

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
December 17, 2020**

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

ADMINISTRATION: Robin Pierce, Community Development Director; Tammy Getchell, Assistant to the Manager.

OTHERS PRESENT: Brett Bartlett, Bryan Currier, Michael Dugan, Curt Montgomery, Frank Naef, Judy Naef.

- AGENDA:**
1. Call to Order
 2. Audience for Visitors
 3. Additions/Amendments to the Agenda
 4. Minutes – February 20, 2020
 5. Review and Sign Ethics Policy
 - A. Elect Chairperson and Vice-chairperson
 6. Public Hearing
 - A. Final site plan review for the removal of buildings #4 and #5 to construct an 8,465 s.f. residential 4 story building with underground parking consisting of 24 1-bedroom units and 20 studio units at 15 Franklin Street in the MCU District by O’Leary-Burke Civil Associates, agents for 222 Franklin Inc., owners.
 7. Other Planning Commission Items
 8. Adjournment

1. CALL TO ORDER

David Nistico called the meeting to order at 6:30 PM.

2. AUDIENCE FOR VISITORS

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

Frank Naef said that many of the new neighbors on Park Terrace are dog-owners but that there is no green space on-site for dog use, and that dogs end up relieving themselves on peoples’ lawns. He asked if requirements for green space to accommodate dogs could be added to future projects. John Alden said that this was flagged as an issue on a separate project, and that it would be possible for the Planning Commission to require adequate facilities for these situations. He said he would ask staff to assist with this.

Judy Naef expressed concern about problems with the construction site next to her residence on Park Terrace. She said that the road is blocked daily, the noise is very disruptive, and that there is illegal parking occurring. She said she does not know to

whom to reach out to solve this. David Nistico said that illegal parking would be a police issue, but any permitting issues would be the Village staff's jurisdiction. Robin Pierce suggested that it could also be a public works issue. Diane Clemens suggested reaching out to Andrew Brown, the President of the Village Trustees, or Evan Teich, the Unified Town/Village manager.

3. ADDITIONS/AMENDMENTS TO THE AGENDA

None.

4. MINUTES

February 20, 2020

MOTION by Diane Clemens, SECOND by Steven Shaw, to approve the minutes of February 20, 2020, as written.

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

5. REVIEW AND SIGN ETHICS POLICY

A. Elect Chairperson and Vice-chairperson

MOTION by John Alden, SECOND by Steven Shaw, to nominate David Nistico as chair.

There were no other nominations.

VOTING: unanimous (6-0); motion carries. David Nistico is now the chair.

MOTION by David Nistico, SECOND by Patrick Scheld, to nominate John Alden as vice chair.

There were no other nominations.

VOTING: unanimous (6-0); motion carries. John Alden is now the vice-chair.

5. PUBLIC HEARING

A. Final site plan review for the removal of buildings #4 and #5 to construct an 8,465 s.f. residential 4 story building with underground parking consisting of 24 1-bedroom units and 20 studio units at 15 Franklin Street in the MCU District by O'Leary-Burke Civil Associates, agents for 222 Franklin Inc., owners.

Bryan Currier began the presentation by describing the property as a Village development on a 27.85-acre parcel in the Mixed-Use District, and that the project proposes to remove two existing buildings (Buildings 4 and 5) and add a 36-space parking lot and 44-unit apartment building. He noted that the new building will be connected to municipal water and sewer and that all water will be treated on site. He also noted that though 768 parking spaces are required for the building, the developers have proposed 695 spaces based on a

parking study conducted in 2019 that calculated that 584 spaces would be sufficient, and that the developers are asking for a parking waiver based on this finding.

Mr. Currier reviewed several of the proposed conditions for the project that the developer is asking to be removed prior to approval and gave the developer's rationale for their removal. These include proposed conditions #16 (adequate sewer capacity), #18 (topsoil stockpiles), and #19 (lighting levels).

Michael Dugan pointed out that the proposed building will have the same siding, roof pitch, color, and location of underground parking as in Building D, which was approved by the Planning Commission in 2019.

Mr. Alden asked why more surface parking is being built if the 2019 parking study suggested that the development is already beyond the required number of spaces. Mr. Currier replied that the units are 1-bedroom apartments and the developer wants to give each unit a specific marked space.

Mr. Alden noted that the staffing report suggests additional lighting and asked about the standard for lighting and Robin Pierce replied that it is 0.2 and the plan as designed shows some sidewalks illuminated at 0.1. Mr. Currier noted that the developer does not want lighting to overwhelm the first floor apartments, but said that they could submit a revised lighting plan that ensures lighting levels of at least 0.2 along the sidewalks in question.

Mr. Alden said that staff recommendation #3 should also include language around state and federal requirements and that they supersede Village code if they are more stringent.

Patrick Scheld noted that the current buildings slated for demolition contain two-bedroom units and asked why they are being replaced with smaller units. Mr. Nistico replied that this is a staged project and that new buildings are being built in stages, adding that the project reflects the demand in the rental market for smaller units, such as one-bedrooms and studios. Mr. Dugan also added that the existing buildings were originally dorm buildings, that they have tried to update them and make them as efficient as possible, but given their age and outdated layouts, it made more sense to replace them. Mr. Scheld replied that the Planning Commission and Village should promote a wider range of home sizes and housing opportunities and that he is concerned about market saturation for one-bedroom units.

Ms. Clemens said that she toured the building site and did a parking-space count and that three-quarters of the spaces were occupied at 10:00 in the morning, indicating that many residents are working from home currently. She also requested that detail around sewer location be added to the plan drawings because it is currently unclear how the sewer could avoid going to the pump station. She additionally requested notation on where snow storage would occur. Mr. Currier replied that they will include more snow storage areas in the drawing, which will be located at the south end of the building and along the existing driveway.

Ms. Clemens asked about bicycle storage for Building D and said she would like to see more of it. Mr. Currier replied that underground bicycle parking will be added and that there are spaces reserved in the parking lots for bicycles.

Phil Batalion asked about the inclusion of electric vehicle chargers. Mr. Currier replied that Act 250 requires E/V charging stations and that they will be provided.

Mr. Pierce pointed out the recommendation to return the difference of landscaping funds to Village for hard and soft landscaping in the Village Center District and Mr. Currier said that the developer is in agreement with that condition.

MOTION by John Alden, SECOND by Patrick Scheld, to close the public portion of the final site plan review for the removal of buildings #4 and #5 to construct an 8,465 s.f. residential 4 story building with underground parking consisting of 24 1-bedroom units and 20 studio units at 15 Franklin Street in the MCU District by O’Leary-Burke Civil Associates, agents for 222 Franklin Inc., owners. VOTING: unanimous (6-0); motion carries.

DISCUSSION:

Mr. Nistico said that the Village has been reviewing plans for the project for some time and that he thinks that overall it has been very well-done and planned out.

Ms. Clemens expressed concern about parking demands increasing in future and asked for inclusion of conditions around that Mr. Pierce said that the Village could ask the developer to increase parking if the study turns out to be flawed, suggesting that another study be conducted after 50% occupancy is reached.

MOTION by Phil Batalion, SECOND by Patrick Scheld, to approve the parking waiver.

VOTING: unanimous; motion carries.

MOTION by John Alden, SECOND by Steven Shaw, to approve the final site plan review for the removal of buildings #4 and #5 to construct an 8,465 s.f. residential 4 story building with underground parking consisting of 24 1-bedroom units and 20 studio units at 15 Franklin Street in the MCU District by O’Leary-Burke Civil Associates, agents for 222 Franklin Inc., owners., with the following conditions:

- 1. Require the submission of record drawings for site utilities to the Village of Essex Junction upon completion of construction, in both AutoCAD and PDF format. The Village would also like to request this information be provided in shapefile format in Vermont State Plane Meters, NAD83.**
- 2. A total of 722 parking spaces are required by the LDC for the entire project development; there will be a total of 643 parking spaces provided throughout the project development with completion of this proposed building. Staff recommend a parking waiver as the parking spaces are**

rarely near full occupancy. A waiver with this application will relate to the totality of the developed site plus this newly proposed building. There the waiver requested 73 parking spaces for the whole of the site.

3. Accessible parking spaces should be added within the underground parking and in the surface parking lot to meet Village Code, state, and federal regulations.
4. Any dumpsters shall be screened and covered and have drain plugs installed.
5. The applicant shall submit copies of stormwater system annual inspection reports to the Village of Essex Junction as a condition of approval.
6. A follow-up traffic study within 6 months of 50% occupancy of the proposed building in order to confirm the trip generation rate and to determine if parking improvements are necessary will be performed by the applicant. A follow-up parking study within 6 months of 50% occupancy of the proposed building in order to confirm adequate parking will be performed by the applicant, and demonstration of additional parking space will be required should it be necessary.
7. No CO will be issued until all necessary approved State Permits including but not limited to: Act 250, and Stormwater are submitted to the Village.
8. 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.
9. All work shall comply with the Village of Essex Junction Land Development Code as amended December 13, 2016.
10. All Village Staff recommendations shall be complied with.
11. In lieu of landscaping for the project not equaling 2% of construction costs the difference shall be given to the Village for hard and soft landscaping in the Village Center District.
12. Bike racks shall be provided as part of this development proposal in the building and outside the building. Bicycle storage shall be shown on the plan.
13. The applicant will need to request and obtain additional sewer and water allocation approvals from the Village for this project.
14. Applicant shall submit record drawings for site utilities to the Village of Essex Junction upon completion of construction, in both AutoCAD and PDF format. The Village also requests this information be provided in shapefile format in Vermont State Plane Meters, NAD83.
15. Approve a parking waiver in order to minimize impervious area coverage.
16. The applicant shall provide confirmation that adequate capacity exists in the existing sewer pump station to accommodate the increased flow anticipated as a result of this project.
17. The applicant shall submit a copy of the amended State Stormwater Discharge Permit for this project prior to issuance of a zoning permit. The Water Quality Superintendent requests that a copy of the HydroCAD file for the project be provided to the Village.

18. The plans should be revised to depict the location(s) of proposed topsoil stockpiles.
19. We recommend additional lighting along the new sidewalk on the north side of the new building. Add additional lighting low to the ground to bring the sidewalk up to the 0.2 requirement.
20. The plans should be revised to require that the connection of the new building sewer to the existing sewer piping be inspected by an authorized representative of the Village of Essex Junction prior to backfilling.
21. The plans shall indicate where the electric vehicle charging stations will be located prior to approval.

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

6. OTHER PLANNING COMMISSION ITEMS

Mr. Alden said that residents are asking about the status of the merger conversation and how it could impact the Planning Commissions. Mr. Pierce noted that staff is drafting a memo about this topic with its recommendations, which will be presented to the Village Trustees and Town Selectboard in January or February.

7. ADJOURNMENT

MOTION by Patrick Scheld, SECOND by John Alden, to adjourn the meeting.

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

The meeting was adjourned at 8:29PM.

RScty: AACoonrad