MINUTES SUBJECT TO CORRECTION BY THE ESSEX JUNCTION PLANNING COMMISSION. CHANGES, IF ANY, WILL BE RECORDED IN THE MINUTES OF THE NEXT MEETING OF THE COMMISSION.

VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
April 18, 2013

MEMBERS PRESENT: Diane Clemens, Aaron Martin, John Alden, David Nistico, Andrew Boutin (Nick Meyer was absent.)
ADMINISTRATION: Robin Pierce, Development Director
OTHERS PRESENT: Jennifer McClintock, Ryan Edwards, Eric Barendse, Allen Karnatz, Skip McClellan

AGENDA:
1. Call to Order
2. Audience for Visitors
3. Additions/Amendments to the Agenda
4. Approval of Minutes
5. Presentation by Vermont Land Trust of Whitcomb Farm Conservation Project
6. Public Hearing
   - Final Plan, PRD, Six Units, 48 Maple Street, 48 Maple Street LLC
7. Other Planning Commission Items
8. Adjournment

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1. CALL TO ORDER
Diane Clemens called the meeting to order at 6 PM.

2. AUDIENCE FOR VISITORS
There were no comments from the public.

3. ADDITIONS/AMENDMENTS TO THE AGENDA
None.

4. APPROVAL OF MINUTES
January 17, 2013
MOTION by John Alden, SECOND by Aaron Martin, to approve the minutes of 1/17/13 as presented. VOTING: unanimous (4-0)[Andrew Boutin not present for vote]; motion carried.

5. PRESENTATION BY VERMONT LAND TRUST OF WHITCOMB FARM CONSERVATION PROJECT
The Planning Commission received a memo from Vermont Land Trust, dated 3/25/13, regarding the Whitcomb Farm conservation project and a request for a letter of support. Allen Karnatz, Vermont Land Trust, briefed the Planning Commission on the project noting the following:

- Vermont Housing Conservation Board, the primary project funder, is looking for broad and widespread support from the community and the elected officials (Trustees and Planning Commission).

- The village voters approved a donation of $20,000 from the village land acquisition fund. The Trustees submitted a letter of support for the project.
- Vermont Land Trust is seeking other funding sources in addition to the village and doing fundraising.
- The conservation easement on the Whitcomb Farm will be done in two phases over two funding years. The first phase involves 271 acres and the second phase involves 136 acres.
- There is an area of 40 acres excluded from the conservation restriction.
- A solar array done by the farm will be located on 10-15 acres and 10 acres on the southern end of the conserved land is for housing for the Whitcomb family and farm buildings. There is also an area with protected species that is not part of the conserved land.
- Putting the land in conservation limits potential sprawl and pressure on the village sewage capacity.

MOTION by David Nistico, SECOND by Andrew Boutin, that the Village Planning Commission supports the Whitcomb Farm and Vermont Land Trust conservation project as presented. VOTING: unanimous (5-0); motion carried.

6. PUBLIC HEARING

Final Site Plan review for a Planned Residential Development (PRD) to construct six residential units at 48 Maple Street in the R-2 District by 48 Maple Street LLC, owners

Ryan Edwards and Skip McClellan appeared on behalf of the application.

STAFF REPORT

The Planning Commission received a written staff report on the application, dated 4/18/13. Robin Pierce stated the proposal received conceptual approval with four conditions. The applicant has satisfied three of the four conditions. The fourth condition states that evidence is needed to demonstrate the proposal meets the criteria of a PRD including improvements to landscaping. The applicant received a waiver for six units (one more than allowed for the lot size). Lot coverage and building coverage are not exceeded by the development.

APPLICANT COMMENTS

Ryan Edwards and Skip McClellan reviewed the project noting the following:

- The one acre site is tight. There will be a duplex and four single family dwellings of 1,600 s.f. per unit.
- The development will be served by village water and sewer service, natural gas, Green Mountain Power for electricity, and the village storm water drainage system.
- Utilities will be underground and run parallel through the project.
- RMS Creative Landscaping of Jericho was hired to do the landscape plan. The site is packed with as much landscaping as feasible on such a small area.
- The existing grove of hardwood trees will be retained for screening.
- Homeowner association documents have been submitted to the Village Attorney for review.

Robin Pierce noted the utilities are shown as public, but should be privately owned and maintained. Also, all plantings must be species on the list in the Land Development Code.

Colorado Spruce is not on the list and needs a substitute. The applicant agreed to comply with the species listed in the Code.

John Alden questioned whether the proposal meets PRD requirements and should have the density as shown since items that should be included, such as a bike path, open space, playground or other amenities, are not shown on the plan. Robin Pierce stated the proposal provides what the village is seeking (infill development in the center of the village where utilities are located). The access road (driveway) into the applicant's lot will also serve as the bike path for the six houses in the development. The common space is interconnected and the proposal meets the landscaping requirement.

John Alden asked the applicant to explain how the layout and design of the proposal provides the amenities called for in the PRD definition. Ryan Edwards said according to his interpretation of the Staff Report the village is looking for a better landscaping design. John Alden clarified the design of a PRD is special for some reason and the applicant needs to demonstrate what makes the proposal for 48 Maple Street special to qualify as a PRD. Robin Pierce recalled past discussion about a community garden on the site, perhaps in the northwest corner. Skip McClellan stated all the open areas are common and for passive recreation (play area, community garden and such). There are no restrictions. The open corridors are accessible from the street. Another benefit is the infill development and revenue generated by the citizens and the community that is created versus leaving the land undeveloped. Neighbors next to the undeveloped property cannot use the property because it is privately owned.

John Alden stated lot coverage is 40%, but a PRD allows greater coverage and the applicant needs to explain what is being done to achieve 60% lot coverage. The Planning Commission needs to see creative use of open space for example. The applicant needs to demonstrate that the rules of a PRD are met. The density that is proposed is allowed in the zone so that is not an issue. Ryan Edwards pointed out to address PRD requirements the landscaping on the lot is at a maximum, mature trees are to be planted, there is common space, building massing and interesting design (two-family to single family units). Aaron Martin clarified the question is how the proposal exceeds a typical residential development. Ryan Edwards stated if there were six separate lots as in a typical subdivision there would not be common space.

David Nistico observed the landscaping requirement for a PRD appears to be met, but it does not appear there are amenities to show what makes the proposed PRD development different from a conventional subdivision. Skip McClellan suggested a manufactured type playground could be added in the back corner of the lot along with the common space that could be used for recreation or community gardening. There was continued discussion of meeting the requirements of a PRD and not having the project simply be infill density, but rather having a unique and superior treatment of open space as an example of superior design. Aaron Martin suggested staff be allowed to work with the applicant to provide the amenities that exceed a conventional development. John Alden expressed concern that the village's conceptualization of a PRD is not being understood and provided by applicants without staff designing the projects for them.

There was brief discussion of how storm water drainage is handled on the site at 48 Maple Street. Skip McClellan said all drainage is treated and contained on site with grass lined swales and sandy soil. Aaron Martin suggested the landscaping could be coupled with the storm water bio retention with native species as a creative and unique feature of the development. Robin Pierce suggested a small urban orchard could be considered on the site to help meet PRD requirements. John Alden stressed the amenities need to be meaningful to the proposed development and enhance the development with the superior and innovative design.

PUBLIC COMMENT
Eric Barendse, 1 Oak Street, asked for an explanation of a PRD. John Alden explained a PRD requires superior design which takes advantage of opportunities on the site, such as creating a pedestrian/bike path, open space, landscaping. Mr. Barendse asked if children from the area would be able to use the playground on the site. Mr. McClellan stated the amenities would be for the residents in the proposed development because the access road is private. If the road was public then neighbors would be able to use the space. Mr. Barendse asked about maintenance of the lawns and open space. Mr. McClellan stated there will be a homeowners association responsible for maintenance and upkeep of the site and utilities.

Jennifer McClintock, 49 Maple Street, asked if the housing units will be owned or rental units and the number of bedrooms in each unit. Skip McClellan said the three bedroom units could be rentals until they are sold or the owner could rent out a unit. There will be a cap on the number of units that can be rentals. Ryan Edwards stated 40% of the six units can be rentals (two units).

There were no further comments.

MOTION by Aaron Martin, SECOND by Andrew Boutin, to close the public portion of the application by 48 Maple Street LLC. VOTING: unanimous (5-0); motion carried.

DELIBERATION/DECISION
PRD, Six Units, 48 Maple Street, 48 Maple Street LLC
There was discussion of the proposal not demonstrating superior design as required with a PRD and the apparent need to clarify the PRD definition so applicants know what the village is trying to achieve. There was mention of the applicant working with staff and a designee from the Planning Commission to include amenities, such as a playground area and an urban orchard, to help satisfy PRD requirements. David Nistico volunteered as the Planning Commission designee.
The Planning Commission noted the following about the application:

- Finding on superior design – the proposed concentration of the building components to create more open space is a superior design element. Building design is adequate and consistent with the type and design of housing in the area.
- Finding on meeting PRD/PUD requirements – the applicant will work with staff on this matter.
- Finding on the proposal being consistent with the general plan - the proposal meets the village comprehensive plan for the area.
- Finding on circulation – the access road is basically a driveway (dead-end street).

- Finding on open space and landscaping – the proposed landscaping is more than adequate. The open space regulation refers to size, shape, and location of a substantial portion of the lot usable for recreational purposes. The proposed development creates more open space due to the configuration of buildings than a conventional subdivision, but needs to demonstrate how a substantial portion is designed uniquely and special.
- Finding on phasing – phasing of the development is not proposed.

Aaron Martin suggested a condition be added to all applications that the homeowner association shall be responsible for the maintenance and operation of the utilities in the development including the storm water system and that there shall be no discharge off the site. The homeowner association documents should include language to this effect. The Village Engineer should review and approve all the language.

MOTION by David Nistico, SECOND by Andrew Boutin, to accept the application for 48 Maple Street by 48 Maple Street LLC as a PRD and approve the proposal to construct six residential units with the following conditions:

1. **All utilities, water, and sewer, shall be private.**
2. **The access road shall be private.**
3. **All staff recommendations shall be complied with prior to issuance of a permit.**
4. **Post-development storm water runoff from the site shall not exceed pre-development storm water runoff from the site.**
5. **All development work on the site shall meet the Village of Essex Junction Land Development Code standards.**
6. **All required easements to the Village of Essex Junction shall be approved and recorded prior to the issuance of any permits.**
7. **Homeowner association documents shall be approved by staff prior to the issuance of any permits.**
8. **The applicant shall work with staff and the Planning Commission designee to provide the added amenities necessary to meet PRD requirements prior to the issuance of any permits.**
9. **Language shall be added to the homeowner association documents specifying that the homeowner association is responsible for the maintenance and operation of all utilities in the development including the storm water system and that there shall be no discharge off the site.**

<u>DISCUSSION</u>: The Planning Commission concurred moving forward that any applications for a PRD should demonstrate that the PRD requirements are met at conceptual review otherwise the application cannot move to the next level of review. There were no further comments.

VOTING: unanimous (5-0); motion carried.

7. OTHER PLANNING COMMISSION ITEMS

MOTION by Aaron Martin, SECOND by David Nistico, to amend the agenda to add election of officers. VOTING: unanimous (5-0); motion carried.

Election of Officers

Chairperson

MOTION by Aaron Martin, SECOND by John Alden, to nominate Diane Clemens as Chair. There were no other nominations. **VOTING: unanimous; motion carried.** Diane Clemens is Chair of the Essex Junction Planning Commission.

Vice Chairperson

MOTION by Diane Clemens, SECOND by Aaron Martin, to nominate John Alden as Vice Chair. There were no other nominations. **VOTING: unanimous; motion carried.** John Alden is Vice Chair of the Essex Junction Planning Commission.

8. ADJOURNMENT

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

The meeting was adjourned at 7:20 PM.

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