

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
January 18, 2018**

MEMBERS PRESENT: John Alden, Amber Thibeault, Diane Clemens, Andrew Boutin. (David Nistico, Steven Shaw, and Joe Weith were absent.)

ADMINISTRATION: Robin Pierce, Development Director.

OTHERS PRESENT: Paul O’Leary, Mike Dugan, Courtney Roman, Mary Jo Engel, Nick Meyer, 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:
 - Final Plan, Two Story Building with Restaurant & Four Apartment Units, 35 Main Street, Courtney Roman
 6. Other Planning Commission Items
 7. Adjournment
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1. CALL TO ORDER

In the absence of Chairman David Nistico, Vice Chair John Alden called the meeting to order at 6 PM. There were no announcements or disclosures.

2. AUDIENCE FOR VISITORS

There were no comments from the public at this time.

3. ADDITIONS/AMENDMENTS TO THE AGENDA

Emails received from Joe Weith, John Alden, Diane Clemens, and the Tree Advisory Committee were noted.

4. MINUTES

January 4, 2018

MOTION by Amber Thibeault, SECOND by Andrew Boutin, to approve the minutes of January 4, 2018 with the following correction(s)/clarification(s):

- **Page 3, paragraph beginning with “Frank Naef”, sentence reading “Amber Thibeault...” – correct the spelling of “pointed”.**
- **Page 8, paragraph beginning with “John Alden” - add the following sentence to the end of the paragraph: “The signage shown on the elevations is schematic only and not approved as part of the application.”**
- **Page 8, Deliberation/Decision – correct the spelling of “site plan”.**

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

5. PUBLIC HEARING

Final Plan Review for demolition of an existing restaurant and construction of a two story building with a first floor restaurant and four apartments on the second floor at 35 Main Street in the VC District by Courtney Roman.

Paul O’Leary with O’Leary-Burke Civil Engineering, Mike Dugan, architect, and Courtney Roman, owner, appeared on behalf of the application. John Alden disclosed he is working on a project for the adjacent property owner (church). The Planning Commission felt recusal was not required.

STAFF REPORT

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

APPLICANT COMMENTS

Paul O’Leary reviewed the changes to the former Essex Grill location including a new building, parking layout, and access. The following was highlighted:

- New building will have a large wraparound deck.
- The property straddles two zoning districts, but the building is being moved back 50’ which will allow 37’ between the edge of the building and the zoning district.
- The new restaurant will have 50 inside seats and 20 outside deck seats.
- The four apartments on the second floor will be one bedroom units.
- Municipal water and sewer and natural gas will continue to serve the site.
- The curb cut in front of the building will be closed and converted to green space. The access drive will be widened to allow two way traffic flow to the parking lot behind the building.
- There are eight parking spaces behind the building and parking on the side of the building.
- The back of the lot is shaded by trees. The south side is a common boundary and open.

Diane Clemens suggested filling in the common boundary with quality trees.

There was discussion of the shared parking arrangement. The applicant noted John Handy provided a letter in support of the shared access and parking. BSA did not provide a letter. John Alden urged getting a letter from BSA regarding the shared parking. Amber Thibeault pointed out Section 703.15 of the Land Development Code requires a legal document for shared use. Paul O’Leary expressed doubt the property owner (BSA) will be willing to encumber their property. The access and parking have always been shared and continue to be shared. John Alden mentioned there is available public parking nearby, but having a written agreement on shared parking will avoid any issue in the future. Mike Dugan pointed out if the iron fence for patrons coming from the parking lot behind the building to the restaurant is removed then the access is in compliance though not as safe. John Alden said it may be possible to have a gentleman’s agreement that says there is a way to operate the parcel as designed and without any changes. Paul O’Leary suggested the curb cut could be widened on Route 15 to the full 24’.

There was discussion of the orientation of the building not being perpendicular to the street. Courtney Roman said the deck is square, but the building is positioned to give more clearance between the Essex Grill building and the Handy building. Robin Pierce commented the code does not require buildings to be perpendicular to the street. Essex Agency is perpendicular to Railroad Street and not Route 15.

Mike Dugan reviewed the building elevations noting the following:

- North elevation shows the stair tower/appendage, delivery area, stairway to the apartments, basement, and kitchen. The stairway is the exit to the apartments. Second means of egress is through the restaurant to the deck.
- South elevation shows the same plus a small owner's unit (office/rest area) with its own exit.
- A guardrail protects people walking from the parking lot to the restaurant from vehicles.
- The restaurant entrance is recessed and ADA compliant.
- The sign for the restaurant may change and possibly be a ground sign or a parallel sign.
- The color of the building is Ford Model T green with pin striping detail.

John Alden commented on the "blankness" of the front façade facing the street and encouraged more engagement from the canopy down.

There was discussion of the landscaping. Courtney Roman said Maple Leaf Landscaping did the landscaping plan that creates a landscaped buffer between the traffic and eating area on the deck. There is lots of color and shrubs to the top of the railing to give the feeling of being in a garden. John Alden suggested more depth is better for buffering. Clusters and layers are effective. Street trees may provide natural shade. Robin Pierce said the Tree Advisory Committee can provide guidance on trees to be planted on village owned land.

Amber Thibeault asked if there will be a bike rack. Courtney Roman confirmed this.

Diane Clemens asked about the lighting. Paul O'Leary said there is a lighting plan. The parking lot does not have lights now and will not have lights with the proposal. There are downcast sconces along the walkway.

John Alden asked about employee parking. Courtney Roman said employees who drive to work will be encouraged to park on Railroad Street or use other public parking. Most employees walk to work.

There was discussion of hours of operation and bar activity. Courtney Roman said the bar will mainly provide drinks for people having a meal. The restaurant will close at 9 PM during the week, 10 PM on Friday and Saturday, and 8 PM on Sunday.

PUBLIC COMMENT

Nick Meyer, Pleasant Street, said the project appears to fit well with the church and historic buildings. A street tree on the northeast corner by the walkway could be added. Paul O'Leary noted a green belt will be created with the closing of the curb cut on Route 15 and street trees could be planted there which would mimic the planting pattern across the street. Nick Meyer noted the property line between the church and the applicant's parcel could be cleared of the "junk vegetation" and trees could be planted. Trees will shade the parking lot and help with water infiltration.

There were no further comments.

MOTION by Amber Thibeault, SECOND by Diane Clemens, to close the public portion on the Final Plan for a two story building with a restaurant and four one bedroom apartments at 35 Main Street by Courtney Roman. VOTING: unanimous (4-0); motion carried.

DELIBERATION/DECISION

Final Plan, Two Story Building with Restaurant and Four Apartment Units, 35 Main Street, Courtney Roman.

MOTION by Amber Thibeault, SECOND by Diane Clemens, to approve the final plan for demolition of an existing restaurant and construction of a two story building with a first floor restaurant and four one-bedroom apartment units on the second floor at 35 Main Street in the VC District by Courtney Roman with the following conditions:

1. All staff comments in the Staff Report, dated 1/18/18, shall be addressed and satisfied prior to any permits being issued.
2. Storm water management shall be provided entirely on-site and 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 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.
5. The applicant shall add a bike rack.
6. The applicant shall work with staff to provide shade trees for the rear parking area.
7. The applicant shall work with the Tree Advisory Committee on street trees in the public right-of-way.
8. The applicant shall add glazing or window-like elements on the northwest corner of the façade on the street side.
9. The applicant shall work with staff to locate shade trees along the property line to the north with the church.

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

6. OTHER PLANNING COMMISSION ITEMS

Landscaping Money Coming to the Village

Diane Clemens suggested a process to track money for landscaping from development projects that is not spent and that should be given to the village for use in landscaping on public property. Adding that it would be in the interest of transparency. Diane added that she had been asked to bring the issue up by others. Robin Pierce asked, in the interest of transparency, who had asked Diane to raise the issue. Diane responded Nick Meyer and Mary Jo Engel Robin Pierce assured the PC that developers provide the landscaping money or a Certificate of Occupancy is not issued for the project by the Village. To date no money has been received by the village because the landscaping has either been done by the developer or the project has not been built.

Nick Meyer and Mary Jo Engel spoke in support of having a written process in place so the village does not miss the opportunity to collect money to be used toward landscaping or as seed money for grants. Staff is urged to investigate what other communities are doing in this regard.

7. ADJOURNMENT

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

The meeting was adjourned at 7:50 PM.

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