

**VILLAGE OF ESSEX JUNCTION  
PLANNING COMMISSION**

**MAY 4, 2017**

**AGENDA**

**6:00 P.M.**

**I. Audience for Visitors**

**II. Additions or Amendments to Agenda**

**III. Minutes**

A. Regular Meeting – March 16, 2017

**IV. Public Hearing**

- A. Site plan review for Phase I of an approved Master Plan to construct a 4 storey multi-unit elderly housing building with 43 one-bedroom apartments at 9 & 11 Park Street in the VC District, by Ruggiano Engineering, agents for Handy's Hotels & Rentals LLC c/o Gabe Handy, owners.
- B. Master Plan review for a proposed mixed use development of a 1.88 acre parcel for a drive through restaurant, existing retail space and a four story 54 unit hotel at 92 – 100 Pearl Street in the TOD District, by Jiddu/Sittu Trust, owners.

**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 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  
May 4, 2017**

**MEMBERS PRESENT:** David Nistico (Chair); John Alden, Amber Thibeault, Andrew Boutin, Steven Shaw, Joe Weith. (Diane Clemens was absent.)

**ADMINISTRATION:** Robin Pierce, Development Director.

**OTHERS PRESENT:** Gabe Handy, Michelle Dufresne, Luke Willey, Darren & Meredith Connolly, Virginia Hanker, Danny Hanker, Judy Naef, Frank Naef, Anne Whyte, Christine Diem, Janet Wilson, Luke Dousevicz, Chris Burnett, Bryan Cho, Jason Rengo, Linda McKenna, George Tyler, Patrick Nolls, Ed von Situs.

- AGENDA:**
1. Call to Order
  2. Audience for Visitors
  3. Additions/Amendments to the Agenda
  4. Minutes
  5. Public Hearing:
    - Site Plan, Four Story Residential Building, 43 Elderly Housing Units, 9 & 11 Park Street, Gabe Handy
    - Master Plan, Mixed Use Development with Drive-Thru Restaurant, Existing Retail Space, and Four Story Hotel with 54 Units, 92-100 Pearl Street, Jiddu/Sittu Trust
  6. Other Planning Commission Items
  7. Adjournment

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**1. CALL TO ORDER**

Chairman David Nistico called the meeting to order at 6 PM and noted going forward the agenda will state public comments will be limited to three minutes or less.

**2. AUDIENCE FOR VISITORS**

There were no comments from the public on matters outside the agenda items.

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

None.

**4. MINUTES**

*March 16, 2017*

**MOTION** by John Alden, **SECOND** by Amber Thibeault, to approve the minutes of 3/16/17 as written. **VOTING: unanimous (6-0); motion carried.**

**5. PUBLIC HEARING**

**Site Plan review for Phase 1 of an approved master plan to construct a four story elderly housing building with 43 one bedroom units at 9 & 11 Park Street in the VC**

**District by Ruggiano Engineering, agent for Handy's Hotels & Rentals, LLC, c/o Gabe Handy, owner**

Luke Willey with Ruggiano Engineering, Michelle Dufresne with Innovative Design, and Gabe Handy appeared on behalf of the application. There were no announcements of conflicts of interest or ex parte communication. Individuals to give testimony on the application were sworn in.

**STAFF REPORT**

The Planning Commission received a written staff report on the application, dated 5/4/17.

**APPLICANT COMMENTS**

Luke Willey highlighted the following on the elderly housing project proposed for 9 & 11 Park Street (corner of Park Street and Park Terrace):

- The lot is owned by Gabe Handy.
- The master plan was approved last year. Phase 1 includes the development of the wooded back parcel adjacent to Park Street School with 43 units of elderly housing in a four story building. Parking will be underground (20 spaces). There will be eight surface parking spaces.
- Traffic flow will be directed away from Park Terrace. Entry will be off Park Street with exit to the school lot via an access agreement with the school. The existing curb cut on Park Street will be used.
- Municipal water and sewer that will serve the site will be accessed from Park Terrace.
- Storm water will be captured in the driveway area and infiltrate via an underground system in the driveway.
- Sidewalk will be installed along the front entry to the building on Park Street.
- The dumpster pad and dumpster will be enclosed and screened. There is a snow storage area.
- Landscaping will include screening and buffering for the neighboring areas. There will be landscaping around the patio area. Additional landscaping will be added to the front of the site.
- Lighting will include the entryway off Park Street, lights on the building, around the driveway and pedestrian access. The lighting is designed for minimal or zero bleed over to the extent possible. Minimal lighting for pedestrian and traffic use is planned.
- Following a half inch adjustment to the grade elevations all areas are compliant.

Joe Weith asked about storm water drainage and if a state permit from DEC will be needed. Luke Willey said less than an acre of impervious surface will be created so a DEC permit is not needed. The storm water system will meet the Land Development Code requirements. The system includes catch basins and pipes using gravity collection of water to underground chambers. The water will be held and eventually infiltrate out. The system is designed for the 10 year storm. There is an overflow design into the municipal system for storms exceeding the 10 year storm threshold. The storm water system is passive without pumps. The storm water system has some capacity to accommodate Phase 2 of the development depending on the use of the new buildings.

Amber Thibeault asked about utilities. Luke Willey said gas and electric services are not shown on the plan as yet, but it is assumed the services will come off Park Street.

David Nistico asked about the view corridor to the school. Luke Willey stated a strip of existing vegetation will remain in place or will be replaced if lost during construction. David Nistico asked about the grade of the parking garage. Mr. Willey said a grade modification will be done at the entryway of the garage and storm water collected at that location.

There was a question about an easement to alter the area on the school property during construction. Gabe Handy explained there is an easement for egress and a separation of about 15' at the back of the building. Luke Willey stated some construction easements may be needed.

John Alden pointed out the building as shown is on the edge of the lot line so there will not be any vegetative buffer. Luke Willey said the scrub vegetation there now will be left if possible, and if not, then will be replaced according to the site plan. There could be an arrangement with the school to do plantings on the boundary line with the school property. John Alden stated the properties impacted by the development need to be addressed in terms of buffering/screening and the Planning Commission needs to know the treatment. Luke Willey said the landscape plan shows the treatment. The project site is tight and as much space as possible was left for landscaping and screening. Existing vegetation will remain wherever feasible. The buffering/screening is dense evergreens. Around the building will be a mix of low shrubs and perennials. David Nistico referred to the staff notes that say 2% of the project budget will go toward the landscaping. If screening is needed on village/school property some of the landscaping funds can be used. Robin Pierce suggested a hedge which blocks the view of the project and breaks up building mass. The hedgerow should be of different species, evergreens and deciduous trees.

John Alden asked about the emergency exit from the parking garage going onto someone else's property. Michelle Dufresne said if there is an easement for egress from the property there should not be a problem. David Nistico said the easement is for use as a driveway so the emergency exit detail needs to be clarified. A building exit easement may be needed.

John Alden asked about lighting with two heights of bollard lights. Luke Willey said the physical constraints of the site make it difficult to balance the amount of light for vehicles and pedestrians without overflowing onto adjacent properties. The sidewalk and access road on the site will be private.

Joe Weith stated the types, number and size of species to be planted on the west and south property lines need to be shown on the site plan. More screening is needed on the western edge of the driveway and along the northern side. The applicant may want to speak with neighbors on what they want for screening. Also, the sidewalk is shown on

the property line so a slope easement will be needed. Luke Willey said the sidewalk will match the grade of the land.

John Alden observed the building is four stories at the short end and five stories at the exposure on the east end of the parking. Michelle Dufresne reviewed the building elevations. Building colors are dark olive green with beige on top and bronze trim to match the shutters. There will be horizontal vinyl siding and cement board. Windows project out six inches. The entryway projects out 2.5' from the front face of the building.

Andrew Boutin asked what holds the retaining wall together. Luke Willey said the wall is dry stack. The apex is four feet then tapers at the corners. Andrew Boutin suggested the buildings have gables to break up the monolithic appearance.

Joe Weith asked if the existing uses on the property will continue in the Phase 2 portion of the development. Gabe Handy said there are some leases with the existing business that expire in 2018 and other leases that are month-to-month.

#### PUBLIC COMMENT

Robin Pierce noted an email from a resident was received speaking in favor of having more senior housing in the village.

Meredith and Darren Connolly, 5 School Street, pointed out their house and garage are located close to the property line and will be impacted by the proposed development. The buildings are not shown on the site plan for the development. Ms. Connolly submitted a picture from the Assessor's Office of the Connolly house and garage which is 10' from the property line. It was noted there are hardwood trees that need to be protected during construction. Ms. Connolly asked how high the vegetation or the fence will be, noting with a four story building the residents will be able to look into the bedroom in their house. Michelle Dufresne said the vegetation will not hide the building. The building is part of a master plan for two more buildings along Park Street with store fronts at street level and residential above. There is demand for housing in the village. Windows on the proposed building have been kept to a minimum with most of the windows on the side to help with privacy.

David Nistico noted the proposed plan conforms to the Land Development Code for the VC (Village Center) District. The Code is written to promote this type of development. John Alden added there are ways to do the building so it fits, but the Planning Commission has not yet seen drawings on screening, massing, proximity to neighbors. Having the building closer to the school rather than the residences is good. There is some buffer and screening that can be saved and some added to preserve the view corridor of the historic school.

Joe Weith suggested superimposing the building onto a photo of the site that includes School Street and Park Street School.

Frank and Judy Naef, 4 Park Terrace, stated lights from vehicles will shine into their backyard and onto the back wall of the house. A solid screen of evergreens, not split rail fence, is needed. Robin Pierce again suggested a cedar hedge. Luke Willey pointed out the traffic circulation is one-way and there is screening proposed for headlight shine.

Residents asked about venting for the parking garage and sound proofing measures. Michelle Dufresne said a 'doghouse' structure can be built over the fan in the wall of the garage if noise becomes an issue. The fan runs based on the amount of exhaust.

There was suggestion to have the parking located between the school and the new building. Robin Pierce said it was thought better to locate the building away from backyards and closer to the school which is rarely used at night. John Alden added the proposed building may not be seen if the vegetation that is there now is maintained. Luke Willey said a continuous dense mixed evergreen screening along the entire back property line can be maintained. With the direction of the flow of traffic and the screening there will not be an issue with headlights and that is why a split rail fence is proposed. A hedgerow will impact the sidewalk. Typically pedestrian access is provided to the main entrance of a building, but if the requirements of the village are met for pedestrian access without the sidewalk then the hedgerow can be installed instead. Joe Weith suggested having a visual buffer along the north property line on the Naef side and then sidewalk. John Alden suggested having the paved area for vehicles to back up also be part of the sidewalk. Robin Pierce suggested having a pedestrian sidewalk on the blacktop pulled back from the Naef property and putting in screening.

John Alden asked about a solid fence rather than screening. Frank Naef said their property is screened from the school property now so a semi-solid six foot high fence would be good along with some cedar trees.

Following further discussion there was agreement the applicant needs to work with staff on the landscaping issue.

Janet Wilson, 2 School Street, asked that the applicant do a 3-D model of the buildings and existing structures.

Patrick Nolls, asked about setback requirements. Robin Pierce said the VC District has zero lot lines and a 15' buffer from the property line to the structure between multi-family and residential uses. The Planning Commission can waive the buffer if there is no undue adverse impact on neighboring property. Mr. Nolls observed with the proposal in order to provide screening easements are needed, but if the buffer were maintained there would be screening. It appears to accommodate the residents there must be encroachment on their property for screening and that does not seem right. Robin Pierce noted encroachment on surrounding property for screening was one suggestion, but other ideas for buffering have been discussed. Mr. Nolls asked if there is other space available for an elderly housing building. David Nistico stated the application before the Planning Commission is for a project on the lot as noted.

Anne Whyte, 10 School Street, said the neighbors met and compiled a list of concerns that will be forwarded to the Planning Commission. The residents are not anti-growth, but are pro-smart growth and feel the building as shown in the current rendering does not fit the site. The list of concerns include:

- A 3-D model is imperative (not a superimposed picture).
- Access and sidewalk are important features for senior housing.
- Parking requirements are not adequate. Many seniors have a car. Guest parking is needed. Handicap spaces need to be wider and shown on the plan.
- The nearest bus stop is a 10 minute walk so do not eliminate the pedestrian features.
- The turning radius needs to accommodate delivery trucks, ambulances, the senior van, garbage trucks, fire trucks without impinging on parking spaces.
- Headlights are an issue because people do back into parking spaces.
- Bike racks are needed.
- The dumpster is close to the lot line. Odors, vermin are issues with dumpsters. The enclosure should not be a chain link fence because that does not screen the view of the dumpster.
- A waiver will be needed for construction vehicles.
- A guarantee is needed that the senior housing designation will not change.
- Details on design, materials, scale, massing are needed because the building is close to an historic building.
- State input is needed on the proposed building being so close to an existing historic building.
- If the building were not so large the setbacks would not be an issue and many other problems would also be solved. The building should fit with the Land Development Code and the character of the neighborhood, but just because the building fits with the Code does not mean it is right for the area.
- The parking should have 20% shade per the regulations.
- How water and sewer services will impact Park Terrace and School Street needs to be known. Details are needed on infrastructure.

Ed von Situs, 69 year resident of the village, spoke in support of the proposal and more senior housing in the community and the county. It can take 4-5 years to get into senior housing. Most seniors only have one car, not two as was suggested by Ms. Whyte. And a bus stop is minutes from the project site contrary to what Ms. Whyte said. The landscaping issue can be solved by the developer and the residents discussing solutions. School Street residents do not want to look at a building, but with a little cooperation the project could be something the village and town are proud of in the village center and not located on the outskirts.

Frank Naef, 4 Park Terrace, stated there are good items with the project, such as the entrance to the property, having a private driveway, and using the grade of the land to have underground parking, but the height of the building could be reduced one story and blend better with building materials. A 3-D model is imperative.

Linda McKenna, 9 School Street, said the construction for 4 Pearl Street damaged her private sewer line. The cost to tie into the main line was \$27,000. The sewer infrastructure is fragile and a concern. Park Terrace has become a highway for large 18 wheeler trucks. Luke Willey said the plan is to connect to the sewer service at the existing manhole.

Michelle Dufresne said the building will have small one bedroom apartments at market rate or below so higher cost veneers on the building will not work with the budget. The average age of the residents in the building are anticipated to be late 70s. Delivery trucks and fire trucks can access the building.

Gabe Handy said a similar senior housing building he owns in Fairfax has 47 units. The average age of the residents is 75 years or older, mostly widowers who no longer want to mow or shovel. The units are studio and one bedroom apartments. With the village project, the parking meets the requirements of the Code. The Village Engineer has reviewed the plans. The goal is to offer affordable senior housing so people can remain in the village. There have been many calls already by people who want to live in the units. Mr. Handy said he is willing to work with residents and staff.

Luke Willey stated the dumpster enclosure with a privacy fence conforms to village requirements. The Fire Department was involved with the turning radius and all conform. The parking aisles all conform. The Village Engineer and Village Public Works have looked at the water/sewer service plans. Any issues have been addressed. There are no issues with sizing or capacity.

There were no further comments.

**MOTION by Amber Thibeault, SECOND by Steven Shaw, to close the public hearing for 9 & 11 Park Street. VOTING: unanimous (6-0); motion carried.**

#### DELIBERATION/DECISION

Site Plan for Phase 1 of an approved master plan to construct a four story multi-unit elderly housing building with 43 one bedroom apartments at 9 & 11 Park Street in the VC District by Ruggiano Engineering, agent for Handy's Hotels & Rentals, LLC, c/o Gabe Handy, owner

The Planning Commission discussed items that should be addressed by the applicant including:

1. Building size and relationship to the historic village center needs to be addressed including how the building scale and mass fit into the site and with the surrounding neighborhood. Architectural treatment of the building should comply with the Design Review and Historic Preservation section of the Land Development Code.
2. Appropriate screening and buffering needs to be provided.
3. A 15' buffer per the requirement is needed along the west and north property lines. The requirement must be met or a waiver requested.
4. The bike rack requirement must be met.



5. All other requirements in the Land Development Code must be met. The applicant should address aesthetics of the building. Gables could be added to break up the monolithic look. Building design in Highland Village is one example for guidance. Section 604 of the Land Development Code spells out the VC District requirements. Architectural details are needed on materials, textures, colors, and such.
6. The applicant needs to work with the Village Engineer to address the issue of sewer backup not reoccurring due to the project.

**MOTION by Amber Thibeault, SECOND by Joe Weith, to table the application for a four story building with 43 units of senior housing at 9 & 11 Park Street pending further information from the applicant as noted in items 1-6 above and pertaining to building size, screening, buffers, bike rack, building design and aesthetics, sewer service, and meeting all pertinent requirements in the Land Development Code VOTING: unanimous (6-0); motion carried.**

**Master Plan review for a mixed use development on 1.88 acres to include a drive-thru restaurant, existing retail space, and four story 54 unit hotel at 92-100 Pearl Street in the TOD by Jiddu/Sittu Trust, owners**

David Nistico announced the applicant requested review of the master plan be tabled.

**MOTION by John Alden, SECOND by Andrew Boutin, to table review of the master plan for 92-100 Pearl Street per the request of the applicant. VOTING: unanimous (6-0); motion carried.**

## **6. OTHER PLANNING COMMISSION ITEMS**

### *Next Meeting Agenda*

Discussion of supporting the cooperation between the village and town planning commissions will be held at the next meeting of the Village Planning Commission.

### *Essex Town Center*

Announcement was made of an open house on 5/20/17 at the Inn at Essex starting at Noon to discuss ideas for the Essex Town Center and ongoing development.

## **7. ADJOURNMENT**

**MOTION by Amber Thibeault, SECOND by John Alden, to adjourn the meeting. VOTING: unanimous (6-0); motion carried.**

The meeting was adjourned at 8:10 PM.

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