

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
April 7, 2011**

- MEMBERS PRESENT:** Liza Kilcoyne (Chairwoman); Diane Clemens, John Alden, Dan Kerin, Andrew Boutin, Nick Meyer. (Aaron Martin was absent.)
- ADMINISTRATION:** Robin Pierce, Development Director.
- OTHERS PRESENT:** Tom Walsh, Peter Sheppard, Paul Blogna, Tom Sheppard, Pat Suthoff, Mike Bouffard, Richard Bouffard, Brad Gardner, Ed von Sitas, Greg Barrett, Kahlil Zaloom, Paul Bouffard, Tonya Howard, G. W. Bank, Jr., David Burke, Adam Cole, Laura & Barry McVey, Robert Graham, Michael Van Buren, Catherine Armstrong, Lis Elder, Jon Anderson, Dave Johnson, Diane Bottamini, Michael Bottamini, Kent Booraim, Sherry Giroux, Peter Rowan, Priscilla Kimberly, Jerry Lasky, Todd Centybear, Margaret Centybear, Randy and Nancy Pratt, Jack Barnes, Brad Luck, Andrew Cimonetti.
- AGENDA:**
1. Call to Order
 2. Audience for Visitors
 3. Additions/Amendments to Agenda
 4. Minutes (3/3/11)
 5. Public Meeting/Hearing
 - Site Plan, Bike Park, 75 Maple Street (Maple Street Park), EJRP
 - Final Plan, 48 Unit Planned Residential Development (PRD), 216 Maple Street, Bouffard Family
 6. Other Business
 7. Adjournment

1. CALL TO ORDER

Chairwoman Liza Kilcoyne called the meeting to order at 6:30 PM.

2. AUDIENCE FOR VISITORS

56 Main Street

Michael Van Buren with Forsham Farm Real Estate mentioned a proposal to convert 56 Main Street (church) into commercial/office space and a basement apartment and wanted to know if this would be acceptable to the village. The Planning Commission agreed to discuss the concept and provide comment. Robin Pierce will forward past minutes concerning 56 Main Street and any approved site plans.

3. ADDITIONS/AMENDMENTS TO AGENDA

Add under "Other Business":

- Discussion of proposal for office/commercial space and a basement apartment at 56 Main Street

4. APPROVAL OF MINUTES

March 3, 2011

MOTION by Dan Kerin, SECOND by Diane Clemens, to approve the 3/3/11 minutes as written. VOTING: unanimous (6-0); motion carried.

5. PUBLIC MEETING

The hearing procedure was explained and individuals to give testimony on applications before the Planning Commission were sworn in.

Site Plan for a bike part at Maple Street Park, 75 Maple Street, in the OS District by Brad Luck, Essex Junction Recreation & Parks (EJRP), agent for Village of Essex Junction, owner

Brad Luck, Kahlil Zaloom, and Andrew Cimonetti appeared on behalf of the application. Dan Kerin, member of the Recreation Advisory Committee, recused himself. Nick Meyer stated he has been a supporter of the bike park project, but feels he can still do an impartial review. The Planning Commission concurred.

STAFF REPORT

The Planning Commission received a written staff report on the application, dated 4/7/11. Robin Pierce stated the project is a bike park for bicycles (BMX type bikes) and not motorcycles. The bike park which will consist of earthen mounds. The bike park will be open the same hours as Maple Street Park. There will be signs posted on the walking path for the bike park and a small barrier to differentiate the walking path from the bike park. No structures will be built.

APPLICANT COMMENTS

Kahlil Zaloom explained the bike park is being designed and constructed under the guidance of a professional BMX bike rider who develops these types of tracks. The park will be nicely done within Maple Street Park and compliment the existing skate park. The trend is toward individualized sports where the individual participates against themselves, said Mr. Zaloom. An older demographic (teens, young adults) will likely use the bike park. The “pump track” (loop) is the technical portion of the park and the “jump lines” will be in a single direction only. Riders will walk their bikes back up to the top of the jumps. A barrier will prevent people from wandering onto the track. Soil with good packing property will be trucked to the site for the earthen mounds and pitched appropriately for drainage. As many trees as possible will be retained.

PUBLIC COMMENT

Norm Faunce, Maplewood Lane, asked for confirmation the bike park is for non-motorized bikes. Brad Luck confirmed this.

Greg Barrett, Jackson Street (Brookfield Woods), expressed concern about potential impact on the quality of life in the area by the bike park, noting ambient noise from Maple Street Park and people talking while walking on the path can be heard from his deck. Mr. Barrett requested that noise from events on the site be controlled. John Alden pointed out there is 150’ from the nearest feature in the bike park to the edge of the path.

Andrew Boutin suggested signs be posted to remind users about excessive and loud noise. Mr. Barrett asked about potential impact on the value of his property with a bike park so close, and if other sites were investigated. Kahlil Zaloom stated other areas were explored, both inside and outside the park, but this is the ideal location. Noise from the bike park will be less than noise from the existing skate park (mainly from skateboards 'slapping' the ground). Brad Luck observed the riders will likely gather up the hill by the pump track and where the jump lines form. Kahlil Zaloom described the jump lines relative to the walking path and ball fields. Mr. Barrett suggested having the return to the pump track on the park side rather than the trail side of the site to help separate the riders from people walking on the trail. It was noted park maintenance staff monitors the equipment in the park and closes the park at dark (9 PM) at which time everyone must leave.

Ed von Sitas, Jackson Street (Brookfield Woods), stated with foliage the ball fields in the park are not visible, but noise is still heard, even the calls at home plate by the umpires at Little League games. The bike riders will be heard, said Mr. von Sitas, adding there is concern about not having supervision at the bike park, using the existing trail and conflicting with people walking, and going down the ravine to the brook with bikes. Kahlil Zaloom pointed out there are lots of bike riders using the skate park now and biking into the ravine has not been an issue. Many of the same people using the skate park will use the bike park. The riders are serious about their sport and improving their riding/jumping skills. Also, they do not want to damage their bikes by riding down the ravine. There is a safety feature of having the bike park in Maple Street Park so parents can attend other activities and monitor their children.

Tonya Howard, Jackson Street (Brookfield Woods), asked if the ravine will be impacted. Mr. Zaloom said the bike park is on the park side of the walking trail so the ravine is not involved. Ms. Howard volunteered to help fund raise to locate the bike park farther from the condominiums at Brookfield Woods.

Elizabeth Elder, Jackson Street (Brookfield Woods), suggested adapting the bike park to the other side of the park using the expertise of the professional designer. Brad Luck said the bike park would have to be located where there is an existing use, such as a baseball or soccer field. The bike park is bringing value and activity to an area of the park that is not being utilized. Citizens and users of the park do self control and self monitoring of the park. Having the bike park where there are other people around is better than in a remote location. Maple Street Park is an attraction for people from all around the county which is good for the local businesses.

Andrew Boutin asked if there will be competitive events at the bike park. Kahlil Zaloom said there will be gatherings where the riders try different tricks and such, but not an organized schedule of events. The site has infrastructure important for recreation and the bike park will be a positive addition to the community.

Catherine Armstrong, Jackson Street (Brookfield Woods), mentioned the foul language she has heard from people using the park, noting the nearby residents have no where to

go to get away from the noise. Andrew Cimonetti, bike rider, said the riders are self-governing and look out for each other. No one wants to get hurt or damage their bikes. Also, the riders will tell their friends to not swear and to keep the noise level low. The main point is to go to the park, learn new tricks, and practice, said Mr. Cimonetti.

Kahlil Zaloom said a biking site in Johnson typically has between two and 15 riders. Brad Luck mentioned there are hundreds of people using Maple Street Park at any one time and the users of the bike park are a small fraction of that number, less than the number of people in a dugout. There was further discussion of users of the park, living next to a public park, ambient noise, feasible noise barriers, location of the bike park and compatible uses at the park. Staff will post a video showing another bike park and riders in action on the village website. The Planning Commission will do a site visit.

DELIBERATION/DECISION

Site Plan, Bike Park, 75 Maple Street, Maple Street Park, EJRP

MOTION Liza Kilcoyne, SECOND by Andrew Boutin, to table the application for a bike park at Maple Street Park and schedule a site visit on April 21, 2011 at 5:30 PM followed by continued review of the application at the regular Planning Commission meeting at 6:30 PM. VOTING: unanimous (5-0); motion carried.

Dan Kerin returned to the Planning Commission.

Final Plan for a 48 unit Planned Residential Development (PRD) at 216 Maple Street in the R-1 District by Sheppard, Brogna, Gardner Essex LLC and O'Leary-Burke Civil Associates, agents for the Bouffard Family, owners

David Burke with O'Leary Burke appeared on behalf of the application. Liza Kilcoyne noted the Planning Commission needs to review the letter, dated 4/7/11, from attorney Jon Anderson representing 38 neighbors to the proposed development, and the response by staff.

STAFF REPORT

The Planning Commission received a written staff report on the application, dated 4/7/11.

APPLICANT COMMENTS

David Burke stated the application is for a 48 unit PRD made up of 30 single family units and nine duplex units on 22.4 acres in the R-1 District. The property fronts Maple Street and Woods End Drive. Unit #1 through #27 (including nine duplexes) will be off Woods End Drive, three custom built homes will be on Briar Lane, and Unit #36 through #48 (single units) will be off Maple Street. The development will be served by municipal water and sewer service and have on-site storm water controls. The project received preliminary approval on January 15, 2009 with conditions. The letter, dated February 20, 2011, addresses the conditions listed in the letter of December 13, 2010. Comments from the Village Attorney have been addressed. The development is below density allowances so no bonuses are requested. All the area outside of the building envelope is common area. The woods are a common area. The homeowners association documents include the conservation and open space easements. Each unit owner has a 1/48th interest. Buffer and

clearing limits are shown on the site plan. The pedestrian easement is 10' wide on the property perimeter. The trail easement is 15' wide under the power lines. The roads through the development are 24' wide and the curve radius is 100' (width and radius issues are addressed per the Village Engineer's comments). Regarding parking, on-street parking does not work well so the driveways are of reasonable width to allow two vehicles parked side-by-side. There will also be parking in the two-car garage for a total of four parking spaces. The duplex driveways have been changed from interior to exterior with green space between the 20' wide driveways. The site plan shows the building style footprints and dimensions (examples have been provided of houses built by the developer). The proposal does not require conditional use approval. Single family housing is an allowed use in the district and duplexes are an allowed use in a PUD/PRD, opined Mr. Burke. Nine duplex buildings are in the upper portion of the development. There is a minimum of 25' between structures so a waiver of setbacks is not being requested. Conventional requirements are exceeded with the proposal, continued Mr. Burke. Innovative design is demonstrated with the curvature of the road and the mix of carriage houses, single family homes, and duplexes. The two-car garages come in straight from the street which is typical in a development. Open space includes the steep hillside by Maple Street which has walking paths and passive recreation and represents 40% of the common land requirement of 50%. The hillside is not much steeper than Woods End Drive. Building coverage is 8.8% (maximum is 25%). Lot coverage is 21.1% (maximum is 40%). Driveway lengths are 25' to 30' so cars will fit and not conflict with the public right-of-way. Building envelopes are large enough to accommodate accessory structures (decks and such). Street trees are shown on the plan. The sloped wooded area will remain. There is a mix of housing styles and clustering to preserve 50% open space. The houses are all market rate units. No density bonuses are being sought. There will be different style of units proposed and staff review can determine if all the requirements are met. There are three custom built homes proposed which will be most visible in the development. Regarding easements for drainage on the side and rear lot lines, there is a primitive trail easement on the perimeter. The wording can be changed to say utility or drainage easement and existing buffer areas if that is preferred. Streetlights will be at 400' intervals and at the road intersections. The development is compatible to the area neighborhoods. There is 13,300 s.f. per unit with two car garages accessed from the road, side loaded for some units. Regarding the easement to Forest Road, the northeast corner is on the side line of Forest Road, but to either side is private property not under the control of the developer for a path. If an easement is provided by the private property owner then there can be a path connection, but this should not be a condition of approval, contended Mr. Burke. With regard to the letter from Jon Anderson, dated 4/7/11, there have been modifications to the project resulting in increased setbacks to neighboring properties, said Mr. Burke. Unit styles have been revised and a unit off Woods End Drive has been eliminated. Unit spacing and the buffer have been increased. Side and rear yard setbacks are greater with the proposal than a traditional subdivision (rear yard setbacks ranging from 37' to 85' versus 25' and side yard setbacks ranging from 31' to 56' versus eight feet for a conventional subdivision). Sheds, pools or outbuildings are not allowed. The units are 25' from each other versus 16'. Comments from the neighbors were heard, assured Mr. Burke, and some changes incorporated. Three of the upper storm water

drainage areas have been eliminated and the woods will remain. The remaining storm water detention area meets state requirements.

It was clarified the letter dated December 13, 2010 and Attachment 2 contain the same information. Diane Clemens recalled the Planning Commission requested seeing diversity in architectural style. David Burke stated Attachment 2 shows the styles. More information than the regulations require has been provided. The units fronting Maple Street (the lower portion of the site) are similar in style. This was done to be able to have the maximum number of units in the space.

PUBLIC COMMENT

Attorney Jon Anderson submitted a list of neighbors he represents as interested participants in the hearing. The neighbors simply want the developer to follow the law and do and provide what is required, said Mr. Anderson. The Planning Commission needs to enforce the condition of innovative design. The neighbors are not interested in taking an extreme position. If the project complies with the ordinance then it can be approved. Anyone can purchase the land if they do not want to see it developed. The neighbors want the developer to follow the law and the ordinance. Attorney Anderson said his letter of 4/7/11 outlines the areas where the developer has not yet complied with the law or the ordinance. Mr. Anderson commented as follows:

- Innovative design - the village ordinance requires renderings for typical buildings, but renderings or elevations that tie to new design for the upper level of the project are not provided. The developer did provide plantings around the foundations, but the foundations are not the proposed building shapes so the Planning Commission cannot make a judgment on the project. The developer needs to submit the information requested by the Planning Commission.
- Requirements for multi-family housing – there is question whether duplexes are multi-family housing. The ordinance says PUD/PRD developments allow single family or multi-family housing and unless duplexes are considered multi-family housing the project cannot go forward as a PRD. If the duplexes are considered multi-family housing then the landscape buffer requirement between units must be met. There is no landscaping provided by the developer that buffers the project from the neighbors.
- Landscape plans prepared by a landscape professional – this is not shown on the plans. (David Burke interjected and assured the name of the landscape professional can be added to the plans.)
- Renderings of buildings in the upper level of the development – the ordinance requires that renderings be submitted, but the developer has only submitted renderings from other projects. The Planning Commission needs renderings to see what the buildings will look like on the site so a judgment can be made on innovative design and whether the condition of approval set by the Planning Commission has been met. The developer needs to show what the houses will look like and go through the hearing process if that changes. There needs to be a record to confirm the houses are built per the plan.
- Application deficiencies – the developer has not provided a record sufficient for approval so the Planning Commission must disapprove the application or allow

time to meet the requirements. The neighbors would like the project to be the best it can be so that it properly fits into the neighborhood. The neighbors are willing to meet with the developer to work out issues. Until the developer provides what the Planning Commission needs the project must be turned down.

Dave Burke stated with regard to the issue of landscaping, there is a buffer around the perimeter of the development that meets the requirement. Many items on the renderings are tied to multi-family housing. The question is whether a duplex is considered multi-family housing. Staff is capable of reviewing the renderings for compliance to Section 511.C.6.5 of the regulations which says "provide architectural rendering of a typical structure". A full page of typical structures has been provided. John Alden noted it must be confirmed the drawings shown fit on the footprint shown.

Jerry Lasky, Woods End Drive, stated the barrier (buffer) is the existing mature forest which is thin. The neighbors asked for a berm with a continuous cedar hedge as a sound and visual barrier. An agreement in writing on the berm and cedar hedge is requested. The developer has not responded to the offer to meet, said Mr. Lasky.

Priscilla Kimberly, Woods End Drive, stated regarding the landscape screening, there is a right-of-way for the village water main and no plantings are allowed in the space. This will impact the landscape screening. The cul-de-sac on Kiln Road Extension is near the right-of-way for the village water main. The backyards of 32 and 34 Woods End Drive now front on the cul-de-sac. Noise and commotion of the new houses will be right in the backyards. The water main from the new development to the village water main goes through the back end of the cul-de-sac so there will be another 20' without trees, but the plan shows trees (Sheet 7). The new houses will have a front yard view of the backyard activities (composting) and storage (covered boats) at some of the houses on Woods End Drive. At house units #1 and #2 the driveway is near the village water main. There is eight feet of space between the driveway and the road and the village water main which does not leave enough space for screening. Screening issues and the cul-de-sac need further consideration, summarized Ms. Kimberly. David Burke agreed the plan should show a strip without trees within the 40' span for the village water line. The water line by the cul-de-sac is within the roadway. The layout has been reviewed and approved by the Village Engineer and Public Works Director. Mr. Burke requested the neighbors and the Planning Commission keep in mind the property is residentially zone and urged comparing the proposal to a conventional development on the site. There is landscaping within the development. The landscaping does not attempt to hide the development from the surrounding neighbors. There is also a buffer in place. Liza Kilcoyne mentioned sight lines and not being able to look in someone's backyard are important considerations.

Randy Pratt, Forest Road, suggested the goal be that the design match the neighborhood rather than to see how much can be built on the site. The intent of the regulations is to try to have the development fit with the neighborhood.

Tom Sheppard, developer, pointed out the renderings that were submitted show work that was done on another project and represent what is being proposed. Liza Kilcoyne

summarized the Planning Commission needs copies of the display renderings, Attachment #2 (letter of December 13, 2010), and a definition of “duplex”. Robin Pierce pointed out Section 511.6.C.5 says architectural renderings of typical structures. Per the definition in the bylaw a duplex is no more than two dwelling units in a building structure. A multi-family dwelling has three or more units in a building structure. Jon Anderson stated the common structure in the project is the units on the upper level which are similar to each other though some are constructed with one unit and some with two units. The Planning Commission does not have a single rendering of the buildings, but rather of the buildings that were previously proposed. A PUD/PRD can be single family or multi-family buildings. With multi-family buildings there are additional buffering and landscaping requirements. If the structures are not multi-family because they are duplexes, the ordinance does not allow duplexes in a PUD/PRD development, said Mr. Anderson. Dave Burke stated five of the nine duplexes are on the periphery and four are on the interior of the development. With multi-family units buffering is needed. A duplex is not considered multi-family housing per the village regulations.

MOTION by Dan Kerin, SECOND by Diane Clemens, to close the public portion of the PRD application for 216 Maple Street by the Bouffard family. VOTING: unanimous (6-0); motion carried.

DELIBERATION/DECISION

Final Plan, 48 Unit PRD, 216 Maple Street, Bouffard

Dan Kerin asked about traffic and sight distance on Woods End from the development. Robin Pierce stated the traffic volume did not rise to a level to require a traffic study. Dave Burke said sight distance and safety standards are met.

There was discussion of the primitive trails on the edge of the hillside woods. Dave Burke said the easements are there for the trails for people other than future homeowners in the development. There was discussion of connecting the paths to the roads and allowing access to the remaining existing paths. Liza Kilcoyne mentioned the proposal is in-fill development that should not appear as a ‘walled compound’, but rather as integrated into the neighborhood. Screening and buffering is still needed though. Dave Burke pointed out the land is privately owned and posted so anyone walking the property without permission is there illegally. Whatever the developer does with regard to trails and trail access is a long term benefit. John Alden stated the intent of a PRD is the benefit given is value beyond the project.

John Alden asked about the jog in the property line and the width of the right-of-way along Route 117 (Maple Street). Dave Burke explained the jog is because the state’s right-of-way is slightly wider than the village’s right-of-way. There was discussion of extending the sidewalk the length of the property. John Alden asked about clearing vegetation for the project. Dave Burke confirmed there will be grading done. The area is tight and the trees are older (large). Some trees will be retained if possible. Where the storm water sediment areas were eliminated the trees will remain. Robin Pierce observed there is no vegetation around the proposed three custom built homes. David Burke said there will be an annual budget with the homeowners association for installation of trees

and landscaping. Liza Kilcoyne commented the area has a natural feeling now. The concern is having a “cookie cutter” type of housing development. John Alden said the three custom built houses are closer to the street than the other structures and need landscaping in the lawn area to fill in where trees are removed. There is also concern about the open strip in the middle of the buffer for the village water line easement. How the houses in neighborhoods come together is the focus, stressed Mr. Alden.

Mr. Alden asked about lighting. Robin Pierce stated the Code only addressed the light standards. Dave Burke said there will be wedge style, low profile, direct cut-off lights in the development.

MOTION by John Alden, SECOND by Diane Clemens, to continue the final plan application for a 48 unit PRD at 216 Maple Street known as “Village Walk” and to schedule a site visit on April 28, 2011 at 5:30 PM to be followed by a Planning Commission meeting to continue review of the application at 6:30 PM. VOTING: unanimous (6-0); motion carried.

6. OTHER BUSINESS

56 Main Street

Discussion postponed due to time constraints.

7. ADJOURNMENT

MOTION by Nick Meyer, SECOND by Liza Kilcoyne, to adjourn the meeting. VOTING: unanimous (6-0); motion carried.

The meeting was adjourned at 9:55 PM.

RScty: M.E.Riordan