

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
May 19, 2011**

MEMBERS PRESENT: Liza Kilcoyne (Chairwoman); Diane Clemens, Andrew Boutin, Nick Meyer, Aaron Martin, John Alden.
ADMINISTRATION: Robin Pierce, Development Director.
OTHERS PRESENT: Michael Bottamini, Joanne Booraem, Kent Booraem, Randy Pratt, Robert Groleau, Carol Groleau, Barfy Mirley, Sandi Hoffman, Jerry Lasky, Priscilla Kimberly, Jon Anderson, Nancy Pratt, Geoff Glaspie, Bill Banke, Margaret Centybear, Todd Centybear, Cynthia Capossela, C.P. Capossela, Karen Moino, Peter Moino, Peter and Mary Kate Rowan, Jack Barnes, Mark Benton, Dave Johnson, Linda Myers, Sherry Giroux, Danielle Sartini, Janet Finley, Tom Walsh, David Burke, Peter Heil, Brad Gardner, Tom Sheppard, Dick Bouffard, Michael Bouffard, Sr., Paul Bouffard, Paul Brogna.

AGENDA:

1. Call to Order
2. Audience for Visitors
3. Additions/Amendments to Agenda
4. Minutes (4/28/11)
5. Public Meeting/Hearing
 - 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

There were no comments from the public.

3. ADDITIONS/AMENDMENTS TO AGENDA

None.

4. APPROVAL OF MINUTES

April 28, 2011

MOTION by Nick Meyer, **SECOND** by Andrew Boutin, to approve the 4/28/11 minutes as written. **VOTING:** 4 ayes, one abstention (Alden)[Aaron Martin not present for vote]; motion carried.

5. PUBLIC HEARING/MEETING

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 and Tom Walsh appeared on behalf of the application. Aaron Martin recused himself from the proceedings due to his position as Assistant Town Engineer and Utilities Director for the Town of Essex, noting guidance and information has been provided by him to the applicant's engineer regarding the town's right-of-way.

STAFF REPORT

The Planning Commission received a written staff report on the application, dated 4/7/11. Robin Pierce reported there have been modifications to the plan based on correspondence with the applicant. Staff research of PRDs and PUDs showed each type of development has duplex type units. In fact, River's Edge PRD development has 25 buildings which are all duplexes so duplexes are a customary practice in a PRD, not to be confused with multiple family dwellings which contain three or more units and which trigger buffering requirements. It is common practice for a PRD to have single family and duplex units. With a PRD there is one lot, one parcel, not multiple lots for the units.

APPLICANT COMMENTS

David Burke with O'Leary Burke introduced Tom Walsh, Tom Sheppard, Paul Brogna, Brad Gardner, Peter Heil, and members of the Bouffard family in attendance. Mr. Burke thanked the Planning Commission for reopening the hearing, noting items discussed at the 4/7/11 site walk have been addressed resulting in a better project. Mr. Burke stated changes to the project are outlined in the letter of April 25, 2011 and the May 10, 2011 submittal.

Mr. Burke submitted a written summary and commented on the following items/issues:

- Sheet 7-B shows the elevations and renderings of units at the top of the site (May 10th letter refers to Sheet 7-B and the enhanced renderings).
- Sheet 8 provides three perspectives of the lower portion of the development.
- No multi-family units or incompatible uses are proposed so the screening requirement does not apply.
- Sheets L-1 and L-2 show landscaping in the upper and lower areas and the cost estimate (\$85,000) provided by a professional landscape architect. Infrastructure cost of the project is \$760,000. The landscape minimum is \$15,200. The developer is proposing \$85,000 in landscaping.
- According to the professional landscape architect and stated in the letter provided the estimated value of the woods and acreage to be preserved is approximately \$800,000 because the trees are mature. The parcel is zoned residential and is not conserved.
- Proposed density is below what is allowed and there are no requests for density bonuses.
- Clustering of the development provides increased buffering to the neighbors.
- Sheet 7-C shows setbacks proposed with the development (which exceed the required setbacks) versus with a conventional development on the site.
- The proposal is not a conditional use or incompatible use or multi-family use, but is a residential development per the zoning. The applicant cannot be penalized simply because the area is currently wooded. Nearly 31.5% of the parcel (seven acres of woods or 36.5% of the woods) is being preserved.
- Revisions to the plan and submittals include:
 - Elimination of sample photographs of typical homes built by the developers

- Typical elevation renderings for Units 28 through 30
- Single story duplex rendering is added
- Sheet 8 shows three renderings for Units 36 through 48
- Sheet L-1 shows a rendering of the stone wall and built-in sign with plantings
- The landscape architect modified the landscape plan as shown on Sheets L-1 and L-2. The tree line on Woods End Drive has been corrected. Additional tree species (native to the area) will be used for the plantings. There will be 137 plantings (in groupings of three trees) of 12 different species in the upper portion of the parcel and 96 plantings of seven different species in the lower portion. There is additional landscaping associated with the entry feature and to address car headlight shine at specified unit locations as well as to 'soften' the view into the development. There is additional landscaping proposed on the lower portion of the parcel as well.
- There is sidewalk shown on Maple Street to the end of the property. The only missing section of sidewalk is in front of the antique shop (not owned by the applicant). The sidewalk is an easement to the village.
- Sheet L-1 shows a five foot high opaque fence along the Kimberly-Lasky property line.
- The project provides a good connection of sidewalk and roads for public benefit. Trails are located in the five acres of wooded area between the lower and upper portions of the site which will remain undeveloped.
- An easement has been provided on the applicant's property by Units 17 & 18 for connection to Forest Road when and if this happens with the property owner (Hoffman).
- PL-1 and PL-2 are the survey plats.
- Legal documents will provide for a garden area for unit owners provided the homeowners association allows this.

Liza Kilcoyne suggested working with staff on the placement of the trees.

John Alden commented positively on revisions to the project as testimony of the hard work that has been done by the team of people involved. Mr. Alden observed when the houses on the neighboring streets were built, mature trees were left in place, and it is hoped this can happen with the current proposal if possible to help maintain the character of the area and the tree canopy that is there. David Burke said it is on the record that the intent is to preserve trees wherever possible, but trees react when cutting surrounding canopy. The level of landscaping proposed is five times the minimum. The buffer has been increased twofold by Forest Road. There are groupings of trees by Units 24 & 25 and 33 & 34. The street tree requirement is met. Forty foot spacing will be maintained. John Alden asked about phasing the project. Dave Burke stated the lower portion is essentially Phase 1 and the upper portion is Phase 2, though water and storm sewer infrastructure must be built. The lower phase is independent infrastructure-wise from the upper portion. John Alden asked about the trail easements being turned over to the village. Robin Pierce noted the Public Works Director indicated if the village must maintain the trails then they should be blacktopped. David Burke explained the trail connection (for public use versus use by only the residents of the development) is why the easements will be given to the village. The trails are not meant to be maintained or

plowed in winter. John Alden noted the trails are an important land feature and part of the intent of PRDs.

Diane Clemens asked about the sign dimensions and if the size allowance of 10 s.f. is exceeded. Liza Kilcoyne pointed out a separate sign application must be done. The Planning Commission expressed concern about the concept of a stone wall with an embedded sign for the neighborhood. Examples of signs for other developments in the village were mentioned (Countryside as one example). Diane Clemens mentioned the proximity of houses to the street comparatively to Briar Lane, Woods End, and Maple Street. Robin Pierce confirmed the issue has been addressed by the developer (this is not an issue in the Phase 2 portion of the development). In Phase 1 the back of the units face Maple Street and the front yards (with the front yard setback) are off the driveway/access road to the units. The developer is extending the sidewalk on Maple Street and adding screening. Diane Clemens asked about the pine trees to be planted around the cul-de-sac and decks delineated on Units 28, 29, and 30. Peter Heil stated there are nine Austrian pine trees to be planted around the cul-de-sac and when the units are designed decks will be shown. There is 10' of deck space planned.

Nick Meyer mentioned zero lot lines in the proposed neighborhood is different in terms of use. There does not appear to be space for a swing set or gardens. Tom Walsh explained outside the units are the common elements which can be used provided there is no interference with other use in the space so a unit owner can have a garden by their dwelling if they want. There was discussion of space outside of Unit 3 and designated areas for group gardens or a play area. Peter Heil confirmed there is about five feet within the footprint of Unit 3. Tom Walsh explained the homeowners association decides what can be done in the common elements.

Andrew Boutin asked about the opaque fence. Liza Kilcoyne noted the fence is still under discussion with residents. Robin Pierce explained based on the last Planning Commission meeting the developer is proposing an opaque fence because a hedge could be problematic for the water line in the area. The neighbors prefer a cedar hedge for a more natural looking screen. The hedge would be very lengthy.

There was discussion of the housing units. Andrew Boutin said the duplex units lack variety of styles and appear "cookie cutter". Diane Clemens asked if there will be a variety of colors used for the houses. Tom Walsh confirmed this. John Alden mentioned the three houses along Briar Lane present opportunity for a range of interesting design. Tom Walsh stated the house will be custom designed. Nick Meyer urged fostering a sense of community rather than having the garage door be prominent to the unit so once the resident enters they are closed to the outside neighborhood.

PUBLIC COMMENT

Jerry Lasky, 32 Woods End Drive, stated the long cedar hedge is a more natural looking screen. Mr. Lasky also suggested for screening the duplex buildings could be moved closer to the entrance and the single family homes moved closer to the "triangle" area. Liza Kilcoyne asked if neighboring houses are visible now. Mr. Lasky confirmed the houses to the left and right of his house are in view. John Alden offered the issue may be headlight glare, but a mile long cedar hedge is not "natural looking".

Margaret Centybear, 30 Woods End Drive, mentioned the sink hole developing in her yard despite all the trees. The area is a sand plateau so there may be an environmental issue. In addition, there is concern about any impact on house foundations. When the houses were being built in the neighborhood there was sand coming through the screens on the windows, said Ms. Centybear, adding the screening is appreciated to control the dust that is generated. Liza Kilcoyne stated erosion control is covered in the regulations. Peter Heil said Act 250 and other environmental permits (erosion, storm water) will be secured. Robin Pierce noted the staff report recommends a condition of approval addressing erosion control and a contact person if there are problems. Tom Walsh stated Act 250 has a criterion on dust control.

Jack Barnes, 39 Woods End Drive, said the Woods End Estates deed covenants require maintaining 60% of the trees and securing approval prior to cutting down a tree. Driving over the roots of trees shortens their lifespan so the construction crews should avoid driving near trees that are to remain on the site. Mr. Barnes stated the proposed stone wall and sign is near his driveway and will be very visible. The sign for Countryside is on a divided entryway. If the goal is to have the new neighborhood blend with the surrounding neighborhoods, having a sign does not fit with the street or the neighborhood. Regarding the color of the buildings, Mr. Barnes said if he cannot see the buildings he does not care about the color. A hedge will hide the buildings from view. The hedge should be designed not to look like a barricade, but to still provide screening. Color, texture of the siding, roof lines, the entire look needs to be considered and the look should not be that contrary to the rest of the houses in the neighborhood. The more the development fits with the existing neighborhood, the less problem there is with seeing the buildings. Liza Kilcoyne commented there are no hedges or barriers between houses on the surrounding streets; the screening is more natural.

Todd Centybear, 30 Woods End Drive, stated light screening at the turnaround is a concern. Trees clumped together do not provide screening below as the trees grow taller. Mr. Centybear asked if the retention ponds will be fenced. The ponds are visible and a chain link fence would not blend with the surroundings. Peter Heil stated a fence is proposed per the Public Works Director's request for safety purposes, but the infiltration pond is in sandy soil and will be void of water most of the time. The type of fence has not yet been determined. Robin Pierce said Rick Jones (Public Works) wants a four foot high fence with a locked gate. Staff will research what is required by law with regard to storm water ponds and fencing. Tom Walsh noted the infrastructure in Phase 2 will be conveyed to the village. The homeowners association will retain the infrastructure in Phase 1.

Jon Anderson, attorney representing most of the neighbors adjacent to the proposed development, commented on behalf of the neighbors as follows:

- The project has come a long way because of the attention by the Planning Commission, effort by the developers, and the request by the neighbors that the Planning Commission be rigorous in review of the application. The amount of paperwork that has been generated is due to the project changing. The neighbors met after the most recent set of plans and drafted a list of concerns which are noted in the letter, dated May 13, 2011.

- Regarding landscaping, there are two approaches presented by the developer. On the west side of the development (by the Centybear residence) there is a cul-de-sac and houses designed as duplexes in a row which will be visible to the neighbors so a hedge is requested because a row of duplexes is out of character with the neighborhood. On the east side, there will be view of the neighboring backyards from the decks on the units. The mature trees in the area have high canopies. Landscaping is needed at all levels, especially eye level. There is a legal requirement that landscaping enhance and preserve the existing neighborhood and the proposed development. Backyards will back up to each other so it is suggested the rule to maintain, preserve, and enhance the neighborhood be respected and followed.
- The amount of landscaping being offered does not meet the requirement of landscaping being two percent of total construction costs when the estimated value of 50 houses in the PUD is \$8 million.
- The sign does not enhance the neighborhood and could be replaced with more landscaping. Having smaller plants so there can be more plantings is acceptable.
- A specific drawing of what is being approved is needed. The staff report says existing vegetation shall be retained and enhanced, but that is not specific enough. The landscaping plan needs to be identified and that is what is approved. Ideas that have been expressed should be used by a landscape architect to form the landscape plan.
- There should be specifications for the fence if a fence is required.
- Rules governing existing landscaping are needed, such as no cutting except for safety purposes to remove dead or down trees.
- The landscaping in the development should be done first and then street trees planted.
- Alternative textures, colors, and mixture of building designs should be required.
- Issues/concerns of the neighbors should be addressed, including ensuring all driveways are accessible during construction.

Danielle Sartini, 15 Kiln Road (former Barry house), expressed concern about their driveway becoming a road and the sidewalk being located along the side of the house. Ms. Sartini stressed the driveway must be usable at all times because that is the only access by Rose Gravlin who is disabled (Danielle Sartini is the legal guardian of her mother, Rose Gravlin). Ms. Sartini said the developers appear to be amenable about the matter.

Priscilla Kimberly, 32 Woods End Drive, spoke in support of the sidewalk extension on Maple Street as an important link. Ms. Kimberly noted the width of the right-of-way under the power line appears to have been reduced from 15' to five feet wide. A wider easement is needed for potential future connection to Maple Street Extension (bike path connection perhaps). Peter Heil confirmed the plan shows the easement as 15' wide under the power lines. Ms. Kimberly said the water line connecting the development to the Champlain Water District main line should be moved under the road by the drainage basins to reduce noise and allow more screening since the backyards of the houses on Woods End Drive are adjacent to nine houses in the development. Peter Heil stated locating the water line under the road means tearing up the road if any maintenance is

needed. Most utilities are located in the greenbelt off the side of the road. The cost of lengthening the water line is also an issue. Brad Gardner said if the distance is another 50' then it probably is not a problem, but David Burke (engineer) will investigate the matter further. John Alden observed the water line is underneath the most important buffer in the entire development. Peter Heil pointed out there are no trees now where the water line is connecting into the existing system.

William Butterfield, 34 Woods End Drive, asked about streetlights and lighting in general. Robin Pierce stated the Village Engineer reviewed lighting and confirmed what is proposed meets village standards. The developer can choose the style of the lights provided the standard is met. John Alden observed the down shielded, cut off fixtures that are proposed are different from what is in the existing neighborhoods. The proposed lighting appears more commercial than residential.

David Johnson, 3 Kiln Road, said he is in charge of coordinating the requests of 37 families from Forest Road, Kiln Road, and Woods End Road. There is agreement the project has come a long way to the betterment, but the residents still feel the developer has not heard their concerns. The request to walk the property with the landscape architect was not granted. Requests by the neighbors are not integrated into the developer's plans. If the developer wanted to appease the neighbors there might be support for the project rather than bickering over landscaping.

Peter Moino, 14 Kiln Road, thanked the Planning Commission for the time and effort, explaining it is complicated for a layperson to interpret the ordinance so the residents hired an attorney for assistance. The letter and spirit of the Land Development Code is for new development to be similar in design to adjoining neighborhoods unless there is enhancement to the value of the existing neighborhood. The new proposal clearly does not represent this and further deliberation with this in mind is needed. The Planning Commission is the entrusted steward of the residents' assets, their homes. Robin Pierce pointed out the developers did hear the concerns, noting there is more vegetation around the cul-de-sac to address lights and there is an understanding to restrict tree clearing. Trees/plantings will be strategically clumped with gaps here and there for a more natural look yet preserving sight lines and providing screening. The landscape plan is to scale. The cut/no cut line will be delineated. Village staff (engineer, attorney, water quality superintendent, public works superintendent) have reviewed and accepted the application documentation. Jon Anderson interjected landscaping is only reviewed for compliance to drainage, not quality. The landscape architect needs to meet with the neighbors to view site lines and find out what is important before drafting the landscape plan and that has not happened. Behind the 'natural vegetation look' around the circle are duplexes and a cul-de-sac which are not 'natural' and that is why the cedar hedge is requested. Mr. Anderson wanted to know who reviewed the landscaping. Robin Pierce stated he reviews landscaping plans himself for design and Code compliance. Cedars around the cul-de-sac for screening are a good solution, but it is not a natural planting. The developer is leaving woods in place on the site and there is undeveloped space in the middle of the development.

There was discussion of the landscaping meeting the requirement with regard to plantings and dollar amount. Jon Anderson said the neighbors are asking for a doubling of the

proposed amount of \$85,000 based on a project value of \$8 million (2% or \$160,000); the ordinance says “total construction cost”. The Planning Commission should not look at past practice. Liza Kilcoyne stated the Planning Commission looks at the merits of the plan and what is provided. Reallocating resources is fine to get the best result.

Nancy Pratt, 54 Forest Road, stated the placement and number of trees proposed will not provide screening.

Janet Finley said there are no trees proposed by their house and they wanted a cedar hedge. Liza Kilcoyne noted a cedar hedge will not stop noise.

Brad Gardner, developer, voiced objection to statements the developer did not make changes to the plan because the plan has been changed numerous times to accommodate concerns. Diane Clemens pointed to the stack of papers provided to the Planning Commission as confirmation of changes to the plan.

There were no further comments.

MOTION by Diane Clemens, SECOND by Nick Meyer, to close the public portion of the PRD application for 216 Maple Street. VOTING: unanimous (5-0); motion carried.

DELIBERATION/DECISION

Final Plan, PRD, 48 Units, 216 Maple Street, Bouffard Family

John Alden said the crux of the concern seems to be the character of the houses versus buffering and screening. The regulations do not call for all the buffering being requested by the neighbors. The project has come a long way, but has not focused on the houses themselves. If the houses were more compatible to the neighborhood there would be less focus on landscaping and buffering. The regulations require a higher degree of screening and buffering between uses that are different from each other, but this situation is residential to residential. Key places are where the neighborhoods collide or get close to each other, and that is where the focus of the screening should be. The plan by the developer is to clear cut the interior and add new plantings yet the existing neighborhood has clumps of existing trees on each lot. Robin Pierce pointed out the PRD is a single large lot, and the developer is leaving clumps of trees throughout the site. Liza Kilcoyne said it seems most of the neighbors want to be totally screened from the new neighborhood because it is different with a mix of two family and single family dwellings. The housing is more densely clustered so there is open space, but there is not the open feeling of Woods End or Kiln Road or Mason Drive. The neighbors are proposing screening the entire development, but buffering should be in the appropriate and needed places, said Ms. Kilcoyne. There was continued discussion of landscaping and whether the proposed plan complies with village regulations. Per the regulations two percent of the \$8 million project cost equates to \$160,000 and with a 50% credit granted by the Planning Commission the amount for landscaping is \$80,000. The applicant is offering to spend \$85,000 on landscaping.

John Alden said the value to the community of the open space and the trail network being offered by the applicant must be acknowledged. The regulations promote this type of

protection which is of value to the entire community, not just the residents in the new neighborhood. Also, connection to the surrounding neighborhoods and roads is important. Single lots would not allow this type of access.

There was discussion of the fence around the storm water pond and the preference by the Planning Commission not to have a fence unless one is required by law. There was mention that the lighting for the development should appear more residential in nature rather than like a commercial parking lot. Also, the stone wall and sign for the development could be eliminated and the money redirected into more landscaping. Unit types should have variation in color and sidings. The Planning Commission directed Robin Pierce to review the proposed conditions and refine them prior to the next Planning Commission meeting on the application.

There was discussion of proposed conditions to include:

- new/existing vegetation
- trees (existing and street trees)
- landscaping, plantings,
- trail system
- erosion control and contact individual(s)
- maintaining access to driveways throughout construction
- streetlights
- fence around retention pond only if mandatory by law
- variation in color, siding, roof lines on the units
- limiting height of stone wall sign or eliminating element entirely from proposal
- moving water line 50' to northwest with approval of Village Engineer
- limiting tree cutting to active construction area
- resolving all comments from Village Engineer and Essex Town Engineer
- securing approval from staff of homeowners association documents and easements as applicable.

MOTION by Liza Kilcoyne, SECOND by Diane Clemens, to continue deliberation of the hearing on the Final Plan for a 48 unit PRD at 216 Maple Street to the next Planning Commission meeting (June 16, 2011). VOTING: unanimous (5-0); motion carried.

6. OTHER BUSINESS

None.

7. ADJOURNMENT

MOTION by Liza Kilcoyne, SECOND by Andrew Boutin, to adjourn the meeting. VOTING: unanimous (5-0); motion carried.

The meeting was adjourned at 10:20 PM.

RScty: M.E.Riordan