

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
NOVEMBER 21, 2013
AGENDA
6:00 P.M.**

I. Audience for Visitors

II. Additions or Amendments to Agenda

III. Minutes

A. Regular Meeting – November 7, 2013

IV. Public Hearing

A. Final site plan review for redevelopment of Green Meadows Apartments, LLC to demolish 112 units and construct 10 buildings (30 units each) with underground parking, new roadways, emergency access and site utilities at 38 Thasha Lane in the MF2 District, by Rabideau Architects, agent for Dr. Jeffrey Rubman, owner.

V. Other Planning Commissions Items

VI. Adjournment

Pursuant to 24 VSA Section 4464(a)(1)(C) Participation during the public hearing before the Essex Junction Planning Commission is a prerequisite to the right to take any subsequent appeal.

Members of the public are encouraged to speak during the Public-To-Be-Heard agenda item, during a Public Hearing, or, when recognized by the Chair, during consideration of a specific agenda item.

NOTE: The Planning Commission may choose to postpone consideration of any application not started before 10:00 P.M.

This meeting will be held in the conference room of the Essex Junction municipal building at 2 Lincoln St., Essex Jct., VT. Reasonable accommodations will be provided upon request to the Village, 878-6950, to assure that Village meetings are accessible to all individuals regardless of disability.

For information on subsequent meetings on the above mentioned applications, please contact the Planning Department from 8 – 4:30 at 878-6950 or the website www.essexjunction.org.

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
November 21, 2013**

- MEMBERS PRESENT:** Diane Clemens (Chairwoman); John Alden, Nick Meyer, Amber Thibeault, David Nistico, Andrew Boutin. (Aaron Martin was absent.)
- ADMINISTRATION:** Robin Pierce, Development Director.
- OTHERS PRESENT:** Mike McGettrick, Bradd Rubman, Bill Nedde, Kate Soules, Tom Soules, Scott Richardson, Deborah Richardson, Elaine Sopchak, Jeff Rubman, Greg Rabideau, Agnes Cook, Tim Cook, Elizabeth Logan, Brad Dousevicz, Lewis Buchspics.
- AGENDA:**
1. Call to Order
 2. Audience for Visitors
 3. Additions/Amendments to the Agenda
 4. Minutes
 5. Public Hearing
 - Final Site Plan Review, Redevelopment, 10 Buildings (30 units each), 38 Thasha Lane, Rubman
 6. Other Planning Commission Items
 7. Adjournment

1. CALL TO ORDER

John Alden called the meeting to order at 6 PM and facilitated the meeting until the arrival of Chairwoman, Diane Clemens.

2. AUDIENCE FOR VISITORS

There were no comments from the public at this time.

3. ADDITIONS/AMENDMENTS TO THE AGENDA

Robin Pierce noted the job description for planning commissioner is for information only.

4. MINUTES

November 7, 2013

Action on the minutes was deferred to the next meeting.

5. PUBLIC HEARING

Final site plan review for redevelopment of Green Meadows Apartments, LLC to demolish 112 units and construct 10 buildings (30 units each) with underground parking, new roadways, emergency access and site utilities at 38 Thasha Lane in the MF-2 District by Rabideau Architects, agent for Dr. Jeffrey Rubman, owner
Bill Nedde with Krebs & Lansing Engineering and Greg Rabideau with Rabideau Architects appeared on behalf of the application. John Alden disclosed his office has worked with the architect and engineering firm in the past. The Planning Commission felt recusal was not necessary.

STAFF REPORT

The Planning Commission received a written staff report on the application, dated 11/21/13. Robin Pierce reviewed remaining issues to be addressed following conceptual review included:

- Showing 50 additional parking spaces on the site plan (53 are shown);
- Connecting to the path at the tree farm off Old Colchester Road (discussions are ongoing with the high school and tree farm to connect to the existing path);
- Restrictions to be included in the deed language (will be resolved by the Village Attorney);
- Bus stop at the property (CCTA has been contacted and will make the decision on a bus stop after evaluating funding, routes, and timing);
- Emergency access road (approved by the Zoning Board on May 21, 2013);
- Conceptual landscape plan (still needed with list of species, etc.);
- Village Engineer has signed off on almost all comments from the applicant;
- Hydrant at the end of Athens Drive will also serve Athens Drive as part of the water loop system;
- Emergency access road with two gates, one on the building side and one on the street side;
- No permits should be issued until all items are settled including the pedestrian path, landscape plan, protection of the stream, etc.;
- State approvals for the project should be submitted to staff.

APPLICANT COMMENTS

Greg Rabideau noted the following:

- The layers of engineering detail are being vetted through the Village Engineer.
- The three story buildings will have underground parking and a center corridor with an elevator. The smaller buildings (with more one bedroom units) are in the back corner to the larger buildings.
- A variety of trees are proposed for landscaping, concentrated in the center courtyard area. Perimeter landscaping between the project and the tree farm and Athens Drive includes white pine trees, hemlock, hard and soft woods. There is existing mature vegetation on the edges of the development that will remain for the most part.
- The emergency access connection to Athens Drive will serpentine to avoid some mature white pine trees and avoid creating a view corridor. Vegetation will be preserved for screening and as a noise barrier. Additional tree plantings will be done if necessary to fill the gap created by the access road. The applicant is willing to work with residents of Athens Drive to fill in the landscaping on a case-by-case basis.
- Planting species are listed on the master landscape plan and include oak, chestnut, elm, and others. Trees will be spaced at irregular intervals. There will be groupings of trees. A few of the interior trees will be retained.
- The dumpster enclosure will be screened with plantings that will grow to 6' in height.

Bill Nedde reviewed the following:

- Meetings were held with the Army Corps of Engineers and Agency of Natural Resources early in the project.
- The buffer zone by the stream will be restored and the corridor and water quality of the tributary to Indian Brook improved.
- An “aquatic organism passage design” will be done that involves burying a 10’ culvert in the streambed. The water line will be in the same corridor.
- Building and sidewalk placement is essentially the same as shown in the conceptual design which received approval.
- The water line will be 8” from the middle of Athens Drive to the project (the existing 6” line will be removed) and loop to a 6” line on Thasha Lane for better water quality and flows.
- The sewer line will gravity drain to the municipal service. The sewer system for the project will be privately owned. The water main will be publicly owned, but the water services will be privately owned.
- Lighting will comply with the Land Development Code requirements.
- Having a sidewalk on Thasha Lane is not feasible due to the proximity of the stream and wetlands. There would be no room for storm water treatment. Thasha Lane is in the Class 2 wetlands buffer and the Agency of Natural Resources does not want more impervious surface in the buffer. Discussions continue for a path connection to the tree farm.
- The project will be built in three phases. Phase 1 is construction of three buildings, the water line, emergency access, and demolition of three existing buildings. Phase 2 is construction of buildings, 4, 5, 6, and 7, and demolition of four existing buildings. Phase 3 is completion of the full build-out of the project.
- An additional 50 parking spaces are shown along the tree farm side of the project. The additional parking spaces (53 shown on the plan) will only be constructed if needed. The storm water system has been designed to handle the extra parking spaces. There will be one accessible parking space per building.
- Two gates on the access road present a challenge with snow maintenance. The developer will plow the road. Keys for both gates are an issue. The applicant is suggesting signage be posted that there is no through road (“dead end road”) so two gates will not be needed. The road will be maintained through the gate to Athens Drive.
- Indian Brook is an impaired waterway due to sediment. The access road will be 12’ paved with three foot gravel shoulders. Water will drain into a storm water pond. It is better to have a paved surface drain into the storm water pond rather than gravel because of sediment.
- The sidewalk detail for private sidewalk versus public sidewalk is shown.
- The village will be copied on the storm water reports sent to the state. The water easement plan will be provided to the village for review prior to filing in the land records. Profiles showing the depth of the line will be provided to the village.
- A new hydrant will be installed at the end of Athens Drive although one was not required when Athens Drive was built or extended so the applicant is questioning why the project must now provide a hydrant that will mainly benefit Athens

Drive. (Robin Pierce explained the water pressure is not adequate prior to the loop being completed and best practice is to install a hydrant.)

Greg Rabideau requested a height waiver of 10' at the garage door level because from the grade to the roof the allowed height of 35' per the Land Development Code will be exceeded at the garage door level. There will be grading around the buildings for storm water management, but the grading will not be used for measuring building height.

There was discussion as noted:

- Infill screening at the access road - John Alden noted a fair amount of mature vegetation exists on the site and the perimeter will be relatively untouched. Greg Rabideau confirmed except at the access road to Athens Drive and the pedestrian connection to Old Colchester Road the existing established tree line is respected. Mr. Rabideau referred to Sheet L-101, dated March 30, 2013, and read the list of trees and foundation plantings in the landscape plan.
- Line of sight from Athens Drive to Building 3 – Greg Rabideau stated there are pine trees and apples trees that will be retained to screen the buildings. Evergreens on the back side of Building 3 can be added. John Alden suggested flexibility be granted to work with staff to strategically place specific plantings once the work in the field has begun. Nick Meyer noted the distance from the building closest to Athens Drive to the nearest residence on Athens Drive is 200'. The setback requirement is eight feet.
- Gas line from Athens Drive - Bill Nedde stated the line currently crosses the stream and serves existing homes in the development. The same service will be used for the new proposal.
- Path/walkway to the tree farm and if permission was received from the village trustees and town selectboard - Robin Pierce clarified the tree farm must first grant permission and then the village trustees. The town selectboard does not need to be involved because the path connection will be on village property. Bill Nedde said there have been conversations with the tree farm board (which has not yet met to take action) and there is some synergy with the cross-country trail. The path will be a Surepac surface and will be maintained.
- Delineation of the public/private water and sewer lines - Bill Nedde explained there is a municipal main along the stream corridor with a 20' wide easement (Sheet SP-2) and a 12" existing sanitary line. There will be tie-in to the manhole by Building 1. From that point into the project all infrastructure is private. The village will own all the mains up to the curb stops for the buildings and from there to the buildings will be privately owned.
- Lighting the path - Bill Nedde said there will be no lighting along the path. Nick Meyer pointed out there will be a significant increase in traffic on the road with a 250% build out so better connectivity that is safe is warranted.
- Sidewalk and road improvements on Thasha Lane - Robin Pierce stated the road has a blind curve which is dangerous so getting pedestrians off the road (onto a pathway) will be safer.
- Gate at Athens Drive - Bill Nedde noted according to the Fire Chief keys to gates are rarely used in an emergency call. The trucks simply break through the chains.

If there is a gate/barrier on the Athens Road side then the developer will need a key in order to maintain the road.

- Measurement of building height – John Alden noted it is customary to measure from the average finish grade not from the underground parking. The village wants to encourage underground parking with this project.
- Hydrant on Athens Drive – David Nistico commented there is no reason not to install the hydrant with the improved water system. The improvement to the water service will benefit all parties. The 8” line will tap into the existing line on Athens Drive. There will be a valve to allow pressure testing and treatment so the water is potable. Connections onto the 8” line will be made as required by the village.
- Disruption of Athens Drive for the water line work – residents will be notified of activity in the road and the road will be open to one lane traffic only. The disturbed portion of the road will be repaved.
- Increase in water pressure with the increase in the size of the water line – Bill Nedde explained water pressure will remain the same because water pressure is determined by the height of the village water tank. With the larger water line more water (volume) can go through the line so there will be better flow which will help when fighting fires.
- Office building - Greg Rabideau noted the office will be resided to match the exterior of the buildings in the project.
- Recreational amenities – Greg Rabideau pointed out there is a central park space addressed by the buildings in the development. The clubhouse contains meeting space, kitchenette, toilet facilities, and equipment for the adjacent in-ground pool. The project site borders the tree farm and there is a network of trails in place on the tree farm already. Jeff Rubman added the objective is to create a village setting with a community hall that will be the center of activity (exercise room, coffee shop, small theatre/TV area).
- Garden plots – Greg Rabideau stated three storm water retention ponds took significant space on the site so there is no designated garden space. The storm water management system will improve the water quality of the Indian Brook tributary. The ponds will be fenced with 4’ high fencing for safety purposes.
- Significant features on the site – landscaping, mature vegetation, and the stream are significant feature on the site, some of which will be improved with the project. Agency of Natural Resources, Army Corps of Engineers, and Village Engineer will comment on the final design after Act 250 review.
- Drop off from the stream crossing to the streambed – Bill Nedde noted the village ordinance requires 15’ from the ordinary high water mark to the finish grade of the crossing. Decreasing the amount of fill required to meet the ordinance would minimize the disturbance and retain more trees. John Alden questioned if the Planning Commission has the flexibility to waive the 15’ requirement if there is a better design. Diane Clemens stated the Planning Commission could defer to best practices by the Army Corps of Engineers.
- Plantings to the streambed – Bill Nedde stated the plantings will be restored to what is there today. John Alden spoke in support of working with field conditions for improvements in landscaping and having the applicant work with staff on the matter.

- Phase 1, 2, and 3 of the project done in sequence – Greg Rabideau confirmed buildings not affected by Phase 1 will remain. The same will apply with the subsequent phases. Phasing will allow the current residents to stay in place as long as possible. The stream crossing will be done in Phase 1.
- Decrease in the number of three bedroom units – the apartment complex will have market rate units and research indicates the demand is for one and two-bedroom units.

PUBLIC COMMENT

Kate Soules, 27A Athens Drive, read a statement to the Planning Commission from the Athens Drive Citizens Committee, dated 11/21/13, that noted the desire to work with the developer and the Planning Commission on the project and cited seven areas of concern, including the profile of the access road, impact of the water main on Athens Drive, lighting, landscaping/screening, exterior colors of the buildings, and security. Ms. Soules noted the citizen committee appealed the Zoning Board decision on the access road and is close to an agreement with the developer and the village. The agreement covers issues such as the gate and the road surface. Athens Drive residents would prefer the access road not have lighting and the night sky be maintained. Also, the rental agreement for the units should specify that the access road is for emergency purposes only and not for pedestrians or vehicles. Bill Nedde stated one gate with a key for the village, the fire department, and the developer works best for the project. The lighting will be LED full cutoff fixtures on 15' poles in compliance with village regulations. Three lights on the access road will be removed from the plans. Ms. Soules asked about the exterior colors of the buildings. Greg Rabideau said the main body of the building will be a darker color to better recede into the background. Bay windows will be highlighted with a lighter color to break up the roof line. A natural tone roof color will be used. All ten buildings will not be the same color scheme. There are tweaks in design and variety of color schemes on each building for uniqueness.

Deborah Richardson, 25 Athens Drive, expressed concern about teenagers loitering by the bridge at night. Ms. Richardson mentioned the water main which crosses the driveway shared by four residents, asking who is responsible for repair of the water line. Bill Nedde explained the village is responsible for the public portion of the water line and the homeowner is responsible for the connection from the water shutoff to the house. The shutoff to the main is publicly owned.

Tim Cook, 23 Athens Drive, commented lights can either attract or deter activity in the area. Lighting that is not too bright will be fine for security purposes and not encourage hanging out by groups. The access road is not a park. The access road was a big concession by the citizen committee. The road changes the Athens Drive area and the residents would like as little change as possible. Traffic must be controlled so Athens Drive does not become a cut through road. Mr. Cook also commented on the water line, noting that there is an area of village land on Athens Drive that is not maintained currently so there is concern about the village maintaining the water line. Diane Clemens suggested contacting the Board of Trustees if there is a problem with work in the public right-of-way.

Scott Richardson, 25 Athens Drive, expressed concern about the road construction for the water main and ending up with a patched road on Athens Drive. The restoration should include a paved road like Athens Drive is now. Diane Clemens noted the Board of Trustees have a paving project list and Athens Drive residents can inquire as to where their road is in the queue. Bill Nedde noted the road work will be done in the right-of-way. Private property will not be disturbed. There is a 60' right-of-way. The pavement is 25'-30' wide.

Mike McGettrick, 86 Old Colchester Road, asked where the road crossing would be on Old Colchester Road and if additional traffic calming provisions are needed due to the volume of traffic and pedestrians in the area. John Alden stated the crosswalk will be by the corner of the cemetery and the tree farm field. A traffic analysis was done for the project and the report was accepted by the Village Engineer and staff. The traffic for the application was not significant as compared to other traffic on the road. Mr. McGettrick asked if the project will have an impact on the pump station by the high school. John Alden stated the improvements done to the pump station were done with knowledge of the project.

There were no further comments.

MOTION by Diane Clemens, SECOND by Andrew Boutin, to close the public portion of the hearing. VOTING: unanimous (6-0); motion carried.

DELIBERATION/DECISION

Final Site Plan, Redevelopment, 10 Buildings (30 units each), 38 Thasha Lane, Rubman

There following was mentioned:

- Agreement between the residents of Athens Drive and the developer pertaining to the access road - the applicant must inform the Planning Commission of any alterations to the application.
- Path access to the tree farm from Thasha Lane – the path will not have lights (the bike path in the village does not have lights). The location of the path to the tree farm should avoid bisecting the middle of the field. The path is a significant improvement in connectivity.
- Threshold that requires lighting on a road, improvements to a road, or sidewalk – Thasha Lane is a private road. The existing road is in the wetlands buffer so the Army Corps of Engineers may suggest as little disturbance as possible.
- Landscape plan subject to staff approval – the plan may need modification as the project progresses.

MOTION by Diane Clemens, SECOND by David Nistico, to approve the parking waiver as requested in the application by Jeff Rubman for the proposed redevelopment at 38 Thasha Lane to reduce the number of parking spaces from 630 spaces to 509 spaces. VOTING: unanimous (6-0); motion carried.

MOTION by Diane Clemens, SECOND by David Nistico, to approve the Final Plan for redevelopment of Green Meadows Apartments, LLC to demolish 112 units and construct 10 buildings with 30 units each and underground parking, new roadways, emergency access, and site utilities at 38 Thasha Lane in the MF-2 District by Rabideau Architects, agent for Dr. Jeffrey Rubman, owner, with the following stipulations:

1. All staff comments shall be addressed and satisfied prior to any permits being issued.
2. Storm water management shall be provided entirely on-site and the Village Engineer will review final plans for compliance.
3. The proposed 8' wide gravel path from the development to Old Colchester Road shall be maintained by the applicant and approved by the Tree Farm Board and other owners of the tree farm property prior to permits being issued.
4. All work shall comply with the Village of Essex Junction Land Development Code.
5. A parking study shall be done within two years of final build-out of the development to determine if the additional 53 parking spaces are still adequate.
6. Modification of the height required over the culvert shall be allowed to meet best engineering practices in consultation with the Village Engineer and Army Corps. of Engineers.
7. The landscape plan is subject to staff approval and the applicant shall work with staff and affected neighbors to strategically place in-fill plantings.
8. The lighting shall be removed from the emergency access road and it is recommended that the applicant consider streetlights on Thasha Lane as the neighborhood grows in density and popularity in the future.
9. The applicant shall consult with staff and the Village Engineer to review the requirements of Section 709 (private streets) and Section 912 (streetlights) in the Land Development Code to determine the feasibility of improving street lighting on Thasha Lane.

VOTING: 5 ayes, one abstention (Nick Meyer); motion carried.

6. OTHER PLANNING COMMISSION ITEMS

- John Alden will staff a table in Lincoln Hall during the Train Hop on 12/4/13 to promote public participation in the municipal plan update.
- Tree Policy Committee established by the Trustees will work with the Planning Commission on applications and update of the Land Development Code relative to trees.

7. ADJOURNMENT

MOTION by Nick Meyer, SECOND by Andrew Boutin, to adjourn the meeting.

VOTING: unanimous (6-0); motion carried.

The meeting was adjourned at 9:30 PM.

Rcdg Scty: MERiordan

