

**CITY OF ESSEX JUNCTION
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
MAY 18, 2023
APPROVED JULY 20, 2023**

MEMBERS PRESENT: John Alden, Chair; Robert Mount, Vice Chair; Cristin Gildea, Dylan Zwicky.

MEMBERS ABSENT: Maggie Massey.

ADMINISTRATION: Chris Yuen, Community Development Director.

OTHERS PRESENT: Alexis Anderson,. David Burke, Julie Byrne, Marcus Certa, Bryan Currier, Greg Dixon, MJ Engel, Daniel Goltman, Brett Grabowski, Gabe Handy, Christine Kosmider, Rene Major, Nick Meyer, Jason Struthers, Alexis Suker.

1. CALL TO ORDER/ADDITIONS OR AMENDMENTS TO AGENDA

Chair Alden called the meeting to order at 6:31 P.M.

There were no additions or amendments to the agenda.

2. PUBLIC TO BE HEARD

Jason Struthers noted that his cannabis license is up for renewal in later June and expressed concern that the Local Cannabis Control Commission will deny his license. Chair Alden replied that the Development Review Board will apply the rules as written and will act accordingly when the permit comes up for review. Mr. Struthers clarified that Act 164 allows him to cultivate cannabis and Act 158 allows him to operate as a Tier 1 operation that is exempt from local permitting.

3. MINUTES

A. Regular Meeting – April 20, 2023

Chair Alden identified a minor typo to be corrected in the spelling of one of the Applicants' names.

MOTION by ROBERT MOUNT, SECOND by CHRISTIN GILDEA, to approve the minutes as amended. The motion passed 3-0 (Dylan Zwicky abstained).

4. PUBLIC MEETING

A. Request material change of roof at 10 Pearl Street from slate to shingle in the VC District Historic Preservation Review, by Alexis Anderson.

Chair Alden swore in the Applicant.

Alexis Anderson spoke on behalf of the owner of the property and said that the request before the Board is to replace the slate roof on the property with shingles. She noted that the slate roof has surpassed its lifespan and is failing and the cost of replacing the slate roof with slate is extremely high. She noted that the surrounding properties have asphalt shingle roofs and would like to replace the slate on this property's roof with asphalt shingles as well.

Chair Alden noted that the decision in this case is up to the municipal authority and that he agrees with the Applicant that the material (slate) is expensive. He said that the City's regulations allow for

flexibility in replacing with another material as long as the color, texture, and visual appearance are as similar as possible. He recommended that the Applicant work with a qualified slate roofer to salvage the slate material so that it can be reused where possible.

Mr. Zwicky asked if the Applicant received a quote for the slate roof replacement, and Ms. Anderson replied that they have not received a quote for this specific building, but that the Applicant has other buildings with similarly sized slate roof and have had them replaced for over \$100,000.

MOTION by CHRISTIN GILDEA, SECOND by ROBERT MOUNT, to approve the proposed change in roofing material and salvage as much of the slate as possible at 10 Pearl Street in accordance with the historic preservation review criteria outlined in the Land Development Code. The motion passed 4-0.

5. PUBLIC HEARING

A. Final site plan to remove an existing duplex and construct 18 residential units with parking at 161 Pearl Street in the HA District, by 161 Cheeseman, LLC, owner.

Chair Alden swore in the Applicants.

Bryan Currier spoke on behalf of the Applicant. He noted that this is a final site plan application for an 18-unit multi-family structure on 0.32 acres at 161 Pearl Street. He noted that they are proposing five new parking spaces for the development. He noted that there will be four stories facing Pearl Street and five stories facing the back of the development. He said that they are proposing 18 units because the Applicant also owns the lot at 159 Pearl Street and they are seeking a shared parking agreement from the Development Review Board (DRB).

Mr. Currier spoke about changes between the preliminary application submission and this final submission. He said that they have reworked the front parking lot, added a pedestrian bench and extended the sidewalk on the rear of the building, added a gravel path between the new and existing structures for easier access to Pearl Street, and added lights within the proposed shared parking area (light poles and LED fixtures).

Chair Alden reviewed the staff comments and changes, beginning with parking waiver requests. He noted that the Applicant is asking for a shared off-site parking agreement for 18 spaces as well as a parking waiver to allow a total of 23 spaces (18 shared spaces and 5 additional spaces), which deviates from the required 38 spaces for a development of this size. The DRB discussed parking and were comfortable with granting this waiver, given data from previous parking studies showing that reduced parking would be adequate.

Chair Alden noted a waiver request from the Applicant to allow a portion of one parking space to be located in the side setback. Mr. Currier noted that the maximum encroachment would be 4 feet, and that given that the encroachment would be into another lot owned by the Applicant, staff and the DRB are comfortable granting this waiver request.

Chair Alden then noted a staff comment that the front entrance to the building does not have a delineated pedestrian space connecting it to Pearl Street, making access for public transit users difficult, especially those with accessibility needs. He also noted that the entrance is several feet above grade and is accessed

through several steps, though there is a universally accessible entrance in the back. Mr. Currier said that the Applicant could look into an ADA-compliant ramp and railings, though this may encroach upon a parking space. Chair Alden and Ms. Gildea expressed strong support for this proposed change.

Chair Alden noted that an updated lighting plan was requested that shows appropriate illumination along the sidewalk. Mr. Currier noted that they are proposing to use Bollard lights that are appropriately and intentionally downcast. He noted that the gravel path is not lit but will be maintained.

Chair Alden noted a recommendation by staff to grant an exception to curb cut requirements, and DRB members agreed with it.

Chair Alden spoke about screening and buffering requirements. The DRB briefly discussed the proposed landscaping and existing vegetation and deemed them sufficient for screening and buffering for adjacent commercial uses and that there are no adjacent residential uses.

Chair Alden then spoke about performance standards and visual impact. He said that he supports the building design, architecture, and finishes as proposed. Mr. Mount added that he likes the contrast between the different window designs.

Ms. Gildea noted a concern from the neighbors about retaining as many trees on the west side of the property as possible. Mr. Currier said that existing vegetation would be maintained and supplemented.

Chair Alden opened the discussion up to the public.

Nick Meyer, a member of the Tree Advisory Committee, asked about what landscaping is being proposed for the front of the building. Mr. Currier replied that there is a landscaping plan as required by regulations and that they have worked with a landscape architect to produce the plan. He said that there are three larger trees proposed for the plan. Chair Alden noted that he found the landscaping plan sufficient but noted that the Tree Advisory Committee should review it and propose any additional recommendations to staff.

MOTION by ROBERT MOUNT, SECOND by DYLAN ZWICKY, to close the public hearing. The motion passed 4-0.

MOTION by ROBERT MOUNT, SECOND by CHRISTIN GILDEA, to approve the final site plan at 161 Pearl Street with proposed stipulations within the staff report as well as the following additional stipulations:

- 1.) Add lighting to the stairs on the side path; and**
- 2.) Modify site plan to include an accessible front entrance.**

The motion passed 4-0.

B. Final site plan to remove existing residential buildings and construct a new building with 34 studio apartments with parking at 227-229 Pearl Street in the MF/MU1 District, by 227 Pearl Street, LLC, owner.

Greg Dixon and Brett Grabowski spoke on behalf of the Applicant. Mr. Dixon noted that this project would remove three existing residential buildings and construct a new building that would consist of 34 studio apartments with parking. He said that they received approval for their conceptual plan about two months ago and that they have not changed much since then. He said that they have added more detail to the project and are working on securing state permitting. He said that they are still waiting on their water and wastewater permits and Act 250 permit from the State. He noted that the project is being built in an existing environment and is relatively straightforward.

Chair Alden spoke about the parking area, noting that the travel aisle is 22' and is narrower than the LDC-stipulated requirement of 24' wide in parking areas for two-way traffic. Mr. Dixon replied that the parking environment will dictate who may be interested in living in the space and noted that the narrower travel aisle reduces both impervious surface and overall coverage. Mr. Grabowski said that they could label several parking spaces in the back of the property as large-vehicle appropriate. Mr. Zwicky asked about whether the electric vehicle conduit being installed could accommodate more than two spaces. Mr. Dixon replied that they are currently only contemplating those two spaces in the back, but that more could be added in future.

Chair Alden spoke about a concern with the side setback and the size of this building compared to the adjacent residential building. He said that there is a buffer requirement between multi-family buildings and adjacent single-family homes of 15' and that it can't be waived. Mr. Grabowski noted that the parking lot is at 10' but that the building envelope is greater than 10' away. He also noted that the garage of the adjacent property is right on the property line. Chair Alden said that the buffer needs to be at least 15'. Mr. Grabowski said that they can work on design to shift the building 2' to 2.5' over to meet that 15' requirement.

Community Development Director Yuen asked several questions about the lighting plan and HVAC equipment. He noted that the light post in the lighting plan are 15' and the concrete pedestal on which it would sit would bring the height of the lighting to 16'. Mr. Dixon asked whether they would need a waiver, since the height regulations for lighting are a maximum of 15'. Community Development Director Yuen said that the City Engineer has reviewed the lighting plan and is satisfied with the lighting height. Community Development Director Yuen then asked where the HVAC equipment would be located, and Mr. Grabowski replied that the equipment would be located on the roof and would not stick out from the roof. Chair Alden asked whether the equipment would be screened, and Mr. Grabowski replied that they could screen the equipment from the public-facing side.

Chair Alden opened the discussion up to the public.

Julie Byrne, a resident of 245 Pearl Street (a neighboring property), asked how close the building would be to her home and whether it would be closer than the currently existing duplexes. Mr. Dixon replied that it would not be closer than the garage but will be closer than the front duplex. Ms. Byrne expressed concern about having privacy on her property and preventing access from residents of the development and asked that a fence be installed. Mr. Dixon replied that they plan to have a fence installed between the properties. Chair Alden noted that the City has a height maximum of 6' for fencing. He also noted that there is a 15' buffer requirement and that the buffer must also be screened and suggested that the currently proposed vegetation screening be moved from the garage to the house. Mr. Dixon noted that there is a large tree that may prevent additional screening underneath it, which is why they are also

proposing installing a fence along the length of the property. He also confirmed that there will be no stormwater runoff from the property onto the neighbor's property and provided details of the stormwater management plan. Ms. Byrne and the Applicant will speak further offline about fencing details.

Gabe Handy, an adjacent property owner, noted that when he purchased the adjacent property there was only a 4" water line and he couldn't build his building until an 8" line was installed. He said that he constructed the 8" water line for \$350,000 of his own funding and he is the only one using it. He asked whether he could be compensated if another developer is connecting to that water line. He said that the building will be a great addition to the street. Chair Alden said that he and staff will look into Mr. Handy's question.

Mr. Meyer spoke about the landscaping plan, expressed concern about damaging the root system of the large oak tree near the foundation of the proposed building during construction and asked whether additional plantings can be placed near there. Mr. Grabowski said that they will need to see what the overdig is and can then plan for additional plantings then, but they will also take care to preserve the tree.

The DRB spoke about the requested parking waiver. Mr. Grabowski noted that they have conducted parking studies and that their other buildings in the area are showing a demand for less than one parking space per unit. The DRB expressed comfort with granting the parking waiver.

MOTION by ROBERT MOUNT, SECOND by DYLAN ZWICKY, to close the public hearing. The motion passed 4-0.

MOTION by DYLAN ZWICKY, SECOND by CHRISTIN GILDEA, to approve the final site plan at 229 Pearl Street with proposed stipulations within the staff report as well as the following additional stipulations:

- 1.) Work with the neighbor to come to an acceptable solution for the eastern fence that would be 6' or taller; and**
- 2.) Adjust the location of the building to meet the buffer zone requirements in the LDC.**

The motion passed 4-0.

C. Conceptual site plan to construct 3-story mixed-use building with commercial on the 1st floor and 34 residential units with parking at 8 Railroad Street in the VC District, by Franklin South, LLC, owner.

David Burke spoke on behalf of the Applicant. He noted that this is a concept plan for 8 Railroad Street. He noted that the previous apartment building on the parcel had a fire and has since been removed, that the parcel is around 0.5 acres in size and that it is zoned in the Village Center. He noted that there are no setbacks, no maximum density, and no maximum lot coverage in the VC district. He said that the building would be 34' high and would comprise a total of three stories. He said that the 34 residential units would be located on the second and third floors and would be a mix of one-bedroom units and two-bedroom units, with parking located both underneath the building and 9 additional spaces on the exterior for a total of 34 spaces. He said that access to the building would be under the building on the north side and that the south side would contain a commercial space and lobby (with resident entrance).

Mr. Burke reviewed the staff comments for the conceptual plan. He noted that they are proposing setback space to both have some green space in front of the building and that there is a Green Mountain Power line that abuts the property. He spoke about parking, noting that he conducted an informal parking analysis himself and observed an average of 0.88 spaces per unit. He said that given the central location, he does not anticipate high demand for parking, and noted that there are no parking minimums in the VC district. He noted that the entrance is approximately 20' and that the regulations require a minimum of 24', and said that they would request a waiver of this if possible but would also accommodate a 24' entrance if necessary. Community Development Director Yuen said that they have granted waivers of this nature in the past and that he would be comfortable with 20'. Mr. Burke noted that the plans will be revised to show a front entrance through the lobby. He noted two handicapped spaces at grade. He said that in terms of the proposed stipulations in the staff report, he would request modifying stipulation #9 to require a curb cut and driveway of 20' wide, not 24' wide.

Chair Alden expressed concern about Gaines Court being a private driveway and not a public right-of-way and asked staff to look into how this would affect the buffer location, given that there are single-family homes located on Gaines Court. He also asked about the implications of building right to the property line and fire rating. Mr. Burke replied that there will be fire review during the approval process. Community Development Director Yuen noted that in the currently proposed LDC amendments, the 15' buffer would be removed completely in the VC district.

Chair Alden spoke about design and fitting into the general character of the surrounding buildings. He asked for more detail to be put on the sides of the building. He suggested that some of the more recent buildings on Maple Street could be good examples of what the DRB is looking for. He expressed support for having commercial space on the ground floor. He asked about the potential to obtain easements for trash collection. He spoke about the proposed setback, saying that it doesn't line up with other building faces on the street. Mr. Burke replied that the setback offers the opportunity to have a small green space and benches.

Chair Alden opened the discussion up to the public.

Mary Jo Engel, an adjacent property-owner, said that she is generally happy that a development is proposed on the previously neglected property. However, she expressed concern with how close the building would be to her house and how that may affect her property adversely in terms of privacy and being overshadowed. She also asked where the fire access would be, given the narrowness of the roads. Community Development Director Yuen said that the Fire Chief has provided feedback that while Gaines Court is narrow, a truck could access the building via Gaines Court if needed but would require an easement. Chair Alden said that obtaining easements will be necessary.

Marcus Certa asked about the possibilities for green space or solar on the roof of the proposed building, given that the roof would be flat and large. Mr. Burke replied that the roof will be solar-ready.

Christine Kosmider, an adjacent property-owner, expressed concern about the width of Gaines Court and the proximity of the building to her property. She asked that attention be paid to emergency access, given the building that burned down on Gaines Court several years prior. She also noted that snow for Gaines Court is being plowed into an area near the triplexes and asked that thought be put into where

snow is stored in future. She additionally said that she would like to see currently empty commercial spaces be filled prior to constructing more of them.

Chair Alden said that he would like more of an understanding on how Gaines Court is classified from a legal perspective and how it fits into the LDC. Mr. Burke said that Mr. Handy and his legal counsel may have insight, since they have had to deal with that question as adjacent property owners.

6. OTHER DEVELOPMENT REVIEW BOARD ITEMS

None.

7. ADJOURNMENT

MOTION by CHRISTIN GILDEA, SECOND by JOHN ALDEN, to adjourn the meeting.

The motion passed 4-0

The meeting was adjourned at 9:40 PM.

RScty: AACoonradt