

**VILLAGE OF ESSEX JUNCTION  
PLANNING COMMISSION  
OCTOBER 16, 2014  
AGENDA  
6:00 P.M.**

**I. Audience for Visitors**

**II. Additions or Amendments to Agenda**

**III. Minutes**

A. Regular Meeting – September 18, 2014

**IV. Public Meeting**

A. Conceptual plan for a proposed 16,465 s.f. Goodwill retail store at 92 & 100 Pearl Street in the TOD District by O’Leary-Burke Civil Associates, agent for Stephen Carbone Inc., owner.

**V. Public Hearing**

A. Final site plan review for demolition of restaurant, office/maintenance building and single family dwelling to construct a proposed 9,286 s.f. apartment building/office space at 40 Park Street in the VC/MCU District by O’Leary-Burke Civil Associates, agent for 222 Franklin Inc., owner.  
*(Application tabled per applicant until first meeting in November 2014)*

**VI. Other Planning Commissions Items**

**VII. 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-Held 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 Community Development Department from 8 – 4:30 at 878-6950 or the website [www.essexjunction.org](http://www.essexjunction.org).

**VILLAGE OF ESSEX JUNCTION  
PLANNING COMMISSION  
MINUTES OF MEETING  
October 16, 2014**

- MEMBERS PRESENT:** David Nistico (Chairman); Diane Clemens, Andrew Boutin, Amber Thibeault. (John Alden and Nick Meyer were absent.)
- ADMINISTRATION:** Robin Pierce, Development Director.
- OTHERS PRESENT:** Paul O’Leary, Jim Cameron, Brad Worthen, Danny Hanker, Virginia Hanker, Scott Rieley, Sheldon Rieley, Stephanie Hanker, Kate Searles Brayton, Karen Alderman, Tim Allard.
- AGENDA:**
1. Call to Order
  2. Audience for Visitors
  3. Additions/Amendments to the Agenda
  4. Minutes
  5. Public Meeting
    - Conceptual Plan, Goodwill Retail Store, 92 & 100 Pearl Street, O’Leary-Burke Civil Associates, agent for Stephen Carbone, Inc., owner
  6. Public Hearing
    - Final Site Plan, Demolition/Construction, Apartment Building/Office Space, 40 Park Street, O’Leary-Burke Civil Associates, agent for 222 Franklin, Inc., owner
  7. Other Planning Commission Items
  8. Adjournment

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**1. CALL TO ORDER**

Chairman David Nistico called the meeting to order at 6 PM.

**2. AUDIENCE FOR VISITORS**

None.

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

Robin Pierce noted the applicant for the proposal at 40 Park Street requested the application be tabled until the next PC meeting to allow time to respond to comments from the Village Engineer.

**4. MINUTES**

*September 18, 2014*

**MOTION by Andrew Boutin, SECOND by Amber Thibeault, to approve the 9/18/14 minutes with correction of the spelling of “storey”. VOTING: 3 ayes, one abstention (Diane Clemens); motion carried.**

**5. PUBLIC MEETING**

**Conceptual Plan for a proposed 16,465 s.f. Goodwill retail store at 92 & 100 Pearl Street in the TOD District by O'Leary-Burke Civil Associates, agent for Stephen Carbone, Inc., owner**

Paul O'Leary appeared on behalf of the application.

APPLICANT COMMENTS

Paul O'Leary explained the proposal to redevelop the former Capital Lincoln Mercury car dealership site at 100 Pearl Street and the building at 92 Pearl Street with a 16,465 s.f. Goodwill store of similar architecture, color, and signage as the existing store in South Burlington. Mr. O'Leary noted the following:

- There are existing Goodwill buildings in Williston and South Burlington.
- Pearl Street was recently redone to have bike lanes, new sidewalks, streetlights, and streetscape.
- The proposed building will have a drive-through in front to accept material. The building entrance is also in the front of the building.
- Of the three curb cuts serving 92 & 100 Pearl Street, the middle curb cut will be closed, the westerly curb cut will be for truck traffic (about four trucks a day) and the remaining curb cut will access the front of the building.
- Goodwill estimates 65 parking spaces will be needed for the retail customers.
- The building will be served by municipal water and sewer.
- Storm drainage and traffic can be addressed as the proposal moves forward, but there are no outstanding issues with the site.
- The building will be one of the most attractive on the street and the business is expected to be vibrant and attract many people. Goodwill provides many jobs as well.
- Retail is an allowed use in the zone.
- The development that the village would like in the TOD, such as high density residential or grid streets, may not work with this property.
- TOD district requires a minimum lot size of 5,000 s.f. The property exceeds that amount. Maximum allowable lot coverage is 100%. There will be 100% coverage. The front setback requirement for the TOD is no greater than 20'. The proposed building is 40' back, but can be moved forward however there will be only one curb cut, the drive-thru will be located on the side of the building, and the building will be the only large building presently that is setback 20' from Pearl Street. Even the porches on the houses in the area are about 35' from the road. The TOD requires the building to occupy 75% of the frontage unless a waiver is granted by the Planning Commission. The proposed building will occupy about 50% so a waiver will be requested. The Planning Commission can also grant a waiver for parking if need is demonstrated. Parking for the Goodwill building will be on the side and back of the building so a waiver will be requested. The window requirement in the TOD will be met.
- The building will be attractive. Goodwill is a good company to be in Essex Junction. Goodwill feels they will be successful at the site as they have been in Williston and South Burlington.

Diane Clemens asked if the existing building will be removed. Mr. O'Leary said there has been discussion of remodeling the existing building and adding space, but the plan right now is to build a new structure. Ms. Clemens asked if the main entrance will be on the McDonald's side of the lot. Mr. O'Leary said the entrance and the drive-thru are on the other front corner of the building. There is a straight wall on the McDonald's side.

Andrew Boutin opined setting the building back would look better than having a huge building close to the road. Mr. Boutin asked about having the material drop-off area on the side of the building rather than in front. The applicant noted the drop-off area is well lighted and there have not been problems being at the front of the building. Diane Clemens observed all the activity - drop off, commercial, retail - is at the front of the building.

David Nistico commented granting the waivers will be setting a precedent. The village is trying to encourage certain development in the TOD and if waivers are granted then the regulations become meaningless. Jim Cameron, builder of the Goodwill store, requested more feedback on what would be allowed on the site and where the Planning Commission has flexibility. Robin Pierce suggested looking in another district, such as Highway Arterial (HA). Paul O'Leary asked if having residential on the second floor of the proposed building and moving the building up to the 20' setback line would help. Parking on the side may still be needed so a waiver may be requested. Mr. O'Leary also asked if 'mixed use' can be done with a separate building for retail and a separate building for residential. Dave Nistico said the lot is large enough, but the Planning Commission would have to review the proposal.

#### STAFF REPORT

The Planning Commission received a written staff report on the application, dated 10/16/14. Robin Pierce said this is the first time in five years that staff has recommended an application be denied, but the proposal did not meet the regulations for the TOD district. The proposal is stand-alone retail, not retail as part of a multi-use building which the zone is seeking. The TOD supports mixed use commercial, retail, and residential. The Highway Arterial (HA) District west of the TOD to the village line at Suzie Wilson Road permits retail by itself. Mr. Pierce noted he has had conversation with the owners of Post Office Square and Essex Junction Shopping Center about development along the street.

David Nistico pointed out the objective of the TOD discusses accommodating a mix of uses in a form to attract pedestrians to achieve the desired goals of the district. The purpose section indicates the Planning Commission should not approve an application that does not comply with the regulations. Diane Clemens added there are requirements in the TOD that are not in other districts. Paul O'Leary countered that the list of items in the TOD does not mean all must be in place. The proposal is not a mixed use, but has mixed uses (pedestrian friendly, 1/3 of the building is recycling of materials, 2/3 of the building is retail, there is an apartment at the back of the lot). Goodwill will have to decide if retail on the first floor and residential above is acceptable. Mr. O'Leary noted there has been little development activity in the TOD and the parcel at 100 Pearl Street

has been on the market for a long time, the section of road could use some sprucing up, tax incremental financing has not gone anywhere, and it is unlikely the two strip malls will be changing in the next 20 years.

#### PUBLIC COMMENT

Karen Alderman, Karen's Kloset, Park Street, asked if a traffic study has been done and questioned the need for another Goodwill so close to two existing Goodwill stores. Ms. Alderman expressed concern about smaller stores being put out of business by the larger Goodwill stores.

Danny Hanker, 88 Pearl Street, spoke on behalf of himself and his mother, Virginia Hanker who lives at 90 Pearl Street. Mr. Hanker mentioned traffic as a concern as well as any impact on the drainage in the area (houses have been flooded in the past). Also, some of the tenants in the apartment building trespass and do not respect private property or other residents in the area. A fence and screening would be helpful to screen the building and help prevent people from cutting through private property. Paul O'Leary stated the existing drainage will essentially be unchanged. More grassed area is proposed which will help with drainage. A fence on the side of the property can be considered.

There were no further comments.

**MOTION by Diane Clemens, SECOND by Andrew Boutin, to close the public portion of the application for a Goodwill building at 92 & 100 Pearl Street.  
VOTING: unanimous (4-0); motion carried.**

#### DELIBERATION/DECISION

Conceptual Plan, Goodwill Retail Store, 92 & 100 Pearl Street, O'Leary-Burke\Stephen Carbone, Inc.

The Planning Commission noted the mixed use requirement is the biggest challenge with the proposal. A number of waivers would be needed, but the language in the regulation says "shall" which cannot be waived. A proposal that complies with the "shall" language is needed. If the project is not what is wanted or intended in the TOD then it is not a good fit.

**MOTION by Diane Clemens, SECOND by Andrew Boutin, to deny the conceptual plan for a 16,465 s.f. Goodwill retail store at 92 & 100 Pearl Street in the TOD District by O'Leary-Burke Civil Associates, agent for Stephen Carbone, Inc.  
VOTING: unanimous (4-0); motion carried.**

#### 6. PUBLIC HEARING

**Final Site Plan Review for demolition of restaurant, office/maintenance building and single family dwelling to construct a proposed 9,286 s.f. apartment building/office space at 40 Park Street in the VC/MCU District by O'Leary-Burke Civil Associates, agent for 222 Franklin Inc., owner.**

Per the request of the applicant the application was tabled until the first meeting in November to allow time to respond to comments from the Village Engineer.

**7. OTHER PLANNING COMMISSION ITEMS**

None.

**8. ADJOURNMENT**

**MOTION by Amber Thibeault, SECOND by Andrew Boutin, to adjourn the meeting. VOTING: unanimous (4-0); motion carried.**

The meeting adjourned at 6:55 PM.

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