

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
July 15, 2010**

MEMBERS PRESENT: Liza Kilcoyne (Chair); Diane Clemens, Aaron Martin, John Alden. (Andrew Boutin and Dan Kerin were absent.)

ADMINISTRATION: Robin Pierce, Development Director.

1. CALL TO ORDER and AUDIENCE FOR VISITORS

Chairwoman Liza Kilcoyne called the meeting to order at 7 PM. There were no comments from the public.

2. ADDITIONS/AMENDMENTS TO AGENDA

There were no changes to the agenda.

3. MINUTES

May 6, 2010

MOTION by Diane Clemens, SECOND by John Alden, to approve the 5/6/10 minutes as written. VOTING: unanimous (4-0); motion carried.

4. PUBLIC MEETING

The procedure to be followed with applications before the Planning Commission was explained and individuals to give testimony were sworn in.

Site plan for a 30'x 60' pavilion and relocation of a cable net play structure at 75 Maple Street in the OS District by Brad Luck, Essex Junction Recreation & Parks, agent for the Village of Essex Junction, owners

Brad Luck appeared on behalf of the application. John Alden disclosed that he worked with the school district and Brad Luck on projects, but was not involved in the application before the Planning Commission. The consensus of the Planning Commission is Mr. Alden does not need to be recused.

APPLICANT COMMENTS

Brad Luck explained the applications for the pavilion and the play structure are combined because the same contractor is doing the work. The playground structure presently is by the front entrance to the park. Moving the structure will improve the flow of people into the park. No trees will be removed for the relocation of the structure. The pavilion is back by the soccer fields and is like the two other newer pavilions in the park. The color of the pavilion will be hunter green. The pavilion will be constructed then the 38'x 14' storage building under one portion of the roof will be built in the fall. There are no plans for power to the structure now, but eventually when there is available funding power will be pursued and the plan will be amended.

Diane Clemens asked if the gravel path will be improved for access. Mr. Luck said the plan is to eventually enhance all the paths in the park. The stone path will be extended to the existing white stone.

Liza Kilcoyne asked about security lighting. Brad Luck said there are some night lights sprinkled in the park, but no security lighting. Ms. Kilcoyne urged addressing security lighting in the master plan for the park.

STAFF REPORT

The Planning Commission received a written staff report, dated 7/15/10. Robin Pierce stated the pavilion is below the maximum height limit. There is no change to landscaping or lighting proposed. There is no parking requirement. The pavilion should be there for the purposes of the park.

PUBLIC COMMENT

There were no comments from the public. The evidentiary portion of the hearing was closed.

DELIBERATION/DECISION

Site Plan, Pavilion and Relocation of Playground Structure, 75 Maple Street, Essex Junction Recreation & Parks

MOTION by Liza Kilcoyne, SECOND by Diane Clemens, to approve the site plan application by Essex Jct. Recreation & Parks for a 30'x 60' pavilion with storage and relocation of a play structure at 75 Maple Street as depicted on plans attached to the application with the following conditions:

- 1. The pavilion once constructed shall match the structure depicted and described in the application materials.**
- 2. Lighting from a security aspect shall be considered for the pavilion in the master plan for the park.**

VOTING: unanimous (4-0); motion carried.

Site plan amendment to revise the approved plan and change the NECI Student Union, Building 1 and NECI Gymnasium, Building 2 (buildings not constructed) to residential buildings, revised parking and storm water retention pond at 48 Park Street in the MCU District by O'Leary-Burke Civil Associates, agent for 222 Franklin, Inc., owners Paul O'Leary and Curt Montgomery appeared on behalf of the application.

APPLICANT COMMENTS

Paul O'Leary confirmed comments from the Village Engineer have been addressed and the additional comments relative to water details will be addressed. There are bike racks along both buildings. The waste water and Act 250 permits will be amended. There are fewer units proposed than the original plan and the village does have sewer capacity so there should not be any problem with the development. There will be a six foot high vinyl panel (stockade) fence with landscaping on the southern and western boundary lines for the retention pond to address security and visual impact concerns. The fence will also screen lights from the parking lot. There is an existing fence and the new fence will be

installed two feet away (e.g. there will be two feet of space between the two fences). The pond as previously permitted and approved does not meet current state standards and will be modified to conform to the current standards. Pre-emption when the traffic light is upgraded is fine as is using the house to be removed as a training site for the fire department. The proposed three story building is at sidewalk level in the front and three and a half stories in the back. There are a couple of dwelling units in the basement level. Building #1 (facing Park Street) will have 28 units and Building #2 (in back) will have 32 units. Building #1 will be constructed first followed by Building #2. Mr. O'Leary noted the developer owns the adjacent buildings on both sides. Curt Montgomery stated the building in the rear remains at four stories. Building #2 is at grade. With regard to lighting a light will be added in the back corner of the parking lot and along the sidewalk by the building per the recommendation of the Village Engineer. The lights are on 20' high poles with 175 watt metal halide cut-off back shielded fixtures. Turning movement counts will be done. There are a total of 127 units remaining to be built. It is reasonable to evaluate and implement appropriate traffic improvements at the intersection with Park Street if there is impact by the development on the intersection, said Mr. O'Leary. An area for a small playground with equipment appropriate for children under 12 years of age has been identified on the site. There will be a trail incorporating sidewalk and a path in the wooded portion with exercise stations. The ravine is too steep and too much of a liability to be part of the trail component. It is expected the trail will have heavier use than the playground because there will not likely be many children in the development.

STAFF REPORT

The Planning Commission received a written staff report on the application, dated 7/15/10. Robin Pierce reported the developer has complied with or agreed to comply with all the requests of Staff and the Village Engineer. The mass and scale of the building facing Park Street has been mitigated. The fence should have slats and a dark green color, rather than white, would blend well, suggested Mr. Pierce.

PUBLIC COMMENT

There were no comments from the public on the application.

MOTION by Liza Kilcoyne, SECOND by Aaron Martin, to close the public portion of the application for 48 Park Street by 222 Franklin, Inc. VOTING: unanimous (4-0); motion carried.

DELIBERATION/DECISION

Site Plan Amendment, Change to Residential Buildings, Parking, and Retention Pond, 48 Park Street, 222 Franklin, Inc.

MOTION by John Alden, SECOND by Diane Clemens, to approve the major site plan amendment by 222 Franklin, Inc. for 48 Park Street with the following conditions:

- 1. There shall be increased light levels on the sidewalk to the west of Building #2.**
- 2. The Village's right to require traffic improvements at the Park Street/Franklin Street traffic light intersection shall expire within one**

year of the completion and occupancy of the additional 127 units, and these improvements shall only be required if the turning movement counts indicate the actual trip generation exceeds the limits set forth in the original approval.

3. The Landscaping Specifications Table shall be revised to include Conservation Mix.
4. No certificates of occupancy shall be issued until all necessary state permits including but not limited to Act 250 and storm water are submitted to the Village.
5. The applicant shall work with staff on the location and reasonable accommodations to allow for maintenance of the fence.

VOTING: unanimous (4-0); motion carried.

5. OTHER PLANNING COMMISSION ITEMS

Meeting Time

There was discussion of starting the Planning Commission meetings at 6 PM.

6. ADJOURNMENT

MOTION by John Alden, SECOND by Liza Kilcoyne, to adjourn the meeting.

VOTING: unanimous (4-0); motion carried.

The meeting was adjourned at 8:05 p.m.

RScty: M.E.Riordan