

**VILLAGE OF ESSEX JUNCTION  
PLANNING COMMISSION  
MINUTES OF MEETING  
August 29, 2013**

**MEMBERS PRESENT:** Diane Clemens, John Alden, Aaron Martin, David Nistico, Andrew Boutin, Nick Meyer, Amber Thibeault.

**ADMINISTRATION:** Robin Pierce, Development Director

**OTHERS PRESENT:** Pat Scheidel, Henri De Marue, Russell Kinaman, Deb McCanna, Brad LaRose, Doug Fisher, Matthew Diem, Hugh Gibson, Peter Sloan, Larry Dean, David Roy, Karen Moino, Peter Moino, Martin Courcelle, Doug Henson, Irene Wrenner, Deb Alden, Michael Plageman, Anne Whyte, Trevor Lashua, David Johnson.

- AGENDA:**
1. Call to Order
  2. Audience for Visitors
  3. Additions/Amendments to the Agenda
  4. Approval of Minutes
  5. Public Meeting/Hearing
    - Final Site Plan, Police Station, 145 Maple Street, Town of Essex
  6. Other Planning Commission Items
  7. Adjournment

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**1. CALL TO ORDER**

Diane Clemens called the meeting to order at 6 PM.

**2. AUDIENCE FOR VISITORS**

*Anne Whyte, 10 School Street*

Anne Whyte, 30 year village resident, commented on the proposed development at Five Corners to replace the bank building, noting the following:

- Extra care should be given to allow all citizens opportunity to comment on the proposed building at Five Corners due to the significance of the site and prominence in the heart and soul of the village.
- The architect should make available a 3-D rendering as was done with the crescent connector on the village website or a 3-D mockup of the building showing the exterior and interior.
- A visual presentation is needed to show the scale of the proposal in proportion to the buildings in the area.
- Traffic impacts from the proposed building are enormous for School Street residents who already have to time their travel due to existing traffic volumes.
- School Street to Park Terrace will become a shortcut. Residents could become prisoners on the street due to the traffic.
- Traffic studies should be required to be up to date with impacts before the project breaks ground rather than after 50% occupancy.

*Russ Kinaman, 22 Wildwood Drive*

Mr. Kinaman expressed concern about traffic from the project at Five Corners and asked at what stage in the process of purchase the development is and if permits have been attained. Robin Pierce said his understanding is the developer has an option to purchase based on a successful application before the Planning Commission. Mr. Kinaman spoke in support of retaining the existing trees on the property, noting the property itself is beautiful and fits nicely with the village office and Lincoln Inn. A three story building close to the sidewalk like the VSAC building in Winooski is not desirable. Rather the sidewalk should be extended like a promenade. There could be one or two restaurants on the first floor of the building open to the promenade. To avoid the building looking like a wall the second floor could be set back from the first with outside access via terraces.

*Henri De Marue, 11 Skyline Drive*

Henri De Marue noted his extensive experience in design and construction with prominent architects and spoke of the Chittenden Bank building being an architectural marvel and the focus of Five Corners. Three of the five corners of the intersection are excellent (Chittenden Bank, Lincoln Hall, Memorial). The two commercial corners should be moved to the bypass and replaced with green space. There should not be a huge building like the VSAC building that gives the feeling of entering into a canyon. Mr. De Marue said he envisions an eating venue like the Bristol Café or Garden of Eatin' with reasonably priced sandwiches and pastries and drinks. With the nearby commercial area this should be a great success at lunch. Mr. De Marue spoke in support of doing all that can be done to save the bank building which is an architectural marvel.

*Hugh Gibson, 6 School Street*

Hugh Gibson said he is nervous an approval can be made without village residents clearly understanding what is being proposed. Mr. Gibson said he hopes a traffic study is done before approval and the architects hold a public forum to display what is planned. The information should be posted on the website and made easy to find. The site is prominent in the village and the Planning Commission should take extra steps to get public input on the project. Regarding traffic and the project, Park Terrace is one way and if the road is blocked off then residents on School Street will have to enter and exit onto Route 15 and there will be traffic backups.

Diane Clemens noted meetings are available on Channel 17.org and the public is always welcome to attend Planning Commission meetings and correspond with members through staff. There are public hearings on applications being reviewed by the Planning Commission. Staff tries to post as much information as possible on the village website.

*Deb Alden, 3 Mason Drive*

Deb Alden commended the planning commissioners for their efforts, noting the expectation is the Planning Commission is thorough in the work that is done. Ms. Alden mentioned the development occurring near her house that appears to be happening in two phases with Phase 2 preceding Phase 1 though there was no notification this would be the sequence. Robin Pierce was contacted and indicated "Phase 1" and "Phase 2" does not have meaning. Research will show that is not the common understanding. Mr. Pierce also

said that there is no condition saying Phase 1 must be done before Phase 2. The project approval notes the phases. Ms. Alden said she spoke with other elected officials in the village, but still does not understand the chain of command to support what the Planning Commission does. Ms. Alden expressed concern about the village, development in the village, who is in charge, changes that are made, and enforcement.

George Tyler, Village President, clarified he did not say the Planning Commission is advisory. Monitoring projects and enforcement of the village bylaws is handled by the Village Development Director (Robin Pierce).

*Peter Moino, 14 Kiln Road*

Peter Moino concurred with the statements about not knowing “where the buck stops” in the village and that how changes are made on what the public thought was finalized seems arbitrary. Mr. Moino said his house is adjacent to the development activity and he was not notified prior to the start of construction. The project phases are out of sync. There is a wood mill operating 25’ from the house and the noise shakes the house. The refueling station for the vehicles clear cutting the forest is 25’ from the house. Mr. Moino said this cannot continue and sets a bad precedent. What has happened up to this point is not acceptable. Mr. Moino said he is coming to the Planning Commission directly to protect his rights as a citizen from the caprice of the developer.

*David Johnson, 3 Kiln Road*

David Johnson mentioned the wood chipper being used with the tree cutting operation is right next to his house. Mr. Johnson recalled when his neighborhood was built 30 years ago more trees were removed than planned despite stipulations that the trees remain. With the Village Walk project the Development Director gave approval for a cutting plan that includes the road and it seems the measuring is wider than the road needs to be plus five housing lots have been clear cut. There is concern about oversight of the plan. It is sad to see the trees taken down and it has happened so quickly, creating a large sandpit which will soon be homes for village residents.

Robin Pierce explained the cutting plan includes clearing for three houses and the fire pump. Staff visits to the site two to three times a week confirm the developer is adhering to the plan. Each individual house site requires a permit and plantings and a buffer between neighbors.

### **3. ADDITIONS/AMENDMENTS TO THE AGENDA**

There were no changes to the agenda.

### **4. APPROVAL OF MINUTES**

*July 18, 2013*

**MOTION by John Alden, SECOND by Aaron Martin, to approve the minutes of 7/18/13 with the following correction(s)/clarification(s):**

**Page 6, paragraph beginning “David Nistico asked about the access from Park Terrace”, 5<sup>th</sup> sentence – change “(the curb cut to Maple Street...)” to “(the curb cut to Pearl Street...)”;**

Page 6, paragraph beginning “There was discussion of landscaping”, 2<sup>nd</sup> sentence – change “maple trees” to “Linden trees”.

VOTING: unanimous (7-0); motion carried.

## 5. PUBLIC MEETING/HEARING

**Final Site Plan for an 18,600 s.f. police station with a radio room, pad mounted emergency generator and HVAC chiller, 100’ tall radio antenna, and parking at 145 Maple Street in the L-I District by the Town of Essex, agent for IBM Essex, owners** Doug Henson, Lamoureux and Dickinson, appeared on behalf of the application. Aaron Martin disclosed he is the Utility Director and Town Engineer for the Town of Essex and has prior knowledge of the project. John Alden disclosed he served on the police station study committee #2 in advance of the current design and supports the project. Mr. Alden said he has had conversations with Trevor Lashua regarding the high performance characteristics of the building identified by the study committee #2. The consensus of the Planning Commission and the applicant was recusal by the members was not necessary.

### STAFF REPORT

The Planning Commission received a written staff report on the application, dated 8/29/13. Robin Pierce noted the building will be brick and one storey. The antenna will be visible. Shrubs can be planted in the sight line from Maple Street although it may be good for the public to be able to see where the station is located. Trees to be removed from the site are in the parking lot area or in the footprint of the building. The proposal meets or exceeds setback requirements.

### APPLICANT COMMENTS

Doug Henson gave an overview of the project, noting:

- The 5.5 acre parcel where the new police station will be built is owned by IBM.
- State permitting is in process.
- The lot has been subdivided from the IBM master plan.
- The driveway off Maple Street has existed since 1957 and served a residential property. The driveway was there before Rivendell was built.
- The driveway will only serve the police station and public parking for the station.
- The driveway will be restructured to the police station. The Town will plow the entire length of the roadway (rebuilt and original portions).
- The police will have gated access to a secured parking area with 25 parking spaces. There is the ability for emergency egress from the secured parking area.
- There are three tennis courts and a basketball court in poor condition on the site. The residential house was removed in 2010. The bathhouse was removed in 2002.
- There are healthy and unhealthy mature trees on the site.
- Six existing lights along the existing driveway will be replaced with 13 pole mounted lights spaced down the driveway to illuminate the parking.
- There will be three building mounted lights and some with security cameras.
- Landscaping will include maintaining some of the larger trees (oaks, willows). Shrubs will be planted by both the public and secure entrances.
- The police station building will be four feet below the center of Maple Street so visibility of the structure from the road will be limited.

- There are two berms, one between the building and driveway and one behind the building (made from material on the site).
- The generator and HVAC pad will be inside the fenced area along with the radio room and tower.

John Alden spoke in support of having the building be visible from the road. Consideration could be given to making the antenna tower look better than the standard tower if possible. Also, a note is needed on the height of the parapet (13'4" main roof, 4' increment at the Sallie port and entrance so 17'4" at the highest point). John Alden asked about signage ("Essex Police Department"). Mr. Henson said a stand-alone sign is not proposed. There is a sign on the building. David Roy added there will be 18" high cast aluminum lettering ("Essex Police") on the front roof of the building. After the building is complete signs can be further discussed. Following further discussion there was agreement a sign is needed to inform the public of the location of the station.

Nick Meyer stated the siting of the building and the park-like lot setting is good. Evergreen trees can be planted to limit the view of the antenna. Clarity is needed on tree species to be planted because Ash does not do well in Vermont. Mr. Meyer urged avoiding the sewer line going through the trees, but if this happens the guideline to minimize root disruption is one foot setback for each inch of tree diameter.

Andrew Boutin asked about additions on the building in the future. David Roy, architect with Wiemann Lamphere, said expansion to the south is possible, but the building as presently designed should accommodate the needs of the police for the next 40-50 years.

Diane Clemens asked if the requirements of 'complete streets' will be met (i.e. sidewalk on both sides of major arterials). Robin Pierce noted sidewalk on the south side of Maple Street is part of the master plan for the entire site. 'Complete streets' is not a requirement, but a guideline. Also, the village policy is sidewalk on one side of the street. David Roy noted the plan is to connect the site to sidewalk with a crosswalk. Doug Henson stated a new sidewalk will be constructed to the police building. The existing sidewalk will remain as is. ADA compliance will be met. Ms. Clemens asked about the roadway. Mr. Henson said the driveway is paved and goes to gravel beyond the building, but will be passable for emergency vehicles. Diane Clemens suggested the water meter vault be screened if it is to remain. Doug Henson said Champlain Water District and the village water department asked that the vault not be touched. Screening and landscaping can be added around the structure. Diane Clemens pointed out the sewer service trench detail needs to be revised. Mr. Henson said the change will be made after all input from the review is received. The sewer access (manhole) is at the Rivendell intersection which is owned by the Town of Essex.

There was discussion of lighting. Doug Henson noted the impound area is more brightly illuminated than other areas. The impound area will be enclosed with an 8' high chain link fence.

There was discussion of roadways. Robin Pierce noted the Village Engineer is looking at the driveway as a roadway which is not the case. The IBM master plan has a road on the IBM side of the lot, not on the police station lot which was subdivided from the IBM property. Any change in the character of the driveway will require further review by the Planning Commission.

#### PUBLIC COMMENT

Deb McCanna, IBM, stated the master plan shows an access off Robinson Parkway. The police station driveway ends. A future road across to ADL is shown if needed. The police station driveway is not shown as an access road in the master plan.

There were no further comments.

**MOTION by Amber Thibeault, SECOND by Nick Meyer, to close the public portion of the application for 145 Maple Street (police station). VOTING: unanimous (7-0); motion carried.**

#### DELIBERATION/DECISION

Final Plan, Police Station, 145 Maple Street, Town of Essex

The Planning Commission mentioned the following:

- Landscaping by the entry and concrete vault area;
- Low plantings so the sign is visible;
- Selective plantings for screening the vault area and parking lot;
- Announce that the building is there;
- More beautification than screening with the plantings;
- Do a sign with plantings similar to what is at the town offices;
- Consider adding trees to the existing grove to help soften the sight line to the antenna tower;
- Foundation plantings by the building;
- Add trees where there are unhealthy trees (spruce trees) that will not survive;
- Take measures necessary to protect existing trees during construction with at least 15' setback or one foot setback per each inch tree diameter;
- Flag the trees.

**MOTION by Diane Clemens, SECOND by David Nistico, to approve the application for a police station at 145 Maple Street by the Town of Essex with the following stipulations:**

1. **Comply with all staff recommendations.**
2. **Take all means to protect trees during construction including the location of the sewer service.**
3. **Replace dying trees and work with staff on the selection of replacement trees.**
4. **Focus more on beautification with the screening.**
5. **Discuss cosmetic alterations to the antenna with staff.**

**VOTING: unanimous (7-0); motion carried.**

Pat Scheidel, Town Manager, thanked everyone for the hard work on the project and the Planning Commission for accommodating the applicant with the meeting.

**6. OTHER PLANNING COMMISSION ITEMS**

There was discussion of more ways to inform the public of projects being reviewed by the Planning Commission. Suggestions included Front Porch Forum, village newsletter, website, email blast, Channel 17. The public is encouraged to attend Planning Commission meetings and express their points of view.

The next Planning Commission meeting is September 19, 2013 at 6 PM.

**7. ADJOURNMENT**

**MOTION by Aaron Martin, SECOND by John Alden, to adjourn the meeting.**

**VOTING: unanimous (7-0); motion carried.**

The meeting was adjourned at 7:45 PM.

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