

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
FEBRUARY 16, 2017
AGENDA
6:00 P.M.**

I. Audience for Visitors

II. Additions or Amendments to Agenda

III. Minutes

A. Regular Meeting – October 6, 2016

IV. Public Hearing

A. Final Site Plan review for demolition of existing commercial building; construct 3-story 67 unit apartment building with 3,439 s.f. commercial space on first floor at 195-197 Pearl Street in the MF/MU1 District, by O’Leary-Burke Civil Associates, agents for JIDDU/SITTU Trust (c/o Gabriel Handy), owner.

V. 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.

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
February 16, 2017**

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

ADMINISTRATION: Robin Pierce, Development Director.

OTHERS PRESENT: Michelle Dufresne, Dan Heil, David Burke, Gabriel Handy, Nick Meyer, Dustin Brusco.

- AGENDA:**
1. Call to Order
 2. Audience for Visitors
 3. Additions/Amendments to the Agenda
 4. Minutes
 5. Public Hearing:
 - Final Site Plan, 67 Unit Apartment Building, 195-197 Pearl Street, JIDDU/SITTU Trust (c/o Gabriel Handy)
 6. Other Planning Commission Items
 7. Adjournment
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1. CALL TO ORDER

In the absence of Chairman Nistico, John Alden called the meeting to order at 6 PM.

2. AUDIENCE FOR VISITORS

Nick Meyer urged the Planning Commission to review PUD allowances for better development, noting the recent approval for development on Lamoille Street does not reach that standard, is out of character with the neighborhood, and the garage was stripped out of the affordable housing component. Mr. Meyer also spoke in support of having separate hearings for site plan and final plan review in PUD applications in order to review an application at least twice to result in a better development.

3. ADDITIONS/AMENDMENTS TO THE AGENDA

None.

4. MINUTES

October 6, 2016

MOTION by Amber Thibeault, SECOND by Joe Weith, to approve the minutes of 10/6/16 as presented. VOTING: 5 ayes, one abstention (Diane Clemens); motion carried.

5. PUBLIC HEARING

Final Site Plan for demolition of an existing commercial building and construction of a three story, 67 unit apartment building with 3,439 s.f. of commercial space on the first floor at 195-197 Pearl Street in the MF/MU-1 District by JIDDU/SITTU Trust (c/o Gabriel Handy), owner

David Burke, Dan Heil, Michelle Dufresne, and Gabe Handy appeared on behalf of the application. There were no announcements of conflicts of interest or ex parte communication. Individuals to give testimony on the application were sworn in.

STAFF REPORT

The Planning Commission received a written staff report on the application, dated 2/16/17.

APPLICANT COMMENTS

David Burke reviewed the site location that includes an existing single family house and the former location of the Toro tractor dealership at 195-197 Pearl Street. The 67 unit apartment building will include approximately 3,400 s.f. of commercial space on the first level. The site is 1.4 acres in the MF/MU-1 District. All zoning requirements and setbacks are met with the proposal and the use is allowed in the district. Lot coverage is 41% (65% is the maximum). Comments in the staff report and the approval stipulations are acceptable. Relief is requested from the two parking spaces per residential unit requirement (request is one space per unit) based on a study of parking use at the residential developments at 243-245 Pearl Street and 235 Pearl Street that showed less than one space per unit was adequate. Parking waivers were granted for these two sites. Also, the buildings are on the bus line and the lease with tenants stipulates one parking space per residential unit. Most of the parking at 195-197 Pearl Street is located under the building. The spaces by the commercial use in front of the building will be designated for that use. Mr. Burke noted the parking waiver request meets more than one of the criteria listing in Section 703.K.16 of the Land Development Code.

Amber Thibeault asked if the building is three or four stories. David Burke said the building is four story, but is four feet lower than the standard height of 58'.

Joe Weith asked about the commercial space on the first floor with a laundry and space for the building manager's office. Michelle Dufresne stated the façade will be the same for the commercial space. The laundry is public access and the commercial square footage includes that space. The manager's office is not included in the commercial square footage. The laundry use could at some point in time become other commercial space. Joe Weith suggested clarifying the site plan.

Diane Clemens asked about accessible spaces per Section 703.K.5. Dan Heil said there are six spaces at ground level following discussion with the Village Engineer. The total number of spaces on the site has not changed. Diane Clemens asked for further explanation of the parking waiver request. David Burke said based on the requirements for multi-family residential 141 spaces would be needed just for the residential component at 195-197 Pearl Street, but the study of the adjacent housing shows less than one space per unit is being used and the buildings are on the mass transit line. Either of these conditions meet the waiver criteria. The waiver section of the LDC does not specify the appropriate percent of parking to be waived. The Planning Commission makes that decision. The request is for a 50% waiver of the residential parking requirement (i.e. requesting one parking space per unit rather than two parking spaces per unit based on the evidence of parking use at nearby similar residential buildings and being on the mass transit line). Michelle Dufresne added there are 43 one bedroom units, nine studio apartments, and a few two bedroom units in the proposed building. Gabe Handy said based on plowing done at the existing buildings there are always empty parking spaces and the lease with tenants specifies one car per unit. The rent is held below market rate so the units are consistently full. Most of the tenants do not have a car.

John Alden commented his firm is using one parking space per unit as the benchmark in denser areas especially if mass transit is available.

Joe Weith asked if the surface parking is reserved for retail. David Burke said the commercial spaces will be signed and there will be some spaces under the building and above ground. Joe Weith asked if a restaurant could locate in the commercial space. David Burke said this is not likely. John

Alden pointed out the business would have to fit within the available parking and the review would be under the recently adopted/revised LDC.

Andrew Boutin asked about an electric plug-in for vehicles. Gabe Handy said Act 250 requires the plug-in (the conduit to be installed).

John Alden encouraged moving one of the accessible spaces in the first six spaces shown on the plan to avoid losing one of the spaces.

Diane Clemens asked about the fire hydrant being in the parking area rather than along the street. Robin Pierce said the Fire Department reviewed the plan and made no comment on the hydrant. David Burke explained the fire hydrant location allows a fire truck to pull into the site and not be parked on Pearl Street. John Alden said the Planning Commission could stipulate input is needed from the Fire Department and Public Works on the proper location of the fire hydrant.

There was discussion of landscaping. David Burke pointed out there is a fair amount of natural vegetation that will remain and a fence will be installed on both sides of the property. Landscaping is proposed along the front of the building. In order to reach the required landscaping percentage existing trees would have to be cut down. The 15' buffer zone referred to in Section 708.B.3 is for the district, not a single site.

Joe Weith asked about storm water management. David Burke said the site is flat to slightly downhill. A portion of the parking is underground and a portion is on the first level. There are catch basins at the corner of the curbed parking lot. Runoff will sheet flow to the catch basin to a storm pipe. There is a retention area for infiltration and overflow area to the wetlands. Roof drains tie into the overflow pipe or directly into the retention area for infiltration. Any overflow goes to the stone spillway. The project is reducing the amount of impervious area. The existing barn and concrete foundation will be removed and reseeded to grass.

Amber Thibeault asked about utilities. Dan Heil said the project is coordinating with Green Mountain Power and Vermont Gas. All utilities are underground.

John Alden observed there are some oddities with the property. Robin Pierce said the large barn to be removed currently sits on someone else's property.

There is conflicting information on another lot regarding ownership, but that does not impact the proposal under review. John Alden suggested considering a cut through the median on Pearl Street at some point in time for ingress/egress to the site. Diane Clemens noted all residents along the same section of Pearl Street must exit to the right only. Any changes to that pattern should be discussed with the Trustees and the police.

Diane Clemens asked if the concrete sidewalk will continue across the front of the building. David Burke said the sidewalk will be the entire length of the frontage and the existing expansive curb cut will be narrowed to the standard size for ingress and egress.

PUBLIC COMMENT

Nick Meyer, Pleasant Street, made the following comments:

- Thanks are extended to Gabe Handy for investing in the community.
- Shared parking with residential and commercial uses may cause some conflicts.
- The look of “giant buildings” in the corridor with lots of hardscape and few amenities for residents could be softened with landscaping.
- The project is shoehorned in to maximize what can be done on the site. The size of the project could be reduced and the building set back similar to the Monarch building with trees planted in front.

David Burke noted the building addresses what the regulations are calling for – building up front and parking behind. The setback is a minimum of 20’ to a maximum of 30’. The proposed building is set back 22’. The commercial space on the first floor is close to the sidewalk. If the building is set back farther than the size of the building would have to change and the project would change. Rents would increase. John Alden pointed out the regional plan is calling for affordable units on the transit line which this project provides.

John Alden commented spending the landscaping money on the site for additional landscaping rather than giving the money to the tree nursery project is a good idea. Robin Pierce noted the species selected for the project are listed in the LDC. The plantings include crabapple (4), red dogwood (32), juniper (25), and hydrangea (9). Changing the crabapple to honey locust is acceptable. Nick Meyer suggested a large shade tree rather than the fence on the east side of the lot to shade the parking lot. David Burke said space is limited on the side of the lot (only five or six feet of width) so a

large tree could not be maintained over time. A fence is a better option. Diane Clemens noted the western edge of the property has a fence with four inch caliper trees on the other side. The east side of the lot has overgrown vegetation. Ms. Clemens suggested planting trees on the bank on the east side of the property to help retain the bank. David Burke said trees cannot be removed from the wetland buffer so any plantings would be on top of the bank. The impervious area on the site is being decreased and pulled away from the top of the bank.

Amber Thibeault asked about adding another bike rack. Gabe Handy said he usually puts at least two racks inside the parking garage for tenants. There is a bike rack by the commercial space as well.

There were no further comments.

MOTION by Amber Thibeault, SECOND by Diane Clemens, to close the public hearing for 195-197 Pearl Street. VOTING: unanimous (6-0); motion carried.

DELIBERATION/DECISION

Final Site Plan for demolition of an existing commercial building and construction of a three story, 67 unit apartment building with 3,439 s.f. of commercial space on the first floor at 195-197 Pearl Street in the MF/MU-1 District by JIDDU/SITTU Trust (c/o Gabriel Handy), owner

MOTION by Amber Thibeault, SECOND by Steven Shaw, to approve the Final Plan for a 67 unit apartment building with 3,439 s.f. of commercial space at 195-197 Pearl Street by JIDDU/SITTU Trust, c/o Gabe Handy with the following stipulations:

- 1. All staff comments shall be addressed and satisfied prior to a permit or Certificate of Occupancy being issued.**
- 2. Storm water management shall be provided entirely on site and the Village Engineer will review the final plans for compliance and approval prior to construction.**
- 3. The applicant shall include the infiltration in the model and submit the results to the Village Office for use in demonstrating compliance with the MS-4 requirements.**
- 4. The village retains the right to require the owner to provide storm water improvements on the project site in the future.**
- 5. All work shall comply with the Village of Essex Junction Land Development Code as amended March 29, 2011.**

6. The Planning Commission grants a 74 space parking waiver for the residential portion of the project due to the location on the GMT bus route and experience with other residential buildings on this section of Pearl Street showing underutilized parking areas.
 7. The applicant shall work with staff to maximize landscaping on the site and give a portion of the funds not used for landscaping (funds for landscaping equate to 2% of the construction cost) to the Village of Essex Junction for landscaping on village owned property and the development of street trees for village use by the CTE.
 8. A sign saying "Reserved for Commercial Parking Only" shall be provided in the first floor parking garage to accommodate the seven required commercial parking spaces.
 9. All utilities shall be underground.
 10. The applicant shall secure final staff approval for the location of the fire hydrant.
 11. The applicant agreed to provide an electric vehicle charging station in a location approved by staff.
 12. The floor plan of the building shall be revised to clearly show which space is the 3,439 s.f. of commercial space and will show one more bike rack in a location to be determined by staff.
- VOTING: unanimous (6-0); motion carried.**

6. OTHER PLANNING COMMISSION ITEMS

Town & Village Planning Commissions

Dustin Brusco, Chair of the Town Planning Commission, discussed having a member from the town and village planning commissions engage in discussion of village and town applications as a nonvoting member to promote collaboration between the two planning commissions. Perhaps joint practices, guidelines could be created in areas, for example, of how to use social media effectively, productively, or how to collaborate on training. Mr. Brusco said it would be good to develop some common work flows.

There was mention of the effort that looked at consolidating the village and town planning commission and the recommendation to have one planning commission for the community and separate development review boards, one for development in the town and one for development in the village.

The Planning Commission will further discuss the matter at a future date.

7. ADJOURNMENT

MOTION by Amber Thibeault, **SECOND** by Joe Weith, to adjourn the meeting. **VOTING: unanimous (6-0); motion carried.**

The meeting was adjourned at 7:45 PM.

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