearing on the application requested some type of conceptual plan for future development. Diane Clemens added the plan that is submitted could simply be speculation or suggested development. It is in the Village's best interest to see the entire concept even if the build out is over a 32 year period. The apple orchard and Christmas tree program will be impacted and both are Tech Center programs. Mark Thibeault pointed out an overall conceptual plan must be reviewed as a site plan to avoid confusion in the future.

STAFF REPORT

Robin Pierce reviewed comments from Jim Jutras, Public Works Director, including water taps not directed to the main, sealing the abandoned water line at both ends, flushing the new water line uphill to Taft Street and adding the associated note to the plat, and testing existing lines along with the new line(s). The Village Engineer advised the land transfer to existing property owners should be shown on the plat. Mike Burke noted the village owns the land. There should be a gate for access to the treatment pond area for inspection and maintenance, continued Mr. Pierce, and the road extension should match the reconstructed portion of Taft Street. Mike Burke stated the requirements in the Land Development Code will be followed for the road, but Styrofoam will not be used as was done with the reconstruction. Mr. Pierce stated there should be 10' between the sewer line and the trees. The applicant noted the revised plans show this. Mr. Pierce asked about trees planted in the pond area. Mike Burke stated there are plantings (bushes) shown on the plan. State regulations recommend, if not require, plantings in storm water basins

because this enhances treatment. The treatment pond is in compliance with state regulations.

Mark Thibeault asked about comments from the Village Engineer that have not been addressed. Mr. Pierce said the application was received just prior to the meeting so there was a time constraint. Mike Burke interjected the revised plans were submitted to the Village Engineer a while ago and all comments have been addressed except for the comment on streetlights. Robin Pierce noted the Village Engineer recommends a streetlight fixture on the new extension of Taft Street. Mike Burke pointed out there is a streetlight at the entrance to the street (off Route 15) and at 100' down the street (town & country streetlight) as well as 400' down the street (town & country streetlight). A third town & country streetlight will be added 250' down from the second light in the new cul-de-sac. The lighting meets the requirement of the Land Development Code. Robin Pierce stated iso-footcandle information is needed. Mr. Burke noted the Code asks for iso-footcandle information for parking lots, not streets. The Code asks for the positioning of streetlights, not iso-footcandle grids. Mr. Pierce read the language in the Code regarding lighting information to be provided by the applicant. Mr. Burke stated one footcandle illumination is not possible with 300' spacing of streetlights unless a 500 watt bulb is used. Photometric information from the light fixture manufacturer has been provided, stated Mr. Burke.

PUBLIC COMMENT

Alan Reed, 12 Taft Street, stated the path access to Athens Drive has existed for the past 30 years. The easement should continue as originally set. Mr. Reed showed an old site plan that included the path from Athens Drive to Drury Drive before the extension of Drury Drive. The chain link fence installed by the school has an opening for access to Drury Drive Extension so it is recognized that the path exists. The path is being maintained by residents. In 1978 the school made the path using crushed stone and maintained it. The village street department plowed the path until the late 1990s. The path is well used by many people. Mark Thibeault asked if there is anything in writing that dedicates a specific path. Mr. Reed said at final review for the extension of Drury Drive the path connection was gone from the plan, but the path was shown on the preliminary plan. Mike Burke stated the land records were thoroughly researched, but nothing was found pertaining to the path. Chairman Thibeault pointed out if there is an agreement the school department could be in violation of the permit for the portion of the property where the path is located. Mr. Burke assured the plan can be adjusted to provide a corridor to the village. Dan Kerin observed paths change over time and once Taft Street is extended a new path may be created by the users. Robin Pierce added it appears if an access road is to connect to Meadow Terrance it may be logical and more useful for the path to follow the access road. Mark Thibeault stated the school may be more comfortable having students walk down a street with sidewalks and lights rather than a path. Bruce Murdough agreed, adding that is why the road would be deeded to the village. There was brief discussion of access by students to the orchard and tree nursery on school property via school buses or by foot.

Jerry Rafoul, 9 Taft Street, asked about construction traffic (trucks) on Taft Street. Mark Thibeault stated most likely trucks will access the construction site via Taft Street.

There were no further comments.

MOTION by Dan Kerin, SECOND by Andrew Boutin, to close the public portion of the application by U-46 School District for Taft Street. VOTING: unanimous (7-0); motion carried.

DELIBERATION/DECISION

Final Plan, Subdivision, Three Lots, Taft Street, U-46 School District/Center for Technology at Essex

There was discussion of having a master plan for the entire site. Aaron Martin suggested the applicant submit a plan for development of the entire site after the three lots are built out and if the road will be extended again. Liza Kilcoyne again mentioned the intent of connectivity of streets. Robin Pierce suggested the applicant be requested to grant the village a right-of-way to guarantee connectivity in the future. Diane Clemens commented it seems the school district appears to be able to organically create while other developers/developments are asked to present a master plan for their project. This is a planning opportunity for the area, continued Ms. Clemens, even if the plan is conceptual. There was continued discussion of requiring a master conceptual plan for the entire site versus approving the three lot subdivision (the proposal for the near future - six to eight years). Showing two fifty foot (50') right of ways on the Plan would ensure connectivity to Meadow Terrace and the school lands beyond the proposed new cul-de-sac on Taft Street. One of the rights of way would be over the proposed new water line that heads in the direction of Meadow Terrace.

MOTION by Mark Thibeault, SECOND by Dan Kerin, to approve the final plan for a three lot subdivision at the end of Taft Street by U-46 School District/Center for Technology of Essex subject to the applicant addressing the comments from the Village Engineer. VOTING: unanimous (7-0); motion carried.

Final Plan for a 24 unit Planned Residential Development (PRD) at 27-29 Roscoe Court in the R-2 District by Jim Dousevicz, agent for the Trombley Estate and Eric & Beth Aubin, owners

Paul O'Leary and Brad Dousevicz appeared on behalf of the application.

APPLICANT COMMENTS

Paul O'Leary reviewed the proposal for a 24 unit PRD on Roscoe Court and the property boundary. The right-of-way is owned by Trombley and Aubin, but adjustments will be made to both the Trombley and Aubin lots when portions of the right-of-way are deeded to each parcel. The access road to the development will be deeded to the village as a public road. The PRD will have 18 single family houses and three duplex buildings. There will be a gravity system to the pump station to the force main on West Street for sewer service. Comments from the Water Quality Superintendent will be addressed with regard to the pump station. Water service will be from an eight inch water line running

from West Street to Oneida Ave. Storm water will be handled completely on-site. Due to the soils and drainage system the yards will be dry. There are 6' x 12' decks on each housing unit. All the units will have limited common area. Research was done to find an easement to cross the railroad tracks, but such an easement was not found. There is an informal pathway crossing the tracks now. The developer is willing to provide a pedestrian easement off the end of the street in the development to connect to the existing path across the railroad tracks. The path will not be maintained though. Drawings showing the architectural style of the buildings have been submitted. There is approximately a third of an acre of green space in the center of the PRD. Recreational amenities such as a swing set, pool, or tennis court are not proposed. The project qualifies for the Vermont Neighborhoods Program which has an affordability criterion. The emergency access to the development will be made of grass pavers so the area does not look like a roadway. The main access road will be 20' wide (asphalt) with two foot gravel shoulders on each side. Public Works wants a 24' wide paved roadway. The residents of the proposed development will have to maintain the access road if it is private and area residents would no longer have access to their backyard from the private road unless some arrangements can be made. Mr. O'Leary encouraged having the road be public and granting a waiver for the decreased road width. The landscaping budget for street plantings and plantings by individual units is \$72,000, continued Mr. O'Leary, and the existing fence will be relocated to be along the Morse property line.

Mr. O'Leary referred to outstanding comments from the Village Engineer assuring the comments will be addressed. Information on the level of disturbance on West Street by the entrance to the development has been submitted (this will be done again). The connection to the water main for Aubin will be shown. Information on the interior roadway will be submitted. The developer feels the slope behind the houses is not too steep. The area will be mowed and will be dry.

Brad Dousevicz reviewed the sizes of the houses which range from 1,700 s.f. to 2,400 s.f. The design will be cottage arts and craft style with sloping columns on the porch. Front porches will face the road to provide a neighborhood feel. There will be an archway over the garage and a small window by the front door on each unit. The units will have a standing seam roof, different textures, and gable ends. It is felt the project meets requirements of the National Builders Green Building Program. Andrew Boutin asked if the units will have full basements or be built on slabs. Brad Dousevicz stated the units will be built on slabs on grade in order to meet the price point. There will be added storage that could be converted into living space over the garage.

John Alden asked about connection to Oneida Ave. Paul O'Leary explained there will be a private right-of-way. A pedestrian path is not proposed. Mr. Aubin does not want a formalized connection. Andrew Boutin asked about the stockade fence on the Aubin property. Brad Dousevicz stated the fence ends at the corner. Cedars will be planted along the back line of the property.

Diane Clemens mentioned streetlights and the street trees. Paul O'Leary assured there is no interference between the streetlights and street trees.

STAFF REPORT

Robin Pierce stated Public Works is not in favor of the access road being public if it is only 20' wide and does not have curbs. The plow trucks would have difficulty plowing and would have to go onto the private street to turn around. Paul O'Leary noted the Village Engineer finds the 24' wide road (including the shoulders) to be acceptable and there was no mention of curbs.

Mark Thibeault asked if the project is subject to Act 250 review. Mr. Pierce stated if the project is accepted into the Vermont Neighborhoods Program than review under Act 250 will not occur. Paul O'Leary interjected review for state waste water and storm water permits is required as well as public safety review so there will be some oversight. Mark Thibeault pointed out the village is the first municipality to have a project go through the Vermont Neighborhoods Program and therefore the first not to have Act 250 review of a sizable project. Diane Clemens stated she does not know the requirements or specifications for the Vermont Neighborhoods Program.

Robin Pierce expressed concern about the three-on-one grade at the back of the units. Paul O'Leary pointed out there is an infiltration trench behind the units and nothing can be done in that space. There are sections where the land grades right off the back of the house. Dan Kerin observed when the ground is frozen any rain will simply run off. Andrew Boutin noted the center green space holds a certain amount of run off yet the calculations indicate a 10-year storm generates more water than the area can hold. Paul O'Leary reviewed the volume of storm water calculations and capacity of the infiltration basin. There will not be an overflow drain.

Robin Pierce reviewed comments from Water Quality Superintendent. The applicant assured all technical items will be addressed.

Mark Thibeault asked if comments from the neighbors about access to backyards were sent to the Trustees. Robin Pierce said he has not received any information on the matter.

PUBLIC COMMENT

Eric Aubin, 19 Roscoe Court, explained the plan is to deed the first section of the access road to the village, but if this changes then the agreement with the developer is impacted. Mr. Aubin said he is planning an addition to his house, but does not want to have the access road not maintained properly. Mr. Aubin expressed concern about drainage into his backyard from the development. Paul O'Leary stated the water drains away from the Aubin parcel. Garages on the units are approximately two feet above existing grade.

Ben Morse, 23 Seneca Ave., asked about access to his backyard noting the gate through the fence has been the access way for the past 22 years. Mark Thibeault stated if there is an existing easement then the access will remain, and if not, Mr. Morse may have some vested rights or may be able to approach the Trustees on the matter. Mr. Morse mentioned village regulations that say a dead-end street should end in a cul-de-sac or hammerhead. Mr. Morse also asked about plowing the access road and having village

trucks going onto the private street. Paul O'Leary stated an easement would be granted to allow the plow trucks to turn around on the private street without liability for damage to the road. Mr. Morse expressed concern about drainage noting storm water drains from Roscoe Court into his backyard now and with more development there may be more water. Paul O'Leary assured storm water will be contained on-site. Presently there are no swales along Roscoe Court, but these will be installed with the development. The swales will be lower than grade.

Thomas Chittenden, 69 West Street, suggested planting trees where the access road is proposed and having access to the development by extending existing roads or by pursuing a crossing over the railroad tracks. Also, if there is a tree planted by the electric pole on the corner the tree could pull down the electric line. There was mention of access to backyards. Mark Thibeault reiterated the Planning Commission does not have the ability to grant access off a public road. Access can only be granted by the Board of Trustees. Residents need to approach the Trustees on the matter. The Planning Commission has no jurisdiction over private roads. Regarding access from existing streets, the developer could only get agreement for an emergency access rather than an access road. Eric Aubin noted there is not enough room to put in a road where the emergency access is proposed unless the house is removed from the lot.

Boris Von Stritzky, 16 Loubier Drive, noted his hesitancy to contact the Trustees about a curb cut to his backyard until the village owns or is deeded the property from the developer.

Sean Hennessey, 47 West Street, asked if adding 24 additional units to the sewer service will impact the line and overload the system. Robin Pierce pointed out the Village Engineer did not raise any concern about the matter. Mr. Hennessey mentioned many residents will lose access to their backyard due to the village limit of one curb cut per house. Mark Thibeault stressed the Board of Trustees will hear the concerns of the neighbors, but the residents must address the Trustees on the matter of access to their backyard. Mr. Hennessey mentioned there will be four houses with a street in front and a street behind them which will impact privacy. Car headlights from Roscoe Court will be also be an impact. Hedges will provide some mitigation. Liza Kilcoyne conceded it is not ideal and not typically planned to have a lot with a street in front and in back, but the development is in-fill to an already developed area. There should be some screening put in place, agreed Ms. Kilcoyne. Paul O'Leary pointed out there is an existing stockade fence along the four properties that were mentioned. The fence is owned and maintained by the individual property owners. Mr. Hennessey stated the difference between a 24' wide and 20' wide road impacts the existing fence.

There were no further comments.

MOTION by Dan Kerin, SECOND by Andrew Boutin, to close the public portion of the Dousevicz application for a PRD at 27-29 Roscoe Court. VOTING: unanimous (7-0); motion carried.

DELIBERATION/DECISION

Final Plan, PRD, 24 Units, 27-29 Roscoe Court, Dousevicz

There was discussion of road width. The Planning Commission felt 20' is too narrow. Snow storage is an issue with the proposal as well.

MOTION by Mark Thibeault, SECOND by Liza Kilcoyne, to table the application for 27-29 Roscoe Court pending further information. VOTING: unanimous (7-0); motion carried.

5. OTHER PLANNING COMMISSION ITEMS

Open Space Inventory

Robin Pierce reported the inventory is nearly complete.

Sign by Howard Center on Lincoln Street

The sign to allow drop off/pick up of clients to the Howard Center on Lincoln Street was approved by the Trustees.

Property at 26 Pearl Street

It appears the zone line bisects the property at 26 Pearl Street, but a formal survey is needed to confirm this.

Pearl Street Improvement Project

The MPO awarded \$50,000 to the Pearl Street Improvement Project.

Update of Zoning Regulations

Language regarding lighting needs to be clarified to cover streets (spacing of streetlights) as well as parking lots in the next update of the zoning regulations.

6. ADJOURNMENT

MOTION by Dan Kerin, SECOND by Andrew Boutin, to adjourn the meeting. VOTING: unanimous (7-0); motion carried.

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

RScty: M.E.Riordan