

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
JULY 19, 2018
AGENDA
6:00 P.M.**

I. Audience for Visitors

II. Additions or Amendments to Agenda

III. Minutes

- A. Regular Meeting – February 15, 2018
- B. Joint Work Session – May 17, 2018

IV. Review and Sign Ethics Policy

- A. Elect Chairperson and Vice-chairperson

V. Public Hearing

- A. Final site plan review for a proposed mixed use development of an 1.88 acre parcel to remove a vacant residential building, construct a restaurant, construct a four story 100 unit hotel, remove one curb cut and reconfigure parking at 92 & 100 Pearl Street in the TOD District by Jiddu/Sittu Trust, owners.

VI. Other Planning Commissions Items

VII. 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.

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**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
July 19, 2018**

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

ADMINISTRATION: Robin Pierce, Development Director.

OTHERS PRESENT: Ed von Sitas, Phillip Bissonette, John Reynolds, Jason Rengo, Gabe Handy, Kaitlin Hayes, Doug Henson, Bob Provost, Mary Lefcourt, Tracy Robar, Tim Shea, Tom Helarstutler, Virginia Hanker, Danny Hanker, George Tyler, Evan Teich.

- AGENDA:**
1. Call to Order
 2. Audience for Visitors
 3. Additions/Amendments to the Agenda
 4. Minutes
 5. Election of Officers
 6. Public Hearing:
 - Final Plan, Mixed Use Development, Restaurant & Hotel, 92 and 100 Pearl Street, Jiddu/Sittu Trust
 7. Other Planning Commission Items
 8. Adjournment

1. CALL TO ORDER

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

2. AUDIENCE FOR VISITORS

Tom Helarstutler, 12 Pleasant Street, urged the Planning Commission to keep everything on a positive basis with expanding businesses and housing in Essex Junction and to take a positive look at new projects. Mr. Handy renovated the building where the Dollar Tree is now and that business generates tax revenue for the village and provides jobs for people. The Planning Commission needs to be aware of underutilized property in Essex Junction and to plan for the future, not save the past because the past will not pay the bills.

3. ADDITIONS/AMENDMENTS TO THE AGENDA

There were no changes to the agenda.

4. MINUTES

February 15, 2018 & May 17, 2018

MOTION by John Alden, SECOND by Amber Thibeault, to approve the minutes of 2/15/18 and 5/17/18 as written. VOTING: unanimous (5-0); motion carried.

5. ELECTION OF OFFICERS

Robin Pierce facilitated the election of the Chair.

Chair

MOTION by Andrew Boutin, SECOND by John Alden, to nominate David Nistico as Chair of the Essex Junction Planning Commission. There were no other nominations. Nominations were closed. **VOTING: unanimous; motion carried.**

David Nistico is Chair of the Essex Junction Planning Commission and resumed facilitation of the meeting.

Vice Chair

MOTION by Amber Thibeault, SECOND by Andrew Boutin, to nominate John Alden as Vice Chair of the Essex Junction Planning Commission. There were no other nominations. Nominations were closed. **VOTING: unanimous; motion carried.**

John Alden is Vice Chair of the Essex Junction Planning Commission.

6. PUBLIC MEETING

Final Plan for a proposed mixed use development on 1.88 acres that includes removal of a vacant residential building and construction of a restaurant and four story, 100 unit hotel, removal of one curb cut and reconfiguration of the parking at 92 and 100 Pearl Street in the TOD District by Jiddu/Sittu Trust (Gabe Handy).

Doug Henson with Lamoureux & Dickinson, and Gabe Handy appeared on behalf of the application.

APPLICANT COMMENTS

Doug Hansen highlighted the following:

- The 100 room hotel and 3,000 s.f. take-out restaurant will be located in what are now vacant parking lots. The new buildings will be set back 20' from Pearl Street.
- The vacant residential building in the left rear corner of the lot will be removed.
- The site is limited by high ground water so parking will be in an enclosed garage on the ground floor of the hotel (40 spaces). There will be four reserved parking spaces by the front door of the hotel.
- The Dollar Tree is located where the former Capital Lincoln Mercury car dealership was located.
- Dumpsters for the hotel and restaurant will be enclosed (hotel dumpster will be in the parking garage). There will be receptacles for trash, compost, and recycling.
- One of the four existing curb cuts will be eliminated.
- Traffic flow will be one-way in and one-way out with left and right turn lanes at the exit to reduce traffic congestion.
- The existing drive serves both properties (92 Pearl and 100 Pearl). The drive will be widened to 24' per the Code.
- Storm water treatment will be done on-site with retention ponds, infiltration trenches, and catch basins.
- The site will be served by municipal sewer and water service. The water line is new and a larger service for the development.
- There will be a 5' wide ADA compliant sidewalk in front of the building along Pearl Street. The elimination of the curb cut decreases conflict between pedestrians

and vehicles. The bike lane will remain. People will be able to walk between the buildings to access the parking lot and enter the hotel or restaurant.

- The nearest bus stop is between the Dollar Tree and MacDonald's on Pearl Street.
- Landscaping includes five street trees in the front of the buildings, rain gardens, foundation plantings, and shrubs/trees in the landscaped islands. There will also be trees to screen the adjacent property from the dumpsters.

The Planning Commission asked about the following:

- The patio area between the buildings by Pearl Street - Doug Hanson said the patio area is 30' x 25' and a bench can be added to the area. The sidewalk between the buildings is 11' wide. The sidewalk on Pearl Street by the patio area is 8' wide.
- The front door to the hotel - Doug Hanson said the registration area is on the side by the parking. There will likely be a door from the hotel lobby to the restaurant. The restaurant is fast food take-out, but not drive-thru.
- Designing the parking garage as a drive-thru to maximize shared parking between all three uses on the property - Robin Pierce said having traffic cut through the site should not be encouraged. John Alden clarified the suggestion is to design the garage so there is the option at some point if desired to have a drive-thru.
- Parking for the hotel - Doug Hanson said the hotel requires 100 spaces. There are 40 in the garage and four reserved spaces. The remaining 56 spaces can be anywhere there is an open parking space on the site (shared parking). There are 106 parking spaces on the site and 105 spaces are needed to accommodate all the uses. Gabe Handy noted with his other hotels he supplies one parking space per room and his experience is that there are always open spaces available.
- Charging station for electric vehicles (may be a state requirement) - Doug Hanson said there is room for a charging station.
- Removing the parking spaces in front of the Dollar Tree that do not meet the requirements - Gabe Handy said the spaces are handicap parking for the store which is in the first year of a five year lease. If the store should close or when the lease expires then the area can be changed. The Planning Commission stressed it is highly recommended to have the parking be compliant in front of the Dollar Tree.

STAFF REPORT

The Planning Commission received a written staff report on the application, dated 7/19/18. Robin Pierce noted the following:

- The site is nonconforming and does not have the required 75% of building frontage, but the proposal provides a street presence and increases the existing street frontage, making a non-conforming lot less nonconforming.
- One of the four curb cuts will be closed which will decrease potential conflict with bikes and pedestrians.
- Pedestrian accommodation is increased with the proposal.
- Storm water runoff from the site will be decreased.
- Green space on the site will be increased.
- The proposal is what the village is seeking for this site as per a previous Staff Report for the property.

John Alden reviewed the specific objectives of the TOD District, noting the design should address the long façade of the proposal. Robin Pierce assured the TOD requirements on the street side elevation will be met in terms of height, size, shape, and type of windows. The height of the building (four-story, 58') meets the standards of the district. The entire parcel is mixed use.

John Alden asked if there are any improvements to the Dollar Tree side of the parcel. Doug Hanson said the parking spaces will be standardized and plantings will be added. Dave Nistico urged bringing the connectivity of the property together with landscaping. Doug Hanson said there will be similar plantings across the site.

PUBLIC COMMENT

Ed von Sitas, village resident, stated Mr. Handy is encouraging more pedestrian traffic with the type of buildings he is proposing. Mr. von Sitas also mentioned taxes that will be paid on a \$5 million building.

Danny Hanker, 90 Pearl Street, urged the Planning Commission to consider the impact of the development on the quality of life of the residents who live next to the site and have lived there since 1955. A four story commercial building will block the sun. The dumpster location is close to the backyard picnic table and grill. There will be noise from traffic and trucks on the site. There is also concern about storm water runoff causing flooding which occurs now. David Nistico assured the Planning Commission does take into consideration residential being next to commercial development. Robin Pierce noted with regard to runoff the state requirement is that runoff from the site cannot be increased due to the development.

Mary Lefcourt, 24 Cascade Street, spoke in support of the project which will help keep people who come to the numerous events at the fairgrounds in the village supporting the businesses and restaurants here rather than in Burlington. The village needs a hotel which will bring in revenue to everyone and bring in more events. There was mention of the number of jobs that will be created with the proposal (nearly 40 positions in the hotel alone).

Jason Rengo, 39 Roscoe Court, asked about landscaping on the southern end of the site by the residential housing. Doug Hanson said there will be shrubs and trees on the Handy property, but nothing can be planted in the railroad right-of-way. There is a substantial tree barrier on the other side of the tracks.

Tim Shea, CVE, spoke in support of the project, noting people now go to surrounding communities for lodging and meals instead of bringing economic benefit to the Village community..

Bob Provost, 29 Birch Street, spoke of national and regional statistics on full occupancy of hotels and motels, and 75% occupancy is considered full so having one parking space per room is adequate.

There were no further comments.

MOTION by Amber Thibeault, SECOND by Steven Shaw, to close the public portion of the meeting. VOTING: unanimous (5-0); motion carried.

DELIBERATION/DECISION

Final Plan, Mixed Use Development, Restaurant and Hotel, 92 & 100 Pearl Street, Jiddu/Sittu Trust (Gabe Handy)

MOTION by John Alden, SECOND by Amber Thibeault, to approve the Final Plan for a mixed use development on 1.88 acres that includes removal of a vacant residential building, constructing a restaurant and a four story, 100 unit hotel, removing one curb cut, and reconfiguring the parking at 92 & 100 Pearl Street in the TOD District by Jiddu/Sittu Trust (Gabe Handy) with the following conditions:

- 1. All staff comments in the Staff Report shall be addressed and satisfied prior to issuance of a Certificate of Occupancy.**
- 2. Storm water management shall be provided entirely on-site and the Village Engineer shall review the final plans for compliance and approval prior to construction.**
- 3. The village retains the right to require the owner to provide storm water improvements on the project site in the future.**
- 4. All work shall comply with the Village of Essex Junction Land Development Code.**
- 5. The applicant shall give a portion of the funds not used for landscaping (landscaping is 2% of construction cost) to the Village of Essex Junction for landscaping on village owned property and the development of street trees for future village use.**
- 6. The applicant shall complete and sign a Sewer Capacity Voluntary Permit Revocation Form prior to the village releasing a Letter of Capacity to the State of Vermont.**
- 7. All LED light fixtures shall have a maximum color temperature of 4300K.**
- 8. All new exterior lighting shall be down shielded and dark sky compliant.**
- 9. A waiver for building frontage (28') shall be granted.**
- 10. The applicant shall confirm the building design, specifically the Pearl Street façade, meets the Land Development Code requirements for a hotel and restaurant in the TOD District.**
- 11. The restaurant shall be designed to match the hotel.**
- 12. The applicant shall consider designing the option to allow the parking garage to be drive-thru.**
- 13. Additional landscaping shall be provided between the restaurant parking lot and the existing apartment house.**
- 14. Additional screening for headlight shine reaching the existing apartment house shall be installed on the southeast corner of the hotel site.**
- 15. The applicant shall work with staff to locate a fence on the easterly property line to block headlight shine on adjacent residences.**

16. With any change of use to 98 and 100 Pearl Street the applicant shall remove the parking spaces located at the front of the building prior to any permit being administratively issued by the village.

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

7. OTHER PLANNING COMMISSION ITEMS

None.

8. ADJOURNMENT

MOTION by Amber Thibeault, SECOND by Steve Shaw, to adjourn the meeting.

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

The meeting was adjourned at 7:45 PM.

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