

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
February 20, 2020**

MEMBERS PRESENT: John Alden, Diane Clemens, Philip Batalion, Andrew Boutin, Patrick Scheld, Steven Shaw (David Nistico was absent).

ADMINISTRATION: Robin Pierce, Community Development Director.

OTHERS PRESENT: Anne Whyte, Jarrett Frankel, Brett Grabowski, Roger Dickinson, Nicholas Smith, Tyler Cote, Bob McEwing, Kent Smalling, Carla Smalling, Greg Rabideau, Armand Morel.

- AGENDA:**
1. Call to Order
 2. Audience for Visitors
 3. Additions/Amendments to the Agenda
 4. Minutes – October 17, 2019
 5. Public Hearing
 - A. Final site plan to convert single family dwelling into three (3) residential units at 8 Church Street in the MF3 District, by Armand Morel, owner.
 - B. Final site plan review for a proposed mixed use building and removal of existing buildings; construct 9,830 s.f. four-story mixed use building with parking deck; commercial space on 1st floor with 48 studio apartments on the upper floors at 9 & 11 Park St in the VC District, by 11 Park Street, LLC, owners.
 6. Other Planning Commission Items
 7. Adjournment

1. CALL TO ORDER

John Alden called the meeting to order at 6:02PM.

2. AUDIENCE FOR VISITORS

Members of the public who wished to testify during the public portion of the below agenda items were sworn in.

No members of the public had comments on items not on the agenda at this time.

3. ADDITIONS/AMENDMENTS TO THE AGENDA

Two additional topics were added to Agenda Item 6 below, by Robin Pierce and Diane Clemens.

4. MINUTES

October 17, 2019

MOTION by Steven Shaw, SECOND by Diane Clemens to approve the minutes of October 17, 2019, with the following corrections:

- **Last line of first paragraph of Agenda Item 2: replace “site plan” with “application”.**

VOTING: 5-0-1 [Patrick Scheld abstained]; motion carried.

5. PUBLIC HEARING

A. Final site plan to convert single family dwelling into three (3) residential units at 8 Church Street in the MF3 District, by Armand Morel, owner:

Mr. Pierce gave an overview of the final site plan and process for approval, stating that the property would be converted into a 3-unit dwelling, that it is located in the historic district, has been vacant for some time, and that the changes are all to the interior of the property.

Mr. Alden asked whether there would be new site plan lighting, and Armand Model, owner, replied that the street lighting was adequate to light the parking lot, and two lights will be kept at the entry to the building.

Ms. Clemens asked about a 3-4 foot drop behind the property, according to the topography map submitted as part of the site plan. Mr. Morel replied that the drop is a berm with no retaining wall and had been there prior to these interior changes, and that he plans to change it in future.

Mr. Alden stated that the parking plan and lighting plan look adequate, but noted that the fire marshal may have more requirements as the property is being converted from one unit into three units, and also noted that one of the ground floor units would have to be accessible, but that this is a state requirement, not a local one. He saw no further issues for the Planning Commission to consider and discuss.

Mr. Scheld felt positive about this proposed change being owner-occupied, and that it would bring vacant space back into the market. He asked whether the two rental units would be affordable housing or the market rate. Mr. Morel stated that he has not decided yet between the two. Mr. Scheld noted that Champlain Housing Trust's homeowner center could provide rehabilitation loans to the owners, if needed. Mr. Morel thanked Mr. Scheld for that information.

MOTION by Patrick Scheld, SECOND by Diane Clemens, to approve the final site plan to convert single family dwelling into three (3) residential units at 8 Church Street in the MF3 District, by Armand Morel, owner, with the following conditions:

- 1. All Staff comments in this Staff Report shall be addressed to the satisfaction of Village Staff prior to a Certificate of Occupancy approval.**

2. **Stormwater management will be provided entirely on-site. The Village Engineer shall review and approve the site prior to a CO.**
3. **All work shall comply with the Village of Essex Junction Land Development Code.**
4. **The Village reserves the right to require drainage improvements in the future if drainage problems arise as a result of this project.**
5. **The Village reserves the right to require future landscaping improvements in the front parking area, in consultation with Village Staff and neighboring property owners.**

VOTING: unanimous (6-0); motion carried.

B. Final site plan review for a proposed mixed use building and removal of existing buildings; construct 9,830 s.f. four-story mixed use building with parking deck; commercial space on 1st floor with 48 studio apartments on the upper floors at 9 & 11 Park St in the VC District, by 11 Park Street, LLC, owners:

Greg Rabideau and Tyler Cote of Rabideau Architects, Brett Grabowski of Milot Real Estate, and Roger Dickinson of Lamoureux & Dickinson led the discussion of this item. Mr. Pierce began the discussion by noting that changes have been made to the Site Plan based on recommendations from the Planning Commission's conceptual review for this property in August of 2019. He noted vegetation changes, more outdoor space, and a wider streetscape as the building was moved back between 10 and 12 feet from the Land Development Code permitted footprint.

Mr. Cote noted cosmetic changes to the building's exterior, including changes to the color scheme and more detailed cornices. He also noted the addition of vegetative screening for the parking garage's main level, comprising a latticed screen and hardier varieties of ivy or climbing plants.

Mr. Dickinson walked through the changes that would be public facing and described changes made to the parking decks, ramps, street width changes, and increased sidewalk width. He also stated that existing buildings on the property will be removed prior to construction of new buildings.

Mr. Scheld asked about the types of apartments that would be contained in the proposed Site Plan, and whether the studio apartments could potentially be converted into one-or-two bedroom apartments in future. Mr. Cote replied that some of the apartment layouts had the flexibility of sectioning off the living space into two areas with double doors, but that all are technically studio layouts currently. He added that there is a current need for studio apartments and that rental prices will be lower than for one-or-two bedroom apartments. He also added that the structure of the building is adaptable so that in future, apartments could be combined if there was a need for larger rental units in the building. Mr. Grabowski noted that none of the current commercial occupants are planning to move back in to the new space. Mr. Cote further noted that the extra parking on the parking deck in this plan is meant to support the commercial aspect of the property.

Mr. Alden thanked the team for their flexibility in designing a property that fits in with the neighborhood and helps improve public spaces in the Junction, and noted that the facades and new renderings look great. He asked about the sub-surface filtration chambers and whether new ones were needed. Mr. Dickinson replied that the current filtration chambers will be relocated to the north corner of the site, and that temporary piping will be used while excavation and foundation work is being completed.

Ms. Clemens asked about bike rack location, and Mr. Grabowski replied that they will be spread out around the building and some of them will be under cover on the parking deck. Ms. Clemens also asked whether the lower-light areas of the lighting plan will have increased lighting installed. Mr. Dickinson replied that lighting will be installed on the side of the building and the ramps, which will help illuminate those areas.

Mr. Boutin asked if the lighting would be motion-activated or constantly on. Mr. Cote was unsure. Mr. Boutin asked about electric vehicle charging locations. Mr. Cote replied that the property will have sufficient charging stations to comply with Act 250. Mr. Boutin asked whether solar panels were being planned for installation. Mr. Cote replied that they are not in the initial plan, but that the roofs will be constructed to allow future solar panel installation when it becomes more economically feasible to do so. Mr. Grabowski noted that the property will meet the criteria for Efficiency Vermont's High Performance level of efficiency.

Mr. Shaw noted his appreciation of the improvements made to the conceptual plan, and asked about the decrease in proposed parking spaces from 87 to 84. Mr. Cote replied that the designers were more conservative with parking space estimation for the final site plan and that the parking deck size decreased, leading to loss of those parking spaces.

During the public comment portion of the discussion, Anne Whyte stated that she lives close to the proposed property site and had a number of questions and concerns. She asked whether there would be blasting and if so, if neighbors would be notified. Mr. Dickinson replied that no blasting is planned currently, but residents will be notified if there is in the future. She asked whether there would be a sidewalk on the driveway to Park Terrace and Mr. Dickinson replied that there will be, but people will not exit there. She asked where the exhaust fan for the parking garage would be located, noting her concern with noise level. Mr. Cote replied that the garage will have a carbon monoxide detector, which will turn on the fan if it reaches a certain level. Ms. Whyte further noted concern about loading, unloading, and deliveries, and their impact on traffic at Park Terrace. Mr. Dickinson replied that trucks will enter the parking area and back up to the building, not obstructing street traffic flow. Ms. Whyte stressed that enforcement of this will be crucial to traffic flow and public safety. Mr. Pierce noted that a traffic study will be conducted once the building reaches 50% occupancy. Ms. Whyte finally noted that accommodation for pet waste should be made if the property will allow renters to have pets, because currently if there is 100% lot coverage, many neighboring residents find pet waste on their lawns.

Mr. Alden suggested, based on these comments, that a stipulation be added to the final site plan approval to require loading and unloading to only occur on the surface level of the parking deck.

Ms. Clemens asked about signage for public parking. Mr. Grabowski replied that agreements have not yet been finalized yet, but that there will be signage either restricting public parking or private parking at certain hours.

Mr. Alden asked about fire truck access to the property. Mr. Pierce replied that the fire chief had no comments upon review of the site plan.

MOTION by Diane Clemens, SECOND by Andrew Boutin, to close the public portion of the final site plan review for a proposed mixed use building and removal of existing buildings; construct 9,830 s.f. four-story mixed use building with parking deck; commercial space on 1st floor with 48 studio apartments on the upper floors at 9 & 11 Park St in the VC District, by 11 Park Street, LLC, owners. VOTING: unanimous (6-0); motion carried.

MOTION by Steven Shaw, SECOND by Philip Batalion, to approve the final site plan review for a proposed mixed use building and removal of existing buildings; construct 9,830 s.f. four-story mixed use building with parking deck; commercial space on 1st floor with 48 studio apartments on the upper floors at 9 & 11 Park St in the VC District, by 11 Park Street, LLC, owners, with the following conditions:

- 1. All Staff comments in this Staff Report shall be addressed to the satisfaction of Village Staff prior to a Certificate of Occupancy approval.**
- 2. Stormwater management will be provided entirely on-site. The Village Engineer shall review and approve the site prior to a CO.**
- 3. The Final Site Plan review shall include the moving of the middle retaining wall on Park Street closer to the street light base while retaining a five foot clearance between the face of the retaining wall and the base of the street light.**
- 4. Construction equipment and loading material shall not occur on Park Terrace beyond the east side of the site property line, and no construction vehicles shall use School Street to exit the construction site.**
- 5. All work shall comply with the Village of Essex Junction Land Development Code.**
- 6. Upon approval of building use a change request will be submitted to obtain additional water and sewer use allocations by the applicant to the Village.**
- 7. The Village reserves the right to require drainage improvements in the future if drainage problems arise as a result of this project.**
- 8. 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.**

9. Applicant shall ensure there is no light trespass onto the adjacent property.
10. The applicant shall store snow on the property or have it removed from site.
11. Lighting plan shall be updated to comply with Village of Essex Junction Land Development Code.
12. Loading and unloading must occur on surface level parking only.
13. Property shall have adequate electric vehicle charging stations to meet requirements of Act 250.
14. Snow removal shall occur within 48 hours of end of any snow event.
15. Applicant shall work with Staff to address potential traffic flow conflicts within the parking garage.

VOTING: unanimous (6-0); motion carried.

6. OTHER PLANNING COMMISSION ITEMS

Mr. Pierce updated the Planning Commission about ongoing work between the Village and property owners at 35 Main Street to modify the color and design of the exterior of the building to bring it more in line with the design that was originally approved. He showed proposed color schemes and design changes to the Planning Commission, and Mr. Alden agreed that he would continue working with Mr. Pierce and property owners to help with design. Mr. Pierce noted that the building needs to be finalized by June 16, 2020, and that the Planning Commission needs to give direction to the property owners by the end of February.

Ms. Clemens asked about the status of the Connector Road plans. Mr. Pierce replied that work should be underway in the spring. He also noted that one property owner did not agree to sell land or grant an easement to the Village for the connector work, and a meeting with attorneys will take place in mid or late March to discuss next steps.

Ms. Clemens also noted that she had copies of the Vermont Green Streets Guide, if other Planning Commission members would like one.

7. ADJOURNMENT

MOTION by Patrick Scheld, SECOND by Steven Shaw, to adjourn the meeting.

VOTING: unanimous (6-0); motion carried.

The meeting was adjourned at 8:28PM.