

Staff Report

To: Development Review Board
From: Regina Mahony
Date: 02/09/2023
Subject: 227 Pearl Street Apartments
Conceptual plan review for proposed 34-unit multi-family dwelling

EXISTING CONDITIONS AND GENERAL INFORMATION

Project Location: 227-229 Pearl Street

Project Area Size: ±41,800 sf (0.96 acres) [excluding portion in Town]

Lot Frontage: 152 feet

Existing Land Use: Residential

Surrounding Land Use: Residential

Zoning District: Multi-Family/Mixed Use 1 (MF-MU1)

Minimum Lot Size: 15,000 sf (0.34 acres)

Existing Lot Coverage: 26.6%

Permitted Lot Coverage: 50.5%

Project Description: Removal of the three existing residential buildings and construction of a proposed 34-unit multi-family residential building. The proposed building will have two entrances, with one entrance on the south side of the building facing Pearl Street with a proposed sidewalk connection to Pearl Street. A proposed 49 space parking area is proposed on the west and north sides of the building accessed from Pearl Street. The proposed building will be served by new water and wastewater service connections to the existing municipal water and wastewater systems along Pearl Street.

The northern portion of the existing parcel, north of Sunderland Brook, is located in the Town of Essex. This portion is currently undeveloped and is proposed to remain undeveloped as part of this project.

Section 606: Multi-Family/Mixed Use 1 District (MF-MU1)

A. Purpose.

The proposed project provides high density multi-family residential housing along the Pearl Street transportation and public transit corridor, which is consistent with the purpose of the MF-MU1 district.

B. Density/Lot Coverage.

The existing lot size within the City is ±41,800 sf, which exceeds the minimum lot size of 15,000 sf.

The maximum allowable density is determined by the ability to meet the LDC standards including but not limited to parking, setbacks, coverage, and building height. See below for further discussion regarding these standards.

The maximum lot coverage allowed is 65% but may be increased to 80% with a waiver. The proposed lot coverage is 50.5%.

C. Setback Requirements.

The minimum side and rear setbacks are 10 feet. The front setback shall be a minimum of 20 feet and a maximum of 30 feet, with at least 30% of the front of the principal structure within the minimum and maximum front setback. The proposed building complies with the setback requirements of the LDC.

Section 703.K.7 requires parking spaces to meet the setback requirements of the zoning district in which they are located. All proposed parking spaces are located outside of the setback areas.

The LDC states that *“Overhangs or eaves on buildings may encroach into the setback up to two (2) feet.”* The proposed building is shown right up to the front and side setback lines. Per the City Engineer comments, it is noted that the plans include a note stating that *“Property lines shown on this plan are from tax map information provided by the Town.”* **The applicant should confirm the location of the property lines to ensure that the building and parking will not be located within the setback areas. In addition, the applicant should confirm that any proposed building overhang(s) will not encroach further than two feet into the setback areas.**

D. Permitted and Conditional Uses.

A multi-family dwelling is a permitted use in the MF-MU1 district.

E. Parking Requirements.

Section 703 requires 2 parking spaces per dwelling unit plus 1 guest parking space for each 10 units. The LDC requires a total of 71 parking spaces for this proposed 34-unit multi-family dwelling.

The applicant is requesting a waiver to allow a total of 49 parking spaces.

The applicant should submit appropriate data in support of this waiver request based on a similar type of building use.

F. Building Height.

In the MF-MU1 district, the maximum building height is 4 stories or 58 feet, whichever is less.

The proposed site plan contains a note stating that the *“Building will be 4 stories high and less than 58’ tall.”* **The applicant should submit proposed building elevation views depicting the proposed 4 stories and proposed maximum building height.**

Section 703: Parking and Loading

C. Off-Street Parking Requirements.

Per the LDC requirements, proposed parking spaces are a minimum of 9 feet wide and 18 feet long. The applicant is requesting a waiver for a proposed 22-foot side parking aisle and access drive. The LDC requires a minimum 24-foot-wide parking aisle and access drive for two-way travel. Based on review of the proposed site plan, it appears that the minimum requirements of the LDC could be met for this project.

As part of the City Engineer review, the City Engineer also did not support the waiver request. The City Engineer initially noted that if the waiver request was approved the project would not meet the minimum threshold for stormwater improvements, but if the waiver request was not approved the project would meet the minimum threshold for stormwater improvements. Subsequent correspondence from the City Engineer indicates that this project will likely not meet the regulatory thresholds for stormwater improvements regardless of the waiver request being approved or not, but continued to not support the waiver request as they felt the minimum requirements of the LDC could be met in this instance.

In consideration of the minimum requirements of the LDC, staff does not support the waiver request for a reduced parking aisle and access drive width.

K. Other Parking Standards and Applicability

1. Location.

Per the LDC requirements, all proposed parking will be located on the project site.

3. Surfacing

Per the LDC requirements, all proposed parking areas will have a paved surface.

4. Drainage

The LDC requires that *“All parking lots shall be designed to minimum stormwater run-off on adjacent properties and in no case shall the stormwater flow be allowed to increase.”*

To the extent possible, run-off shall be contained on the lot. All drainage facilities shall be constructed in accord with Public Works Specifications contained in Appendix A of this Code. Drainage calculations shall be completed for a base twenty five (25) year storm. Unless specifically approved otherwise, or contained upon the lot, all facilities shall be connected to the Village stormwater system."

In consideration of the MS4 requirements applicable to the City of Essex Junction, applicants are encouraged to provide on-site treatment and control of stormwater runoff to the maximum extent practicable; thereby decreasing the potential for additional improvements being required by the City in the future as part of the MS4 permit and Flow Restoration Planning requirements.

The applicant should provide proposed grading for the parking area and project site to confirm the proposed drainage pattern and compliance with the LDC requirements.

The applicant should provide appropriate drainage calculations per the LDC.

5. Accessible Provisions

The project includes two proposed accessible parking spaces in the parking area on the north side of the proposed building. **The applicant should provide confirmation that the grading in the area of these proposed accessible parking spaces and the accessible route to the building entrance meets the requirements of the Americans with Disabilities Act.**

7. Setbacks

The LDC requires that *"All parking spaces shall meet the setback standards for the District in which it is located."*

Notwithstanding the discussion regarding property lines in Section 606.C above, all proposed parking spaces are located outside of the setback areas.

8. Screening

The Site Plan does not depict proposed screening/landscaping as part of the project. **Proposed screening/landscaping should be submitted per Section 708 of the LDC, see below.**

9. Landscaping

The Site Plan does not depict proposed landscaping as part of the project. **A proposed landscaping plan should be submitted per Section 719 of the LDC, see below.**

10. Pedestrian Access

The Site Plan depicts a proposed sidewalk along the parking south side of the proposed building extending to the building entrance along the west side of the proposed building. The sidewalk does not extend along the entire west side of the building.

A proposed sidewalk connection is depicted on the Site Plan from the building entrance on the south side of the proposed building and extending to the existing sidewalks along Pearl Street.

11. Bicycle Access

The LDC requires *“Any parking lot which is required to have fifteen (15) or more parking spaces shall provide bicycle racks at a location convenient to the main entrance to the business. The Commission may waive this requirement if in their judgment the business will not generate bicycle traffic.”*

Staff recommends that bike racks be provided at or inside both entrances to the proposed building.

12. Striping

All proposed parking spaces are shown to be hard-surfaced and striped to meet the parking dimensional requirements of Section 703 of the LDC.

14. Lighting

The LDC requires that *“Lighting shall be provided in all parking lots and related walkways as specified in Section 704 of this Code.”*

Lighting shall be provided for the access drive, parking, and sidewalk areas. See Section 704 below.

16. Waivers

The DRB should consider this section and the standards contained therein prior to granting a parking waiver for this project, specifically items (b), (c), (e), and (g).

Section 704: Lighting

A Lighting Plan should be provided in accordance with Section 704.D.1 for the access drive, parking, and sidewalk areas. In addition to the locations and specifications for proposed lighting, a numerical grid of illumination levels throughout the access drive, parking, and walk areas should be provided; with appropriate lighting statistics presented as well.

Section 705: Curb Cut and Access to Public Streets

The project proposes to remove the two existing curb cuts along Pearl Street and install one new 22' wide curb cut with 15' corner radii and intersecting with Pearl Street at an approximately 90 degree angle. Staff

supports the location of the new curb cut. However, per the LDC requirements, multi-family dwellings shall be reviewed as commercial curb cuts which shall have a minimum width of 24' for two-way traffic. **The proposed curb cut should be increased to 24' wide, per the LDC requirements.**

Section 706: Accessory Uses and Structures

C. Set-back Exceptions

3. Roof Overhangs

The LDC states that *"Roof overhangs or eaves on any structure may encroach into any setback for a distance not to exceed eighteen (18) inches."* We note that this conflicts with Section 606.C which allows overhangs or eaves on buildings to encroach into the setback up to two (2) feet. **The applicant should confirm that any proposed building overhang(s) will not encroach further than two feet into the setback areas.**

4. Heating, ventilation and air conditioning equipment

The LDC requires that *"Equipment for heating, ventilation or air conditioning which encroaches into a setback by not more than twelve (12) inches shall not be deemed to violate this Code. Equipment placed upon the roof of any commercial or residential structure shall not be deemed a violation of this Code if:*

- (a) It extends less than two (2) feet above the roof;*
- (b) It occupies no more than eight (8) square feet of area; and*
- (c) It generates no additional sound discernable at the adjoining property line."*

The applicant should provide confirmation that any proposed heating, ventilation, and/or air conditioning equipment will comply with the above LDC requirements of Section 706.C.4.

D. Satellite Dish Antenna

The applicant should provide confirmation that any proposed satellite dish antenna will comply with the LDC requirements of Section 706.D.

J. Dumpsters or Other Trash Containers

Dumpsters are proposed to be located in the northwest corner of the parking area. No additional details are provided regarding the dumpster area.

Additional information regarding the dumpster area will be required to ensure compliance with the LDC requirements of Section 706.J.

Section 707: Fences

No fences are proposed at this time.

Section 708: Screening/Buffering

Proposed screening/landscaping should be submitted per Section 708 of the LDC.

Section 713: Storm Water Management

In consideration of the MS4 requirements applicable to the City of Essex Junction, applicants are encouraged to provide on-site treatment and control of stormwater runoff to the maximum extent practicable; thereby decreasing the potential for additional improvements being required by the City in the future as part of the MS4 permit and Flow Restoration Planning requirements.

Appropriate drainage computations shall be provided demonstrating that the proposed project will maintain pre-development hydrology per the LDC requirements.

An erosion prevention and sediment control plan shall be provided, with associated details, describing erosion prevention and sediment control measures to be implemented during and after construction to stabilize the site.

Section 714: Sign Standards

The Site Plan does not depict a proposed sign for the project. If a sign is proposed, it should be depicted on the Site Plan with a detail provided.

Section 718: Performance Standards**G. Visual Impact**

The applicant should provide additional details regarding the building design, architecture, and finishes to ensure compliance with Section 718.G.

Section 719: Landscape and Tree Planting Requirements

The LDC requires that a “landscape plan must be drawn by a landscape architect, landscape designer, or competent landscape professional, and the landscaping requirement will be a minimum of three (3) percent of the total construction cost for new construction up to \$250,000. For new construction projects above \$250,000, the landscape requirement shall be a minimum of two (2) percent of the total construction cost. In the case of construction projects above \$1,000,000, a landscape architect, licensed by the State of Vermont’s Office of Professional Regulation, will be required to prepare a landscape plan.”

The applicant should provide information on the total estimated construction cost for the project in order to determine the landscape requirements per the LDC.

A proposed landscaping plan should be submitted per Section 719 of the LDC.

Staff Comments

Staff comments from the Public Works Department and City Engineer are summarized in the attached letter dated January 12, 2023.

Recommendations

Staff recommends the DRB approve the conceptual plan pending a DRB determination that the LDC standards are met with regard to the following:

- Section 703.K.16. The DRB should consider this section and the standards contained therein prior to granting a parking waiver for this project, specifically items (b), (c), (e), and (g).

Proposed Stipulations

- 1) All staff comments are addressed to the satisfaction of staff and the DRB.
- 2) The applicant should confirm the location of the property lines to ensure that the building and parking will not be located in the setback areas.
- 3) The applicant should confirm that any proposed building overhang(s) will not encroach further than two feet into the setback areas.
- 4) Appropriate data is submitted in support of the parking waiver request based on a similar type of building use.
- 5) Proposed building elevation views should be provided depicting the proposed 4 stories and proposed maximum building height.
- 6) Proposed grading should be provided for the parking area and project site to confirm the proposed drainage pattern and compliance with the LDC requirements.
- 7) Appropriate drainage calculations per the LDC should be provided.
- 8) The applicant should provide confirmation that the grading in the area of the proposed accessible parking spaces and the accessible route to the building entrance meets the requirements of the Americans with Disabilities Act.
- 9) Bike racks should be provided at or inside both entrances to the proposed building.
- 10) Lighting shall be provided in accordance with Section 704.D.1 for the access drive, parking, and sidewalk areas.
- 11) The proposed curb cut should be increased to 24' wide, per the LDC requirements.
- 12) The applicant should provide confirmation that any heating, ventilation, and/or air conditioning equipment will comply with the LDC requirements of Section 706.C.4.
- 13) The applicant should provide confirmation that any proposed satellite dish antenna will comply with the LDC requirements of Section 706.D.
- 14) Additional information regarding the dumpster area should be provided to ensure compliance with the LDC requirements of Section 706.J.
- 15) An erosion prevention and sediment control plan should be provided, with associated details, describing erosion prevention and sediment control measures to be implemented during and after construction to stabilize the site.
- 16) Details regarding the building design, architecture, and finishes should be provided to ensure compliance with Section 718.G.
- 17) The applicant should provide information on the total estimated construction cost for the project in order to determine the landscape requirements per the LDC.
- 18) A proposed landscaping plan should be provided per Section 719 of the LDC.

DONALD L. HAMLIN
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January 12, 2023

Ms. Terry Hass
City of Essex Junction
2 Lincoln Street
Essex Junction, Vermont 05452

Re: 227 Pearl Street Apartments
Conceptual Submittal #1

Dear Ms. Hass:

We have reviewed the plans and supporting information that we received electronically for the above referenced project. The plans reviewed as part of this submittal are presented below:

227 Pearl Street Apartments – Conceptual Submittal #1			
Sheet #	Sheet Name	Dated	Last Revised
Prepared By: Krebs & Lansing Consulting Engineers			
C-0.00	Overall Property Plan, Existing Conditions	12/14/22	---
C-1.00	Proposed Site Plan	12/21/22	---

For our review, we utilized the most recent edition of the Essex Junction Land Development Code, dated December 13, 2016, hereinafter referred to as the “LDC”. Based on our review of the plans, we offer the following comments presented below, which represent a compilation of comments from our office and the City of Essex Junction Public Works Department.

We recognize that this submittal is a conceptual submission for the purpose of presenting the conceptual development scheme and overall vision of the project development. As such, we have kept our comments more general in nature so that they may assist the applicant in understanding the type and level of detail we will be anticipating with future submittals.

- 1) For future submittals, the applicant will need to provide complete design plans and details for the construction of the proposed improvements. This information should include, at a minimum, roadways, drives, sidewalks, detailed grading, drainage, stormwater management, utilities (water, sewer, etc.), lighting, and erosion prevention and sediment control.
- 2) The plans should include a note to notify the City of Essex Junction a minimum of 48 hours in advance of work within the City right-of-way or on utilities owned or to be owned by the City of Essex Junction.
- 3) The plans should be revised to depict the limits of pavement, curb, and sidewalk disruption and replacement within the City right-of-way as needed for the utility abandonments, utility connections, and access drive modifications. Appropriate construction details shall also be provided. Please note that the curb (depressed) and sidewalk will be required to be installed across the new access drive.

WATER SUPPLY & DISTRIBUTION
STORMWATER MANAGEMENT
CONTRACTOR SERVICES
STREETS & HIGHWAYS

MUNICIPAL ASSISTANCE
SITE DEVELOPMENT & SUBDIVISION
RECREATION FACILITIES & SKI AREAS
WASTEWATER COLLECTION & TREATMENT

AGRICULTURAL ENGINEERING
PERMITTING ASSISTANCE
RESIDENT ENGINEERING
LAND SURVEYING

Engineering – “The link between what we have and what we need”

- 4) All disturbed portions of the existing sidewalk along the project parcel shall be replaced with new cement concrete sidewalk meeting the City of Essex Junction specifications. This replacement shall be continuous throughout the limits of disturbance; and not limited to just the individual disturbed sections.
- 5) We recommend that the plans be reviewed by the City Fire Chief.
- 6) Note #5 on Sheet C1.00 indicates that *"Property lines shown on this plan are from tax map information provided by the Town."* As the proposed building and parking are depicted right up to the setback lines, the applicant should confirm the property line locations to ensure that the building and parking will not be located within the setback areas.
- 7) The applicant should provide information for the proposed dumpster location demonstrating conformance with Section 706.J of the LDC.
- 8) The applicant should provide information regarding the existing sewer and water demands as well as proposed sewer and water demands. If the proposed sewer and water demands exceed the existing, additional allocations will be required to serve this project and the applicant will need to request and obtain additional sewer and water allocation approvals from the City for this project.
- 9) The plans should be revised to require the abandonment of the existing water services for the existing buildings that are to be removed. The plans should require the abandonment of the existing water service(s) by disconnecting the existing service from the corporation stop and closing the existing corporation stop at the water main; with this work being witnessed by an authorized representative of the City of Essex Junction. A minimum of 48 hours of advance notification to the City of Essex Junction will be required.
- 10) The plans should be revised to require the abandonment of the existing sewer services for the existing buildings that are to be removed. The plans should require the abandonment of the existing sewer service(s) using rigid, gasketed cap fittings; with this work being witnessed by an authorized representative of the City of Essex Junction. A minimum of 48 hours of advance notification to the City of Essex Junction will be required.
- 11) The plans should be revised to include a requirement for all sewer, water, and storm drainage utilities installed on the project site to be observed by an authorized representative of the City of Essex Junction prior to backfilling of said utility.
- 12) The applicant is requesting a parking waiver and has indicated that *"The property owner operates similar buildings and feels the parking we have shown on the site is more than sufficient for the studio units."* The application should provide additional detailed information in support of this parking waiver request. The application materials present a required number of parking spaces of 71 and a proposed number of parking spaces of 49 for the proposed 34 studio apartment units.
- 13) The applicant is requesting a waiver of the LDC requirements for the drive and parking aisle width to allow a reduced width of 22' instead of 24'. The applicant states that *"This is to reduce the amount of impervious and coverage on the property. This will allow for more green space and area for stormwater infiltration. We are not limited by either coverage or impervious surface but are attempting to reduce the sprawl of both amounts."*

Given the proposed site configuration, we do not support this waiver request. There is adequate space available to meet the LDC requirements. In addition, we note that based on our review, the reduced width results in just slightly less than 0.5 acres of impervious surface on the project site (0.487 acres), thereby avoiding the regulatory threshold for stormwater management. Based on further review, if a 24' aisle width was utilized, the total impervious area on the project site would increase to just slightly greater than 0.5 acres (0.502 acres) and would meet the regulatory threshold for stormwater management.

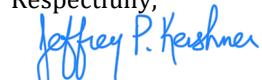
- 14) Notwithstanding the above discussion, the plans should be revised to include a stormwater management plan per Section 713 of the LDC, with appropriate computations and supporting information (soils, infiltration rates, etc.). In consideration of the MS4 requirements applicable to the City of Essex Junction,

applicants are encouraged to provide on-site treatment and control of stormwater runoff to the maximum extent practicable; thereby decreasing the potential for additional improvements being required by the City in the future as part of the MS4 permit and Flow Restoration Planning requirements.

- 15) The applicant should provide clarification as to how roof drainage will be handled.
- 16) The applicant should provide a Snow Management Plan detailing how snow storage and/or removal will be handled at the site. Proposed snow storage areas should be depicted on the plans.
- 17) As part of future submittals, details of proposed grading will need to be provided throughout the project limits, including parking and drive areas. Limits of disturbance should be shown as well.
- 18) The plans should include water design information, such as pipe sizes and types, as well as the location of a proposed isolation valve for the new building service. Appropriate water related details should be provided. Please note that ductile iron tapping sleeves are required; stainless steel tapping sleeves are not acceptable.
- 19) The plans should include sewer design information, such as pipe sizes and types, pipe slopes, and invert elevations, for the new building service. Appropriate sewer related details should be provided. Please note that the connection to the existing sewer main shall be made using rigid, gasketed coupling(s) and a manufactured rigid, gasketed wye fitting.
- 20) A lighting plan will be required. In addition to depicting the locations and specifications for proposed lighting fixtures, it should include a numerical grid of illumination levels throughout the roadway, parking, drive, and walk areas on the project site; with appropriate lighting statistics presented as well.
- 21) An erosion prevention and sediment control plan will be required as part of future submittals.
- 22) The plans should be revised to include proposed landscaping and/or screening per the LDC.
- 23) The applicant's attention is directed to the standard details in the LDC. Please ensure that the plan information and details provided in future submittals for all work inside the City right-of-way or on utilities owned or to be owned by the City of Essex Junction conform to these standard details.

We have no further comments at this time. Please feel free to contact me if you have any questions or if we may be of further service.

Respectfully,



Jeffrey P. Kershner, P.E.
President

Cc: Rick Jones

From: [Jeffrey Kershner](#)
To: [Terry Hass](#)
Cc: [Regina Mahony](#); [Rick Jones \(rick@essexjunction.org\)](mailto:rick@essexjunction.org); [Chelsea Mandigo \(chelsea@essexjunction.org\)](mailto:chelsea@essexjunction.org)
Subject: 227 Pearl Street Apartments conceptual submittal #1
Date: Wednesday, January 18, 2023 2:11:00 PM

Hi Terry –

Following an inquiry by the applicant's engineer, we would like to clarify that comment #13 was not meant to infer intent to avoid permit jurisdiction. It was meant to state that approving the waiver request would result in less stormwater requirements of the LDC being applicable to the project. However, after further review it has come to our attention that this project will likely not trigger State stormwater jurisdiction regardless of whether the waiver request to reduce the aisle width from 24' down to 22' is approved or not.

With that being said, we continue to not support the waiver request to reduce the drive and parking aisle width. We feel there is adequate space available to meet the LDC requirements.

Please do not hesitate to contact me with any questions or to discuss this matter in further detail.

Jeff

Jeffrey P. Kershner, P.E.

President

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