

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
December 19, 2013**

- MEMBERS PRESENT:** Diane Clemens (Chairwoman); John Alden, Nick Meyer, Amber Thibeault, David Nistico, Aaron Martin, Andrew Boutin.
- ADMINISTRATION:** Robin Pierce, Development Director.
- OTHERS PRESENT:** Paula DeMichele, Hugh Gibson, Ned Daly, Aaron Stewart, Heather Collins, Katharine Fry, Elaine Sopchak, Frank Naef, Greg Duggan, Linda McKenna, Susan McCormack, Henri de Marne, Anne Whyte, Tim Kemerer, Lori Houghton, Jessica Martin, Dan Kerin, Brett Grabowski, Peter Smiar, Greg Rabideau, Jason Starr (Essex Reporter).
- AGENDA:**
1. Call to Order
 2. Audience for Visitors
 3. Additions/Amendments to the Agenda
 4. Minutes
 5. Public Hearing
 - Final Site Plan, 15,000 s.f. commercial space on the first floor, 45,000 s.f. three story residential space, underground parking, waiver of Section 703.B.2 (Loading Requirements), 4 Pearl Street, Milot Real Estate, agent for Chittenden Trust Co., owners
 6. Other Planning Commission Items
 7. Adjournment

1. CALL TO ORDER

Diane Clemens called the meeting to order at 6 PM.

2. AUDIENCE FOR VISITORS

There were no comments at this time from the public.

3. ADDITIONS/AMENDMENTS TO THE AGENDA

None.

4. MINUTES

November 7, 2012 & December 5, 2013

MOTION by John Alden, SECOND by Nick Meyer, to approve the minutes of 11/7/12 and 12/5/13 as written. VOTING: unanimous (6-0)[Andrew Boutin not present for vote]; motion carried.

5. PUBLIC HEARING

Final Site Plan for 15,000 s.f. commercial space on the first floor and 45,000 s.f. three storey residential space, underground parking, and waiver of Section 703.B.2

(Loading Requirements) at 4 Pearl Street in the Village Center District by Milot Real Estate, agent for Chittenden Trust Co., owners

Greg Rabideau, architect, and Peter Smiar, engineer, appeared on behalf of the application. The Planning Commission noted numerous letters were received at the start of the meeting regarding the application. The letters will be reviewed and placed on file.

APPLICANT COMMENTS

Greg Rabideau reviewed revisions to the site plan for the mixed use project in the space currently occupied by Peoples United Bank, highlighting the following:

- There will be 70,000 s.f. of new space comprised of 17,000 s.f. of commercial space on the ground floor and three levels of residential space (51 units with 25 one bedroom apartments and 26 two-bedroom apartments).
- Parking will be underground (garage) and at-grade behind the building.
- The project is redevelopment of the downtown to contribute to revitalization of the village center.
- Building design is compatible with the Victorian era settlement in the village, particularly the Brownell Block.
- The proposed building is broken up with color and texture and recessed sections to avoid a monolith.
- There are multiple commercial spaces, but tenants at this point are not identified.
- The apartments have an interior elevator and interior corridors.
- An urban approach along Park Street and Pearl Street was taken with new street trees of 5" caliper. Maple, elm, and white oak are the varieties. The trees will be in a grate with a steel grill.
- The building is set back from the property line to create social space. The streetscape will have concrete, pavers, waste receptacles, tables, benches, bike racks.
- There is a loss of parking spaces in order to create the social space so a waiver for parking is requested. Also, parking can be shared because the businesses will likely be open when most of the residents are gone to work so parking will be available. The building is an easy walking distance to public transit service.
- There is a variety of layouts for the apartments with regard to location of bedrooms to living space.
- The arched windows facing Five Corners have loft style apartments with two bedrooms. The second bedroom has access to an outside terrace at the back of the building.
- Building façade presents opportunity for tables and chairs for the businesses.
- The pavers are within the property boundary. Discussion is ongoing of whether the village will allow pavers in the right-of-way. The pavers are clay brick lugged and of concrete color over a sand bed so water percolates to the street trees.
- Building façade materials include 350M brick as the nearest match to Drury brick, composite siding of dark blue and dark green, and glass. Colors and materials are synthesized to those prevalent in the village. The glass reinforces

that the building is a collection of smaller structures. Amenities are in black steel including the dumpster enclosures. There is cornice and awnings on the building.

- Color scheme is blue on Park Street and green on Pearl Street. The wings of the building are dark to reinforce relief of the projecting bay windows.

Views of the building from Park Street, Pearl Street, and Five Corners with the street trees at planting and at 15 years growth were shown.

Peter Smiar reviewed the proposed underground storm water runoff system, noting the following:

- Presently water runs across the lawn of the bank and infiltrates or drains into a catch basin then to the municipal system.
- The proposed system will have temporary storage of the water underground to allow percolation into the sandy soil.
- Flow from the streetscape will go to the municipal system.
- Runoff from the roof top will go to the underground treatment.
- Flow from the parking lot and access drive will be directed to the underground infiltration system.
- A majority of runoff from the site will go into the underground infiltration system. There is a significant reduction of drainage with the proposal versus the existing site.
- Regarding traffic circulation on the site, there will be a one-way drive aisle through the at-grade parking. The parking spaces are angled.
- The angled parking spaces are requested to be 8.5' wide to facilitate circulation on the site.
- There is an access drive to Pearl Street.

STAFF REPORT

The Planning Commission received a written staff report on the application, dated 12/19/13. Robin Pierce noted the storm water system design exceeds Land Development Code requirements. Parking on the site is constrained because the building was moved back from the property line to create social space in front where people can walk and sit. The sidewalk width is 23' to 33' in front of the brick façade then narrows to 24' wide. For comparison the sidewalk in front of Martone's is 12'-15' wide.

John Alden commented about the following:

- Easement between the applicant's property and the property to the west on Pearl Street - Brett Milot confirmed there is an easement and the property owner is satisfied with the design of the building.
- Recessed curb shown on the site plan - Peter Smiar explained the recessed curb is where the curb drops down at the access road.
- Exit stair into the driveway and extent of railing around the ramp into the parking garage – Greg Rabideau said there is a 42" high fence for fall protection that also is for the dumpster enclosure. The exit to the driveway can be reexamined.

- Differences in the information received now versus what was received a week ago – Greg Rabideau said the new information is a response to the comments of the Planning Commission.
- Bollards with lights – Greg Rabideau pointed out the bollards on the curve are an implied boundary to the traffic. Lights are not shown on the plan.
- Resident entry at the back of the building has no canopy cover for protection – Greg Rabideau agreed this should be added.
- Trees that provide filtering and shade appropriate for the street environment – the applicant confirmed this is the objective. Ground cover will be a carpet juniper. Tree location on Park Street is on the property side of the sidewalk. Trees are farther out on the Pearl Street side. Robin Pierce noted the tree location is to distinguish between the two sides of the building. The property owner will maintain the sidewalk from curb to building from the vehicle access on Pearl to the vehicle access on Park Terrace.
- No left turn onto Pearl Street from the site – the applicant will take this into consideration.
- Number of parking spaces (38 surface and 48 underground) and not having a space for each unit, acknowledging that the project is designed around public transit being available and that the building could be larger if the ‘social gathering space’ in the front is eliminated – Greg Rabideau stated the driveway took up five parking spaces. Brett Grabowski pointed out there is a high prevalence of one bedroom units in the structure and there is parking for each.
- Material between the brick – Greg Rabideau said cement composite panel with color that blends with the window component will be used.
- Mechanical equipment on the roof – Greg Rabideau said there may be some on the roof. The pad at the back of the parking lot is a transformer. The building will have air conditioning.
- Variation in pitch relative to other buildings in the area (other buildings have pitched roofs versus the flat roof of the proposed building) and the ratio of window opening and glass to brick presents a more modern design (the building could be taller with more brick and space between the window and cornice or the size of the windows could be reduced to allow for more brick) – the applicant will take this under advisement.
- Awnings feel blank and flat compared to the rest of the building (a header course may be needed) – the applicant will take this under advisement.
- The building is well done for street life and the addition of more trees on the corner gives a strong feeling of activity (the development code calls for what has been designed) – the applicant concurred.
- Molded cornice – Greg Rabideau explained the cornice is built by the piece to achieve the needed heft. Brackets are on the corner bay to note the difference in the building sections.
- Canopy over the resident entry in the back of the building – the applicant confirmed this will be added.

Nick Meyer asked about the following:

- Removing and rebuilding sidewalk on Pearl Street – Greg Rabideau said the construction can likely be done without the need to rebuild the sidewalk. The sidewalk that is replaced will be done to village standards.
- Streetlights and gas lines around the building – Peter Smiar stated municipal services (water, sewer) are on the Pearl Street side of the building. Vermont Gas has not been contacted as yet, but it is expected that the utilities will be in a narrow strip of area. There are some building mounted lights and the streetlights that are now in place. There will be three pole lights with two down shield, LED cutoff fixtures each in the parking area and a light on the western side of the lot. A light will be on the retaining wall illuminating the parking garage ramp entrance.
- Tree species and having enough soil volume to be able to survive and thrive (consider using cells underground for soil volume and to help with storm water or plant smaller caliper trees, such as 3” caliper) – Greg Rabideau stated the \$168,000 landscape budget will allow determining what approach works best, smaller trees or advanced technology.
- Convert to condominiums if the market changes and providing the village with the documents specifying who takes care of what – Greg Rabideau said it is not expected the apartments will convert to condos. There can be assurances from the property owner.

Aaron Martin commented on the following:

- Traffic impacts – Peter Smiar stated data for a bank with drive-through service was used for trip generation analysis versus the proposal and the bank had high trip generation compared to the in-fill residential project located near public transit services. The project is designed to promote walkability. The nature of the project is more toward promoting the reduction of traffic. Also, there is a suggested condition of approval that further analysis of traffic be done if necessary in the future.

Diane Clemens asked about the following:

- Roof terrace - Greg Rabideau said the terrace is only available to the loft style units.
- Utility room with hot water storage tanks and the boiler in the garage – Greg Rabideau assured there will be protection from the cars. Some buildings have the utility rooms within the building.

Andrew Boutin asked about the following:

- Number of restaurants and delivery trucks anticipated, expressing concern about parking on the street for deliveries - Peter Smiar stated a box truck design was used to layout the traffic circulation on the site. Mr. Rabideau noted tenants are not known at this point. Pearl Street side appears to be more appropriate for office use. Park Street side of the building has higher ceilings and may be more appropriate for other commercial uses. Deliveries can be managed through the lease. There could be a condition of approval that no trucks beyond a certain size are permitted to deliver to the site or there could be ‘black out’ times for deliveries. Businesses can dictate the size of the truck and time of deliveries.

- Having a generator to provide power in an outage so the drainage system continues to work – Greg Rabideau stated an emergency generator has not been planned for the building. The volume of water will be contained in the sump in the catch basin as well as the water running down the ramp. The facility will be designed to accommodate the volume. The air ventilation system in the building will help prevent standing water. Some of the businesses that locate in the building may require their own generator in case of a power failure.
- No canopy on the front of the building facing Five Corners – Greg Rabideau pointed out there is “lots going on there” and the point was to highlight this. A canopy can be added if necessary.

PUBLIC COMMENTS

Ned Daly, Pleasant Street, commented the building was ‘softer’ looking when rounded. The revised design makes the building stand out more. The issue is access and parking to the ‘showcase location’. The site has the toughest left turn in town and there will be empty stores if the parking and access do not work. Renderings of the building should be posted on line.

Katharine Frye, Hiawatha Ave., asked about security for the building and the driveway into the parking area.

Anne Whyte, School Street, made the following comments:

- Proportionality of the proposed building to other structures in the neighborhood and nothing has been shown to demonstrate the relationship in height and scale to buildings in the neighborhood. Ms. Whyte showed a superimposed picture of the CCV building in Winooski (four story brick) and Lincoln Hall, noting the four story building dwarfs Lincoln Hall. The proposed building should be shown to scale with Lincoln Hall. A rendering showing more of the surrounding building so the scale is apparent should be done.
- Traffic is an issue. Traffic backs up at Five Corners. If a left turn out of the site cannot be made, traffic will back up on the site and drivers will get frustrated and make poor decisions. To make a left turn off School Street onto Pearl Street is a challenge and sometimes requiring a right turn and working around to go left. It is not a good idea to have so many units with tenants and employees using the narrow entrance and narrow street. The bank traffic generation was not as high as the proposal.
- Parking is shown on Park Terrace which is one of the narrowest streets in the village and there is no sidewalk. Cars backing out of the spaces will conflict with cars turning onto Park Terrace.
- Ms. Whyte has operated a business in Winooski for the past 20 years and has been successful in less than 1,000 s.f. of space, but cannot dictate the size of delivery trucks. Deliveries are offloaded and brought into the store up to four times each month. There is no loading dock. Deliveries to the proposed buildings for businesses or tenants will block traffic and create a dangerous situation.
- Just because the building fits does not match the reality of the commercial tenants and working logistically. A bakery would have morning hours and restaurants

would be open in the evenings so apartment tenants and guests would be at the site at the same time.

- The social space fronts Route 15 and Five Corners is not a place for children or pets that may live in the apartments.
- Part of respecting the urban experience is respecting the need for people to have real space.

Henri de Marne, Essex, stated the existing bank, lot and building is an oasis of peace in scale with the Lincoln Inn and the roof tops of surrounding buildings. The proposed building is far out of scale and will turn the area into a downtown Winooski. To do a rendering to show the scale of the building to surrounding buildings would require scanning at the roof level otherwise the building in the background will appear smaller. To access the bank drivers had to use Park Terrace and exit to the right. This will be the same pattern with the proposed building, but far worse. Regarding outdoor tables in the social space, no one will want to sit in the area with the fumes and noise from the traffic. If the site were developed for only a commercial venture, there would be plenty of space for tables and seating. There are two large apartment building projects in the village already (Park Street and Lincoln Street). The proposal will add over 50 more units and if there is not the demand then there will be vacancies.

Linda McKenna, School Street, requested more meetings and information on the proposal so the village at large can be informed. Ms. McKenna asked if the apartments will be rentals or condos for sale and the type of tenants allowed (i.e. subsidized housing). Ms. McKenna also asked about the length of construction time and if there is a snow removal plan.

Hugh Gibson, School Street, stated the building is nice, but too big for the space. The space is the heart of the village. The developer is asking for a waiver for the loading dock and for parking because the building is out of scale for the site. The number of parking spaces proposed at the July 18 meeting on the project was under the requirement in the development code and now the number is being further reduced due to the setback of the building and the width of parking spaces. There may be other issues yet uncovered, such as the width of Park Terrace as a legal road and no sidewalk and changing the neighborhood to commercial. Noise from another business in the area has been an issue, but the regulations are not being violated. The Village is asking that the regulations and development code be followed, but concessions are being made to businesses at the expense of residents.

Jessica Martin, Redwood Terrace, spoke of the transient population in the housing units in Winooski and the new restaurants in old construction which livened the area more so than the large housing buildings. Ms. Martin questioned adding housing without dealing with traffic in the area.

Frank Naef, Park Terrace, pointed out the Village taxpayers pay for the development code and implementation of the code. Mr. Naef noted:

- Typically waivers are granted for obstructions or problems on the property not created by the proposal. The site is flat with no obstructions. The issue is the building is too big for the corner. The developer is asking for waivers so the proposal is not meeting the development code requirements.
- Safety on Park Terrace with truck maneuvers and parking is an issue. Park Terrace is 19'6" wide and UPS trucks making deliveries stop on the road. There are no sidewalks.
- Park Terrace was changed to one-way for a portion to decrease cut-through traffic. With the proposal there will be more traffic and frustrated drivers who cannot get into the flow of traffic on Route 15.
- There is lots of traffic at Five Corners and putting tables and chairs on the corner will not work. As a biker riding with the traffic the fumes are significant.
- Regarding deliveries, a small 15 seat restaurant will have four or five delivery trucks each week. The trucks will stop on Park Terrace. Belted Cow with 45 tables gets seven or eight deliveries a week. Windjammer serves 1,000 people from Thursday through Saturday and has 24-30 deliveries each week.
- The amount of parking is not known since tenants for the first floor are not known. The parking study for the apartments was not for commercial uses.
- There are 17 places serving food within a quarter mile of the site.

Tim Kemerer, Hillcrest Road, said he walks the corner every day and having 24' to 30' of space is better than what is there today. The building fits with the downtown of the village and where development of the downtown center is wanted and expected in the second largest community in the state. Parking and deliveries are issues so more consideration to the layout and Park Terrace should be given. The Village needs to be clear on what the waivers are for and why they are being granted. There should be community discussion on what the rules are and what people want.

Sue McCormack, East Street, stated traffic is a vexing issue in the Village. The Planning Commission must look at the project through the lens of the development code. Through the Heart & Soul project the proposal aligns with core values expressed in the community values. Safety is a value. Vacant buildings are a concern. The proposal will create opportunity for people to be downtown at night and have more activity in the area. The local economy and creating more retail space was another value as was community connection so having space for a coffee shop with WiFi and other retail space will be good. Thoughtful growth was another identified value. Vibrant downtown that is walkable is good.

Greg Rabideau and Peter Smiar responded to the comments as follows:

- Engagement by the community is appreciated.
- Half of the apartment units are one bedroom and not typically with family units with school children. The study showed 10% of school age out of the overall population.
- The units are rentals.

- There is electronic security access to the building via a keypad or key and a security grade roll down door on the garage. There are no control arms on the parking lot.
- The building is located where intense development is encouraged per the development code of the Village. It is unfair to compare the building to buildings in Winooski because the structures in Winooski are closer to the street and six stories in height with 16' wide sidewalks. The sidewalk in front of the proposed building is twice as wide. The building has 9' high ceilings while the buildings in Winooski have 12' floor to floor height with the first floor even higher. The façade of the buildings in Winooski is flat and industrial materials were used.
- The crescent connector road to be built in the village has the potential to a different experience with traffic in the area. The project fits with the crescent connector project which will move traffic more efficiently and help with turning movements.
- The proposed development is being done in the context of other projects in the village to improve the downtown.
- Regarding tables adjacent to traffic, a pizza shop in Richmond puts tables in the parking lot and the tables are consistently fully occupied. The proposal is urban for urban living. People will use the space if designed well. There are other examples in Burlington of outdoor social space in an urban setting.
- The proposal is intended to occupy the space and have people live there. Businesses will thrive with people living at the site.
- There are alternatives for additional parking which can be further explored. If the building is moved to the property line then the parking waiver is not needed, but the social space would be lost. Parking will be shared by the occupants. One parking space per unit and a few for overflow is adequate. There is enough parking for the apartments. Parking for the businesses is not known at this time. There is parking on Main Street so showing parking on Park Terrace is not unique in the village.
- Angled parking spaces are easier to use than parallel parking spaces. The size of a parking space ranges from 7'4" wide to 9'6" wide. The request is for 8'5" wide angled parking spaces and the reference documents demonstrate this will work.
- The project as proposed strikes a good balance. Experience has shown with one and two bedroom units the tenants are not all at the site at the same time.
- There is bus and train service nearby.
- A 42' tall building with 10' from floor to floor and 12' on the ground floor is not inappropriate for the location and is better here than out on the periphery like the box stores in a neighboring town. A two bedroom house is 19' in height plus the roof for comparison.
- Small businesses are envisioned in the building and perhaps one anchor, not enormous places. Business owners will look at the property to see what works for them before locating there. The business can set rules for delivery and manage that. Business owners are interested in the site, but cannot commit because the construction completion date is not known at this time.
- The project is not subsidized housing and will be market rate apartments.

- The property owner can restrict pets. The site is within walking distance to area parks for outdoor recreation.
- The rules of the Village and the feedback received from the Planning Commission were followed with the design. The development is a stage in the evolution of the Village.
- Commercial uses in the first floor of the building were included in the traffic study and there was still a reduction of trips from the site compared to a drive-through bank. ITE Manual guidelines were followed.
- Materials have been submitted to the village planning office. The models are mathematically accurate so what is seen in the renderings and the relationship to Lincoln Hall is accurate.
- Snow will be trucked off the site within two days.
- There is lighting on the building and security measures. The project will provide a presence and lighting on the street which will help with security.
- Construction period will be 15-16 months. Permitting must be complete before construction can begin. The construction will likely coincide with the crescent connector road project.
- The storm water system goes beyond the requirements for drainage in the village.

There were no further comments.

MOTION by Andrew Boutin, SECOND by David Nistico, to close the public portion of the hearing on 4 Pearl Street. VOTING: unanimous (7-0); motion carried.

DELIBERATION/DECISION

Final Plan, Commercial & Residential Development, 4 Pearl Street, Milot Real Estate

There was discussion of the following:

- Parking – decreasing the size of the parking spaces and moving the building back gains public space to be maintained in perpetuity by the property owner.
- Drainage – the applicant has exceeded storm water retention requirements of the village.
- On-site color mockups will be done by the applicant.
- The landscape plan needs to be modified with regard to the sustainability of the trees to be planted and to review options within the budget.
- Comments from village departments (engineer, fire, public works) have been addressed.
- A permit from the village is needed to demolish the existing building. The state will also be involved because the existing building is commercial.
- Signs can be posted on upper Park Terrace indicating “Residential Traffic Only”. There is a “No Parking” sign on Park Terrace now.
- A sign stating “Right Turn Only” should be posted at the access road to Pearl Street or the road should be entry only.
- A traffic study should be done after six months of occupancy.
- A loading zone area by the slip lane to Pearl Street could be designated.

- The residential exit door can be recessed to allow space before entering the parking lot.
- A two hour limit on parking in public spaces to ensure turnover could be implemented. Residents would be exempt from the time limit.

WAIVERS

MOTION by Aaron Martin, SECOND by David Nistico, to approve a waiver for the width of parking stalls to 8'6". VOTING: unanimous (7-0); motion carried.

MOTION by John Alden, SECOND by Aaron Martin, to grant a waiver for the loading dock as requested by the applicant with the stipulation the loading area be designated within the property at the west end of the building by the Pearl Street entrance. VOTING: unanimous (7-0); motion carried.

DECISION

MOTION by John Alden, SECOND by David Nistico, to grant Final Plan approval to Milot Real Estate, agent for Chittenden Trust Co., owner, for 15,000 s.f. commercial space on the first floor and three story 45,000 s.f. of residential units with underground parking, and waiver of Section 703.B.2 (Loading Requirements) at 4 Pearl Street in the Village Center District with the following stipulations:

1. All staff and Village Engineer comments shall be addressed and satisfied prior to the issuance of a permit.
2. The loading requirement is waived with the stipulation the loading area be designated within the property at the west end of the building by the Pearl Street entrance.
3. The diagonal parking width is approved at 8'6".
4. The applicant shall maintain in perpetuity the sidewalk between both vehicle accesses to the property provided Public Works approves the recommendation.
5. The parking is adequate for the site in the Village center.
6. The applicant shall provide and maintain public space (sidewalk and plaza) in front of the building.
7. Storm water retention regulations have been exceeded by the proposal.
8. The applicant shall supply onsite color mockups.
9. The landscape plan shall work within the guideline of 2% of total project cost and the applicant shall work with Village staff and other appropriate professionals (engineers, landscape designers) on changes to the benefit of the tree plantings.
10. The applicant shall submit a traffic study within six months of 50% occupancy of the building to determine adverse traffic impacts to surrounding transportation infrastructure and the scope of the traffic study shall be determined by the Village Engineer, and further, the applicant shall mitigate all negative impacts as determined by Village staff based on a proportionate percentage of traffic generated from the new building.

11. **“Right Turn Only” shall be stipulated from the site on the exit to Pearl Street.**
12. **Entries and exits to the building shall be protected and separated from the access drives.**
13. **The residential entry shall be a protected entry.**
14. **The applicant shall work with staff to slightly reduce the glazing in the center bay of the brick structure.**
15. **Increase in the brick pattern in the signage band is encouraged.**
16. **Roof top equipment shall be screened from view from the street.**
17. **Recommended signage includes “Resident Only” on Park Terrace at the western end of the subject property.**

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

6. OTHER PLANNING COMMISSION ITEMS

None.

7. ADJOURNMENT

MOTION by Amber Thibeault, SECOND by Aaron Martin, to adjourn the meeting. VOTING: unanimous (7-0); motion carried.

The meeting was adjourned at 9:55 PM.

Rcdg Scty: MERiordan

