

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
JUNE 16, 2016
AGENDA
6:30 P.M.**

I. Audience for Visitors

II. Additions or Amendments to Agenda

III. Minutes

Regular Meeting – May 19, 2016

IV. Public Hearing

A. Land Development Code Amendments

Chapter 1: Purpose, Application and Severability

Chapter 2: Definitions

Chapter 3: Decision Making and Administrative Bodies

Chapter 4: Regulation of Land Use Activities

Chapter 5: Development Review Procedures

Chapter 6: Zoning Districts Regulations

Section 620: Use Table

Section 703.K: Parking and Loading

Section 704.B: Lighting

Section 714.Q: Sign Standards

Section 719.E: Landscaping

Section 722: Conversion of Public Schools

Section 803: Termination of Non-Conforming/Non-Complying Status

Section 906: Streets

Section 913: Utility Lines

Section 1416: Private Water Lines

Chapter 17: Appeals

Appendix A: Public Works Specifications

Public Works Detail Drawings Updated

Added New Documents

1. Community Development Public Participation Guide
2. Flowchart Depicting Development Review Process

B. Conceptual plan review for a Planned Residential Development to retain an existing single family dwelling and the proposal of two additional single family units at 32 Lamoille Street in the R-2 District by O'Leary-Burke Civil Associates, agents for Donald and Marcy Morgan, owners.
(Meeting postponed by applicant on May 19, 2016)

C. Final site plan review for a Planned Residential Development to retain an existing single family dwelling and the proposal of two additional single family units at 32 Lamoille Street in the R-2 District by O'Leary-Burke Civil Associates, agents for Donald and Marcy Morgan, owners.
(Meeting postponed by applicant on May 19, 2016)

V. Other Planning Commission Items

VI. Adjournment

This meeting will be held at 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.

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
June 16, 2016**

MEMBERS PRESENT: David Nistico (Chairman); John Alden, Amber Thibeault, Diane Clemens, Andrew Boutin. (Joe Weith and Nick Meyer were absent.)

ADMINISTRATION: Robin Pierce, Development Director; Will Hayden, intern.

OTHERS PRESENT: Karen Roberts, Daniel Blankenship, David Viau, Amy Vensel, Stuart Timmons, Katie Rick, Patricia Eno, Rich Garimen, Daniel Heil, David Burke, Donny Morgan, Marcy Morgan.

- AGENDA:**
1. Call to Order
 2. Audience for Visitors
 3. Additions/Amendments to the Agenda
 4. Minutes
 5. Public Hearing
 - Land Development Code Amendments
 6. Public Meeting
 - Conceptual Plan & Final Plan, Planned Residential Development (PRD), Three Single Family Houses, 32 Lamoille Street, Donald and Marcy Morgan
 7. Other Planning Commission Items
 8. Adjournment
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1. CALL TO ORDER

Chairman David Nistico called the meeting to order at 6:03 PM.

2. AUDIENCE FOR VISITORS

None.

3. ADDITIONS/AMENDMENTS TO THE AGENDA

Robin Pierce noted an email from Jerry Firkey was received 6/16/16 re: buildings in the Village Center District (VCD) over 40' in height and having design review in the VCD.

4. MINUTES

May 19, 2016

MOTION by Amber Thibeault, SECOND by John Alden, to approve the minutes of 5/19/16 as written. VOTING: 4 ayes, one abstention (Andrew Boutin); motion carried.

5. PUBLIC HEARING

Land Development Code Amendments

The public hearing on amendments to the Land Development Code (LDC) was opened at 6:05 PM. Amendments were made to Chapters 1-6, Sections 620, 703.K, 704.B, 714.Q,

719.E, 722, 803, 906, 913, 1416, Chapter 17, Appendix A, Public Works Detail Drawings. Added documents include the Community Development Public Participation Guide and Flowchart Depicting Development Review Process.

The following comments from the Planning Commission were made:

- “Temporary structure” and “temporary use” should have separate definitions in the LDC.
- Section 503.H.2 should include the statute notation confirmed by the Village Attorney.
- Confirm that the corrected section has been added in Section 506.
- Confirm “y” is removed in Section 511.
- The paragraph re-work (“Permits for storm water discharge...”) needs to be inserted in Section 513.G.
- Section 604.a (Purpose) should be reworded to say the Trustees voted to study the closing of Main Street.
- Subsections ii & iii are not necessary in Section 604.e.6.
- The building height subsection in Section 608 needs to be confirmed as either “e” or “f”.
- There should be three figures in Section 719.
- Professional Office Overlay should be Section 722.
- The “4” should be deleted in “Section 7234”.
- Section 104.B shows the same deletion as in “A”.
- In Section 115 (Sanitary Sewer Specs) the three paragraphs that follow the section appear to be missing.

There were no comments from the public. The public hearing was closed.

MOTION by John Alden, SECOND by Diane Clemens, to approve the updated LDC with the changes noted on 6/16/16 and forward the document to the Board of Trustees for adoption. VOTING: unanimous (5-0); motion carried.

6. PUBLIC MEETING

Conceptual Plan and Final Plan for a Planned Residential Development (PRD) to retain an existing single family dwelling and add two single family units at 32 Lamoille Street in the R-2 District by Donald and Marcy Morgan

Daniel Heil and David Burke with O’Leary-Burke appeared on behalf of the applications.

STAFF REPORT

The Planning Commission received a written staff report on the application, dated 6/16/16. It was noted the applicant choose to have both conceptual and final plan review. Robin Pierce pointed out the affordable unit will be perpetually affordable through Housing Vermont which has very strict standards.

John Alden asked about the request for a waiver for 1,751 s.f. Robin Pierce explained the 20% density bonus is met with the affordable house so the waiver is not needed.

APPLICANT COMMENTS

Daniel Heil reviewed the proposal for a three unit PRD at 32 Lamoille Street that includes an existing single family house plus two new houses. The existing garage will be removed. The staff notes and recommendations have been addressed. The recommendation to access from Mansfield Avenue for Unit #3 was considered, but the decision was made to have access to all three units off Lamoille Street. To minimize the number of curb cuts one driveway will serve all three houses and allow an open area between Unit #2 and Unit #3 which is an important amenity for the PRD. Having access from Mansfield Avenue will add impervious area and require a waiver because more than 15% lot coverage for impervious area would be exceeded.

John Alden questioned if the proposal qualifies as a PRD with innovative design. Dan Heil pointed out there is open area between Unit #2 and Unit #3 with planter boxes and a pervious paver path from Unit #1 to the common area. David Burke noted the first iteration was a duplex, but staff said this is not allowed so the proposal was redesigned working with staff to the current layout. The area is a high density zone. There is an affordable unit as part of the development. The proposal is .23 unit short on density so an 8.3% bonus is requested for the affordable unit (33% of the development is affordable housing). There is 68.1% open/green space on the parcel less 14.5% for the driveway and walkway. The open space will be shared use and maintained by the homeowners. There is an abundance of landscaping proposed. Staff agreed that with the proximity to village parks a playground area on the lot is not needed. With regard to innovative design, the proposal is different from a straight three lot development.

There was continued discussion of access off Mansfield Avenue rather than Lamoille Street and the nearness of the units to each other. David Burke said the back of Unit #3 would be in the open space if access is from Mansfield Ave. and staff gave direction to focus on open space. Unit #3 is approximately 50' from Mansfield Avenue and trees screening the road will be planted. Regarding Unit #3 essentially having two front doors, a gable end can be added on the deck to make the back porch look conventional, said Mr. Burke. There was further discussion of different layouts to allow access to Unit #3 from Mansfield Avenue.

John Alden asked about a path to Mansfield Avenue to allow pedestrian access. Dave Burke said the open space is common land available to the unit owners, but the property is privately owned so a public path would not be wanted.

PUBLIC COMMENT

Karen Roberts, 28 Lamoille Street, asked about the easement on the lot and impact on the total square footage used to calculate lot coverage. Dave Burke explained an easement is still part of the lot and considered in the calculation. Karen Roberts made the following comments:

- The PRD is a win for the village with increased taxes for two units because the water and sewer is private and a win for the Morgans who get a new house plus revenue from the two additional houses, but there is not a win for the neighbors. The Morgan could expand their existing house and add one more house.

- Lower income housing will lower property values. Affordable housing should be in high density development with other units.
- The PRD is out of step with the rest of the neighborhood. Calling picnic tables and planters amenities is questionable. The parcel may not be appropriate for a PRD.
- There is impact on the infrastructure. The street is narrow. Water pressure is bad. More houses may create more of an issue.

Stuart Timmons, 12 Lamoille Street, mentioned his choice to live on a quiet, dead-end street which has already seen two additional houses built on the backside of lots. The current proposal will add two more houses. Mr. Timmons made the following comments:

- The street is not wide so adding more cars on a daily basis is a concern.
- Granting a density bonus in this part of the village should be reconsidered. There is much multi-family housing being built on Park Street.
- Residents are paying more for utilities (water, sewer) to cover additional housing and people moving to the area.
- Having conceptual plan and final plan review of the proposal in one meeting is a concern.
- The PRD does not seem to have met the requirements. Proximity to parks does not make sense to give waivers for on-site land usage.
- Repositioning the two new houses to access Mansfield Ave. would alleviate impact on Lamoille Street

Patricia Eno, 16 Lamoille Street, said there have been no upgrades to the water and sewer service on the street. The sewer system is overtaxed. The street is a cul-de-sac and there is lots of traffic with rubbish trucks, UPS, FedEx, and residents. The street is like a washboard and not scheduled for upgrade any time soon. There are many children less than 10 years old on the street and no sidewalks. Adding more cars because of more houses is a concern. There will be construction vehicles on the street when the new houses are built.

Katie Rick, 7 Lamoille Street, echoed prior comments about the proposal.

A gentleman asked about ingress/egress by emergency response vehicles. Robin Pierce explained the proposal is reviewed by department heads (engineering, public works, storm water, fire department). Comments are included in the staff report. Private infrastructure must be built to village standards. David Burke further explained private utility means the resident is responsible for the infrastructure from the curb to the house. The service is connected to public works.

Amy Vensel, 30 Lamoille Street, said she is not opposed to subdivision of the lot, but the property owner needs to be responsible to the environment and the neighbors. Ms. Vensel said the proposed Unit #2 will impact outdoor use of her house. There is lots of traffic on the street. The proposal is not in scale with the rest of the area and does not go with the aesthetics of the neighborhood the Morgans sought out to live in.

Daniel Blankenship, 27 Lamoille Street, agreed with the comments about the street and traffic and new development. Mr. Blankenship said car headlights shine in their living room now. If there are two cars parked on the street an emergency vehicle cannot get through. The proposed affordable unit lot has no garage and no land, and is smaller than any lot in the village.

David Viau, 27 Lamoille Street, asked if there will be a homeowners association. David Burke said there will be a homeowners association. There will be common maintenance, no unregistered vehicles allowed, rubbish must be kept inside and there will be one rubbish truck for pickup. Unit #2 and Unit #3 (market rate units) have two car garages and space to park two cars in the driveway. Unit #1 (affordable unit) has two parking spaces and no garage.

Mr. Burke stated the Morgans will live on the site and want to have a nice project. The proposal meets the LDC regulations. Minimum lot size requirement is 7,500 s.f. so the Morgan lot has much more development potential than two additional houses. No variance has been issued and only an 8.3% density bonus is requested. The LDC states 20% bonus for 10% affordable housing in the development. The request is for 8.3% bonus for 33% of the development being affordable housing. Regarding PRD requirements, the lot is smaller so it is harder to meet the PRD requirements that are geared toward larger parcels. With the proposal 53% will remain open space. A large number of amenities are not needed because there are fewer users. The village is encouraging affordable housing and affordable housing is being provided. The amount and quality of landscaping is met. There are no outbuildings proposed. If a two lot subdivision was done the second house would be larger so the density would be similar and there would be no common maintenance requirements. The protections are higher with the PRD proposal than with a straight two lot subdivision. The raised garden beds, picnic table, and common space are PRD components.

Dave Nistico explained the Planning Commission applies the Land Development Code to applications and if a proposal meets the regulations then the proposal moves forward. Regarding the condition of street and utilities, the village has a committee that ranks capital projects such as streets and sidewalks for inclusion in the Capital Budget.

There were no further comments.

MOTION by Amber Thibeault, SECOND by Diane Clemens, to close the public portion of the hearing on Conceptual Plan and Final Plan review for a PRD at 32 Lamoille Street by Donald and Marcy Morgan. VOTING: unanimous (5-0); motion carried.

DELIBERATION/DECISION

Conceptual Plan & Final Plan, PRD, Three Single Family Houses, 32 Lamoille Street, Donald and Marcy Morgan

There was discussion of the project meeting the rules and discussion of the PRD elements of superior design, creation of open space, amount and quality of landscaping,

connectivity, and massing. There was discussion of a path connection to Mansfield Avenue being worked out with staff and adding landscaping on the property line by the Vensel side.

MOTION by John Alden, SECOND by Diane Clemens, to accept the proposal as a PRD based on amenities and quality design including the amount and quality of landscaping, interconnectivity of common space, and non-monotonous design. VOTING: unanimous (5-0); motion carried.

MOTION by Diane Clemens, SECOND by Amber Thibeault, to approve the conceptual design for a three unit PRD at 32 Lamoille Street by Donald and Marcy Morgan. VOTING: unanimous (5-0); motion carried.

MOTION by Diane Clemens, SECOND by Andrew Boutin, to approve the Final Plan for a three unit PRD at 32 Lamoille Street by Donald and Marcy Morgan with the following conditions:

1. The sewer system and access drive shall be private.
2. All staff recommendations shall be complied with prior to issuance of any permits.
3. Post-development storm water runoff from the site shall not exceed pre-development storm water runoff from the site.
4. A new 5" Storz connection on the existing hydrant shall be installed by the applicant.
5. All development work on the site shall meet Essex Junction Land Development Code standards.
6. All easements to the Village of Essex Junction shall be approved and recorded prior to the issuance of any permits.
7. Homeowner documents shall be approved by village staff prior to the issuance of any permits.
8. No Certificates of Occupancy shall be issued until all village requirements have been met by the applicant, heirs, and/or assigns.
9. The affordable house shall meet Section 724.H of the Land Development Code and include that the affordable house shall be sold or rented in line with the affordability standards stated by Vermont Housing Finance Agency and tied to the 80% median (low income level) and purchase price levels for the greater Burlington area. If rented, the affordable house shall be rented at the rates stated by Vermont Housing Finance Agency and rented to those who qualify at 80% median income level for Chittenden County.
10. It is suggested the applicant consider repositioning Unit #3 to allow access from Mansfield Avenue and free up more internal space for common use and reduce driveway coverage. The Planning Commission must approve the additional curb cut as part of the application approval if the applicant chooses to modify the design.
11. The applicant shall ensure an unimpeded pedestrian connection between Lamoille Street and Mansfield Avenue via the site.

12. **The applicant shall work with staff on additional landscaping on the northwest side of the property and to satisfy view issues from the neighboring parcel.**
13. **The applicant shall correct Sheets 1, 2, and 3 to say "Maple Street", not "River Road", Sheet 1 to change the building height from three story to two story, and Sheet 3 to change "brass" to "grass".**

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

7. OTHER PLANNING COMMISSION ITEMS

Robin Pierce said a proposal to do a pilot study on Park Terrace that temporarily closes the one way portion to traffic to see the effect will be brought to the Trustees for approval. Many complaints have been received about cars going the wrong way on the one-way section to get to the two-way portion of the road. Essex Police agreed the one-way section should be closed to vehicles and opened to bikes and pedestrians.

8. ADJOURNMENT

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

The meeting was adjourned at 8:18 PM.

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