

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
January 4, 2018**

- MEMBERS PRESENT:** David Nistico (Chair); John Alden, Amber Thibeault, Steven Shaw, Joe Weith, Diane Clemens, Andrew Boutin.
- ADMINISTRATION:** Robin Pierce, Development Director; Darby Mayville, Economic Development/Community Relations Assistant.
- OTHERS PRESENT:** Bianca Marcias, Ed Von Sitas, Mary Lefcourt, MJ Engel, Michelle Dufresne, Gabe Handy, Janet Wilson, Derick Read, Don Stewart, Michael Lawrence, Cleary Buckley, Linda McKenna, Frank Naef, Meredith & Darren Connolly, John Reynolds, Christine Diem, Joel Baird (Burlington Free Press).
- AGENDA:**
1. Call to Order
 2. Audience for Visitors
 3. Additions/Amendments to the Agenda
 4. Minutes
 5. Public Hearing:
 - Continued Site Plan, Four Story Multi-Unit Building, 43 Senior Housing Units, 9 & 11 Park Street, Handy
 - Final 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 6:05 PM. There were no announcements or disclosures.

2. AUDIENCE FOR VISITORS

Linda McKenna, School Street

Linda McKenna asked about the process for rescheduling the December Planning Commission meeting. Darby Mayville said the information was posted in the calendar section of the village website, on the town website, in the local newspaper, and in public buildings (Lincoln Hall, Library).

3. ADDITIONS/AMENDMENTS TO THE AGENDA

An email from Meredith and Darren Connelly, 5 School Street, received 1/4/18, was added to the information on the Handy application.

4. MINUTES

October 19, 2017 & November 2, 2017

MOTION by John Alden, SECOND by Amber Thibeault, to approve the minutes of 10/19/17 and 11/2/17 as written. VOTING: unanimous (7-0); motion carried.

5. PUBLIC HEARING

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

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 1/4/18. Robin Pierce noted the changes/additions to the site plan were due to requests by the Planning Commission.

APPLICANT COMMENTS

Gabe Handy mentioned this is the 5th meeting on the proposal. Changes have been made based on the comments that were heard. Larger caliper trees will be planted. There have been building changes as well (roof top, parking entrance). The stockade vinyl fence is on both sides for the neighbors as requested. Mr. Handy noted the lot was approved for a hotel parking lot to hold over 60 cars with a prior development application. No waivers are being requested for the current proposal. All requirements of the Land Development Code are met. The building is 16' lower than the height allowed. The building is beautiful and fits perfectly in the space. A letter from a consultant confirming the building fits in the historic district in the village was presented to the PC.

Michelle Dufresne reviewed changes to the building and site, highlighting the following:

- Parapet above the windows has been removed to lighten the top of the building and break up the length of the building.
- Window projections go to the first floor and break up the wall for the parking garage. The siding on the window projections is all the same.
- Large trees have been added on the corners preserving the sight line and historic character of the school building. More trees can be added to break up the building.
- Photos were taken giving a perspective of the building from the School Street public way.
- An overlay of the proposed Handy building and the new project along Park Street was done on Google Earth to provide a perspective of the new development.

John Alden spoke of the impact of the building on the School Street neighborhood and enhancing the project as it relates to the neighbors by improving the visual screening and buffering in the 15' between the building and the property line. Also, consideration could be given to locating the vent for the parking garage fan on the Park Street side of the building. Gabe Handy explained the exhaust fan is the newest model and runs on a CO sensor that triggers the fan to run at high speed otherwise the fan runs at low speed generating noise of less than 40 dB. Michelle Dufresne said there are eight living units above the fan and there has been no problem renting the units so fan noise is not an issue. Locating the fan on the south side of the building means the fan would be over the property line. Permission from the village would be needed for this.

Andrew Boutin asked if more floors will be added to the building at some point. Gabe Handy said the building will remain at four stories which is 16' below the allowable height. Andrew Boutin asked about snow storage. Gabe Handy said as much snow storage on-site as possible will be done. Excess snow will be hauled away.

John Alden mentioned the parking lot and area for passenger vans/senior bus to pick up and drop off people or space for deliveries. Robin Pierce said the Village Engineer reviewed the proposal and had no concerns. Diane Clemens pointed out the LDC does not require a loading area for a residential use. Michelle Dufresne said the drive to the building is private. The posted speed limit will be 10 mph.

PUBLIC COMMENT

Janet Wilson, 2 School Street, said the proposed building will be visible from her house more so than appears in the photos. The houses at the end of School Street will be very impacted by the building. Gabe Handy explained the lot slopes gradually about 13'. The pictures are a matter of perspective. Ms. Wilson said if she loses value in her house she is losing part of her livelihood at the end of her life.

Christine Diem, 4 School Street, said the pictures should have been taken from the houses on the other end of School Street. Ms. Diem asked about measures to ensure a one-way entrance off Park Terrace. David Nistico said the entrance will be marked as one-way, but if people are breaking the law the police should be contacted.

John Reynolds, 71 Main Street, said his family has lived in the village for a long time and seen lots of changes over time. The proposal by Mr. Handy is a positive change. The village asked Mr. Handy to build senior housing and a hotel and he agreed to do this. Fighting the project costs money and results in loss of amenities for the project. The focus should be making the project better rather than stopping it. The community needs the project to move forward. David Nistico clarified the Planning Commission did not ask the developer to build the project. The reason for multiple meetings is to improve the proposal. The developer agreed to work with the village. The Planning Commission approves applications. Zoning encourages certain development.

Frank Naef, 4 Park Terrace, stated the neighbors are not trying to stop the project. Mr. Naef asked about the size of the project not exceeding the requirement of 10% of existing adjacent buildings. Joe Weith pointed out the regulations for the VCD allow a four story building, 58' in height, 100% lot coverage, and no setback. There are also provisions for transition from high intensity development pattern to low intensity development pattern. Subsection 4.A.4 speaks to the fact that proposed buildings 'may' be within 10% of the average height of existing adjacent buildings to preserve the character of the area. Per the provision this would allow the proposed building to be 33' in height. Amber Thibeault point out that the section went on to say that 'the height limit shall not apply in predominantly commercial and mixed-use areas' so that the 10% issue was not applicable in this instance. Robin Pierce pointed out the provision contradicts the dimensional standards in the VCD. The property is surrounded by the VCD, not residential. Joe Weith said the intent of the provision was to protect the historic residential structures in

the VCD. John Alden said there is residential on one side of the proposed building, and mixed use and commercial on the other three sides of the building. The balance is between the existing neighborhood and what the village sees for the future. The VCD is a transition district.

Meredith Connelly, 5 School Street, said it is unclear if the building is multi-family, commercial, or mixed use. David Nistico said the purpose of the VCD is to provide a compact center with a mix of commercial, governmental, and residential. In-fill development is encouraged. The VCD is the heart of the village and has a higher density pattern. John Alden stated the building is multi-family, but classified as a commercial building.

Mary Lefcourt, Cascade Court, spoke in support of the project, stressing seniors in the community need housing.

Linda McKenna, 9 School Street, asked about the traffic entrance off Park Street and if a traffic light will be needed. Ms. McKenna also asked how the health of the trees will be maintained. Gabe Handy said there will be 4.3 cars in the peak hour which is very minimal and will not impact traffic on Park Street. The cars will exit onto the school property and enter from Park Street or Park Terrace. Gabe Handy noted six more 16' tall trees have been added to reduce the mass of the building. There are existing trees at the back of the lot. One tree is on the Connelly property, but grows over the property line. Many of the trees are dead or dying. Trees on the property line will not be removed. An arborist will cut any roots on trees on the property line in a manner that will not harm the trees. Michelle Dufresne said the privacy fence will require cleaning out the brush and any dead trees. Gabe Handy said he is willing to work with the neighbors and will pay for an 8' high fence if the neighbors will get a variance from the zoning board.

David Nistico asked about lot coverage. Gabe Handy said originally the lot coverage was 85%, but that has been reduced to 73%.

Frank Naef asked about the parking spaces on the Handy lot currently being used by the restaurant/bar at 4 Pearl Street. David Nistico said the parking lot is not part of the application before the Planning Commission.

Meredith Connelly, 5 School Street, spoke of the VCD encroaching on their house, losing privacy due to the proposed four story building that will have elderly people watching family activities in the backyard, losing sunlight, dealing with odors from the trash bin and noise from the exhaust fan, losing wildlife, and losing property value. Ms. Connelly felt they are giving a lot for the project which will change the area from what it was when they purchased their house. Michelle Dufresne pointed out that the properties on the east side of School Street are in the VCD and have been for many years. She added that the number of windows on the side of the building facing the Connelly lot is minimal. Bedrooms and bathrooms, rather than living area, are on that side of the building. Ms. Connelly asked if there is a provision to ensure the housing will remain senior housing, and if pets and smoking will be allowed. Gabe Handy said pets less than 30 pounds in

size will be allowed. Robin Pierce noted the conditions of approval will require the housing to remain as senior housing. David Nistico said smoking and pets are covered by the lease which is not part of the application before the Planning Commission. Ms. Connelly asked about lights in the windows at night. Gabe Handy said all the windows will have shades. Ms. Connelly asked if the floor plan for the building is available. Gabe Handy said the plan is available.

There was a question about the length of construction. Gabe Handy said construction will begin in March. The building structure will be pre-fab and put together in 30 days with the interior work to follow. An average of six months is anticipated for construction. Work hours will be 7 AM to 3:30 PM.

There were no further comments.

MOTION by Amber Thibeault, SECOND by Diane Clemens, to close the public portion of site plan review for a four storey multi-unit elderly housing building at 9 & 11 Park Street by Gabe Handy. VOTING: unanimous (7-0); motion carried.

DELIBERATION/DECISION

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

MOTION by Diane Clemens, SECOND by Amber Thibeault, to approve the site plan for Phase 1 of the approved Master Plan to construct a four storey, multi-unit elderly housing building with 43 one bedroom apartments at 9 & 11 Park Street in the VCD by Handy's Hotels & Rentals, LLC with the following conditions:

- 1. The applicant shall protect trees that are to remain and the existing canopy as much as possible and provide a layered screening of plantings of multiple size and shape.**
- 2. The applicant will work with staff on the location and treatment of the fan to provide the least amount of noise.**
- 3. There shall be interaction with residents abutting the property, staff, and the applicant on the existing trees.**
- 4. Compliance to staff recommendations is required.**
- 5. Any temporary construction or landscaping easements shall be reviewed and approved by the Village Attorney prior to the issuance of a permit.**
- 6. All LED light fixtures shall have a maximum color temperature of 4300K.**
- 7. The Village may require storm water improvements by the applicant/owner on the project site in the future in light of the MS-4 permit requirements. Computations for a one year storm event are requested for use in MS-4 permit compliance.**
- 8. All work shall comply with the Village of Essex Junction Land Development Code as amended March 29, 2011.**
- 9. The site does not contain enough soft or hard landscaping areas to comply with the 2% requirement for landscaping so the applicant shall provide the**

- required landscape funding to the Village to be used to develop tree planting on Village owned property and rights-of-way.
10. Post construction runoff from the site shall not exceed pre-construction runoff from the site.
 11. Tree planting shall enhance the view corridor of Park Street School.
 12. A vegetative and/or visual buffer shall be created between the new structure and the neighboring residential properties and with Park Street School with a variety of species intended to significantly block the view between the properties.
 13. Each apartment must have at least one occupant who is 55 years of age or older at the time of lease signing.
 14. The applicant shall complete to staff's satisfaction, and sign, a Sewer Capacity Voluntary Permit Revocation Form prior to the Village releasing a Letter of Capacity to the State of Vermont.
 15. Any trees from contiguous properties with roots on the applicant's property shall have root pruning prior to any construction work.

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

It was noted that individuals who want to change the regulations should attend the Planning Commission work sessions when the Land Development Code is being updated to provide comment. The Board of Trustees can be asked to advance the next update of the code which was just recently updated. The village's comprehensive plan is slated for update at this time.

Final site plan for a mixed use development to construct a three storey 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, Cleary Buckley with Smith Buckley Architects, and Michael Lawrence with Michael Lawrence Associates appeared on behalf of the application.

STAFF REPORT

The Planning Commission received a written staff report on the application, dated 1/4/18.

APPLICANT COMMENTS

Don Stewart summarized the proposal to replace the existing building at 15-23 Park Street with a new building that will improve the feel of Park Street and the streetscape. The façade of the new building is welcoming. Parking is at the back of the building. There will be retail space and market rate one bedroom apartments in the building with easy access to public transportation, on-site parking, and indoor bike storage. The development will increase the economic vitality of the area and add to the social fabric of Essex Junction.

Derick Read said siting the building 10' from the property line with landscaping in front enhances the building façade and streetscape. There is one parking space per apartment and five spaces for visitors. There is parking for the commercial use (eight spaces will be leased across from the Park Street School driveway). There is an off-street loading dock. Trash bins are at the back of the building. Two bike racks are on the southeast corner of the building. The storm water treatment will be infiltration chambers under the parking lot which will also handle runoff from the Park Street School property. Water and sewer will be municipal service.

Mike Lawrence reviewed the landscaping that will include native ornamental grass rather than shrubbery, adding another Ginkgo tree to the existing tree resulting in one uniform canopy, and replacing non-native species on the north property line with native species. If the Callery Pear tree cannot remain the replacement will be an Adirondack crabapple.

Cleary Buckley reviewed the sign panel on the front of the building and minor changes to the egress stair.

Joe Weith asked about the square footage of commercial space in the building and the number of parking spaces. Don Stewart said there is 5,500 s.f. of commercial space and 33 parking spaces on-site plus eight to be leased across the drive to Park Street School. There may be the possibility of gaining one parking space by the building exit. Joe Weith expressed concern the parking is insufficient for the commercial use, especially a restaurant use. Don Stewart pointed out currently there are 12 spaces in front of the existing building and rarely are there more than seven cars parked outside of the businesses there (restaurant and retail). The proposal shows 13 parking spaces for people not living in the building (five in front of the building plus eight by the Park Street School drive). In addition there is on-street parking (up to 30 spaces) within 200 yards of the new building. There is no argument that to revitalize the downtown the village has to address parking as a whole.

Andrew Boutin asked about the water table. Derick Read said there is free standing sand on the site. The water table is 5' on the west side which dictated where the storm water system could be located. Don Stewart noted the water table at 4 Pearl Street is 11'. Concession was made to the building to get parking at grade level because there could not be underground parking due to the water table.

David Nistico asked if the building is set back the same as others on Park Street. Robin Pierce said the building at 4 Pearl Street is set back 15', the adjacent building on Park Street will be set back 12', and the Hinsdale building is set back 10'.

Joe Weith asked how high the elevated area is in front of the building. Don Stewart said the area is a foot higher than the 10' wide sidewalk/plaza. The area will accommodate tables. The large garage doors on the building can be opened in the warm weather to allow more space.

John Alden noted the tree on the southwest corner is part of the view corridor to the school. Michael Lawrence said the tree is a swamp white oak. Don Stewart said as the area is built out staff can look at the corner to see if the tree makes sense being there. The owner of the property will be responsible for pruning and maintaining the tree which is on private property. John Alden asked about signs on the other door to the building. Cleary Buckley said the sign will likely have vertical orientation.

PUBLIC COMMENT

Linda McKenna, 9 School Street, asked about ensuring the survival of the trees, and praised the Milot Company for the funding they put into the tree planting on the 4 Pearl Street property. Michael Lawrence said the trees will have a larger area of natural draining soil and will not need the subterranean treatment that was done at 4 Pearl Street.

Frank Naef, 4 Park Terrace, urged searching for parking spaces because parking is an issue in the surrounding area.

There were no further comments.

MOTION by Amber Thibeault, SECOND by Diane Clemens, 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 (7-0); motion carried.

DELIBERATION/DECISION

Final Sitel Plan, Three Storey Multi-Use Development, 15-23 Park Street, Hinsdale
The Planning Commission discussed being able to fill the retail space which is a risk the applicant takes and not the purview of the Planning Commission. There was mention of encouraging residents in the building and patrons of the businesses to walk, bike, and use public transit.

MOTION by John Alden, SECOND by Joe Weith, to approve the Final Plan by Hinsdale Properties for a three storey mixed use building with retail/commercial space and apartment units at 15-23 Park Street in the VCD with the following conditions:

- 1. All staff comments in the Staff Report, dated 1/4/18, 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 landscape plan prepared by a landscape architect licensed by the State of Vermont Office of Professional Regulation shall be required.**
- 6. The applicant shall secure an easement for parking and loading on Village property prior to issuance of a permit.**

7. 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.
8. 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.
9. The applicant shall complete to staff's satisfaction, and sign, a Sewer Capacity Voluntary Permit Revocation Form prior to the village releasing a Letter of Capacity to the State of Vermont.
10. To bring the landscape budget to the required 2% of the construction cost funds shall be allocated to the village to be used for landscaping in the public right-of-way on Village projects such as the planned connector road.

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

6. OTHER PLANNING COMMISSION ITEMS

None.

7. ADJOURNMENT

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

The meeting was adjourned at 8:20 PM.

Rcdg Scty: MERiordan