

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
October 19, 2017**

- MEMBERS PRESENT:** David Nistico (Chair); John Alden, Amber Thibeault, Steven Shaw. (Joe Weith, Diane Clemens, and Andrew Boutin were absent.)
- ADMINISTRATION:** Robin Pierce, Development Director.
- OTHERS PRESENT:** Tom Helmstutler, Ed Von Situs, Loraine Berry, Mary Lefcourt, MJ Engel, Kris McEwing, Michelle Dufresne, Bob Provost, Luke Willey, Jacob Hinsdale, Janet Wilson, Nick Meyer, Derick Read, Don Stewart, Gabe Handy, Linda McKenna, Judy and Frank Naef, Bob and Polly McEwing, Darren and Meredith Connolly, George Tyler, Anne Whyte, Israel Smith.
- AGENDA:**
1. Call to Order
 2. Audience for Visitors
 3. Additions/Amendments to the Agenda
 4. Minutes
 5. Public Hearing:
 - Site Plan, Four Story Multi-Unit Building, 43 Senior Housing Units, 9 & 11 Park Street, Handy
 - Conceptual Plan, Three Story Mixed Use Development, Retail and Residential, 15-23 Park Street, Hinsdale Properties
 6. Other Planning Commission Items
 7. Adjournment

1. CALL TO ORDER

Chairman David Nistico called the meeting to order at 6 PM. There were no announcements or disclosures.

2. AUDIENCE FOR VISITORS

Nick Meyer, Pleasant Street

Nick Meyer, Pleasant Street and former member of the Planning Commission, said he stepped down from the Planning Commission due to frustration the Planning Commission was mostly reacting to applications and deadlines relative to updating the Land Development Code. Mr. Meyer said the Planning Commission missed opportunities to educate themselves on the planning processes and looking at issues differently such as form based code planning, trail/sidewalk connectivity, relooking at Design Five Corners, implications of the crescent connector on the village, and when variances are issued. To be better planning commissioners education is needed. The Planning Commission is supposed to meet two times each month, but it is five months since the last meeting. Mr. Meyer urged the Planning Commission to work with staff on better planning toward a more visionary, livable, and sustainable community.

Linda McKenna, School Street

Linda McKenna, 9 School Street, commented on the following:

- Per past discussion there was agreement the village would advertise the meeting for a big project, but that did not happen with either application on the current agenda.
- An update is needed on the plan from the charrette for Design Five Corners. [Robin Pierce reported the village applied and received a grant from Regional Planning. The village wants the public involved in the development of the Design Five Corners plan.]
- There is agreement on increasing density and walkability in the village center, but there is a lack of crosswalks, sidewalks, and respect for pedestrians in crosswalks. This should be addressed as development projects are considered.

3. ADDITIONS/AMENDMENTS TO THE AGENDA

Add emails from Joe Weith, dated 10/19/17, and Diane Clemens, dated 10/18/17, with comments on the Handy and Hinsdale applications.

4. MINUTES

May 18, 2017

MOTION by Amber Thibeault, SECOND by John Alden, to approve the minutes of 5/18/17 as written. VOTING: 3 ayes, one abstention (Steven Shaw); motion carried.

5. PUBLIC HEARING

Chairman Nistico explained comments on the applications should be directed to the Planning Commission and speakers will be limited to two minutes or less. Individuals to give testimony on application(s) were sworn in.

Site Plan for Phase 1 of the 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 Village Center District by Ruggiano Engineering, agent for Handy's Hotels and Rentals, LLC c/o Gabe Handy, owner

Luke Willey with Ruggiano Engineering, Michelle Dufresne with Innovative Design, Inc., and Gabe Handy appeared on behalf of the application.

STAFF REPORT

The Planning Commission received a written staff report on the application, dated 10/19/17. Robin Pierce said changes to the site plan since the last hearing include the building being moved to the east farther from the residences, removal of the sidewalk, addition of a fence and plantings, and change in the color of the building.

APPLICANT COMMENTS

Michelle Dufresne reviewed the rendering of the proposed building. The rendering shows the windows projecting out a foot and a half in front, corbels to decorate the building, and a change in building color. A pitched roof was contemplated on the building, but the result was an increase in building height by 11 feet over the parapet so a flat roof was

retained which ties in better to the area. Luke Willey added the building was moved four feet to create 15' of separation on the west side. Detail on the hedgerow in back has been added. The sidewalk has been removed and screening/landscaping added.

Drawings showing the proposed building, Park Street School, buildings along Park Street, and the building at 4 Pearl Street from the perspective of looking down Park Street heading north were reviewed. Samples of the building materials were shown (horizontal composite siding in khaki color with white and cream trim and cement board in country red color with Boral trim).

David Nistico pointed out the Village Comprehensive Plan and Land Development Code call for this type of development in the Village Center District (VCD) and affordable senior housing is needed. The proposal meets the basic minimum requirements for the VCD, but the Planning Commission did not receive information on the redesign prior to the hearing. Mr. Nistico said in his opinion, based on the previous design, the standards for the VCD are not met by the proposal and the Planning Commission has not been afforded enough information prior to the meeting to make a decision. John Alden agreed.

John Alden stated the building looks fine, but may not belong in the location given the surrounding neighbors and Park Street School. Mr. Alden expressed disappointment with the loss of trees between the proposed building and the school property. Luke Willey said the landscape plan shows existing trees and a row of deciduous trees added between the building and the school property. The village granted permission to plant trees on the school property. John Alden pointed out the building is on the property line so there is no opportunity for a buffer on the applicant's property.

PUBLIC COMMENT

Darren Connelly, 5 School Street, said it is not clear who owns the trees by the hedgerow. Robin Pierce said the building was moved to provide a 15' buffer and if any trees on neighboring property are damaged by the applicant the trees must be replaced with a like species.

Mary Lefcourt, Cascade Court, said the school is not visible while driving down Park Street and the new building at Five Corners shadows an historic building (Lincoln Inn) where it is not allowed to even change the paint color. Other buildings in the vicinity do nothing for the village. An affordable place for the elderly with access to services is needed. The pitch of the roof should not be the issue.

Meredith Connelly, 5 School Street, said there is no dispute of the need for senior housing, but the development is too big for the lot and there is not adequate parking. There are only two handicap parking spaces planned for the building. There are design issues that have not yet been addressed. Noise from the exhaust fan is a concern. Michelle Dufresne said if noise is an issue then a "doghouse" will be built around the fan exhaust area.

Bob Provost, South Burlington, said every time there is a delay the cost of the housing is impacted. Mr. Provost suggested holding a work session with the applicant to work out concerns with the look of the building. A walkable, safe community that is affordable is the best solution. The applicant is not asking for variances, but to build what is allowed. David Nistico said no one is denying the need for senior housing, but in addition to providing services residents need a nice living environment and aesthetic value people want to see in the village. The applicant had time to address the concerns previously expressed and did not do so. Mr. Provost noted the delay by the applicant was due to a personal family matter (death in the family), not by design. Regarding affordability, no one is building one bedroom houses, but collectively are building one bedroom units on one lot as the alternative.

Michelle Dufresne noted the school is not visible because of the row of trees which when removed will open up the view of the school. The plantings to be done are noted on the site plan.

Ed Von Situs, Jackson Street, recalled the Park Street School building was formerly the Hood creamery. The view will change with the Hinsdale proposal and the buildings behind will not be seen. The trees were removed from Maple Street at a point in time and are now coming back. Mr. Von Situs urged having a workshop to discuss what the building will look like. Delaying the project means many seniors who want to live in the village will not be able to do so because the cost will be unaffordable once the building is finally built.

Nick Meyer, Pleasant Street, said the building is big for the lot and is only one foot from the school property. There is no sidewalk, only striped markings for a sidewalk which is not adequate. It makes sense for elderly housing to have continuous sidewalk. The community is walkable so connectivity is wanted. Mr. Meyer asked about outside green space for the residents. Michelle Dufresne said there is a 20' x 20' courtyard at the front of the building and green space behind the building.

Anne Whyte, 10 School Street, stated the lack of a wide sidewalk that can accommodate a wheelchair is critical for accessibility. Also, winter conditions and hazards such as cars turning into the parking lot need to be considered. Houses that abut the zone allowing 100% lot coverage must deal with headlight and noise from the exhaust vent in the parking garage as well as an oversized building up against residential houses that are over 100 years old. Having different uses in a tight area needs more scrutiny. Smart, compatible senior housing is needed.

Janet Wilson, 2 School Street, asked if the building of the size proposed is needed. Gabe Handy said in order to make the numbers work financially 43 units of senior housing are needed. If the number of units is decreased then the units will be two bedrooms with families and children which means more noise.

Gabe Handy assured he did listen to the Planning Commission and addressed concerns with the changes to the site plan (removal of the sidewalk, adding a stockade fence,

moving the building four feet, moving the exhaust fan, providing a 3-D drawing). The village approved the one foot setback and the plantings on village property. The setbacks are met. The height of the building is lower than the roof of the school by several feet. John Alden said the question is whether the building fits in the location. The building is only one foot from the property line which means when someone steps out the building they will be walking on someone else's property. David Nistico added the concept is fine and the building is wanted in the VCD except for the design aspects. The Planning Commission should not be designing the building for the applicant. Michelle Dufresne said a pitched roof increased the size of the building. The flat roof is keeping with the monolithic look of the street. The building is in a transition area adjacent to the railroad tracks. John Alden said there should be some visual boundary between the building and historic Park Street School. This has been an issue in the past that governed many decisions. The boundary needs to be maintained. Michelle Dufresne pointed out there are trees shown on the site plan to replace the existing trees on Mr. Handy's property that will be removed to build the building. John Alden said it is a negative impact to Park Street School to remove the trees.

There were no further comments.

MOTION by Amber Thibeault, SECOND by Steven Shaw, to close the public portion of site plan review for a four story multi-unit elderly housing building at 9 & 11 Park Street by Gabe Handy. VOTING: unanimous (4-0); motion carried.

DELIBERATION/DECISION

Site Plan, Four Story Multi-Unit Building, 43 Senior Housing Units, 9 & 11 Park Street, Gabe Handy

The Planning Commission discussed receiving new design information the night of the meeting and trying to make a decision on a project with competing interests and unresolved issues of safety in the parking lot and impact on the neighbors. [Michelle Dufresne apologized for the color copies of the building renderings arriving late.] There was discussion of holding a work session to work out the design issues.

John Alden asked if the Village Engineer reviewed the plan to have striping denote the sidewalk through the parking lot. Robin Pierce said a shared surface is common and has worked well in Europe. A textured pavement is used so the surface is less slippery.

David Nistico said there must be a way to work out the issues with the lot line and the trees to improve the design to fit with the school and other buildings/residences.

MOTION by John Alden, SECOND by Steven Shaw, to have a Work Session for the Handy project at 9 & 11 Park Street at the next regularly scheduled Planning Commission meeting to discuss the design of the building. VOTING: unanimous (4-0); motion carried.

Conceptual Plan for a mixed use development to construct a three story building with retail/commercial on the 1st floor and 28 apartment units on the 2nd and 3rd

floors at 15-23 Park Street in the Village Center District by Stewart Construction, agent for Hinsdale Properties, owner

Don Stewart with Stewart Construction, Derick Read with Krebs & Lansing Engineering, and Israel Smith with Smith Buckley Architects appeared on behalf of the application.

STAFF REPORT

The Planning Commission received a written staff report on the application, dated 10/19/17. Robin Pierce mentioned the applicant had given the front 10' of their property up to sidewalk per Staff request even though they could build to the property line, to create a wider sidewalk in front of the building. This decreased the size of the building and space available for parking on the property. The village is willing to provide an easement for use of the public parking at the entrance to Park Street School for the retail/commercial units, and an easement for residential parking to the south of the project site in recognition of the community benefit gained by the wider sidewalk. Pierce added that the design of the building raised the standard for all future architectural design in the Village Center. The applicant could not provide underground parking due to a high water table on the site.

APPLICANT COMMENTS

Don Stewart said his company's office is on Pearl Street and the families on Park Terrace and School Street are his neighbors. The site of the proposed building has been owned by the Hinsdale family for 40 years. The existing building has outlived its function. The proposed development will preserve and enhance the village and the vision for the VCD. The building connects new businesses and tenants to the village downtown. The building will enhance the sense of community. Mr. Stewart described the terraced entryways to the building and the parking behind the building. The covered parking is screened. The proposal tries to improve the sense of Park Street with improved streetscape, easy access to the building, continuity, blending modern and historic elements, retail space, walkability, market rate one bedroom and studio apartments close to downtown, and increased economic viability to add to the social fabric of downtown. The building is a legacy building for the Hinsdale family. The new, well designed, human scale building fits into the village.

Derick Read, Krebs & Lansing, said the building is set 10' back from the property line, per Village Staff request, with landscaping in front. The lot is maxed out with the building and parking. The loading area is to the south to get vehicles off the road. There will be 28 units and two studio apartments with one parking space per unit. There is parking for the commercial space. There is public parking nearby (eight spaces across from the property, 21 spaces by the school, and on-street parking). There is a public transit bus stop in front of the building. Storm water will be addressed with collection chambers under the parking lot and infiltration of the runoff similar to what is in place with the building at 4 Pearl Street. Collection and treatment of some of the runoff from the school property which is at a higher elevation will also be done.

Israel Smith stated the building design aligns with the village center guidelines and criteria for downtown with walkability, mix of uses, porous street edge, three story

building with a base, middle, and top. The building has brick with metal panels at the top offset slightly to give depth to the cornice. The base is precast. The building is the right scale and right combination. The entrance ways are articulated in different ways with a sign band and canopy. All the features work together to contribute to the downtown center feel. The three story flat roof building mixed with traditional two and a half story peaked roof buildings is the right contrast. The material for the building in the back is different with two types of metal panel siding and metal siding to screen the parking. The apartment entryway is in the back of the building within the cement glazed panel. There are multiple ways to access the terrace area in front of the building where there could be café tables or outside retail area.

Robin Pierce mentioned the window area may be opportunity for public art display. Israel Smith said this idea will be considered.

John Alden commented on the separation of the first floor of the building with the upper floors. Israel Smith said the distinction is done with the openings and the canopy and sign band. John Alden asked if the front terrace is wide enough for tables and chairs. Don Stewart said the terrace area is approximately 12' wide. John Alden questioned if landscaping will survive in the "sea of sidewalk". Other options may need to be considered. Mr. Alden noted the southwest corner of the Hinsdale property and the corner of the drive to the Handy property is the best location for trees which if planted will help address the issue of screening for the Handy building.

Amber Thibeault suggested a bike rack be added to the commercial space at the front of the building.

PUBLIC COMMENT

Linda McKenna, 9 School Street, expressed appreciation to Don Stewart for reviewing the proposal with the neighbors prior to the meeting. Ms. McKenna asked about the driveway width for Park Street School. John Alden said the village standard is 24' wide for a road. Park Street School driveway is 24' wide. Park Terrace is only 19' wide and does not have a sidewalk. Ms. McKenna asked about a crosswalk by the building. Robin Pierce said crosswalks, traffic lights, and other road items are controlled by the MUTCD. A traffic study on level of service can be done if needed. It is assumed long term there will be a traffic light and crosswalk once the Connector Road is completed. Derick Read said one of the curb cuts on the lot will be removed which will make the drive safer.

The property owner of 4 School Street said the proposal is in scale with the area.

Anne Whyte, 10 School Street, noted the residents in the apartments at 4 Pearl Street are sharing parking spaces with the retail uses in the building and there does not seem to be enough parking for everyone. Also, Park Terrace is the de facto loading area for 4 Pearl Street. There is concern the same situation may happen with the proposal. There is also concern traffic will funnel from the project to Park Terrace. Ms. Whyte asked about commercial signs in the first floor windows of the building. Don Stewart said there will be signage on the building. The village standard for signs will be met. Robin Pierce said

with regard to traffic and parking, the crescent connector will move traffic and there are 26 parking spaces on the crescent connector plus another developer is talking about additional public parking. There is parking for the commercial space and employees in the proposed building.

Nick Meyer asked about space for landscaping in front of the building. Robin Pierce said there is a 10' wide sidewalk plus the area along the front of the building for a total of 15'. There is an elevation difference from the village sidewalk to the sidewalk along the building façade that is accessible by stairs and a sloped walk. Mr. Meyer urged using tree grates and guards to protect the plantings.

Frank Naef, 4 Park Terrace, urged ensuring there is enough parking per the regulations to avoid the disaster that is now occurring on Park Terrace with parking from 4 Pearl Street.

Meredith Connelly, 5 School Street, asked about green space for tenants and urged keeping the tree canopy. Derick Read said the canopy in the back of the building offers covered outdoor space. Ms. Connelly asked about snow removal. Derick Read said snow will be pushed into the space by the trash bins. Don Stewart added the property owner understands there is limited area to store snow. The entire lot must be developed in order to have enough parking. There is green space on the other side of the drive to the school and people will likely congregate there. Snow could also be piled there with permission from the village.

There were no further comments.

MOTION by Amber Thibeault, SECOND by John Alden, to close the public portion of the conceptual plan review for a three story mixed use building at 15-23 Park Street by Hinsdale Properties. VOTING: unanimous (4-0); motion carried.

DELIBERATION/DECISION

Conceptual Plan, Three Story Multi-Use Development, 15-23 Park Street, Hinsdale

The Planning Commission discussed parking. Robin Pierce noted there is parking in the village downtown that is not used because people want to park next to their destination. The village will allow use of the public parking spaces on the lower portion of the Park Street School property. The village owns the property.

MOTION by John Alden, SECOND by Steven Shaw, to approve the conceptual plan by Hinsdale Properties for a three story mixed use building with retail/commercial space and apartment units at 15-23 Park Street in the VCD with the following stipulations:

- 1. All staff comments in the Staff Report, dated 10/19/17, shall be addressed and satisfied prior to any permits being issued.**
- 2. Storm water management shall be provided entirely on-site. The Village Engineer shall review the final plans for compliance.**
- 3. All work shall comply with the Essex Junction Land Development Code.**

4. The applicant's attorney shall draft easements for parking from the village to be reviewed and approved by the Village Attorney prior to issuance of a permit.
5. A competition for public art on the building and/or streetscape trees in the village right-of-way shall be part of the completed project to bring the landscape budget to the required 2% of construction cost.
6. A landscape plan prepared by a landscape architect licensed by the State of Vermont Office of Professional Regulation shall be required for Final Plan review.
7. An easement for parking and loading on village property shall be secured prior to issuance of a permit.
8. The applicant shall perform a follow up traffic study within six months of 50% occupancy of the proposed building in order to confirm the trip generation and to determine if traffic improvements are necessary.
9. The Planning Commission shall waive the parking requirements for 2.5 retail commercial parking spaces due to the site constraints of a high water table preventing underground parking and the loss of parking spaces per the staff request to provide a 10' wide space in front of the building on Park Street for sidewalk and open space.

VOTING: unanimous (4-0); motion carried.

6. OTHER PLANNING COMMISSION ITEMS

Next Meeting/Agenda

Next Meeting: November 2, 2017.

Agenda:

- Work session on the Handy development at 9 & 11 Park Street

7. ADJOURNMENT

MOTION by John Alden, SECOND by Amber Thibeault, to adjourn the meeting.

VOTING: unanimous (4-0); motion carried.

The meeting was adjourned at 8:15 PM.

Rcdg Scty: MERiordan