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**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
March 6, 2008**

MEMBERS PRESENT: Mark Thibeault (Chairman); Diane Clemens, Dan Kerin, Andrew Boutin. (Liza Kilcoyne was absent.)

ADMINISTRATION: Jeff Arango, Developer Director.

1. CALL TO ORDER and AUDIENCE FOR VISITORS

Chairman Mark Thibeault called the meeting to order at 7:30 p.m.

2. ADDITIONS/AMENDMENTS TO AGENDA

None.

3. MINUTES

February 21, 2008

Postponed until the next meeting.

4. PUBLIC MEETING

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

Conceptual plan for a 44-unit Planned Residential Development (PRD) with an existing single family dwelling at 216 Maple Street 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 and Brad Gardner appeared on behalf of the application.

APPLICANT COMMENTS

Mike Burke stated the 22 acres of land involved in the project fronts Maple Street and Woods End Drive and has access to Kiln Drive. A PRD without lot lines is proposed except for the lot around the existing single family residence. Density allowance is 50 units, but 44 new units and the existing single family house are proposed. All the houses will be single family. There will be a mix of single story and duplex units (two single story duplex units, two two-story duplex units and a triplex along Maple Street). The development will be an attractive multi-generational neighborhood. The houses will be approximately 2,000 s.f. and most units will have a first floor master bedroom. It is anticipated many of the residents will be downsizing to smaller homes or first time homeowners. There is municipal water and sewer service in the vicinity to serve the project. The site is sandy so a treating and infiltration storm water system will be installed for zero run off. The road will be 22' wide and paved (a waiver is being requested from the standard road width for the village). The road will connect to Woods End Drive and Kiln Road. The road is designed with traffic calming characteristics. The houses will be 20' apart and 20' from the right-of-way. There will be sidewalks internal to the development and a pedestrian connection to Maple Street and Forest Road. The homeowners association will own and maintain the common land. Fifty percent of the project area will be open space. There will be no cut restrictions. There is a VELCO line easement through the property for a transmission main. There is also water infrastructure in the easement.

STAFF REPORT

Jeff Arango mentioned the houses being setback 20' from the right-of-way and suggested the house be moved forward to provide each unit with a larger backyard area, tree buffer. Having the houses closer to the street and sidewalk will create a more pedestrian friendly look. The units on Maple Street are setback in excess of the average setback of the adjacent houses. The units need to comply with the setback or the applicant can request a waiver. Accessory structures, such as additional deck space or a shed, need to be considered in the design of the development. Street trees should be species on the approved list and planted 40' on center. The trees need to be shown on the site plan. A landscape plan and financial guarantee for a two year period for the landscaping must be submitted by the applicant. The applicant is clustering the houses to preserve the steep wooded area and established paths. This helps decrease environmental impacts from the development and keeps 50% of the land open. A written guarantee that the land will remain open needs to be submitted. A pedestrian connection to Forest Road is recommended to allow access to existing trails in the area. The multi-family units must have a minimum of 750 s.f. of private yard, be located on the exterior of the development, and have no more than six units in a building. Woods End Drive has a strong neighborhood character with unique housing styles. The three units fronting Woods End Drive are all of the same design and it might be disruptive to the character of the area to have all the same designed housing. It is suggested the design of the units fronting Woods End Drive be more in character with the neighborhood. Standard street width is 28'. Woods End Drive is 28' wide to allow on-street parking though this rarely happens. The narrower the street the less impact on front yards, there is less storm water run off, and narrow streets help decrease traffic speed so a waiver to reduce the width of

the street in the proposed development is supported. There will be five foot wide sidewalks on one side of the street. It is suggested the sidewalk on Maple Street be extended to serve the development along Maple Street. Street lights need to be shown on the site plan at 400' intervals between intersections. The style (to be approved by the Planning Commission) must be harmonious with the surroundings. Traffic numbers for the proposed development do not appear to require a traffic study. Traffic splits between using Maple Street (three during PM peak hour) and Woods End Drive and Kiln Road (21 during PM peak hour). It is assumed traffic will use Woods End Drive.

Diane Clemens asked if the Maple Street properties will share a driveway with the existing single family house. Mike Burke stated each unit will have an individual approach to the building, but share the curb cut. Ms. Clemens asked if there will be improvements made to the path to the corner of Kiln Road and Mason Drive. Mr. Burke stated the village right-of-way will be improved to make a complete connection (usable street).

Mark Thibeault mentioned the plan does not show areas for visitor parking. Parking on the grass is not allowed in the village. If the houses are moved closer to the road, there will not be room in the driveway for up to four cars. Mike Burke pointed out there must be at least one car length of driveway between the house and the sidewalk to avoid cars parking on the sidewalk.

PUBLIC COMMENTS

Jan Abbott, Countryside, mentioned pedestrian access to Pinewood Manor and in general joining neighborhoods. It is hoped the access will be asphalt rather than concrete for easier maintenance. It is also hoped there can be a pedestrian path connection to Forest Road from Kiln Road.

It was noted Scott and Francis Lewis, Acorn Circle, are in support of bike and pedestrian access.

Mark Benton, Woods End Drive, asked if the mix of duplexes and single family houses can change and if there will be a homeowners association for the development. Jeff Arango stated the site plan will show specific footprints for the buildings and any changes to the approved site plan must be reviewed and approved by the Planning Commission. Phasing of the development has not been discussed. The market will likely drive the construction schedule. Before building permits are secured the project must go through the review process in the village and Act 250. Spring 2009 may be the earliest to begin construction.

Jerry Lasky, Woods End Drive, asked about the minimum width of a buffer to adjacent neighborhoods. Mr. Lasky also mentioned the hill is very steep and it may be unrealistic for a pedestrian/bike path on the hill. Jeff Arango calculated the narrowest buffer point is 25' between the proposal and the adjacent neighborhood. Mike Burke stated the grade of

the hill is 30% which can be negotiated on foot (walking path). Jeff Arango will research design criteria for pedestrian/bike paths.

Margaret Centybear, Woods End Drive, noted when cutting was done by the power lines the trees were exposed and due to the sandy soil and shallow root systems many trees fell over. Ms. Centybear said when they purchased their property they signed an agreement to leave 80% of the trees. There is concern with the opening proposed by the new development that the trees will fall onto the house because there is no protection from wind and storms. Ms. Centybear spoke in support of narrow streets and less pavement, and suggested an unpaved parking area for visitors be identified. Ms. Centybear mentioned an ambulance or fire truck cannot get into their driveway presently, and asked if a cut in the curb can be made on the proposed development side of the property to allow emergency access to their property.

Debra Alden, Mason Drive, stated traffic from the development will likely use Brickyard Road, not Woods End Drive. Ms. Alden also mentioned land use and buffer zones as well as impact on property values by the proposed development. Ms. Alden asked if the development is affordable housing. Jeff Arango stated an affordable housing provision is not kept in the proposal. Ms. Alden acknowledged the significant piece of land to be developed is private property, but the area has been used for recreation by residents and now that use will disappear without a provision to make up for the loss of this recreation space in the village. The only open space will be between houses. The residents of the houses will not want people to be there walking their dogs or riding their bikes. The hill is not negotiable and it may be false advertising to say there will be a path and open space there. Ms. Alden asked about an entrance for construction vehicles while the development is being built.

Ann Barnes, Woods End Drive, asked about maintenance and repair of road (the threshold before repairs are made), noting Woods End Drive is in bad shape right now. Additional traffic will further impact the road. Jeff Arango noted there is a capital plan for the village which includes repair of roads. Woods End Drive is not on the current repair list. Briar Lane is on the list. Ms. Barnes commented about the multi-generational housing being proposed and stressed older people need to be able to navigate the proposed paths.

Adam Cole, Corduroy Road, expressed concern for the loss of habitat and impact on property values by the proposal. The land to be developed provides a corridor for wildlife, to say 50% of the property will remain open is bogus. The hill is not part of the neighborhood. There is a huge power line there. Ninety percent of the property will be paved and housed. Mr. Cole stated he moved to the area for the open space so his pets could be away from traffic. As a community the preservation of open space must be considered rather than looking at how to make the development fit. The proposal changes the nature of the neighborhood. There are animals and old growth vegetation. Regarding the market, there are many houses for sale that are not selling. A study should be done to see if the proposed houses will sell so there are not numerous lots with houses sitting vacant. Jeff Arango stated the Board of Trustees can be lobbied to purchase additional

open space for the village, but a development cannot be denied on this basis (a project meeting the requirements of the regulations determines approval). The wildlife habitat was severely impacted when the existing neighborhood was built. Act 250 review takes into consideration habitat and wildlife issues.

Peter Rowan, Briar Lane, stated the development does not fit the character of the neighborhood either in density or architecture. Also, more cars will use Woods End Drive which does not have traffic calming design. Mr. Rowan asked if there are similar developments in the area. The applicant cited Bay Creek in Colchester on East Lakeshore Drive and Crossfield off Porter's Point Road. There are smaller examples in the village (small clusters of houses off Cascade Street, Iroquois Ave., and Adams Way).

Karen Moino, Kiln Road, asked about the location of the property line. Jeff Arango stated a full survey will be done to accurately show boundary lines. Ms. Moino mentioned the two units adjacent to her property line and requested a larger buffer from the units. Ms. Moino questioned the PRD meeting the criteria of being superior to a regular subdivision by clustering the houses since the houses are being clustered on top of the hill because building on the hill would be too difficult and not economically feasible. If the 7.75 acres of the hill are excluded from the 22 acre parcel then the density decreases to 32 units. The hill portion of the property should not be calculated in the density. Ms. Moino asked about traffic movements by existing residents during construction. Jeff Arango stated some PRD regulations omit certain lands, but it is more common to look at density from the overall benefit of clustering houses (uses less land, which has an environmental benefit, and preserves the hill side and trees in this case). Mark Thibeault added with regard to recreational use of the hill, lot coverage, and density, the village regulations do not exclude the slope of the hill from the density calculation. The Planning Commission must determine if the land meets the criteria of a PRD. The slope may not preclude building on the hill side. The hills in Pinewood Manor are steep. Jeff Arango stated the density of the upper portion is approximately 13,000 s.f. per dwelling. There is some flexibility with a PRD. The applicant is not requesting a density bonus.

Priscilla Kimberly, Woods End Drive, asked about the cost to buy the remaining land if the development just occurred along Woods End Drive and Maple Street. Ms. Kimberly noted many people use the VELCO right-of-way to get to Maple Street Extension. A connection through the VELCO easement to Forest Road and Maple Street would be beneficial. Regarding the path on the hill, per state and federal regulations walking and bike paths cannot exceed a grade of 8%. It is expensive to terrace and develop a hill. The buildings on the edge of the parcel by Kiln Road appear very close to the boundary line and neighboring parcels, observed Ms. Kimberly, and the streetlights need to face downward to avoid shining in windows.

Todd Centybear, Woods End Drive, stated there are few conifer and evergreen trees and more oaks and scrub oaks (deciduous) so the power lines are visible. The new development will also be visible. Mr. Centybear expressed concern about the duplex proposed by his house. Regarding the grade of the hill, the grade is greater than 30% initially, requiring holding onto trees to navigate down the slope. There is wildlife such as

deer, fox, fisher cat, pileated woodpeckers. Minimizing the density of the development would be good.

Jack Barnes, Woods End Drive, noted their driveway is on a curve and the sight distance is poor which makes for a hazardous situation. Having access to the new development in this area is not good. Also, there is a fire hydrant located there. Regarding trees blowing down, there are many large trees falling down in the existing development and the same is expected in the new development, especially when construction vehicles will be driving over root systems and damaging trees which will shorten their life. Mr. Barnes asked about the cost of the houses and the impact on the school system by the development. Jeff Arango stated enrollment is flat in the school system so the development is not an impact. The applicant indicated the cost of the houses is not yet known. Mark Thibeault explained the Planning Commission does not look at the market for houses when reviewing an application. There are mechanisms in place to protect the village from a development being only half built. There are laws being passed mandating diversity in housing (mix of multi-family and single family homes), but there is no guarantee of property values.

Linda Scotti, Mason Drive, suggested the houses have differences (different colors, roof lines, and such) rather than be built to look all the same. Ms. Scotti spoke in support of having access to the power line easement.

Richard Ross, Briar Lane, expressed concern about the proximity of the houses to his backyard and the composition of the buffer (percent of open land maintained as treed versus clear cut) since trees will be cut down during construction. Also, the corner on Woods End Drive is a blind corner in both directions so having access there is not wise. Jeff Arango stated the sight distance and traffic speed will be investigated on Woods End Drive to determine if there is safe access, and specific tree cutting details will be submitted by the applicant at the next stage of review. The buffer between multi-family units is 20'. The buffer must be a physical barrier such as plantings or a fence. With single family residences there is a side yard setback requirement of eight feet. There is latitude with buffers in a PRD.

Mike Burke, engineer for the project, noted there are four houses in the vicinity built on the slope of the hill. The houses are served by individual driveways, some with switchback curves. Driveways are allowed a maximum grade of 15%.

Mike Bottamini, Briar Lane, commented if the hillside (seven acres) is developable then there will be less density on top of the hill. Ms. Bottamini asked if the trees by the houses will be saved or clear cut. Jeff Arango stated the trees will likely be cut, but landscaping/plantings are required as part of the project. Mr. Bottamini mentioned the water and sewer lines for Briar Lane and Woods End Drive. Mike Burke stated there is an eight inch water line from the main transmission line in the Champlain Water District right-of-way to serve the proposed development as well as the existing residences on the line. The line is designed for fire flow. An impact from domestic use is not anticipated. The Village Engineer will be reviewing the proposal as well as the Public Works

Superintendent and Fire Chief. Mr. Bottamini mentioned potential traffic impact on Brickyard Road and Kiln Road from the new development, especially if young families with children are moving in. Mark Thibeault stated the Village Engineer will review the traffic numbers. National standards will be referenced. Mr. Bottamini spoke in support of a variety of architecture in the proposed development.

Rose Bowen, Woods End Drive, asked about the corridors behind her house. Mike Burke pointed out there is a utility corridor and the pedestrian corridor. There will be construction in the corridor to excavate the lines. A resident calculated 40' of trees will be lost while clearing for utilities. Ms. Bowen mentioned people cut through her property now to get to the power lines. Mark Thibeault stated Ms. Bowen can install a fence to prohibit this.

Dustin Bruso, Sunset Drive, commented the idea of having entry level or downsized levels of housing is positive on a conceptual level, with sensitivity to the issues that have been raised.

There was discussion of the right-of-way easement and the water tower. Mike Burke assured the survey will delineate where the right-of-way is located. There is an easement for the water line serving Woods End Drive. The easement is on an abutting property. The line will be tapped in the public right-of-way. The corridor will be excavated for the sewer line (on the westerly boundary to the pump station on Maple Street). There was continued discussion of the density of the development and preserving habitat and open space. It was noted there are no agreements on file relative to creating buffer zones between neighborhoods when the land is developed. A corridor lined with trees and a gravel path is desirable as well as maintaining pedestrian friendly community recreation space. There was mention of contacting residents on Forest Road in the Town of Essex who abut the property to be developed. Jeff Arango stated village residents within 150' of the property are sent notices, but effort will be made to contact town residents who abut the property as well. All abutting property owners will receive a notice for Act 250 review.

Kim Gawor, Mason Drive, stated the zoning notice for the proposal says "216 Maple Street", but does not indicate an impact on Woods End Drive or Kiln Road which is misleading. Ms. Gawor acknowledged the property owners are entitled to do what they want with their land; the area residents have been lucky to use the land for all these years. It is hoped thought is given to how the land is used now as well as how the property owners needs can be met when finalizing the development plans. Perhaps the development does not need to be another typical development, offered Ms. Gawor.

There were no further comments.

MOTION by Dan Kerin, SECOND by Andrew Boutin, to close the public portion of the PRD proposal for 216 Maple Street. VOTING: 4 ayes; motion carried.

DELIBERATION/DECISION

Conceptual Plan, PRD, 216 Maple Street, Bouffard

There was discussion of the steep terrain of the hill and the proposed walking path as well as the need for a buffer of trees to screen the development (cut only those trees necessary). Pedestrian and biking opportunities should be encouraged because the recreational use of the property is being lost to the development. The houses on top of the hill have the slope of the hill as their backyard which needs to be addressed. Also, the houses facing Woods End Drive need more consideration with regard to being suitable to the neighborhood. Sight distance on Woods End Drive is an issue. Variety of architectural style and color is suggested with the houses.

MOTION by Mark Thibeault, SECOND by Dan Kerin, to approve the conceptual plan for a 44-unit PRD at 216 Maple Street with the following issues to be addressed by the applicant:

1. Private limited common open space;
2. Landscaping and tree preservation;
3. Sidewalks and pedestrian connections;
4. Architecture styles;
5. Guarantee for protection of the hill side;
6. Building setbacks on Maple Street;
7. Visitor parking;
8. Main access to the development

VOTING: 4 ayes; motion carried.

5. OTHER PLANNING COMMISSION ITEMS

Memo from Town of Essex re: Amendments to Town Zoning Bylaws

The Planning Commission received a copy of the memo from James Rose, dated 2/2/808, regarding amendments to Essex Town zoning bylaws pertaining to the town outside the Village of Essex Junction.

6. ADJOURNMENT

MOTION by Dan Kerin, SECOND by Andrew Boutin, to adjourn the meeting.

VOTING: 4 ayes; motion carried.

The meeting was adjourned at 10:15 p.m.

RScty: M.E.Riordan