TOWN OF ESSEX

PLANNING COMMISSION MINUTES

January 9, 2020

PLANNING COMMISSION (PC) PRESENT: Dustin Bruso, Chair; Joshua Knox, Vice-Chair; John Mangan, Clerk; Ned Daly; and John Alden.

VISITING VILLAGE COMMISSIONER: Diane Clemens.

OTHERS PRESENT: Sharon Kelley, Zoning Administrator; Darren Schibler, Planner; Paula Duke; Sharon Murray; Jeff Olesky; Deb Ehler Holland; Scott Wilson; Joe Bullister; Mark Kane; Peter Edelmann; Stephen Vock; Sally Fleury; Jim Bernegger; and Sharon Zukowski.

Chairman Bruso welcomed visiting Commissioner Clemens and invited her to sit, as a non-voting member, at the PC table.

AGENDA ITEM 1: AMENDMENTS TO AGENDA (if applicable): None.

AGENDA ITEM 2: PUBLIC COMMENTS: None.

AGENDA ITEM 3: SITE PLAN-PUBLIC HEARING: SEACOMM FEDERAL CREDIT UNION: PROPOSAL TO CONSTRUCT A 3,500 sf DRIVE-THRU BANKING FACILITY ON A 0.91-ACRE PARCEL LOCATED AT 25 CARMICHAEL STREET IN THE MIXED USE DISTRICT-PLANNED UNIT DEVELOPMENT (MXD-PUD) & RETAIL-BUSINESS (B1) SUBZONE. TAX MAP 92, PARCEL 1.

Darren Schibler spoke on behalf of staff. He noted that the PC approved a conceptual site plan meeting at its November 14, 2019 PC meeting. He used the same staff report, using strike-out and underline in amending the report, and called out the following changes and/or topics for discussion:

- The architectural design and materials proposed on a portion of the tower does not conform and asked the PC if they wanted further information on how the tower presents to the street;
- The building was pushed further away from the front property line, and parking is occupied on both frontages. He reported that the applicant will discuss its reasoning for this change;
- One drive-thru lane was removed, so now 3 drive-thru lanes and 1 passing lane is shown on the plan;
- Landscaping to screen the parking areas and headlight glare was added to the plan;
- A hip-roof has been added to the tower.

Schibler stated that he would have preferred a different layout on the site, however finds the application acceptable.

Commissioner Daly stated that he believes that the applicant did a good job and provided a revised application on what the PC asked them to submit.

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Village Commissioner Clemens stated that they have more parking than what is needed for a bank.

Jeff Olesky of Catamount Engineers stated he was present along with the landowner and applicant. Olesky stated that they took the following 5 points away from the last meeting:

1. The intersection to the West near Sweet Clover Market, was not safe for vehicular or pedestrian traffic. Olesky stated that they spoke with the neighbor on the North side of the road, and Public Works. It was agreed that they would cut down the vegetation and provide regular maintenance to this area. Also, a stop sign was proposed on the South side of this road.

2. Evaluate the number of drive-thru lanes. The applicant conceded to drop from 4 to 3 drive-thru lanes. This narrowed the site by 10 to 11 feet. They tried to put the building in the corner, but after evaluation they determined the best use of the space was to keep the parking on the south end as this freed up space for a landscape strip on the north side of the lot. He explained that if they put the building in the corner, it would only allow for one point of access into the lot and would provide difficulty with the traffic turn radius.

3. They evaluated the site for a slip lane on Essex Way. This proved to have a negative impact on Essex Way. In addition, Public Works was not in support of a slip lane.

4. They added additional landscaping along Carmichael and made sure additional vegetation was added along Essex Way of sufficient species and height to mitigate glare onto Essex Way.

5. They added three components to the tower so that it was more complementary to the building architecture:

   1. The top window on the tower now aligns with the windows on the building;
   2. They expanded the brick facade; and
   3. They added a hip roof on the tower to tie in with the original building. He noted that staff did not like the hip roof, and the applicants prefer not to have it installed.

Commissioner Alden was still struggling with the amount of pavement and amount of parking. He felt the facility is still designed for a drive-thru versus a drive-up and park. He felt the parcel was in conflict with the remaining parcels.

Schibler stated that only 18 parking spaces were required and 20 spaces were proposed. He pointed out that the PC has the authority to reduce parking if the applicants were willing to reduce the parking.

Scott Wilson of SeaComm Bank, stated that they would make a concession of reducing 2 parking spaces. Olesky requested that the two corner parking spaces on the north side be eliminated, if required.

Peter Edelmann stated that he needs all the parking he can get, otherwise the shopping center will not survive. He stated that he needs to bring people in from outside Essex as this area is a

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destination area. Edelmann reminded the PC that he removed 40 parking spaces when the green was amended.

Schibler stated that if the expectation was for the Outlets to share parking, then a shared parking agreement would be needed.

Commissioner Alden suggested the proposed greenery seems to have less height and volume. Olesky stated the intent was to screen and provide a visual grid between the parking areas and street lines. The applicant would like to have some presence. Alden suggested benches be placed on the parcel. Olesky noted that they would be amendable to a bench and pointed to the location near the storm water area. He stated that the business is a financial institution and the applicant wants to discourage other uses for the safety of its customers.

A brief discussion ensued on the look of the tower. Concerns were that it would be too brightly lit from the upper level of the tower and would serve as a beacon. It was agreed that any light that is higher than the blue canopy would be put on a timer, which would be tweaked if requested by staff as time goes on.

Vice-Chair Knox MOVED and Commissioner Daly SECONDED a MOTION to Open the Public Hearing. The MOTION passed 5-0.

Paula Duke stated the proposal was "extraordinarily unfortunate" and felt this building belonged in Arizona. She believed the first three buildings coming into town should reflect New England architecture. She noted the new medical building achieves that goal and the building has volume. She stated that as you walk up to the building you will not see the hip roof. She felt the tower was too tall and the roof needs a New England pitch.

Deb Ehler Holland agrees that the design does not blend with what is already constructed in the area. She thought the tower was confusing. She felt the height of the tower was unnecessary and the signage is a concern. She was concerned that this would set a precedent.

Sharon Zukowski, stated the tower is overriding billboard laws, as it was like a sign. She noted that she heard someone say worse has gone into the center. She encouraged the PC not to set the bar low.

Chairman Bruso asked the Commission for its final thoughts on the proposal.

Commissioner Daly noted that the PC needs to tweak the parking spaces and lighting in the tower. He pointed out that the owner wants an identity.

Vice-Chair Knox said ditto.

Commissioner Alden said the building was well done and holistic. He did not think the tower was too tall, rather the building was too short. He is not unhappy with the style, but recognizes it is not 'New England'. He feels the applicant has done great with what the PC asked them to do with the site plan. He would like to see more trees, pavers, benches, or a stone wall to make the neighborhood look good and have the project make a statement.

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Visiting Village Commissioner Diane Clemens said she liked the design of the building, which was better than the other bank on the street. She encouraged the applicant to make it inviting and answer the public "Why do I want to do business with you?"

Chairman Bruso suggested additional landscaping on the corner of the lot facing Essex Way/Carmichael Street, such as a circular flower bed, with a walkway around it. Olesky said they were agreeable to work on something in this area. Olesky also offered adding tall grass landscaping to shield the utility cabinet on the corner of the private drive.

Scott Wilson said he was okay with flowers and they would make the lot appealing. He was in agreement with flowers, and pavers.

Sally Fleury stated that the building looks fine and the area has a whole mix of styles. She said this was a bank. She want to see it made easy to come in and out and then go onto the Outlets. She pointed out that looks are not going to deter people and repeated, "It's a bank." She said she was here to support her neighbors and she wants businesses to come into Essex.

Vice-Chair Knox MOVED and Commissioner Daly SECONDED a MOTION to Close the Public Hearing. The MOTION passed 5-0.

Chairman Bruso MOVED and Vice-Chair Knox SECONDED a MOTION to approve the application of 25 Essex Way, as warned, according to the Findings and Conditions of a Staff Report dated 1/9/20, with the following changes.

Finding II, Line 814, add the following:

"1. The PC supports the reduction of two parking spaces, the location as approved by staff. This brings the total parking spaces for the site to 18 spaces. The plans should be amended accordingly.

2. The lighting in the tower above the first floor awning will be better managed with timers and kept at a low temperature.

3. The corners of Essex Way and Carmichael Streets will be more inviting and include enhancements such as flower arrangements with color, benches, and pavers. Should it prove that people are using the area as walkways, then staff should require the applicant to install walkways, additional landscaping and/or enhancements." The plans should be amended accordingly.

Condition 1: Amend the plans to add the landscape elements, as noted in Finding II, and the reduction of two parking spaces.

Add new conditions and re-number the remaining conditions accordingly, as follows:

New #2: The applicant shall reduce two parking spaces, the location as approved by staff.

New #3. The lighting in the tower above the first floor awning shall be kept at a low wattage and shall not serve as a beacon to the site.

New #4. The corners of Essex Way and Carmichael Streets shall be more inviting

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and include enhancements such as flower arrangements with color, benches, and pavers. The applicant shall work with staff on installing walkways and additional landscape enhancements should the need arise.

The MOTION passed 5-0.

AGENDA ITEM 5: DISCUSSION: ETC/NEXT PLAN

Mark Kane, Consultant, made the following points:

- The revised draft plan was an attempt to rectify the previous input from the PC. He stated that the challenge was some inconsistency and how to resolve the matter. He provided an example, noting that previously they were asked to take out some of the build out as they were dragging chapters down. The current comments asked to put some back in.
- Setting the stage for the vision is important so that the context is not lost.
- Written suggestions made by Commissioners Knox & Alden were provided to them by staff prior to the meeting.
- The initial chapter was tightened up, and he is aware that some Commissioners want more tightening. He was concerned that this may lose context. He cautioned the PC on more edits and believes it would disconnect the plan.
- He noted great suggestions were made on architecture, calling out Pages 9 & 11. Adding in visual preference on Page 21 is the foundation to the plan. Written suggestions made by Commissioners Knox & Alden were provided to them prior by staff to the meeting.
- He pointed out that Public Works has been clear to be sensitive about long term infrastructure.
- Comments for Chapter 6 say to be careful to move forward and not go past what is approved.
- He asked for clarity on the issue of build-out work.
- He felt that as far as Master Plans go, this document is pretty thin.

Vice Chair Knox and Commissioner Alden spoke on the written comments they provided to the PC, which included:

- Chapter title pages- with the blank color boxes.
- Chapter 3, 4, 5: Vision concept pages- this is very well done. Sidebar and colors all tie together. Graphic material relates well. Do more of this.
- Chapter 1: Still long, liked the history, and asked if it could still be shortened.
- Pages 3-4: Asked to see a boundary line around the ETC area. “Golden Triangle” is identified, but not the ETC boundary.
- Page 5: Suggested text box on 3D could be moved to page 28-29 where it talks about/show 3D images.
• “Land Use Patterns” is a big topic and deserves a graphic. Rework pages 5 and 6 to show a plan with tags for the areas highlighted in bold.

• Pages 12-14-Transportation: Talks a lot about various studies. Map not that helpful as is. Maybe chop recommendation bullets and go right to “fixes to make ETC work”.

• Chapter 2, Pg. 22: Graphic shows all six neighborhoods but only tags four of them. Suggest going to one overall map as shown with just the names on the neighborhoods and then a page per neighborhood format. ETC Next Key plan with that page’s neighborhood highlighted and a column of text about it. Maybe can fit 2 per page, but these neighborhoods are the key concept for our plan and deserve some in-depth treatment. (Note that this is the first time in the report that we are shown the ETC boundary – unless you are really paying attention on page 8,) Refer to comment 3a above.

• Page 24: Build out potential: I continue to have a problem with the concept. Seems pretty important to explain to people how we see the build out future. A half page sidebar with tight graphic may not be enough. Suggest making this a full page or two with more info and a graphic breaking down each neighborhood. Or, this is reworked INTO the neighborhood pages above.

• Page 25, Vision Concept pages- love these. Again, when scrolling on line- power of two page spread is lost.

• Chapter 6: Needed more discussion, maybe more graphics.

Vice-Chair Knox referred to the 'Executive Summary' and instructed the consultants to use the phrase, in bold, “Better Connected/More Cohesive” repeatedly throughout the document. He stated the clearest way to be a vision is to tell and re-tell the readers this statement in every chapter, and page.

Commissioner Alden made the following suggestions:

• The document made him feel like the boundary line was lost around the ETC and suggested using a basic map.

• Page 5 should be about Land Use and not a 3D image.

• Page 6 needs a graphic to highlight the areas.

• The build of the document is too big. It needs a convenient way to get through it without being overwhelmed.

Consultant Kane stated that the biggest challenge was getting a document to support and facilitate the execution of land use regulations. He stated they stripped the regulatory focus language out of the Master Plan, however they still need Chapter 6 to say something like “adopting Form-Based Code or something like it is an appropriate step to make sure the vision of the Master Plan is achieved.” He stated that will give the document the “baseball bat” it might need to make that connection. Kane stated that he would be concerned with taking out anything that deals with Public Works perspectives as a lot of time was spent on their concerns. He noted that the Planning Commission needs to decide if it moves forward with a Form Based Code or another direction. He felt it was important that the action items in Chapter 6, Page 57, needed to

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be included in the Master Plan in order to either develop FBC regulations or to amend the
Business Design Control regulations.

Chairman Bruso asked the consultant to confirm if Chapter 6 was a bridge to support
amendments to the regulations. Kane said, "correct."

Sharon Murray referred to Page 54 and asked the PC if they wanted Form-Based Codes. They
suggested a hybrid code, but noted that this is an issue with the existing Business-Design Control
regulations.

Discussion on an adoption process for regulations was put on hold until the ETC Plan is wrapped
up.

Kane stated that Chapter 6 is guiding, yet flexible enough to have a number of different
outcomes on regulations. The document will support whatever decision the PC decides, either
FBC, or upgrading the existing design regulations.

Commissioner Daly stated that "the document is miles above better than where we started." He
thought it would be a difficult sell to the lay person. He said timing is his issue. There is still a
lot to be done and the PC has spent close to 3 years to get to this point. Daly is worried that the
town does not have staff to put the second part in place; and he is not sure the Selectboard is on
board with a big change. He said, "as an observer, it won't hit high on their radar." He said it
was critical for the Town of Essex to think forward.

Kane stated that they share the same concerns, and discussions need to be on-going with the
broader community. He stated the Master Plan is a marker on the ground.

Commissioner Alden asked about the Business-Design Control Overlay District. Staff replied
that there are some areas that are not in the ETC|NEXT and the PC needs to decide how to go
forward on this matter.

Sharon Zukowski referred to Chapter 6 and discussed the sewer capacity. She was concerned
that the Town did not have anywhere to get more capacity. Mark Kane replied that build out will
be slow over time, and studies will be done. Darren Schibler stated that Public Works recently
completed an analysis to the sewer system, and they looked at the ETC|NEXT Plan. It is
possible that assigned capacities may be redirected to the Town Center.

Paula Duke asked for the document to be spiraled, and to open differently.

Vice-Chair Knox said the PC needs to get clarity and finality.

Sharon Murray said once the PC figures out how to go forward, regulations can be completed.
She feels contractually they are done.

**AGENDA ITEM 5:  MINUTES 12/12/19:**

Commissioner Daly MOVED and Commissioner Mangan SECONDED a MOTION to

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approve the 12/12/19 minutes as written. The MOTION passed 5-0.

AGENDA ITEMS 6: OTHER BUSINESS:

Commissioner Daly reported that he went to a senate hearing and provided literature to the PC on the 'Overview of Housing Issues in Chittenden County, Vermont'. He said there were good ideas discussed.

Sharon Kelley informed the PC that Hoagie’s Restaurant on Center Road was entertaining the idea of outdoor seating in the front of the building. The road was a State highway and they would need to be consulted. After a brief discussion, the PC felt it was appropriate to have the landowner submit a consent agenda application.

The meeting adjourned at 8:58 p.m.

PLANNING COMMISSION

By: _____________________________

Dustin R. Bruso, Chair