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**VILLAGE OF ESSEX JUNCTION  
PLANNING COMMISSION  
MINUTES OF MEETING  
June 26, 2008**

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

**ADMINISTRATION:** Jeff Arango, Developer Director.

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**1. CALL TO ORDER and AUDIENCE FOR VISITORS**

Chairman Mark Thibeault called the meeting to order at 7:30 p.m. There were no comments from the audience at this time.

**2. ADDITIONS/AMENDMENTS TO AGENDA**

None.

**3. MINUTES**

*May 1, 2008*

**MOTION by Dan Kerin, SECOND by Andrew Boutin, to approve the 5/1/08 minutes as written. VOTING: 3 ayes, 1 abstention (Clemens); 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.

Amend Conceptual Plan approval from 44 units to 54 units with an existing single family dwelling for a Planned Residential Development (PUD) at 216 Maple Street (abutting Woods End Drive, Mason 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 & Lansing Consulting Engineers appeared on behalf of the application. Chairman Thibeault noted the applicant will review the application followed by a report from staff and then public comments.

## APPLICANT COMMENTS

Mike Burke stated the current proposal is for 36 units on top of the hill and 18 units at the base of the hill along Maple Street. This is a change from the original proposal of 36 units at the top of the hill and eight units along Maple Street. The lots along Maple Street are compact with a mix of duplex and single units (there are no tri-plex units). Access to the dwelling units will be from Maple Street (one common access). There will be eight units of affordable housing per the village definition. The entire project is multi-generational with different types of housing. The units fronting Maple Street have been moved forward (closer to the road) to conform to the average setback along Maple Street and match the majority of the existing houses on the street. There is an existing single family house and driveway. The driveway will be used to access the condominium units. There is pedestrian access to Woods End Drive and visitor parking has been added on that end of the development. The configuration has been tightened to allow the development to move forward and minimize impact on the neighbors. The units on top of the hill have been shifted farther from the property boundary line. The utility easement has been moved as well. A survey of the boundary is nearly complete. A majority of the pins have been located. The water line per the village GIS database is along the property line on the applicant's property. There is an informal trail network on the property and the applicant would be interested in discussing a mechanism to allow the trail network to remain in place. The trails will not be paved.

## STAFF REPORT

Jeff Arango stated the limited common open space for each multi-family unit needs to be shown on the plan per PUD requirements, and it is recommended the same be provided for the single family home on Maple Street as well. There cannot be trees in the water line area which eliminates this area as a treed buffer to the neighbors. It may be possible to shift the houses closer together and have 15' on each side plus the setback and a 20' wide driveway so the buffer around the project can be increased in size. The road is proposed at 22' wide without curbs and two foot wide gravel shoulders. Gravel shoulders are not recommended due to issues with plowing (Mike Burke commented a shoulder on a paved road is typical, but with a slow speed residential street it may be more appropriate to have grass to the edge of the pavement). Mr. Arango discussed the easement for public access to the existing trail network and connecting to trails on town land. The village will want to limit responsibility for maintenance on the trails if the network remains in the plans. The Town of Essex has a trails committee which maintains some trails on town land. The sidewalk on Maple Street should be extended to connect to the units fronting Maple Street. Regarding the architecture and housing style, the design should fit with the character of the surrounding neighborhood. (The applicant showed some conceptual plans on architecture, noting there is a diversity of building size, height, lines, colors, with complex gable roof systems and embellishment on the facades.)

Jeff Arango stated a conservation easement for the hillside and the treed buffer (cutting restrictions) is needed. There is no requirement for a buffer between single family and duplex developments. The Village Engineer will review sight distances on the roads. The building setbacks on Maple Street must be within the requirement. There is one lot with common open space, and this is the only deviation from typical development in the area. Mike Burke addressed the common open space issues, noting the intention is to provide 750 s.f. for each unit. The area will be reflected on the site plan at the next level of review. With all the residential units on the same lot, the lot is owned communally (the landowner is the homeowners association) and rules and regulations are developed. The property will be open for common use with some exclusive space per unit in front, on the side and in the back of the unit. Regarding sight distance, the corner sight distances at the intersection of Woods End Drive is 340' and 318', adequate in both directions per Agency of Transportation standards. The formula is eleven times the posted speed limit so  $11 \times 25 = 275'$  in sight distance needed. Mr. Burke further explained how the sight distance was measured.

Mark Thibeault asked about plans for the existing house on Maple Street. The applicant stated the plans are not yet determined, but will be defined at the next review. Diane Clemens observed the access road goes through the backyard of the house. Mark Thibeault asked about a visual and noise buffer from Maple Street, noting the affordable units should receive the same treatment as the other houses in the development. Mr. Thibeault also asked if the houses in the back row are of greater height. Mike Burke confirmed the buildings are eight feet higher. Dan Kerin asked if the renderings of the dwellings show what is to be built along Maple Street. The applicant indicated the houses will be smaller on Maple Street. A rendering is not yet done, but the design will be similar. Elevations will have to be addressed. Mark Thibeault asked about the setback of the houses on Maple Street. Mike Burke explained the four rod wide VTrans right-of-way is along Maple Street and the houses will be as close to the right-of-way as possible (within range of the average of the other houses on the street). Mark Thibeault asked if the roads will be private or public. Mike Burke stated the proposal is for the roads in the upper development to be public village streets and the access to the condominium units will be a private road. The connection to Kiln Road will be improved to village standards. The easements for the recreation open space area and the sidewalk continue along Maple Street. The path connections will be close to what is existing (under the power lines by Woods End Drive to Forest Road).

Andrew Boutin asked how the development can be reconfigured to allow more buffer space. Mike Burke explained some of the driveways can be shortened and 20' of width can be squeezed out here and there. Mark Thibeault pointed out the houses have been pulled back by the path by Woods End Drive by almost 100' from the adjacent property, and the same was done on the lower end by the cul-de-sac at the south end of the development.

## PUBLIC COMMENT

Jerry Lasky, 32 Woods End Drive, reviewed village zoning regulations pertaining to slope and statements in the Comprehensive Plan. Mr. Lasky contended the slope in the development exceeds the 15% maximum suitable for development. Mr. Lasky also contended the number of houses that can be built in the area is 25 unless the developer has requested density bonuses. The water line is not in the location indicated on the developer's plans and there is concern about screening and landscaping being in place. If there is a 20' wide swath without trees for the water line and a 20' wide treed buffer, then the development must begin 40' from the boundary line.

Priscilla Kimberly, 32 Woods End Drive, said she has worked for the past 30 years on paths in the town and village. Ms. Kimberly proposed an alternative plan for the parcel to include a natural area owned by the village. Ms. Kimberly asked the Planning Commission to work with the Bouffard family to purchase part of the land for passive recreation. A petition will be submitted to the Board of Trustees to this end. Per the Comprehensive Plan there is a significant natural community on the upper portion of the Bouffard property by Woods End Drive. The land has been used and enjoyed by residents of the four area neighborhoods for many years thanks to the generosity of the Bouffard family. The Comprehensive Plan references the importance of conserving open space and providing space for passive recreation. The word "shall" in the plan can be replaced with "must" relative to maintaining open space and consideration of pedestrian/bike paths. These paths do not work well on 23% slopes, stated Ms. Kimberly. The village plan also gives the Planning Commission responsibility for protecting limited natural resources in the community.

Madeleine Paquette, 20 Forest Road, said she walks through the upper section of the land and it is lovely how the paths connect four different developments so driving a car to get to a neighbor's house is not necessary. Ms. Paquette said there will be five houses in her backyard as a result of the development, and it is difficult to imagine what that will look like. The connector into Forest Road is not paved, but may be at some point. There is the potential for use by motorcycles which is a concern. When the Lang property was being developed residents were told not to worry about density with regard to the surrounding land because of what was indicated in the town plan. Though there is the village and the town, it is all the town, said Ms. Paquette, adding she does not see how the development fits with surrounding properties.

Jack Barnes, 39 Woods End Drive, submitted a letter to the Planning Commission regarding Woods End Estates, 36 lots and homes. Act 250 indicated 340 daily trips, most likely during the day. The intersection of Acorn Circle and Woods End Drive has eight houses from Acorn Circle entering onto Woods End Drive, but with the development there will be an additional 36 houses and traffic. Mr. Barnes asked about the different measures of traffic. Jeff Arango explained a traffic study for the purpose of determining volume of cars and delays, and a study for the purpose of safety (exiting onto a roadway). The Village Engineer and the project's engineer will review sight distance information for safety purposes. Mark Thibeault added the same standard is applied to all projects unless there is a compelling reason to deviate. Mr. Barnes said there are snow banks in the winter that impact sight distance regardless of the standards. The area needs to be

studied in a local way and across seasons. In the winter time people “get a running start” with their vehicles in order to get up the hill. Regarding density, there are really two developments proposed yet the whole parcel is being used to calculate density. Mr. Barnes said he cannot see the lower development by Maple Street which is already a busy road, but the upper portion of the development will be seen as well as the impacts of traffic, safety, and environment. Mark Thibeault explained there is more flexibility with a PUD for both the developer and Planning Commission, and not just with density. Jerry Lasky interjected with a PUD to relax 25% of density there must be specifically cited reasons.

Sandi Hoffman, 44 Forest Road, said she moved into her house in December. The house was chosen because of the surrounding woods, and now with the proposed development there will be four houses in the backyard. Ms. Hoffman asked which driveways will be shortened. Mark Thibeault said the developer does not know which driveways will change at this point. There will be more precise details (measurements) at the next level of review. Jeff Arango calculated there will be 60’ from the back deck of the Hoffman house to the new houses.

Todd Centybear, 30 Woods End Drive, asked about the process and series of meetings. Jeff Arango explained there are three stages of review: conceptual, preliminary, and final with more detail presented as the application proceeds through the review process. There can be more than one meeting within each level of review. The preliminary review stage is optional, but encouraged to avoid multiple meetings at final review. Mr. Centybear asked if open space is calculated as part of the density and if the open space has to be usable. Jeff Arango stated the open space is considered in the density calculation and the Planning Commission can require whether the open space is developable. There is not a strong precedent for the preservation of open space as evidenced by the surrounding neighborhood (Countryside). Mr. Centybear stated if the open space is to be usable to the community it should not discriminate against the elderly or persons with disabilities. Jeff Arango explained how PRDs work relative to open space and density. The more compact the housing development, the more open space, but there must be a balance with the surrounding neighborhoods so goals are not conflicting. It is a valid point to have paths be accessible, but not all are, such as at Indian Brook or the state parks. The applicant noted many of the units will be handicap accessible with first floor master bedrooms.

Bob Marcotte, Valleyview Drive, Pinewood Manor, suggested the path to Forest Road be built for non-motorized access only. Mr. Marcotte noted the map showing the merger of the village and town District 1 school district became the village school district. The line was straight from the river to the north, but now the line appears to have wiggles. The files should reflect the information about the school district delineation. Also, the Lang Farm development is in the town as are all the streets. The boundary line appears to have moved per the applicant’s information. Again, the files should reflect the information on record, stated Mr. Marcotte. Mark Thibeault asked if there is any indication a portion of the project is in the town. Jeff Arango stated it appears the project is all in the village, and the survey that is being done by the applicant will confirm the boundary lines. Mr. Marcotte stated the Bouffard family paid taxes to the village and town in the past. It was

noted the official village and town maps coincide with the boundaries as shown by the applicant as does the GIS map.

Peter Rowan, 60 Briar Lane, said he just discovered there are covenants for his neighborhood. Mr. Rowan stated he has a reasonable expectation any development will be consistent with the neighborhood and the neighborhood's covenants, but a development with over 30 units does not appear to be consistent with the covenants which were created by Mr. Bouffard who sold the property. Mark Thibeault clarified homeowner association covenants are a civil matter and not the jurisdiction of the Planning Commission. Jeff Arango explained the Planning Commission can review covenants if desired as a piece of evidence to define the character of the surrounding neighborhood. Dick Bouffard, Jericho, said he drafted the covenants and they apply to the specific development, not the surrounding neighborhood. Mr. Bouffard commented if an individual lives next to open land and does not own the land it is reasonable to expect that something will be done to the parcel. The residents have been fortunate to have had the land open for so long. The family pays taxes on the land. Also, half the lots on Woods End Drive and in Pinewood Manor have over 20% slopes in the backyard and there is no problem with use of the land, drainage or erosion.

Dan Crocket, 18 Woods End Drive, asked if the Planning Commission is required to consider the surrounding neighborhood because the proposal is not consistent with existing development.

Karen Moino, 14 Kiln Road, read the general standard in the Land Development Code, Section 724, relative to a PRD in an R-1 neighborhood, noting the Planning Commission should not approve the development if the proposal is not "superior to standard subdivision design". Ms. Moino felt the proposal is not superior.

Randy Pratt, 54 Forest Road, acknowledged a property owner has a right to develop their land, but the concern is the impact of the development on the surrounding neighborhoods. The proposal should not detract from the neighborhood, but should work for the developer and respect existing neighborhoods. Mr. Pratt asked if all the un-developable space has been considered in determining density (such as the 50' right-of-way, the 22' roadway, sidewalks, and open space). Mr. Pratt asked if there will be a traffic light at the Maple Street access road to handle the extra traffic. Mark Thibeault stated traffic lights are based on standards that must be met and it is not likely the intersection of the access road and Maple Street will meet the standards (warrants).

Dee Gannon, 41 Briar Lane, asked if any consideration has been given to a new path study or the number of children from the development (impact on the school system). The slope of the land is steep and changing the slope with development will impact the watershed and existing wetlands in the area. Jeff Arango stated there is flat enrollment in the school system based on existing and projected numbers. Regarding developing the hillside, more information is needed from the applicant. There are no known wetlands on the site, but there are protected wetlands nearby. There is existing development bordering

wetlands already. A storm water analysis will be done, not a wetlands analysis. Ms. Gannon stated there will be much impact, such as car exhaust, children, storm water.

Russ Herrin, 24 Woods End Drive, stated the land is steep for recreation use and use of the area will lead to erosion. Mr. Herrin asked if the open space requirement of the development is usable by residents of the development as a park for recreation or just as open space. Jeff Arango read Section 908 of the Code relative to the open space requirement, noting the Planning Commission may require the open space to remain open or developed (recreation area).

There was a question about on-site septic systems and concern about the removal of trees and drainage potentially having an impact on some existing on-site systems in the neighborhoods. It was noted the proposed development will be served by village water and sewer service.

Mike Bottamini, 54 Briar Lane, asked about sidewalk on Kiln Road. Jeff Arango stated the sidewalk is a requirement. There will be the road, a grass strip, and then the sidewalk. The road pavement will meet the grass strip. Gravel shoulders first proposed by the applicant have been eliminated. There was discussion of the review process. Mark Thibeault stated the Planning Commission will decide if a decision on the application can be made or if the review must be continued to another meeting. Mr. Bottamini asked if the Planning Commission can change a decision in the process (i.e. approve the concept, but deny the plan at a later stage). Chairman Thibeault said technically this can happen, but historically if the concept is approved then the application will continue with support unless there is a major roadblock to change the concept.

Mary Coomes, 37 Forest Road, stated it would have been nice to include residents from the town at the preliminary hearing. People are upset at being intentionally excluded. Residents would have attended the meeting to make comment. Mark Thibeault explained the process of notification, and assured that there will be numerous opportunities to comment.

Gary Gawor, 9 Mason Drive, asked about the applicable definition of affordable housing and accessory structures (decks, sheds). Jeff Arango stated there are different definitions of affordable housing, not a universal definition. Per VHFA guidelines a \$275,000 house is considered affordable housing. Sometimes 80% of median income is used to determine the affordable definition. Regarding Section 706, accessory structures, if an interest in the open space is jointly owned then approval from the homeowners association is needed for an accessory structure. Mr. Arango stated he is suggesting there be a mechanism in the covenants to allow a deck for the condominium units. Mark Thibeault explained with limited common area there is 10% of the lot available for additional impervious surfaces, such as decks or patios. The applicant stated sheds or Quonset huts will not be allowed.

There was comment on the proposal not being like the other area neighborhoods, and building on the sloped area. Mark Thibeault stated the developer can submit another plan showing development on the slope if desired.

Kent Booraen, 56 Forest Road, observed there does not appear to be many open spaces or “elbow room” in the proposal. Mr. Booraen asked the Planning Commission to apply common sense to what is being said.

There were no further comments.

**MOTION by Dan Kerin, SECOND by Diane Clemens, to close the public portion of the application by the Bouffard family for a 54-unit PRD at 216 Maple Street.**  
**VOTING: 4 ayes; motion carried.**

#### DELIBERATION/DECISION

##### Site Plan Amendment, 54-Unit PRD, 216 Maple Street, Bouffard

Diane Clemens stated she would like addition information on the following:

1. Whether the existing single family house will be defined as part of the project, and if so, that the house conforms to the other houses to be constructed (i.e. siding and such).
2. With the change in the water line, the screening buffer should continue even if the development layout must be altered somewhat.
3. Have the recreation easement in the utility easement.
4. Have the police enforce the non-motorized vehicle access to the trails.
5. Delineate garden space in the open space common area even though the area is tight (some dedicated garden area can be found).

There was further discussion of garden space in the common open area. Dan Kerin pointed out there are lots of areas of green space that are not used (there as a buffer and for aesthetics). There are also the woods and habitat areas. People like these areas and there are benefits to having them, said Mr. Kerin.

Andrew Boutin stated the structures appear to be geared toward smaller families and older people. Gardens will enable people to grow some of their own food and reduce the need to drive to places. Also, the road in the proposed development is not a through road. There are trail connections and lots of paths there now. The applicant has a good plan and has the right to use their land as they please.



Diane Clemens pointed out the density conforms to R-1 and the applicant has not requested a density bonus though this is possible with a PRD. The lots on Forest Road, Kiln Road, Mason Drive, and Woods End Drive have a larger footprint than the proposed lots. An average of lot size on Woods End Drive versus Forest Road could be applied across the development. The number of houses may be reduced, but this may not be an effective use of the slope area (to build houses on it). The Comprehensive Plan encourages in-fill and more density because the village is a residential community. The proposal is in keeping with that view even if the development is not identical to the surrounding houses.

**MOTION by Mark Thibeault, SECOND by Dan Kerin, to approve amendment of the conceptual plan by the Bouffard family to allow a 54-unit PRD at 216 Maple Street subject to the applicant addressing the following issues:**

- 1. private limited common open space**
- 2. landscaping and tree preservation**
- 3. gravel shoulders (eliminated by the applicant)**
- 4. walking trails and easements for public access**
- 5. sidewalk and pedestrian connections**
- 6. architectural styles**
- 7. guarantee for protection of hillside**
- 8. building setbacks**
- 9. existing house on Maple Street being part of the project or not**
- 10. full connection to Kiln Road built to village standards**
- 11. moving houses to allow maximum screening**
- 12. buffer in front of the house on Maple St.**

**VOTING: 4 ayes; motion carried.**

Continued site plan application for major improvements to the Park Street School at 21 Park Street in the Village Center District by Michael Burke, agent for Essex Junction School District, owners

John Alden and Bruce Murdough appeared on behalf of the application.

## STAFF REPORT

Jeff Arango reported the proposal has been changed from paving the parking lot, lighting, drainage, and pedestrian improvements to installing a new handicap asphalt ramp on the School Street side of the building and removing the existing wood ramp as well as doing normal maintenance on the roof and the exterior brick and foundation. The money allocated for the project will be used for the accessibility improvements to the building. The handicap parking space will be paved and the rest of the parking lot will remain gravel. The lot has been gravel for a long time. Phasing the paving of the lot is suggested. Separating vehicular and pedestrian traffic should also be discussed as well as parking lot shading and landscaping. There are no lighting or drainage improvements proposed. The interior of the handicap space will be planted with annuals and perennials and mulched. Staff is suggesting it may be appropriate to have plantings near Park Street.

## APPLICANT COMMENTS

John Alden stated a revised plan has been submitted. The plan has been drastically scaled back due to the cost of improvements to the building. The school board directive is to stabilize the building so that it remains viable for future use. There are interior renovations to be done (boiler, heating and ventilating, accessibility to the bathroom). Building code requires access through the front door of the building and that is why a ramp is being built there. The school board does appreciate the interest in the remainder of the property and believes in the improvements. Continued discussion between the school board and the Board of Trustees on the method of funding is encouraged.

Mark Thibeault stressed his position on paving the parking lot/driveway, noting phasing the work would be acceptable. Bruce Murdough confirmed phasing is what has to happen. John Alden said there are letters between the Village Manager to the school board and a resolution by the Board of Trustees. It was noted the Planning Commission will receive copies of the letters after the Trustees review the correspondence.

Mark Thibeault commented it is unfair to the public to treat the school board any differently. The site plan shows nothing of phasing the paving. John Alden stated only the improvements to the building and the accessible ramp are shown on the revised plan, and that is what the Planning Commission should be considering. Chairman Thibeault countered when a site plan is submitted to the Planning Commission all items should comply with the regulations. Mr. Alden felt the Planning Commission should first react to the materials showing what is being proposed, and not necessarily consider other items not under discussion that may be out of compliance. There was further discussion of Planning Commission review of the entire site when presented with a site plan even if work is being done on a portion of the site. Bruce Murdough reiterated there is ongoing dialogue between the school administration, the Board of Trustees, the Village Manager, and the school board, and it is expected there will be further dialogue in August with the Trustees in reference to the property. The items specified on the revised site plan must be addressed immediately.

Jeff Arango summarized there are two issues: 1) the village's interest in the Park Street School (aesthetics, open space for the community, parking); and 2) the lack of parking lot lighting. There was continued discussion of the desire to do the entire project (eventually) and do it right and all the interested parties. The applicant's request is to get the building up to code while dialogue continues to take place. Mark Thibeault suggested the applicant resubmit a plan showing what will be done including a phasing schedule. John Alden pointed out the people who can commit to the work are not presenting the plan (i.e. the public voters, school district personnel and municipal personnel). The building needs normal maintenance (painting, cleaning the brick, and such). The directive from the school board was to fix the building. The roof leaks. Water comes through the foundation. The code requirement for accessibility requires work outside the building (ramp) and that is why a site plan is before the Planning Commission. There are internal improvements needed in the building which will be done. There really should be two projects: the site project and the building project which requires the outside ramp. The school district is eager to discuss site improvements.

#### PUBLIC COMMENT

There were none.

**MOTION by Mark Thibeault, SECOND by Dan Kerin, to close the public portion of the application by the Essex Junction School District for 21 Park Street. VOTING: 4 ayes; motion carried.**

#### DELIBERATION/DECISION

Site Plan, Major Improvements, Park Street School, 21 Park Street, Essex Junction School District

**MOTION by Mark Thibeault, SECOND by Diane Clemens, to approve the site plan application for major improvements to the Park Street School at 21 Park Street by the Essex Junction School District subject to the applicant submitting a plan acceptable to the Planning Commission within one year for paving the parking lot, lighting the parking lot, landscaping including 20% shade trees, and sidewalks, and that the work shall be complete within five years, and further, that the gravel road/parking area shall be graded two times each year. VOTING: 4 ayes; motion carried.**

#### 5. OTHER PLANNING COMMISSION ITEMS

None.

#### 6. ADJOURNMENT

**MOTION by Mark Thibeault, SECOND by Andrew Boutin, to adjourn the meeting. VOTING: 4 ayes; motion carried.**

The meeting was adjourned at 10:25 p.m.

*RScty: M.E.Riordan*