

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

**I. Audience for Visitors**

**II. Additions or Amendments to Agenda**

**III. Minutes**

A. Regular Meeting – February 16, 2017

**IV. Public Hearing**

A. Final Site Plan review for construction of a 4 unit residential building at 1 Cherry Street Ext. in the TOD District, by Civil Engineering Associates and Gardner Kilcoyne Architects, agents for Ken and Yvonne Mandeville and Nick Parent, owners.

**V. Other Planning Commissions Items**

**VI. 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-Held 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](http://www.essexjunction.org).

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

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

**ADMINISTRATION:** Robin Pierce, Development Director.

**OTHERS PRESENT:** William Gardner, Liza Kilcoyne, Ken Mandeville, Jacques Larose, Tom Helmstutler, Nick Parent

- AGENDA:**
1. Call to Order
  2. Audience for Visitors
  3. Additions/Amendments to the Agenda
  4. Minutes
  5. Public Hearing:
    - Final Site Plan, 4 Unit Residential Building, 1 Cherry Street Extension, Ken and Yvonne Mandeville/Nick Parent
  6. Other Planning Commission Items
  7. Adjournment

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**1. CALL TO ORDER**

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

**2. AUDIENCE FOR VISITORS**

There were no comments from the public.

**3. ADDITIONS/AMENDMENTS TO THE AGENDA**

None.

**4. MINUTES**

*February 16, 2017*

**MOTION** by John Alden, **SECOND** by Diane Clemens, to approve the minutes of 2/16/17 with correction to the application by Gabe Handy for a three story building, not a four story building, on Pearl Street. **VOTING:** 4 ayes, one abstention (David Nistico)[Andrew Boutin not present for vote]; motion carried.

**5. PUBLIC HEARING**

**Final Site Plan for construction of a four unit residential building at 1 Cherry Street Extension in the TOD District by Civil Engineering Associates and Gardner Kilcoyne Architects, agents for Ken and Yvonne Mandeville and Nick Parent, owners**

Bill Gardner, Liza Kilcoyne, Jacques Larose, Nick Parent, and Ken Mandeville 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 3/16/17.

**APPLICANT COMMENTS**

The applicant noted the dates of the plans submitted as noted in the staff report are incorrect.

Bill Gardner, architect, and Jacques Larose, engineer, presented the plans for a building at 1 Cherry Street Extension. The following was noted:

- The neighbor's fence in the southeast corner of the property at 1 Cherry Street Extension has been moved off the property.
- The proposed building is three feet from the southwest corner of the property and is as wide as possible with a 20' wide driveway and parking behind the building. The primary entry to the first floor is on the street side as requested by the Village.
- The ADA ramp will be located at the back of the building and the front approach on the street side will be maintained. The slope requirement for ADA to the front door via the driveway has been met. The driveway meets requirements for ADA use.
- There are no ADA units in the building though the building is ADA accessible.
- There will be a bio-retention area to treat storm water and decrease the amount of runoff from the lot. Gutters on the building and drip edge trenches will direct runoff to the retention area.
- The four inch sewer service to the building will continue to be used and can accommodate the extra 70 gpd flow.
- The water line to the building is proposed to be increased to two inch rather than the existing one inch line. This will improve water flows. The building will not have sprinklers and will meet the state 2012 fire code.
- Site lighting meets village standards. The back of the lot by the railroad track will have low light levels. The parking lot will have lighting without spillover onto the neighbor's lot (4000K lamps will be used). Cut sheets for the light fixtures and the lighting plan have been submitted.
- Changes requested by the Village Engineer for erosion control have been made.
- The elevation of the proposed building is less than the original building with compact residential design. The building is a module from Huntington Homes and is energy efficient. There is a ramp to the covered porch entry facing the street and backside stairs to the two units at the back of the building. There is a stairwell to the basement where storage for each unit and the mechanicals for the entire building are located.

There was discussion of the existing shrubs in front of the building on Cherry Street Extension in the village right-of-way. The applicant explained the hedges are nonconforming because they are planted in the public right-of-way as directed by the village (when the property was purchased the village required the hedge to be planted).

There was discussion of replacing an existing nonconforming structure and increasing the nonconformance by adding more units within the building. Robin Pierce explained the use table for the TOD District allows a four unit apartment building and the proposal is trying to address TOD requirements. The lot was originally part of the Post Office parcel. The TOD District allows mixed use retail/commercial and permits high density residential. Diane Clemens mentioned the requirement for commercial below and residential/office above in a building in the TOD District. John Alden expressed concern about being able to waive the first floor glazing requirement and the 24' wide driveway requirement for the TOD District. Robin Pierce pointed out the language in the regulations says "strongly encouraged", not "required".

There was discussion of the requirement for a 15' landscape buffer with multi-family development. Jacques Larose pointed out no screening is being removed. The neighbor's landscaping fence has been relocated off the property. Landscaping features such as perennial plantings are provided by the bio-retention area. Robin Pierce mentioned landscaping as a percentage of construction cost. Bill Gardner said the building is 4,000 s.f. and construction cost is \$150 per square foot.

Diane Clemens asked about traffic with four units versus three units. Jacques Larose said one vehicle per hour during peak hour is expected. Nick Parent pointed out more parking is added so tenants will be parking on the property.

There was further discussion of the property being a transition point between residential and the TOD District and whether the property should be included in the TOD District. John Alden said the building in the TOD District should have a buffer and be a high density residential, multi-unit building that looks like a commercial/residential structure rather than a single family house. Liza Kilcoyne stressed a four unit residence is an approved use in the TOD District. How the building fits with the rest of the street and the use proposed needs to be considered. The building works well as residential rather than multi-use. Jacques Larose added the previous building was a seven bedroom, three unit, multi-family use that was destroyed by fire. The lot or use of the building has not changed. The proposal is simply trying to meet the village code requirements.

Amber Thibeault suggested a bike rack be added to the property as a pedestrian amenity per the requirement in the TOD District.

#### PUBLIC COMMENT

An email from Cindy Chittenden and Jason Jay, 1 Cherokee Avenue, dated 3/15/17, was read. The email expressed concern for the project at 1 Cherry Street Extension due to past tenants in the building causing problems for nearby property owners with noise and littering. Nick Parent stated the proposed apartments will be higher end which hopefully will attract responsible tenants.

There were no further comments.

**MOTION by Amber Thibeault, SECOND by Andrew Boutin, to close the public hearing for 1 Cherry Street Extension. VOTING: unanimous (6-0); motion carried.**

**DELIBERATION/DECISION**

Final Plan for construction of a four unit residential building at 1 Cherry Street Extension in the TOD District by Civil Engineering Associates and Gardner Kilcoyne Architects, agents for Ken and Yvonne Mandeville and Nick Parent, owners

The Planning Commission discussed a buffer/fence (or both) on the east side of the property, bike racks/pedestrian amenities, access/driveway width, and lighting.

**MOTION by Diane Clemens, SECOND by Steven Shaw, to approve the Final Plan for construction of a four unit residential building at 1 Cherry Street Extension in the TOD District by Civil Engineering Associates and Gardner Kilcoyne Architects, agents for Ken and Yvonne Mandeville and Nick Parent, owners, with the following conditions:**

1. There shall be compliance with the Village Engineer's recommendations.
2. The applicant shall provide copies of temporary construction easement documentation to the Village Office prior to issuance of a building permit.
3. All LED light fixtures shall have a maximum color temperature of 4300K.
4. The silt fence detail shall be revised to specify a six inch deep trench.
5. The applicant is advised the Village Office may require storm water improvements on the project site in the future in light of MS-4 requirements.
6. All work shall comply with the Village of Essex Junction Land Development Code as amended March 29, 2011.
7. An opaque fence and additional landscaping to satisfy Section 708.B.3 of the Land Development Code shall be required due to the location and size of the lot.
8. Bike racks shall be added to the property with staff consultation.
9. Access width of the driveway of 20' is acceptable due to the lot size and constraints.
10. There shall be a minimum of three street trees planted in the lot frontage.
11. Lighting shall be red spectrum and dark sky compliant and meet the Land Development Code requirements.
12. The building frontage, façade, and entry is accepted as shown as the parcel is transitional between the R-2 and commercial zones.

**VOTING: 5 ayes, one nay (Amber Thibeault); motion carried.**

**6. OTHER PLANNING COMMISSION ITEMS**

*Comment re: Public Comment Added to Agenda*

Amber Thibeault recalled past discussion of noting on the agenda that public comment will be limited to three minutes per speaker, but the agenda does not reflect this. Ms. Thibeault will review past minutes to confirm the information.

*Habitat for Humanity Article*

It was noted that Habitat for Humanity will receive a donation from the Town of Essex for reconstruction of the house on Park Street destroyed by fire.

**7. ADJOURNMENT**

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

The meeting was adjourned at 7:46 PM.

*Rcdg Scty: MERiordan*