

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
January 4, 2007**

MEMBERS PRESENT: Mark Thibeault (Chairman); Liza Kilcoyne, Dan Kerin.
(Elaine Sopchak and Mike Boyer were absent.)
ADMINISTRATION: Jeff Arango, Developer Director.

1. CALL TO ORDER and AUDIENCE FOR VISITORS

Chairman Mark Thibeault called the meeting to order at 7:30 p.m.

Zoning on Lincoln Street

Gabe Handy requested the Planning Commission consider changing the zoning to MF/MU on his lots at 56, 58, and 62 Lincoln Street (combined to equal about two acres). Mr. Handy briefly described his proposal to build up to 30 housing units costing less than \$200,000 each. Parking will be underground. The building would be no more than three stories high. Present zoning allows 12 housing units on the site. Jeff Arango noted the Planning Commission is considering MF/MU zoning on the other side of Lincoln Street. The MF/MU zone allows four story buildings. The zoning may be intense for the corridor, but the zoning in the area was Heavy Commercial which is also intense. Another option might be to zone the area to allow 15 units per acre. The Planning Commission could rezone both sides of Lincoln Street with a density cap of 15 units per acre and do an overlay.

Gabe Handy updated the Planning Commission on the status of the water line upgrade on Pearl Street. VTrans feels the line bursting will damage the storm drains and would like the water line in the median. The Village wants the existing line upgraded in the same location. Mr. Handy expressed his frustration at the delay and added expense to his project due to the water line issue. Mark Thibeault reaffirmed the Planning Commission's condition of approval relative to the size of the water line. Jeff Arango will discuss the situation with the Public Works Director.

2. ADDITIONS/AMENDMENTS TO AGENDA

There were no changes to the agenda.

3. MINUTES

December 7, 2006

MOTION by Liza Kilcoyne, SECOND by Dan Kerin, to approve the 12/7/06 minutes as written. VOTING: 3 ayes; motion carried.

4. PUBLIC MEETING

Work Session: Land Development Code

The Planning Commission reviewed the list of comments from the 12/7/06 public hearing and agreed to the following:

- The Planning Commission can grant a waiver for building height (in the VC, HA, and MF/MU districts) based on unique circumstances of the project, whether the project fits into the area, or other criteria.
- A waiver of the setback in the HA district may be allowed or a project could be reviewed as a PUD.
- Changing the TOD boundary on the south side of Pearl Street would box out gas stations and other uses. A developer is not precluded from building structures in the HA district that are found in the TOD.
- No gas stations are allowed in the VC district. Existing stations are grandfathered.
- Shopping centers can be included as a use in the TOD.
- Travel lane width of 11' is acceptable (versus 10' wide lanes).
- Both sides of Lincoln Street will be rezoned in the area of 56, 58, 60, and 62 Lincoln Street and there will be a density cap of 15 units per acre and an overlay.
- An overlay for 76, 78 Lincoln Street will be done to allow uses that are not sewer intensive. The following uses are allowed:
 - Animal shelter
 - Building material establishment
 - Medical clinic
 - Flea market
 - Funeral home
 - Group housing
 - Landscape service
 - Mini-warehouse
 - Motor vehicle maintenance and/or repair
 - Recreation vehicle site
 - Outdoor sales
 - Outdoor storage
 - Taxicab service
 - Warehouse

5. OTHER PLANNING COMMISSION ITEMS

None.

6. ADJOURNMENT

MOTION by Liza Kilcoyne, SECOND by Mark Thibeault, to adjourn the meeting.

VOTE: 3 ayes; motion carried.

The meeting was adjourned at 8:20 p.m.

Minutes respectfully submitted by M.E.Riordan, Recording Secretary.

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
January 18, 2007**

MEMBERS PRESENT: Mark Thibeault (Chairman); Liza Kilcoyne, Dan Kerin, Elaine Sopchak. (Mike Boyer was absent.)
ADMINISTRATION: Jeff Arango, Developer Director.

1. CALL TO ORDER and AUDIENCE FOR VISITORS

Chairman Mark Thibeault called the meeting to order at 7:32 p.m.

Lincoln Street Condominiums

Gabe Handy wanted to clarify in the 1/4/07 minutes that he does not own 56 Lincoln Street, the owner of the property is his son-in-law Rick Church.

2. ADDITIONS/AMENDMENTS TO AGENDA

There were no changes to the agenda.

3. MINUTES

January 4, 2007

MOTION by Mark Thibeault, SECOND by Liza Kilcoyne, to approve the 1/4/07 minutes with the following correction:

Page 1, Public Input, 2nd sentence – change “on his lots” to “property owned by Rick Church”.

VOTING: 4 ayes; motion carried.

4. PUBLIC MEETING

Work Session: Land Development Code

The Planning Commission reviewed the amendment report with one change on Page 11, the maximum building height with a waiver will be 84', not 72' as it was originally indicated in the document.

5. OTHER PLANNING COMMISSION ITEMS

None.

6. ADJOURNMENT

MOTION by Dan Kerin, SECOND by Elaine Sopchak, to adjourn the meeting.

VOTE: 4 ayes; motion carried.

The meeting was adjourned at 7:46 p.m.

Minutes respectfully submitted by Jeff Arango, Development Director

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
March 1, 2007**

MEMBERS PRESENT: Liza Kilcoyne, Dan Kerin, Elaine Sopchak, Mike Boyer.
(Mark Thibeault was absent)
ADMINISTRATION: Jeff Arango, Developer Director.

1. CALL TO ORDER and AUDIENCE FOR VISITORS

In the absence of Chairman Mark Thibeault, Liza Kilcoyne called the meeting to order at 7:30 p.m. There were no comments from the audience.

2. ADDITIONS/AMENDMENTS TO AGENDA

There were no changes to the agenda.

3. MINUTES

January 18, 2007

MOTION by Elaine Sopchak, SECOND by Mike Boyer, to approve the 1/18/07 minutes as written. VOTING: 4 ayes; motion carried.

4. PUBLIC MEETING

Board members were introduced, the procedure to be followed was explained, and individuals to give testimony before the Planning Commission were sworn in.

Major site plan amendment for a change of use from 2nd floor office space to four one bedroom apartments at 39 Park Street in the MCU District, by Robert Sophia, owner
Steve Guild appeared on behalf of the application.

STAFF REPORT

Jeff Arango explained the application for conversion of the 2nd floor space at 39 Park Street from office space to four one bedroom apartments. There are 32 on-site parking spaces. The regulations require 39 spaces so a waiver of seven parking spaces is requested by the applicant. There is public parking nearby and direct access to public transportation so staff supports the waiver request. The parking lot needs to be striped. The aisle width is 30 feet on the revised site plan which is sufficient for two-way traffic flow. The applicant has submitted easement documentation for use of the curb cut on the adjacent property. Per the regulations, the dumpster must be screened on four sides. Presently, the dumpster is screened on three sides.

APPLICANT COMMENTS

Steve Guild, architect, noted 80% of the parking spaces in the lot are vacant. Rocky's Pizza has six spaces for their use, but there is still plenty of parking available. There are two means of egress from the building. The property owner will stripe the parking lot and completely enclose the dumpster. No other outside changes are planned. Most of the changes will be internal to the building.

PUBLIC INPUT

None.

MOTION by Mike Boyer, SECOND by Dan Kerin, to the close public portion of the application for a change of use from 2nd floor office space to four one bedroom apartments at 39 Park St. by Robert Sophia, owner. VOTING: 4 ayes; motion carried.

DELIBERATION/DECISION

MOTION by Dan Kerin, SECOND by Mike Boyer, to approve the major site plan amendment for a change of use from 2nd floor office space to four one bedroom apartments at 39 Park St. in the MCU District by Robert Sophia, owner, with the following two conditions:

- 1. The site plan shall be revised to show fully screened (on all sides) dumpsters on the site (on all sides) and approved by staff prior to the issuance of a zoning permit.**
- 2. The parking lot shall be striped.**

VOTING: 4 ayes; motion carried.

Conceptual plan for a 35-unit PUD and single family dwelling at 17-29 Roscoe Court in the R-2 District by O’Leary –Burke Civil Associates, agent for Eric and Beth Aubin and Trombley Estate, owners

The application was postponed until March 15, 2007 per the request of the applicant.

Major site plan amendment to construct a skate park on existing tennis courts adjacent to the pavilion at 75 Maple St. in the OS District by Pete Selikowitz, Essex Junction Recreation & Parks, agent for the Village of Essex Junction, owner

Pete Selikowitz and Gary Malle appeared on behalf of the application.

STAFF REPORT

Jeff Arango explained the proposal for a skate park on the east side of Maple St. Park, just south of the basketball courts. The proposed skate park will include six structures and two rails. The tallest proposed structure is the quarter pipes which are six feet in height. There will be no added parking lot coverage. Parking demand will not be increased. No additional lighting for the facility is proposed. If a fence surrounding the facility exceeds 6 feet in height, a permit is required, stated Mr. Arango. Information on the activity of skate boarding was submitted to the Planning Commission. Regarding noise concerns, Jeff Arango reported noise readings were done 100’ from the skate park in Colchester and it was found the sound did not reach 80 decibels. The maximum noise level reached was 60 decibels. Also, the skate park is 300’ from the nearest residence and well screened by existing vegetation. No issue is expected concerning noise.

APPLICANT COMMENTS

Pete Selikowitz stated two public forums were held and youth on the skate board committee canvassed the area for comments. Long term and nearby residents attended the

forums and had their concerns alleviated. These residents now support the proposed skate park. Gary Malle stated the proposed skate park is low impact. Pete Selikowitz mention there will be a skate park attendant in addition to attendants already at the park. Discussion occurred concerning a fence. Pete Selikowitz stated the existing fence is 10' high. Replacing this fence with a new fence is under investigation. There was further discussion of planned improvements to the area where the skate park will be located. There was agreement the skate park will address a need for those who are interested in individual sports rather than team sports and it is felt the facility will be very popular. It was stressed safety is the top priority.

PUBLIC INPUT

None.

MOTION by Dan Kerin, SECOND by Mike Boyer, to close the public portion of the application for a skate park at 75 Maple St. by Pete Selikowitz, Essex Junction Recreation & Parks, agent for the Village of Essex Junction. VOTING: 4 ayes; motion carried.

DELIBERATION/DECISION

MOTION by Elaine Sopchak, SECOND by Dan Kerin, to approve the major site plan amendment to construct a skate park on existing tennis courts adjacent to the pavilion at 75 Maple St. in the OS District by Pete Selikowitz, Essex Junction Recreation & Parks, agent for the Village of Essex Junction as presented. VOTING: 4 ayes; motion carried.

5. OTHER PLANNING COMMISSION ITEMS

Timeline for Village Plan Update

The Planning Commission will discuss the timeline for the update of the Village Plan at the meeting on March 15, 2007.

Planning Booklet

The Planning Commission received a copy of "*Essentials of Local Land Use Planning and Regulations Booklet*".

6. ADJOURNMENT

MOTION by Mike Boyer, SECOND by Dan Kerin, to adjourn the meeting. VOTE: 4 ayes; motion carried.

The meeting was adjourned at 8:10 p.m.

Minutes respectfully submitted by M.E.Riordan, Recording Secretary.

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
March 15, 2007**

MEMBERS PRESENT: Mark Thibeault (Chairman); Liza Kilcoyne, Dan Kerin.
(Elaine Sopchak and Mike Boyer were absent.)

ADMINISTRATION: Jeff Arango, Developer Director.

1. CALL TO ORDER and AUDIENCE FOR VISITORS

Chairman Mark Thibeault called the meeting to order at 7:40 p.m.

Presentation from Channel 17

Lauren-Glenn Davitian, Jeff Wyman, and Rob Reiber, representatives from Channel 17, discussed how to improve television coverage of public meetings. Suggestions include positioning visual aids on a wall or easel so the viewer can readily see them and ensuring table microphones are turned on for optimal sound transmission. It was also suggested board members sit up in their chairs at the table rather than lean back and be out of the camera angle. A handout announcing Channel 17 schedule of events, training sessions for people who want to use the equipment, and media policy was reviewed.

2. ADDITIONS/AMENDMENTS TO AGENDA

There were no changes to the agenda.

3. MINUTES

March 1, 2007

Postponed until the next meeting.

4. PUBLIC MEETING

Board members were introduced, the procedure to be followed was explained, and individuals to give testimony before the Planning Commission were sworn in.

Conceptual plan for a 35-unit PRD and single family dwelling at 17-29 Roscoe Court in the R-2 District by O'Leary-Burke Civil Associates, agent for Eric and Beth Aubin and Trombley Estate, owners

Paul O'Leary, Brad Dousevicz and Jed Dousevicz appeared on behalf of the application.

STAFF REPORT

Jeff Arango explained the project involving the demolition of an existing apartment building and single family house to be replaced by 25 single family units and 10 multi-family townhouses on a 6.12 acre lot, and one single family house on a .34 acre lot. There will be 20' wide private streets in the development, but the main entrance will be a public street. The housing units will be clustered with 14.8% open space remaining in the center of the project. A significant number of mature trees will be preserved. Access will be from West Street via a 20' wide public street connecting to the private streets in the development. There will be a 14' wide emergency access from Oneida Ave. Storm water

run off will be handled by four storm water infiltration basins rather than detention ponds. Per the regulations, up to 40% lot coverage is allowed (maximum of 25% for buildings). The applicant needs to show the lot coverage for buildings. The site plan also needs to show each multi-family unit with at least 750 s.f. of yard space. Sidewalks need to extend across each driveway in the development. A 15' buffer is shown on the site plan between the multi-family housing and adjacent single family homes. The buffer needs to be landscaped or fenced. Street trees are shown on the revised plan within the development and along the public access road. A complete landscape plan and budget (equal to at least 2% of the project cost) must be submitted by the applicant. To qualify as a PRD offering unique design, superior to traditional subdivision design, the proposed development shows the housing is clustered, open space is maintained, mature trees are preserved, and there is a mix of housing units. A bike path is not proposed, but there is no through traffic in the development so bicyclists can use the road shoulder, and there is no potential connection to an existing bike path in the area. The plan does show an easement from the northern end of the site to the Pearl Street shopping center for the future if access across the railroad tracks is ever secured.

Mr. Arango reviewed the proposed roads in the development. The revised plan avoids the previous occurrence of double frontage. The applicant is requesting the streets within the development be 20' wide (the regulations require 28' wide), but a narrower street will be sufficient and will help slow traffic. There is only one major access road to the development. For a full second access private property must be acquired, but with the emergency access which is approved by the Fire Chief the development will function safely. The proper documents need to be submitted with regard to the emergency access. An additional hydrant is needed at the point where the public street meets the private street in the development. Access to the single family house on the .34 acre lot needs to be from one of the new private streets in the development. A green buffer between the sidewalk and street needs to be shown on the site plan for the development. Streetlights at 400' intervals between intersections need to be shown on the site plan. An increase in traffic due to the development is anticipated not to exceed 75 trips at any intersection in the peak hour which does not warrant a traffic study.

Mark Thibeault asked for examples of other projects in the village with 20' wide streets. Jeff Arango stated several of the older developments have narrower streets (i.e. Lamoille Street). Chairman Thibeault mentioned visitor parking beyond using private driveway space, noting with cars parked on both sides of the street the street effectively becomes one-way travel. Mr. Arango pointed out the streets are not through roads so an occasional parked car on the street should not be a problem. Mr. Thibeault asked if the emergency access will be a right-of-way. Mr. Arango stated the applicant has secured a 20' wide easement. The emergency road width will be 14'. There was discussion of curbing in the development. It was noted curbs better direct water and define the roadway.

It was noted there are porches, garages, and decks shown on the housing units and storm basins are preferred to retention ponds to avoid standing water. The preferred method of dealing with storm water run off is to deal with the water on-site.

APPLICANT COMMENTS

Paul O'Leary reviewed how previous comments by the Planning Commission on the proposal are addressed in the revised plan. The comments related to lot coverage, path connection, connection to a public street, street trees, landscaping, and open space. Lot coverage is 32.6% leaving approximately 800 s.f. per unit of additional building space. Regarding the emergency access, there is an existing utility easement across the Jones property. Negotiations are on-going with the Jones family for the emergency access. Mrs. Jones prefers the access not be paved (a grass paver can achieve this). The easement will be plowed in the winter. Mark Thibeault noted the Fire Dept. must approve the easement for access by fire trucks. Regarding the storm water system, there is not a municipal storm drain system to access from the site, and there is room for the basins. The soil is sandy so water will infiltrate. Storm run off will be directed to sheet flow wherever possible and directed into the storm water basins. Regarding lot coverage, there is 16.7% on Lot #1 and 18.7% on Lot #2. The sidewalks within the development will be shown across the driveways. The 15' buffer will be either landscaped or fenced. The multi-family units will have 750 s.f. of private yard space, stated Mr. O'Leary. There was discussion of providing some type of buffer from the railroad tracks behind the multi-family units located closest to the tracks.

There was discussion of Lot #2 (to be retained by the Aubin family) and access from Cherokee Ave. Mr. O'Leary stated the applicant would rather not bring Cherokee Ave. up to public road standards. The lot can be accessed from the new road in the development. Jeff Arango noted the Planning Commission does have the authority to waive the requirement related to modification of the road (Cherokee Ave.). Mr. Arango read the subdivision regulations pertaining to the matter.

PUBLIC INPUT

Eric Aubin, 19 Roscoe Court, explained the proposal to access his house from Cherokee Ave. The house faces Cherokee Ave. The house would be the only single family house among the multi-family units being served by the new private road in the proposed development, and is the only unit not facing the new road. The preference is to have access from Cherokee Ave., stated Mr. Aubin.

Greg Robert, 5 Oneida Ave., asked for clarification about location of the emergency access (at the end of Iroquois Ave. or at the end of Oneida Ave.). The location of the access at the end of Oneida Ave. was confirmed.

Ben Morse, corner of Seneca/Onondaga Ave., pointed out there is a right-of-way for Roscoe Court on his property which will be thrown up and converted to lawn space for the new units prohibiting access to his backyard. There is no space on the side of his house to access the backyard. The residents of Roscoe Court have the right to cross the corner of Mr. Morse's property to access Roscoe Court. Mark Thibeault stated the matter is not the jurisdiction of the Planning Commission and must be settled by the court unless there is a written easement stating access is granted to Mr. Morse. Paul O'Leary stated the applicant was not aware of the right-of-way, but will research the matter. Mr. Morse

commented on the width of the proposed streets at 20' and the allowance of on-street parking which will essentially create one-way streets.

Boris Von Stritzky, 16 Loubier Drive, expressed concern about traffic flow on the access road, the density of the housing, and the impact on the view from his house. Mark Thibeault stated there are guidelines for building on the proposed footprint and a maximum on building height (three stories). It is likely the housing units will be two stories high. Mr. Von Stritzky noted houses with backyards abutting Roscoe Court have been using Roscoe Court to access the yards which will no longer be feasible once the new development is built. Paul O'Leary pointed out the access will be a public road. Residents can use the public road to access their backyards.

There were no further comments.

MOTION by Liza Kilcoyne, SECOND by Dan Kerin, to the close public portion of the application for a PRD at 17-29 Roscoe Court. VOTING: 3 ayes; motion carried.

DELIBERATION/DECISION

There was discussion of on-street parking within the development, parking for visitors, curbing, and access to the Aubin house from Cherokee Ave. The Aubin house will be the only house in the development facing in a different direction. The house will be built new. The streets in the proposed development will meet the standards so there is no justification for granting the waiver with regard to Cherokee Ave.

MOTION by Mark Thibeault, SECOND by Dan Kerin, to approve the conceptual plan for a 35-unit PRD and single family dwelling at 17-29 Roscoe Court by Eric and Beth Aubin and Trombley Estate with the following conditions:

3. Street trees shall be shown along the main entrance to the development.
4. A greenbelt shall be shown on the plans between all sidewalks and the street.
5. The plan shall be revised to show access to Lot #2 from the new adjacent private street.
6. The plan shall be revised to include lot coverage calculations for the buildings.
7. The 15' buffer between the single family houses to the west and the multi-family units shall be landscaped or fenced in accordance with Section 708.
8. A private outdoor space of not less than 750 s.f. shall be provided for each unit.
9. The applicant shall provide visitor parking of at least 10-15 parking spaces.

VOTING: 3 ayes; motion carried.

5. OTHER PLANNING COMMISSION ITEMS

Village Plan Update

The Planning Commission received Chapters 1-4 to review for discussion at the next meeting. Jeff Arango will ask the *Essex Reporter* to publish an invitation to the public to attend future meetings to discuss the update of the Village Plan.

Upcoming Applications

Jeff Arango mentioned an application for a five story hotel (91 rooms) at the site of Ming's Restaurant has been submitted.

6. ADJOURNMENT

MOTION by Liza Kilcoyne, SECOND by Dan Kerin, to adjourn the meeting.

VOTE: 3 ayes; motion carried.

The meeting was adjourned at 9:30 p.m.

Minutes respectfully submitted by M.E.Riordan, Recording Secretary.

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
April 5, 2007**

MEMBERS PRESENT: Mark Thibeault (Chairman); Liza Kilcoyne, Dan Kerin, Elaine Sopchak.
ADMINISTRATION: Jeff Arango, Developer Director.

1. CALL TO ORDER and AUDIENCE FOR VISITORS

Chairman Mark Thibeault called the meeting to order at 7:30 p.m. There were no comments from the audience.

2. ADDITIONS/AMENDMENTS TO AGENDA

There were no changes to the agenda.

3. MINUTES

March 1, 2007

MOTION by Elaine Sopchak, SECOND by Liza Kilcoyne, to approve the 3/1/07 minutes as written. VOTING: 4 ayes; motion carried.

March 15, 2007

MOTION by Liza Kilcoyne, SECOND by Elaine Sopchak, to approve the 3/15/07 minutes as written. VOTING: 4 ayes; motion carried.

4. PUBLIC MEETING

Board members were introduced, the procedure to be followed was explained, and individuals to give testimony before the Planning Commission were sworn in by Chairman Thibeault.

Site plan application for construction of a five story, 91 room hotel at 9 & 11 Park Street in the VC District by Lamoureux & Dickinson, agent for Park Street Holdings Co., LLC, owner

Patti Coburn and Roger Dickinson with Lamoureux & Dickinson and Michael Dugan, A.I.A., appeared on behalf of the application.

STAFF REPORT

Jeff Arango reviewed an aerial photograph showing the site and the landscaping plan of the proposed hotel. The hotel will be located in the corner of the lot and border on Park Street and Park Terrace. There will be an eight-sided tower feature on the corner of building facing the intersection of Park Street and Park Terrace. The number of proposed rooms and planned parking spaces is 91. There will be a sidewalk for pedestrian access and a drop off area on the side of the building for patrons (separate from the check-in area). There will be a curb cut on Park Street and a curb cut on Park Terrace to access the building. Regarding setbacks, building height and lot coverage, there are no minimum setbacks so the building can be built up to the street. Pedestrian access is promoted by

having the parking in the back of the hotel building. The proposed design of the hotel and parking is typical of urban development. Height limit for structures in the Village Center District (VCD) is four stories or 58'. The Planning Commission can grant a waiver of the height limit (up to 84' in height) if it is determined the extra height does not impact the character of the neighboring area. The proposed hotel is five stories, but within the 58' building height limit. The applicant is requesting a waiver for the fifth story (the fifth floor is within the gable roofline). The façade of the building facing east (i.e. view from the Lincoln Inn looking at the hotel) was shown. It was noted the building is to be red brick and natural stone with a dark metal roof. The materials are urban in nature (samples of the proposed building materials were available for viewing). Regarding design review, urban materials are proposed for the building and there will be street access. First floor store fronts are not proposed, but there will be pedestrian access to/from the hotel to the street (thus promoting pedestrian activity). A bike rack needs to be shown on the site plan. There will not be a restaurant in the proposed hotel, but the site plan must indicate how any delivery trucks will be accommodated. The lighting plan meets lighting regulations. There will be building mounted lights in the same period type lighting as those in the VCD. There will be shoebox pole mounted lights in the parking lot. The Planning Commission may prefer period lighting in the parking lot. The curb cut on Park Street as proposed does not line up with the curb cut(s) for the Lincoln Inn across the street. Staff recommends one curb cut access and that being off Park Terrace. There can be a mountable curb cut on Park Street for fire truck access. The Fire Chief feels the property can be covered with mutual aid from Williston which has a 100' ladder truck. The applicant is proposing to build a retaining wall and fence around the back parking lot, continued Mr. Arango. There is existing vegetation for screening. The applicant is seeking a waiver for the wall and fence. There is a single family home on the adjacent lot. With regard to storm water management, the applicant is proposing to use pervious pavement. Roof drainage will be collected into two holding tanks and water will eventually infiltrate into the ground. The applicant must apply for a sign permit application. The landscape budget must be two percent of the total project cost. The landscape budget shown by the applicant needs to be verified. Proposed plantings include species of deciduous trees and other plants that are not on the approved list for the village, but are recommended by the Vermont Urban Community Forestry Program (UVM Extension). Staff supports the choice of plantings. Trees will provide shade in the parking lot, however, the applicant is requesting a waiver from the 20% shade requirement for the parking lot because the parking is not visible from the street. A snow removal plan is needed. Stockpiling of snow on the site cannot eliminate any parking spaces.

Current maintenance of the existing property was discussed. Jeff Arango reported there have been several state building code violations on the property behind the existing restaurant (same owner for both parcels). The hotel proposal is an improvement over the existing property, but a plan to maintain the property in the long term must be presented. The applicant must also address traffic safety issues (safe ingress/egress). The proposed hotel will not change the level of service at the intersection. The Village Engineer will do further review of traffic impacts. Staff recommends the Planning Commission table the public hearing pending further information from the applicant on many issues.

APPLICANT COMMENTS

Patti Colburn stated an application for consolidation of lots will be submitted, but the applicant is hesitant to do this unless the application for the hotel has approval (consolidation of lots could be a condition of approval). Ms. Colburn also confirmed a bike rack will be added to the site plan, lighting in the parking area will be reviewed, and a sign permit application will be submitted. There will not be a restaurant in the hotel and the laundry will be done in-house so a minimum number of deliveries are anticipated. The drop off area for patrons to the hotel can accommodate small delivery trucks. Also, the parking spaces by the check-in area will be available. Michael Dugan further described the canopied drop off area (24' wide driveway and 18' for parking with access from Park Street and exit onto Park Terrace). The area on the Park Terrace side of the hotel includes 18' for parking, 24' for driveway, and another 18' for parking. The applicant is requesting a waiver for the loading dock requirement. Regarding the cost of the project relative to the landscaping budget, Patti Colburn stated the estimated project cost is between \$4.2 and \$4.8 million. The landscaping budget is approximately one-half percent of the total project cost. Comments from the Village Engineer on the project will be addressed, assured Ms. Colburn.

Michael Dugan discussed the maintenance of the property. Mr. Poon's company, Park Street Holding Company, has an agreement with LaQuinta Inns and has purchased the franchise. There are rules to govern the LaQuinta franchise which include direct instruction on how the facility is maintained and operated, particularly on the outside. LaQuinta conducts unannounced inspections and requires approved (by LaQuinta) third party management of the property. The property owner has a fair amount of money invested in the franchise and the proposed building. Per the franchise rules, every five years the interior of the building is remodeled. Franchise documents were submitted to the Planning Commission for review. Mr. Dugan stressed the proposed hotel is a new start for the property. LaQuinta Inns is a national chain and they own the franchise. The franchise rules and regulations can apply to the property regardless of ownership, especially if the building and use remains as a hotel. Jeff Arango noted there are no violations pending at this time (i.e. letters from Village sent to property owner citing violations), but there is concern zoning violations exist and if an inspection were to be done, these violations would be uncovered. Mr. Arango stated he is aware there are people living in the Camping Supply building which is zoned for retail, not residential. Also, the house at 2 Park Terrace was inspected and was not up to state building codes. The barn could be considered a hazard. Mr. Dugan stated per the franchise agreement no employees will reside in the hotel. Occupants are paying guests only. Mark Thibeault urged the property owner to resolve any outstanding problems/violations now if the current application is to proceed.

Patti Colburn reviewed the storm water system which will be inspected each year and the pervious pavement which will be vacuum swept once a year. S.T.Griswold has pervious pavement in their parking lot on Industrial Ave. and has not experienced a problem with drainage (the pavement has been in place for the past two years). With the storm water system there are holding basins if the water does not immediately percolate through the

pervious surface. The catch basins are connected to the municipal storm system. There was discussion of drainage when the ground is frozen and a spring rain occurs. Ms. Colburn stated the water will drain into the municipal system. The roof drains are directed into holding tanks and if the tanks fail the water will go into the municipal system.

Roger Dickinson discussed traffic impacts and access points to the hotel (two proposed presently). One of the curb cuts on Park Street will be closed. The building is orientated to have a connection to the village downtown area. Parking is located behind the hotel. The hotel will not be a high traffic generator (40 vehicle trip ends in peak hours versus approximately 20 for existing uses). Vehicular access to the hotel from Park Street is necessary. The right-of-way on Park Terrace is 26 feet wide. The road is 20 feet wide. There is not adequate access to the property for ingress/egress. In addition, the corner radius is very tight so buses or commercial vehicles along with two-way traffic flow will be difficult. With only one access way, it would be tempting to use the one-way end of Park Terrace onto School Street and Pearl Street. The applicant is requesting a waiver for the curb cut on Park Street. One option may be one-way traffic flow from Park Street onto the property. Cross flow traffic from the hotel to the Lincoln Inn is not expected since most patrons will likely park their cars at the hotel and walk across the street to the Lincoln Inn. There is an internal "street" inside the hotel leading to the pedestrian entrance. Chairman Thibeault suggested reversing the layout, making Park Terrace the main entrance side and moving the building to the other corner of the property. Jeff Arango commented one-way traffic flow through the property may eliminate many of the traffic safety concerns. Liza Kilcoyne spoke in support of how the building defines the corner of the lot, and that the parking forms an alley between two properties.

Michael Dugan reviewed the proposed building design, windows, and roof materials. On the Park Terrace side there will be a glass roof with cultured stone at the base. Photos were shown of the stone wall which will be on the boundary line, the retaining wall, and the period lighting on the building. Liza Kilcoyne asked about the pedestrian entry and the potential for rain/snow on the roof above falling onto people entering/exiting the building, suggesting a canopy roof over the entrance or recessing the entryway. Mike Dugan stated there will likely be ice guards on the roof and gutters can be added if warranted. Ms. Colburn mentioned sidewalk will be constructed on the Park Terrace side of the building to beyond the entrance on Park Street so the work done by the village redevelopment project is not destroyed.

Liza Kilcoyne questioned whether the amount of parking is sufficient, noting staff parking is not indicated on the site plan. Mr. Dugan stated the number of parking spaces meets the requirements of the ordinance. The Planning Commission agreed further discussion of staff parking especially during 100% occupancy was warranted. Mr. Dugan stated LaQuinta assumes an 80% occupancy rate. Two areas will be designated where buses can park on the site.

There was discussion of the first floor. Mike Dugan stated per mandate from LaQuinta, there will be an area where the continental breakfast is served, the check in area, lobby, offices, restrooms for the breakfast patrons, and an indoor swimming pool.

Liza Kilcoyne asked about the retaining wall at the back of the lot. Mr. Dugan explained the retaining wall is four feet toward the west end of the parking lot plus six feet above that for screening for a total of ten feet on the lower end of the lot (six feet on the higher side of the lot). Mark Thibeault asked about the fence next to the Hinsdale property. Mr. Dugan stated a six foot high fence is proposed. The property will be encapsulated with fence and the retaining wall. There is concern for the safety of hotel patrons in the parking lot if a hedge is planted rather than a fence installed (someone could hide in the hedgerow).

PUBLIC INPUT

Alison Wermer, 24 Lincoln Street, expressed concern about the building height dwarfing the other buildings in the area. For visual aesthetics, lower would be better. It was noted the Lincoln Inn is three stories (approximately 35' high). Mr. Dugan stated the proposed hotel will not be an extended stay or long term residency hotel. Ms. Wermer also expressed concern deciduous trees will not provide screening in winter, and spoke in support of having shade trees in the parking lot because asphalt generates a lot of heat in the summer time. Jeff Arango confirmed the regulations indicate trees for parking lots should provide shade in the summer time. The proposed parking lot is not visible from the street and there is a six foot high wall around the lot. Ms. Wermer asked about storm water run off and who will be inspecting the storm water system. Jeff Arango stated Village staff and the Village Engineer will conduct an inspection after construction is complete. The system is designed to perform as designed and any failures must be addressed or the applicant will be in violation of their permit. An Act 250 permit is required for the proposal, but it is not certain that a state storm water permit is required. Mr. Dugan stated the pervious driveway surface will be vacuumed annual as a component of the maintenance program.

Nick Myers, village resident, spoke in support of the project as an asset to the village. Mr. Myer encouraged more than the ½% of the project cost for landscaping especially for shade trees to soften the feel of the back parking lot which appears as a concrete pit.

Kildare Zaloon, resident of Mansfield Avenue, agreed more landscaping is necessary, and suggested landscaping on the Park Terrace side of the building. Mike Dugan noted there will be a grass strip between the sidewalk and Park Terrace.

Ms. Buchannan, corner of School Street/Park Terrace, spoke in support of improving the existing property, but expressed concern about increased traffic on Park Terrace and School Street due to the hotel and the inadequacy and the narrowness of the roadways. Ms. Buchannan also noted the property is part of the historical district so guidelines relative to roof pitch, degree, line, exterior materials must be followed. The area is residential and safety is a concern for everyone not just patrons of the hotel. The fence is effectively walling in the patrons and walling out the area residents. Ms. Buchannan

expressed concern about snow falling from the tower roof onto the sidewalk (the applicant agreed to mitigate this matter). Ms. Buchanan asked about the length of term for the franchise. Mark Thibeault explained the Village cannot regulate who can occupy the space, but all permit conditions must be maintained to avoid violations. Ms. Buchanan commented on the dilapidated barn existing on the property and the worry that there could be a hotel on the property in the same condition over time.

Mary O'Neil, village resident, questioned where the dumpster for the hotel is located. Mr. Dugan stated trash containers will be kept inside the building on the first floor by the swimming area. Most of the refuse will be paper products from the rooms (newspapers, tissues, and such). Food waste will be minimal since there is not a restaurant on site. A dumpster in the parking lot will take up space used for parking. Mary O'Neil opined the design criteria pertaining to reconstruction and adhering to the character of original structures will not be met by the proposal. The area from Five Corners to the power plant bridge is residential on Park Street with a two-story maximum height. There are two exceptions, the Lincoln Inn and the former Flanders's Building. It has been demonstrated a residential building can be adapted to commercial use (the Yarn Shop was cited as an example). Ms. O'Neil disagreed with staff comments about the area being urban, adding a five story, 54' high building cannot be hidden by bushes. No building in the village comes close to the height of the proposed hotel. A five story building will have an adverse impact on the area and contrast with existing architecture in the village. The proposed hotel is a great idea, stated Ms. O'Neil, but in the wrong location. The building might be better located on Pearl Street by the Highland Village condominiums since there would be common scale and an established traffic pattern and flow. Regarding the narrowness of Park Terrace which is a residential street, if a large vehicle is turning onto the street while another vehicle is waiting to exit, the entering vehicle is likely to jump the curb. Additionally, large commercial buses in a neighborhood are not appropriate. The proposal will add traffic to the nearby residential neighborhood. The neighbors must be considered in this matter. Ms. O'Neil addressed the lack of a loading area by the hotel for deliveries, stating newspaper and paper products deliveries will occur in the morning hours which could also have an impact on the neighbors. The lighting as proposed is not in character with the village. Ms. O'Neil stressed her concern for the proposed hotel, but added there is the greater concern and obligation to preserve the cultural and architectural heritage in the Village of Essex Junction. Ms. O'Neil also mentioned the limited parking and removal of snow from the site, pointing out a dump truck and excavator in the limited walled space will cause snow to be pushed against the walls and fence, expediting deterioration.

Sean Blow, school department worker, expressed concern about the impact of the excavation for the parking lot on the Park Street School building. The distance from the proposed parking lot to the school is only 10', and the proposed excavation could exacerbate the problem the school has now with water in the basement. Patti Colburn suggested creating a radius in the corner of the parking lot to solve the problem.

Mike Munson, 83 Park Street, stated he is a professional planner. Mr. Munson agreed a hotel in the VCD is an exciting prospect, however, the proposed height will be

detrimental to the character of existing structures in the village center. There are no buildings of this height. There is likely a reason why the Code states “four stories or 58 feet whichever is less”. Five stories will have a major impact especially being located so close to the street. Mr. Munson cited the VSAC building in Winooski and the effect of blocking sunlight to the street below. Park Street will no longer see sunshine in the vicinity of the hotel, observed Mr. Munson. Also, the Code indicates storefronts on the first floor of the building and sidewalks as this generates visual interest and pedestrian activity. The proposed building does not offer first floor store fronts and the generated pedestrian activity will mainly be the hotel patrons. Mr. Munson questioned the justification for the height waiver relative to the design criteria for the VCD, suggesting instead that a less massive hotel would fit in more appropriately in the area. The applicant is requesting six waivers for the proposal each of which should be carefully reviewed.

Dave Grimm, General Manager of Champlain Valley Exposition (CVE), spoke in support of a hotel in Essex Junction to house attendees during the many events that occur now and in the future at the fairgrounds and around the village. CVE can provide the excitement with new events to attract people to the village and together with adequate hotel rooms and restaurants can spur on economic activities year round. The proposed hotel will provide economic activity and impact. People will visit and stay in the community and spend their money. The proposed hotel location is similar to the Homestead Inn on Dorset Street in So. Burlington, stated Mr. Grimm, adding LaQuinta is making a substantial investment in Chittenden County. The hotel is a positive development for the Village. Staff will handle the details for the benefit of the residents. Mr. Grimm commented on the positive performance of permeable pavement.

Alex McEwing, owner of the Lincoln Inn, stated the hotel has the potential to be an economic boost for the Lincoln Inn. Presently, many people coming to events at the fairgrounds or in the village have to spend money outside of the community for lodging, dinner, and such. Mr. McEwing listed existing buildings on Park Street with retail/commercial uses (Chittenden Bank, Ming’s Restaurant, Camping Supply Store, Hinsdale properties including Dominos, Essex Paint and Carpet, Woodstock Kitchens, Cocoa Plum). There is an absence of residential homes until beyond the railroad tracks. Also, the buildings facades are a variety of materials (vinyl siding, wood, brick) so there is no prevailing style. The Lincoln Inn is 38 high and the former Flanders building is 53’ high. Mr. McEwing felt the proposed structure is attractive with what appears to be a thoughtful design especially in relating to the neighbors. Mr. McEwing stressed economic vitality as an important part of the tax base (a \$ 4.5 million project will help the tax base).

Mike Dowling, adjacent property owner, spoke in support of a hotel in the village, but expressed concern about the proposed six foot fence being located twenty feet from his back porch and the lighting in the parking lot. Mr. Dowling also expressed concern about the massive parking lot generating heat in the summer. The parking lot will replace one of the few remaining open fields in the village.

Frank Naef, 4 Park Terrace, stated he is an architect. Mr. Naef agreed a hotel on the corner could help vitalize the downtown area. The proposed hotel design is attractive, but the scale is too massive and takes up too much room on the site. Mr. Naef suggested scaling down the size to fit in with the neighborhood up the hill on Park Terrace as well as on Park Street (there are Victorian homes and two-story clapboard homes along Park Terrace which is only 19'8" wide, curb to curb). The road is narrow for cars making turns. There is concern about fire trucks getting into the site. The street gets even narrower when there is snow. Also, the proposed hotel will be 18' closer to the street and 28' higher than Highland Village. There is no separation of pedestrians and cars in the parking lot (no sidewalks). Mr. Naef disagreed with many of the staff comments and agreed with many of the concerns expressed by others.

Janet Wilson, 2 School Street, spoke about the significant number of cars having to turn around at the cul-de-sac on School Street (about 30 cars a day turn around in her driveway during the fair). The hotel will increase the traffic impact on the narrow streets. There is concern for safety of the children. There was brief discussion of clarifying that School Street is one-way. There was mention that traffic from the hotel will likely go up Park Terrace onto School Street to Pearl Street. Mike Dugan suggested "Right Turn Only" signs can be posted at the Park Terrace exit. It was suggested an exit via the adjacent Hinsdale property farther down Park Street be investigated. It was also suggested the electric utilities be underground.

There were no further comments.

MOTION by Mark Thibeault, SECOND by Dan Kerin, to the close public portion of application for a hotel at 9 & 11 Park Street. VOTING: 4 ayes; motion carried.

DELIBERATION/DECISION

There was discussion of the height of the proposed structure. Liza Kilcoyne suggested the building be tiered going from five stories on Park Street to a lesser height along Park Terrace. Protection of historic structures and the status of existing buildings on the site were discussed. There was agreement the materials proposed for the building (Midwestern style hotel chain) do not fit with the character of a New England village. A mix of materials is a good approach. Stone and clapboard would be more appropriate, but not all in a "beach" color. The applicant should take visual cues from other buildings around the village center area. Regarding the lack of first floor store fronts, the applicant should investigate the possibility of small shops in the hotel to increase foot traffic from people other than hotel patrons. The square footage of the building may have to be increased to accommodate the retail aspect. Having an interactive first floor similar to the Inn at Essex (mix of hotel patrons and area residents) would be good. Additional suggestions include scaling down the size of the hotel to 60 rooms (this will reduce parking needs and traffic issues) and possibly moving the building back away from the road. Mark Thibeault mentioned making Park Terrace to a dead-end street. Other concerns with the proposal included lack of staff parking, no dumpster space, no delivery area, the need for a better understanding of deliveries on the site, and a landscape showing planted islands, better shading, and additional screening of the parking lot. The

Planning Commission acknowledged the Land Development Code was crafted in anticipation of the type of development being proposed (i.e. a hotel in the village).

MOTION by Elaine Sopchak, SECOND by Liza Kilcoyne, to table the site plan application for the construction of a five story, 91 room hotel at 9 & 11 Park Street in the VC District, by Lamoureux & Dickinson, agent for Park Street Holdings Co., LLC, owner, pending further information. VOTING: 4 ayes; motion carried.

5. OTHER PLANNING COMMISSION ITEMS

None.

6. ADJOURNMENT

MOTION by Liza Kilcoyne, SECOND by Elaine Sopchak, to adjourn the meeting. VOTE: 4 ayes; motion carried.

The meeting was adjourned at 10 p.m.

RScty: M.E.Riordan

Trsct: JA

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
April 19, 2007**

MEMBERS PRESENT: Mark Thibeault (Chairman); Liza Kilcoyne, Dan Kerin, Elaine Sopchak.
ADMINISTRATION: Jeff Arango, Developer Director.

1. CALL TO ORDER and AUDIENCE FOR VISITORS

Chairman Mark Thibeault called the meeting to order at 7:30 p.m.

Eric Aubin, 19 Roscoe Court

Eric Aubin presented his request for the house he wants to build be fronted on Cherokee Ave. rather than the street in the proposed development on Roscoe Court. A fence between the house and the proposed development will be installed. A rendering of the proposed new house as well as the location of the road within the new development was shown. Jeff Arango stated the existing street (Cherokee Ave.) does not meet the road standards in the village and with Mr. Aubin's house there would be six houses on a substandard street. The Planning Commission must issue a waiver to allow Mr. Aubin's house to front Cherokee Ave. and the road must be brought up to standard otherwise access to the Aubin house should be from the roadway in the proposed development. Mr. Arango pointed out per the road standards Cherokee Ave. would not have been allowed to be built as it is today. Mr. Aubin stated the house facing Cherokee Ave. fits better aesthetically and will not affect the functioning of the new development layout. Cherokee Ave. can be extended to the driveway of the house.

Mark Thibeault observed building a new house on a street that would not be allowed today versus working with an existing house is the issue. Liza Kilcoyne expressed concern about the location of the proposed house and the impact on neighboring houses (the house is not in line with the existing homes and the driveway and yard are like a narrow corridor between the existing houses).

Mr. Thibeault suggested Mr. Aubin submit his request in writing to the Planning Commission.

2. ADDITIONS/AMENDMENTS TO AGENDA

There were no changes to the agenda.

3. MINUTES

April 5, 2007

MOTION by Liza Kilcoyne, SECOND by Dan Kerin, to approve the 4/5/07 minutes as written. VOTING: 4 ayes; motion carried.

4. PUBLIC MEETING

Board members were introduced, the procedure to be followed was explained, and individuals to give testimony before the Planning Commission were sworn in.

Change of Use from 1st floor residential to office with a waiver of parking spaces at 64 Main Street in the R-O District by Jeffrey and Deborah Brassord, agent for Michael McKeon and Barbara Caiti, owners

Jeffrey Brassord appeared on behalf of the application.

STAFF REPORT

Jeff Arango explained the application for a change of use from three residential units to two residential units and a professional office on the first floor at 64 Main Street, noting in the past the subject property has been used as a professional office. A small information technology company with two employees will occupy the office. The applicant is requesting a waiver of two parking spaces from the eight required since customer visits to the site are anticipated to be one or two per week. The bulk of work is done off-site. Four parking spaces will be used by the professional office, and one parking space each for the residential units of which one is a one bedroom apartment and one is a quasi two bedroom apartment (one bedroom and a den). A landscaping plan has been submitted.

APPLICANT COMMENTS

Jeff Brassord reiterated 90% of business is conducted off-site. Client visits to the office are not anticipated in any volume. Improvements to the aesthetics of the property will be done. Mr. Brassord noted the existing leases with the apartment tenants restrict one car per unit.

PUBLIC INPUT

Neighbors spoke in favor of the office use citing that generally there will be no traffic on the weekends.

MOTION by Elaine Sopchak, SECOND by Liza Kilcoyne, to the close public portion of the application for a change of use from 1st floor residential to office with a waiver of parking spaces at 64 Main Street in the R-O District. VOTING: 4 ayes; motion carried.

DELIBERATION/DECISION

Change of use from 1st floor residential to office & waiver of parking spaces at 64 Main Street

There was discussion of deliveries which will most likely be from the smaller fleet of trucks owned by UPS and FEDEX. The Planning Commission did not feel deliveries would be an issue.

MOTION by Dan Kerin, SECOND by Elaine Sopchak, to grant the parking waiver of two spaces as requested and approve the application with the following conditions:

1. The number of employees shall be limited to two. Any increase in employees shall require approval from the Planning Commission.
2. Customer visits to the professional office use shall not exceed two visits per week.
3. There shall be no parking outside of the designated parking spaces. There shall be no parking on green spaces.
4. A landscaping plan, which identifies all existing landscaping, shall be submitted and approved by staff prior to the issuance of a zoning permit. All existing landscaping shall be preserved.

VOTING: 4 ayes; motion carried.

5. OTHER PLANNING COMMISSION ITEMS

Work Session: Comprehensive Plan Update

Jeff Arango reviewed Chapter 1 of the Comprehensive Plan and draft amendments. The Planning Commission will review the information for discussion at the next meeting. Elaine Sopchak noted “Downtown Designation” needs to be added to the list of accomplishments.

6. ADJOURNMENT

MOTION by Elaine Sopchak, SECOND by Dan Kerin, to adjourn the meeting.

VOTE: 4 ayes; motion carried.

The meeting was adjourned at 8:05 p.m.

RScty: M.E.Riordan

Trsct: JA

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
May 3, 2007**

MEMBERS PRESENT: Mark Thibeault (Chairman); Liza Kilcoyne, Dan Kerin, Elaine Sopchak.
ADMINISTRATION: Jeff Arango, Developer Director.

1. CALL TO ORDER and AUDIENCE FOR VISITORS

Chairman Mark Thibeault called the meeting to order at 7:30 p.m. There were no comments from the audience.

2. ADDITIONS/AMENDMENTS TO AGENDA

There were no changes to the agenda.

3. MINUTES

April 19, 2007

MOTION by Liza Kilcoyne, SECOND by Dan Kerin, to approve the 4/19/07 minutes as written. VOTING: 3 ayes [Elaine Sopchak not present for vote]; motion carried.

4. PUBLIC MEETING

None.

5. PLANNING COMMISSION ITEMS

Work Session: Comprehensive Plan Update – Chapters 1 through 4

The Planning Commission reviewed/discussed amendments as presented and noted the following:

- 1) Chapter III, Page 10, Goals and Visions, Growth – Jeff Arango will reword the statement(s) to better focus on local residents supporting local businesses versus a broader base of businesses such as the “big box stores” in Williston.
- 2) Chapter III, Page 13, Historic Development Patterns, Traffic – There was discussion of traffic congestion and volume returning to pre-circumferential highway levels and despite this the Village remains a pedestrian friendly community.
- 3) Chapter IV, Page 14, Section 2.1, Population Growth, last paragraph, last sentence – delete “The bottom line is” and change “slowing” to “slowly”. There was discussion of the population growth in the village and reduction of the tax revenue from IBM which will have to be made up by village taxpayers.

6. ADJOURNMENT

MOTION by Elaine Sopchak, SECOND by Dan Kerin, to adjourn the meeting. VOTE: 4 ayes; motion carried.

The meeting was adjourned at 8:20 p.m.

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
June 7, 2007**

MEMBERS PRESENT: Mark Thibeault (Chairman); Liza Kilcoyne, Dan Kerin, Elaine Sopchak.
ADMINISTRATION: Jeff Arango, Developer Director.

1. CALL TO ORDER and AUDIENCE FOR VISITORS

Chairman Mark Thibeault called the meeting to order at 7:30 p.m. There were no comments from the audience.

2. ADDITIONS/AMENDMENTS TO AGENDA

There were no changes to the agenda.

3. MINUTES

May 3, 2007

MOTION by Liza Kilcoyne, SECOND by Dan Kerin, to approve the 5/3/07 minutes as written. VOTING: 4 ayes; motion carried.

4. PUBLIC MEETING

Mark Thibeault swore in individuals to give testimony on applications before the board, explained the procedure to be followed, and introduced board members.

Site Plan for small scale facility at Champlain Valley Exposition (CVE) Grandstand, 105 Pearl Street in the PE District by RCC Atlantic, Inc., d/b/a Unicel, agent for Champlain Valley Exposition, owner

Chris Bromley with Unicel appeared on behalf of the application.

STAFF REPORT

Jeff Arango explained the request for a small scale wireless facility with an antenna for wireless cell service. The facility location will be in the grandstand at the fairgrounds. The panel antenna will be 720 feet from the nearest property line and will not project more than 20 feet above the average elevation.

APPLICANT COMMENTS

Chris Bramley stated three antennas will be added on the southwest corner of the CVE grandstand for cellular phone service. Total antenna height will be 51 feet and 10 inches wide. Cables will travel from the antenna to the second floor of the building and not be visible externally.

PUBLIC INPUT

None.

MOTION by Mark Thibeault, SECOND by Liza Kilcoyne, to close the public portion of the hearing for an antenna at the fairgrounds. VOTING: 4 ayes; motion carried.

DELIBERATION/DECISION

Site Plan for a small scale facility at Champlain Valley Exposition Grandstand, 105 Pearl Street in the PE District, by RCC Atlantic, Inc., d/b/a UNICEL, agent for CVE, owner

MOTION by Liza Kilcoyne, SECOND by Elaine Sopchak, to approve the application for a small scale wireless facility at 105 Pearl Street subject to the following:

1. **There shall be compliance to all conditions as listed in Section 715 of the Essex Junction Land Development Code for wireless telecommunications facilities.**

VOTING: 4 ayes; motion carried.

Major site plan amendment to change 2nd floor apartments to office space along with façade upgrade and landscaping at 58-80 Pearl Street in the TOD District by Gardner Kilcoyne Architects, agent for Pearl Street Shopping Center, owners

Steve Schonberg, Bill Gardner, and Rhiannon Johnson appeared on behalf of the application. Liza Kilcoyne recused herself.

STAFF REPORT

Jeff Arango explained this is the first project in the Transit Orientated Development Area (TOD) to be reviewed by the Planning Commission. The Property at 58-80 Pearl Street consists of a one story shopping center to the east with a two story section on the western portion of the lot. The proposed change of use will convert the 2nd story to 100% office space. The exterior façade will be upgraded with larger windows, paint, siding, a new cornice, parapets and a tower element. There will be a sidewalk on the north side of the building wide enough for use as outdoor café space. Potted trees near the area designated as an outdoor café will add to the aesthetics, however, the applicant may want to consider using structural soil and planting trees within the sidewalk with grates due to the high maintenance requirement of potted trees. There will be landscaping on the south side of the building by the entrance to the businesses. Bike racks will be added. The applicant may want to consider adding benches and trash receptacles by the outdoor café area. The building will be upgraded to meet the Code, ADA requirements, and energy efficiency. There will be parallel parking on the south side by the railroad tracks. There is adequate on-site parking per the regulations. There are two bulb-outs on the east and west side of the walkway by the café area, but only one has a pedestrian ramp. Both bulb-outs should have a ramp to improve accessibility. The proposed lighting under the entrance canopy meets Code. No lights by the café area will be installed, however, conduit will be in place for future pedestrian scale lighting for safety purposes if necessary. The applicant is requesting a waiver for the height of the sign, but staff feels the proposed sign is more of an architectural feature, not a business sign. A waiver is not necessary provided the sign does not advertise a business. More details will be needed if the sign is to be illuminated, stated Mr. Arango. The sign on the tower will face east, north, and west. Total retail space for the 1st floor excluding the restaurant is 89,511 square feet.

Mark Thibeault expressed concern about the location of the parking relative to the retail space. Elaine Sopchak recommended delineation of parking or traffic flow from South Summit Street into the lot (i.e. installation of landscaped islands).

APPLICANT COMMENTS

Steve Schonberg, developer and Essex resident, stated the TOD zoning rules fit with the long term vision for the site. The goal is to work with the Village to help further the objectives of the TOD by bringing new energy, local management, and sensibilities to the project. Mr. Schonberg mentioned that they currently own and manage the Howard Opera House in Burlington (former Magrums building) which provides 70,000 square feet of mixed office use space. Mr. Schonberg noted options with the Pearl Street site are somewhat shaped by existing contracts (leases) at the shopping center. The second story of the building, which is 100 feet wide and 175 feet deep, is vacant for the most part. The building is out dated and not energy efficient. There is need for office space in Essex Junction. A daytime population is necessary to support a vibrant center, and the proposed office space will be part of the solution. There are structural issues to be addressed including the power line which is across the back of the lot with some poles going through the building. The plan is to remove the poles and bury the power line from Kinney Drugs to behind the building. There is a brick chimney in the back of the building that is too close to the poles and must be removed. A different flue arrangement will be done. New HVAC equipment will be installed. The siding and wall structure on the second floor will be replaced to comply with fire code construction requirements.

Mr. Schonberg spoke of the need to create a new name and identity for the site which has been known generally as the A&P Shopping center or more recently as the Big Lots shopping center. A rendering of the building with the tower displaying the architectural sign ("Post Office Square") was reviewed. The sign will be located at one corner of the 800 foot long building. The sign panel will be recessed and have perimeter lights (fluorescent or LED) to create a soft glow. The color scheme of the sign was also reviewed. The building itself is 28' high. The 2nd story is 100' wide and 175' deep.

Mark Thibeault asked about signs for the second floor office space. Jeff Arango explained based on façade size there is more flexibility in the sign ordinance to not limit the number of signs. If the panel sign is under the 20' height, then a sign on the 2nd floor would probably be allowed. Mark Thibeault mentioned the need for signs to let the public know where to go. Dan Kerin asked if there will be signs at the roadside listing the tenants in the complex. Elaine Sopchak confirmed there is a marquis at the entrance. There was further discussion of building signs. Chairman Thibeault felt the site will likely qualify for two signs. Steve Schonberg stated the look of the roadside sign has not been contemplated as yet. There are lease obligations with tenants must be considered as well. Mark Thibeault noted any existing or proposed signs must be shown on the application. Mr. Schonberg stated the top line of the existing sign will be changed from "Pearl St. Station Shopping Center" to "Post Office Square" and the sign will be added to the site plan. There was brief discussion of the former name which was likely done in

anticipation of a train stop behind the building, but now will cause confusion because there will not be a train station at the site.

Elaine Sopchak asked about the wall covering on the second floor. Mr. Schonberg stated the wall covering will be concrete siding with the look of wood. The same wall covering except in shingle format will be installed over the Post Office. The building name will appear above the canopy over the Post Office. It is unlikely there will be signage on the fascia of the revised canopy unless the tenant requests this and the village approves it. Staff will investigate signage with a change in tenants. Mr. Schonberg indicated with the new tenants in the office space on the 2nd floor, there will be a building directory and sign indicating the Pearl Street address, but not individual tenant signs. Having signs on the 2nd floor that are readable is a challenge.

There was discussion of employee parking. Office tenants will be told to park along Pearl Street or behind the building. Parking in front of the building and between the building and Kinney Drugs will be designated as one hour parking only. There will be a property manager to regulate the parking. Dan Kerin suggested an awning or protected walkway be installed so people can park their cars once and walk to the various businesses in the complex. It was noted there is a covered sidewalk along a portion of the building now.

Mark Thibeault suggested the parking agreement with Kinney Drugs be researched. Steve Schonberg stated there is an agreement for access to the store, but no parking agreement with Kinney Drugs. Parking for the shopping center extends nearly to the entrance to the drug store. There is a parking agreement with Citizens Bank. Mr. Schonberg noted the increase of 11 parking spaces around the back corner of the lot which in the past was used for snow storage. Dan Kerin mentioned the handicap parking spaces by the Post Office are frequently used by drivers stopping just long enough to deposit their mail in the outside mail boxes. There was further discussion of the parking and parking lot. Mr. Schonberg recognized the need for repair and maintenance of the pavement, but added the existing conditions provide traffic calming. Traffic circulation will be directed as the area becomes a more active parking lot. Mark Thibeault commented the Planning Commission wanted the lot to function as a roadway.

Mr. Schonberg reviewed the proposed plantings (Japanese tree lilacs that grow up to 12' in height will be planted in the ground by the café. Junipers and lilacs will be planted in the rear of the lot. The café space at this point is hypothetical because the current tenants are in good standing. The corner area will be improved to help attract office tenants. The architects are doing a rendition showing benches. Regarding lighting, the conduit for future lighting needs will be installed at this time. Mark Thibeault pointed out lighting in the rear parking lot needs to be adequate for safety purposes. Jeff Arango will provide the applicant with a copy of the lighting plan for the building.

Mr. Schonberg stated the dumpster will be enclosed with opaque fencing, pedestrian ramps will be constructed on both bulb-outs, and the large steel storage boxes in compliance with regulations.

PUBLIC INPUT

None.

MOTION by Elaine Sopchak, SECOND by Dan Kerin, to close the public portion of the application for 58-80 Pearl Street. VOTING: 3 ayes; motion carried.

DELIBERATION/DECISION

Major site plan amendment to change 2nd floor apartments to office space along with façade upgrade and landscaping at 58-80 Pearl Street in the TOD District by Gardner Kilcoyne Architects, agent for Pearl Street Shopping Center, owners

There was discussion of the parking shown on the site plan and what exists on the site. Mark Thibeault stressed the site plan dictates what the site must look like. Mark Thibeault also commented that as of late there have been a number of cars displayed for sale on the lot giving the appearance of a used car lot which is not allowed. Other issues to be addressed include trees, benches, ramps, employee parking in the back of the building, striping the lot for traffic circulation and parking, no car sales, and signage. Mark Thibeault stated the sign in the tower is within the allowed square footage, but the structure is a sign, not building name. Dan Kerin interjected the sign does not advertise a store or business, but identifies a location. Mark Thibeault pointed out the intersection grids back to Cherry Street so the Post Office side of the building may not be considered building frontage so there may be additional square footage of signage available for the second floor. Jeff Arango mentioned the waiver is for height. The Planning Commission had no problem with the height waiver. Mark Thibeault suggested a layout of the sign locations, such as a sign band or specific area where signs will be placed. The building identification sign can be approved with wording as stated and any changes will require further Planning Commission review.

MOTION by Mark Thibeault, SECOND by Elaine Sopchak, to approve the major site plan amendment to change 2nd floor apartments to office space along with façade upgrade and landscaping at 58-80 Pearl Street in the TOD District by Gardner Kilcoyne Architects, agent for Pearl Street Shopping Center, owners, with the following conditions:

1. All landscaping shall consist of species from the approved planting list in Section 719 of the Essex Junction Land Development Code.
2. The building name mounted on the tower feature shall not be altered without further approval of the planning commission; it shall not be used as a sign to advertise a particular business.
3. The dumpster enclosures shall be in conformance with Section 706.J.
4. The east bulb-out on the new sidewalk on the north side of the building shall include a pedestrian ramp that meets ADA requirements
5. The new sidewalk on the north side of the building shall include trees in grates, benches and receptacles.
6. The applicant shall make every effort to have employees on the first floor parking in the back lot.

7. The site plan shall be modified to show the existing freestanding sign.
8. A sign plan showing the location and sizes of the proposed signs within the sign band shall be submitted.

VOTING: 3 ayes; motion carried.

Liza Kilcoyne returned to the Planning Commission.

Site Plan to replace existing 40'x 60' salt shed with a 40'x 65.4' salt shed at 11 Jackson Street in the MCU District by Hamlin Engineering, agent for the Village of Essex Junction

Jeff Kershner appeared on behalf of the application.

STAFF REPORT

Jeff Arango explained the request for a new salt shed (40'x 65.4'). The Planning Commission approved the same application last year, but the approval expired before the shed was built. The old shed will be removed. Lights will be placed in the outside of the building and a waiver is requested to mount the lights 20' above grade to avoid conflict with the loader when moving salt. The site is isolated and adjacent to the railroad corridor. There will be no increase in impervious surface. Plantings would not be likely to survive due to the salt.

APPLICANT COMMENTS

Jeff Kershner confirmed the application is the same project previously approved by the Planning Commission. The shed was not built last year because the bids were too high. The plans show three 20' bays for salt and gravel, but the building will be bid for two bays with a bid alternate to build the third bay.

PUBLIC INPUT

None.

MOTION by Mark Thibeault, SECOND by Liza Kilcoyne, to close the public portion of the application for 11 Jackson Street. VOTING: 4 ayes; motion carried.

DELIBERATION/DECISION

Site Plan to replace existing 40'x 60' salt shed with a 40'x 65.4' salt shed at 11 Jackson Street in the MCU District by Hamlin Engineering, agent for the Village of Essex Junction

MOTION by Elaine Sopchak, SECOND by Dan Kerin, to approve application to replace an existing 40'x 60' salt shed with a 40'x 65.4' salt shed at 11 Jackson Street in the MCU District by Hamlin Engineering, agent for the Village of Essex Junction. VOTING: 4 ayes; motion carried.

Site Plan for 672 square foot accessory apartment at 116 Main Street in the R-1 District by Brenda Williamson, owner

Brenda Williamson appeared on behalf of the application.

STAFF REPORT

Jeff Arango explained the proposal to add 672 square feet to the house at 116 Main Street for a single story accessory apartment (to be located to the rear of the existing single family house). There will also be the addition of a 192 square foot three-season room between the apartment and the single family home. The three-season room will be part of the single family home. The home will be owner occupied. The proposed project complies with all setback requirements. There is ample parking and the apartment addition will not be visible from Main Street.

APPLICANT COMMENTS

Brenda Williamson stated work with the planner began about one year ago. Her daughter and son-in-law will be living in the house and Ms. Williamson will occupy the accessory apartment. An attached garage to the back of the accessory apartment will result in a slight extension of the gravel driveway. Ms. Williamson stated the neighbors had no objections to the plan.

Mark Thibeault mentioned paving the driveway. Jeff Arango pointed out the Planning Commission can waive the paving requirement. Ms. Williamson stated a paved driveway will create a potentially dangerous situation in the winter (sliding down the driveway onto Main Street).

PUBLIC INPUT

None.

MOTION by, Dan Kerin, SECOND by Liza Kilcoyne, to close the public portion of the application for 116 Main Street. VOTING: 4 ayes; motion carried.

DELIBERATION/DECISION

Site Plan for 672 square foot accessory apartment at 116 Main Street in the R-1 District by Brenda Williamson, owner

MOTION by Elaine Sopchak, SECOND by Liza Kilcoyne, to approve the site plan for a 672 square foot accessory apartment and to allow the extension of the gravel driveway at 116 Main Street with the following conditions:

- 1. The accessory apartment shall be limited to no more than two individuals and the principal dwelling shall be owner occupied.**
- 2. There shall be no parking on green spaces.**
- 3. The façade of the addition shall match the existing single family dwelling.**

VOTING: 3 ayes, 1 nay (Mark Thibeault); motion carried.

Change of use for 1st floor retail space to personal service establishment with a waiver of parking spaces at 20 Lincoln Street in the VC District by Michelle Ottaviano, owner
Michelle and Anthony Ottaviano appeared on behalf of the application.

STAFF REPORT

Jeff Arango explained the proposal for change of use from retail to a personal service establishment (hair salon) on the first floor at 20 Lincoln Street. The second floor will remain an apartment. No exterior changes are planned. Four additional parking spaces for a total of nine on-site parking spaces are proposed. The salon will have eight customer stations. Per the parking requirements, two spaces are required for the apartment and twelve for the personal service establishment for a total of 14 spaces. The applicant is proposing nine on-site parking spaces, four spaces less than the requirement. There is adequate public parking in the area. The entrance to the parking lot is paved, but the lot itself is gravel. The building is located next to residences so the gravel is less obtrusive and absorbs water run off better. There are no known drainage problems on the site. Total lot coverage with the added parking will be 41.3 %. Existing landscaping is adequate and will be maintained. The proposed sign will be the same dimensions and in the same location as the previous sign at the site. The wood sign will not be illuminated.

APPLICANT COMMENTS

Michelle Ottaviano said they are living in the apartment and will adhere to all requirements for the site. The plan is to maintain the integrity of the house and landscaping. The neighbors have been notified about the proposal and there have been no objections. Space has been made for parking. Quotes are being secured for paving the parking area. Drainage is being investigated. Ms. Ottaviano asked if any special permits are needed for added sinks and a washer and dryer. Jeff Arango explained once local approval is granted, the Village will be issued to the state.

Ms. Ottaviano spoke highly of Jeff Arango's assistance with the application.

PUBLIC INPUT

A gentleman in the audience spoke in support of the application.

MOTION by Mark Thibeault, SECOND by Dan Kerin, to close the public portion of the application for 20 Lincoln Street. VOTING: 4 ayes; motion carried.

DELIBERATION/DECISION

Change of use for 1st floor retail space to personal service establishment with a waiver of parking spaces at 20 Lincoln Street in the VC District by Michelle Ottaviano, owner

MOTION by Mark Thibeault, SECOND by Elaine Sopchak, to approve the application for a change of use from 1st floor retail space to a personal service establishment with a waiver of parking spaces at 20 Lincoln Street with the following conditions:

- 1. The Planning Commission reserves the right to require further improvements in drainage if there are problems resulting from the project.**
- 2. All of the parking lot shall be paved.**

VOTING: 4 ayes; motion carried.

5. PLANNING COMMISSION ITEMS

None.

6. ADJOURNMENT

MOTION by Mark Thibeault, SECOND by Dan Kerin, to adjourn the meeting.

VOTE: 4 ayes; motion carried.

The meeting was adjourned at 8:20 p.m.

RScty: M.E.Riordan

Trspn: JA

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
June 21, 2007**

MEMBERS PRESENT: Mark Thibeault (Chairman); Liza Kilcoyne, Dan Kerin, Elaine Sopchak.
ADMINISTRATION: Jeff Arango, Developer Director.

1. CALL TO ORDER and AUDIENCE FOR VISITORS

Chairman Mark Thibeault called the meeting to order at 7:30 p.m. There were no comments from the audience.

2. ADDITIONS/AMENDMENTS TO AGENDA

Jeff Arango presented a plaque to Elaine Sopchak for her service on the Planning Commission. Ms. Sopchak is not seeking reappointment.

3. MINUTES

June 7, 2007

MOTION by Dan Kerin, SECOND by Elaine Sopchak, to approve the 6/7/07 minutes as written. VOTING: 4 ayes; motion carried.

4. PUBLIC MEETING

Mark Thibeault swore in individuals to give testimony on applications before the board, explained the procedure to be followed, and introduced board members.

Final Plan for a four lot subdivision at 13-17 Lamoille Street in the MF-3 District by Pinetree Stairways, Inc., Armand Fournier, owner.

Armand Fournier and Robert Gallo appeared on behalf of the application.

STAFF REPORT

Jeff Arango explained the four lot subdivision proposal on a 46,000 s.f. lot with two existing duplex buildings and frontage on Lamoille Street. The property owner will divide the back of the lot into two 8,600 s.f. lots for single family homes with access off a new public street and two lots on the front of the property; each containing an existing duplex. The new public street will be 20 feet wide and will not be a through street. The landscaping will consist of trees planted 40 foot on center. Tree species will be Adams crabapple. The Public Works Director would like an extra 10' for snow storage and for a vehicle turnaround. The Fire Chief feels the department can provide service to the area.

APPLICANT COMMENTS

Robert Gallo stated comments from the Village Engineer have been addressed with the exception of one item and the requested information will be provided. There was discussion of the street width and turnaround configuration. Jeff Arango noted the Public Works Department prefers the configuration because there are so few cars (low traffic volume). There is a structural sub-base to support fire trucks.

Elaine Sopchak asked about the dumpster location. Mr. Fournier stated the duplex units will be converted to condominiums so there will likely be individual trash containers, not a dumpster. Trash trucks currently use the site as a turnaround.

Mary Krebsler, 9 Kings Court, asked that a stockade fence be installed to prohibit short cuts through her property. Ms. Krebsler expressed concern about liability.

Larry Lamson, 4 Oak Street, echoed the request for a barrier to prohibit foot and bike traffic through his property.

Roger Willard, 3 Oak Street, requested a privacy fence be installed around the applicant's lot. There was discussion of King Street and Oak Street being public or private streets. It was noted that construction of fences are the responsibility of the home owner if they want to restrict access to private property. Multi-family developments are subject to buffering requirements, however, single family homeowners are responsible for fencing their own yards. Robert Gallo stated the project is small project and a perimeter fence will box in the housing units and give the appearance of a compound. Armand Fournier stated a cedar hedge will be planted on the perimeter of the property. Residents of King Street can regulate traffic on the private street. Mrs. Krebsler mentioned area residents may be willing to share in the cost of a fence. Mark Thibeault suggested the neighbors meet with the developer or new property owner(s) to work out a satisfactory arrangement. It is not the jurisdiction of the Planning Commission to specify a fence for a single family home.

Emily Willard, 3 Oak Street, asked if the property abuts lot #3. It was clarified legally the properties do not touch. There were questions concerning placement of homes on the lots and what street the houses would face. Armand Fournier said the homes will face the new public street. Mr. Gallo showed where on the lots the homes can be constructed. Jeff Arango discussed setback requirements, noting the front yard setback is 30 feet, the rear yard setback is 10 feet, and the side yard setback is 10 feet. It was confirmed water and sewer access will be from Lamoille Street.

There were no further comments.

PUBLIC INPUT

None.

MOTION by Mark Thibeault, SECOND by Dan Kerin, to close the public portion of the application for 13-17 Lamoille Street. VOTING: 4 ayes; motion carried.

DELIBERATION/DECISION

Final Plan for a four lot subdivision at 13-17 Lamoille Street in the MF-3 District by Pinetree Stairways, Inc., Armand Fournier, owner.

MOTION by Elaine Sopchak, SECOND by Liza Kilcoyne, to grant Final Plan approval to Pinetree Stairways, Inc. (Armand Fournier) for a four lot subdivision at 13-17 Lamoille Street in the MF-3 District subject to the following conditions:

- 1. Comments from the Village Engineer shall be addressed and approved by staff prior to the issuance of a zoning permit.**
- 2. An additional 10 feet of width beyond the end of the public right-of-way on the new street shall be provided for stacking snow, and appropriate easement documents shall be provided for review prior to recording of the final plat.**
- 3. Documents for the eight foot side and rear utility easements along with the easements for public works trucks to turn around on the new public street shall be submitted for review and approval by the Village Attorney prior to recording the final plat.**
- 4. Deeds for the street(s) shall be submitted and approved by the Village Attorney prior to acceptance of the street by the Village of Essex Junction.**
- 5. The Village of Essex Junction reserves the right to require further storm water improvements if drainage problems occur as a result of the project.**
- 6. There shall be one streetlight at the southerly end of the new public street per Chapter 9.**

VOTING: 4 ayes; motion carried.

5. PLANNING COMMISSION ITEMS

None.

6. ADJOURNMENT

MOTION by Mark Thibeault, SECOND by Dan Kerin, to adjourn the meeting.

VOTE: 4 ayes; motion carried.

The meeting was adjourned at 8:05 p.m.

*RScty: M.E.Riordan
Trsptn: JA*

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
July 19, 2007**

MEMBERS PRESENT: Mark Thibeault (Chairman); Liza Kilcoyne, Dan Kerin, Diane Clemens, Andrew Boutin.
ADMINISTRATION: Jeff Arango, Developer Director.

1. CALL TO ORDER and AUDIENCE FOR VISITORS

Chairman Mark Thibeault called the meeting to order at 7:30 p.m. Introductions were made including Jillian Tart, an intern working with Jeff Arango each Friday, and new Planning Commission members: Diane Clemens and Andrew Boutin. There were no comments from the audience.

2. ADDITIONS/AMENDMENTS TO AGENDA

No additions or amendments to the agenda were made.

3. MINUTES

June 21, 2007

MOTION by Liza Kilcoyne, SECOND by Dan Kerin, to approve the 6/21/07 minutes as written. VOTING: 3 ayes; two abstention (Diane Clemens and Andrew Boutin); motion carried.

4. BUSINESS

Elect Chairperson and Vice Chairperson

MOTION by Liza Kilcoyne, SECOND by Dan Kerin, to nominate Mark Thibeault as Chairman of the Planning Commission. There were no other nominations. VOTING: 5 ayes; motion carried.

Mark Thibeault is Chairman.

MOTION by Mark Thibeault, SECOND by Dan Kerin, to nominate Liza Kilcoyne as Vice Chairperson. There were no other nominations. VOTING: 5 ayes; motion carried.

Liza Kilcoyne is Vice Chairwoman.

Review and Sign Ethics Policy

All Planning Commission members signed the Ethics Policy.

Work Session: Comprehensive Plan

Section 1.0 Energy

Jeff Arango briefly reviewed changes to Section 1.0 Energy pertaining to land use, transportation and energy. The section documents the village's efforts to encourage infill and redevelopment in core areas. There was question as to whether the majority of village

residents have converted to natural gas as noted in Section 1.0. Also, the notation concerning natural gas being the most inexpensive source of heat may no longer be accurate. Jeff Arango will reword the section with the focus being on natural gas as one of the most commonly used sources of heat in the area. Andrew Boutin noted it takes more natural gas to produce the same amount of heat as oil. There was mention of listing additional energy sources such as wind power.

With regard to lighting in the village, Jeff Arango noted the ongoing conversion to more efficient metal halide streetlight fixtures and LED traffic lights.

There was discussion of car pooling and the extensive use of park-and-ride lots in surrounding towns. Vacant lots in the village could possibly be utilized as well, such as the lot behind Road Rescue area and the Essex Agency near Five Corners and the state owned tree farm on Pearl Street. Suzie Wilson Road and Route 15 are targeted areas for park-and-ride facilities.

Liza Kilcoyne suggested bike paths be specifically mentioned in Section 1.4 - land use, transportation, and energy.

Diane Clemens suggested “green pricing programs” be better defined or clarified in Goal #3 under Energy Goals (Section 1.5).

Section 2.0 Agriculture

Jeff Arango reported there is only one remaining agricultural parcel in the village which is the Whitcomb Farm. There have been three phases of development on the farm to date including 84 single family units on a parcel between West Street and South Street, 142 duplex units on a parcel between South Street and Cascade Street, and 50 duplex units and 2 single family lots below Cascade Street. Remaining portions of the Whitcomb Farm cannot be developed per previous conditions of approval. Land conservation organizations are not interested in the site because they desire larger pieces of property to conserve. Jeff Arango stressed the Village should consider retaining the land for public open space. Diane Clemens noted there is agricultural land by the state owned tree farm on West Street.

5. OTHER PLANNING COMMISSION ITEMS

None.

6. ADJOURNMENT

MOTION by Mark Thibeault, SECOND by Dan Kerin, to adjourn the meeting.

VOTE: 5 ayes; motion carried.

The meeting was adjourned at 8:20 p.m.

*RScty: M.E.Riordan
Trsptr: JA*

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
August 2, 2007**

MEMBERS PRESENT: Mark Thibeault (Chairman); Liza Kilcoyne, Dan Kerin, Diane Clemens. (Andrew Boutin was absent.)
ADMINISTRATION: Jeff Arango, Developer Director.

1. CALL TO ORDER and AUDIENCE FOR VISITORS

Chairman Mark Thibeault called the meeting to order at 7:30 p.m. There were no comments from the audience.

2. ADDITIONS/AMENDMENTS TO AGENDA

No additions or amendments to the agenda were made.

3. MINUTES

July 21, 2007

MOTION by Liza Kilcoyne, SECOND by Dan Kerin, to approve the 7/21/07 minutes as written. VOTING: 4 ayes; motion carried.

4. PUBLIC MEETING

Mark Thibeault swore in individuals to give testimony on applications before the board, explained the procedure to be followed, and introduced board members.

Site Plan for 360 square foot addition to existing building at 10 Main Street in the VC District by Terry M. Meron, agent for Joy Longe, owner.

Paul O'Leary, Terry Meron, and John Alden appeared on behalf of the application.

STAFF REPORT

Jeff Arango explained the proposal for a 320 square foot, one story addition with a brick façade to the rear of the existing building at 10 Main Street. The western exposure will have an entrance and a window. The detail is similar to the detail on the second floor window. Design review criteria are met. One issue is the addition of roof top HVAC and ventilation equipment to the one story addition. Additional information and a plan showing detail in relation to elevations is needed. Concerning parking, there are two spaces at the rear of the building. The existing parking lot does not meet village requirements in terms of width and access. Also, a un/loading area needs to be identified. Regarding lighting, one 50 watt full cut-off metal halide light fixture which meets village lighting standards will be installed. An area of concern is the space is tight and confined. There are existing trees, but one will be removed to accommodate the addition. The tree does not provide screening. The tree on the western end of the new addition is very close to the building and should be protected during construction so it is not damaged. The tree is shown on the site plan so it must remain. The fence on the western end will remain as well. Vegetation covering the fence should also be preserved if possible, but if this is not feasible then the fence should be replaced with a coated fence which would be more

aesthetically appealing than galvanized fencing. Dan Kerin noted the vegetation is of no use during the winter for screening of the fence, and the trees appear to have accidentally grown, not specifically been planted.

APPLICANT COMMENTS

Paul O'Leary stated Papa John's Pizza is confident access to the building from the back alley is workable. The business is a take-out pizza service. Deliveries to the site will occur twice a week, 10 minutes in/10 minutes out. There will not be deliveries, loading or unloading, from Main Street. Deliveries will be made using a 48' box truck. There is right-of-way access to the alley for foot and vehicular traffic. A copy of the easement was given to the Planning Commission. Paul O'Leary said he has witnessed delivery trucks unloading from Railroad Avenue. Two parking spaces are shown in the alley and there is plenty of public parking in the area. The parking spaces in the alleyway can be eliminated if necessary. Concerning the trees, Mr. O'Leary stated one tree will be removed. The remaining three trees close to the building offer shade and screening and will be saved. The chain link fence along the building will be removed. The vegetation will remain.

Mark Thibeault asked about ownership of the fence. The site plan shows the fence on the applicant's property. Paul O'Leary stated the trees are on the property, but it is not clear who owns the fence. The property has not been surveyed yet. Mark Thibeault observed the parking spaces will be for pick up of take-out orders and deliveries, and asked about the number of delivery cars at the site. Terry Meron stated peak time for deliveries is Fridays and Saturdays. There will be six or seven cars doing deliveries. The bulk of the business occurs after 4 p.m.; there is additional open parking available in the area during evening hours. Day sales are low. Statistics for the business show an average of 6.16 cars are present for carry out between the hours of 11 a.m. and 2 p.m.

John Alden explained the exhaust and ventilation system, noting the goal is to have a quiet building. The HVAC system will be similar to what is on the other buildings. Vegetation will be left in place to screen the units on the roof top. The exhaust ductwork will go up the side of the building in order to minimize visibility. The second floor space is an existing apartment (the remainder of the second floor space in the block is office space). The closest window on the second floor is approximately 20' away from the exhaust. Papa John's Pizza has another site at 135 Pearl Street in Burlington and there have been no complaints about pizza odors. Mark Thibeault stated the applicant will have to address complaints from neighbors about the pizza exhaust. Terry Meron assured if there is a mechanical way to correct a problem, it will be done. Liza Kilcoyne asked about the requirements for screening mechanicals on a roof top. Jeff Arango stated the regulations address odors but not specifically HVAC. John Alden pointed out the trees do a good job of roof level screening.

PUBLIC COMMENT

David Santerre, co-owner of Brownell Block, expressed concern about odors and eliminating parking at the rear of the building. Two cars in the narrow alley will block the space. There is also the question of locating a dumpster in the alley. Mr. Santerre was given a copy of the right-of-way easement. Following further discussion, it was

confirmed there is enough room for a truck to service a dumpster in the alley. Terry Meron stated a dumpster could be located in the parking spaces. Jeff Arango stated the dumpster will need full screening. Mr. Santerre stated phone and electricity and windows exist on the ground floor and questioned whether they will be impacted. The window is presently covered and the proposal appears to brick over the window permanently. There was brief discussion of fire code requirements relative to the first floor window and potential liability exposure to the building owners. It was noted the window as is may be grandfathered. Mr. Santerre asked if the existing sewer service will be used (the applicant confirmed this).

Jeff Arango stated more information on the grease trap for the restaurant should be submitted. Terry Meron noted there will only be pizza ovens in operation so there will not be much grease generated.

There was further discussion about delivery of pizza orders. The applicant indicated delivery traffic will occur mainly from 5 p.m. to 9 p.m. Existing on-street parking will be used.

Anthony Martone, Martone's Market, asked about employee parking, noting his employees use the parking in the alleyway behind his store. Also, Mr. Martone stated the parking spaces have to be available to his customers. Jeff Arango mentioned the public parking on Ivy Lane by the railroad tracks and the area street parking. Terry Meron reviewed statistics on his company's take-out activity during daytime hours and Fridays and Saturdays. Two to three employees will be inside preparing pizzas on Fridays and Saturdays. Dan Kerin pointed out the different schedules of the two businesses with Martone's being mainly lunches and the pizza business catering mostly to evening and weekend customers. As a result there may be very little issue with the parking. Joy Longe stated that all employees of Papa John's are "cross-trained" which means they learn how to make pizzas and they also do deliveries so no one is taking up parking spaces behind the building all the time. Terry Meron added it is in the company's best interests to have employees refrain from using customer parking spaces. The logical scenario is to have the core pizza makers park in nonessential spaces, such as the parking lot by the railroad station. For deliveries, Papa John's standard is delivery of product within eight minutes drive time. There was continued discussion of the parking behind the building and parking for the tenants in the apartment (the tenants will park in the two designated parking spaces for the business). Terry Meron stated the spaces could remain for parking though a vehicle will have to back into the right-of-way. It may be prudent to improve the apartment and keep the spaces. It was noted the apartment is a new. Originally, the space was for offices and the office workers parked in the back of the building. The apartment was approved administratively. Paul O'Leary suggested keeping one space for the apartment and using the other for the dumpster.

There were no further comments.

MOTION by Liza Kilcoyne, SECOND by Dan Kerin, to close the public portion of the application for 10 Main Street. VOTING: 4 ayes; motion carried.

DELIBERATION/DECISION

Site Plan for 360 square foot addition at 10 Main Street by Terry M. Meron, agent for Joy Longe, owner.

The Planning Commission discussed the HVAC units for the entire building block and whether the dumpster needs to be screened since it is located in the alleyway. Also, information on the grease trap for the restaurant is needed.

Jeff Arango noted information on a sign for the proposed business must be submitted and approved by the Planning Commission. Regarding parking, the spaces do not meet parking standards and are not on the applicant's property in the alley. Public parking areas can be utilized or the applicant can seek an easement to use the parking in the nearby bank parking lot. Mark Thibeault questioned whether parking can be considered as part of the application since the spaces are not on the applicant's property. The dumpster is on the property and access to the property is via the right-of-way. Parking was not required for the previously approved apartment use. Concerning the previously approved apartment, parking was not required. Mr. Thibeault stated concern about odor and impact on neighbors. The Code states the operation of a business should not have odor beyond the property boundary. Mr. Thibeault pointed out the Village has the right to do an assessment if there is a problem. Other issues are civil in nature, including the right to park a truck on the site (if not, then the site plan as submitted is not accurate) and covering the window.

MOTION by Mark Thibeault, SECOND by Liza Kilcoyne, to approve the site plan for a 360 square foot addition to the existing building at 10 Main Street in the VC District by Terry M. Meron, agent for Joy Longe, owner, subject to the following conditions:

- 1. On-site employee parking, exclusive of delivery vehicles, shall be in the public parking lot north of the railroad tracks (Ivy Lane).**
- 2. The Village reserves the right to require the applicant to modify the ventilation system if odor becomes an issue per Section 718.C.**
- 3. The dumpster shall be located behind the building and in conformance with Section 706.**
- 4. Deliveries shall be through the rear of the building with vehicles parked in the alleyway.**
- 5. Applicant shall provide grease trap information detailing how grease from the restaurant will be handled.**
- 6. Applicant shall submit an application for approval of a business sign to the Planning Commission.**

VOTING: 4 ayes; motion carried.

5. OTHER PLANNING COMMISSION ITEMS

Work Session: Comprehensive Plan

The Planning Commission reviewed Section 3 - Business/Economic Development and Section 4 - Open Space /Recreation of the Comprehensive Plan. Minor edits to the text were made. Additional language about CVE will be added in the opening paragraph of

Section 3, including mention of potential development of IBM and CVE properties in the event of any changes to the present use. A paragraph will be added on IBM noted the partnering with the Village on local, regional and statewide issues. Language will also be added to include Veterans Memorial Park at Five Corners as an urban park. The text will be updated to reflect the current status of the recreational facilities (i.e. skate park at Maple Street Park and the field irrigation system already installed).

6. ADJOURNMENT

MOTION by Mark Thibeault, SECOND by Dan Kerin, to adjourn the meeting.

VOTE: 4ayes; motion carried.

The meeting was adjourned at 9:10 p.m.

RScty: M.E.Riordan

Trsptn: JA

/smh

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
August 16, 2007**

MEMBERS PRESENT: Mark Thibeault (Chairman); Andrew Boutin, Diane Clemens. (Liza Kilcoyne and Dan Kerin were absent.)
ADMINISTRATION: Jeff Arango, Developer Director.

1. CALL TO ORDER and AUDIENCE FOR VISITORS

Chairman Mark Thibeault called the meeting to order at 7:30 p.m. There were no comments from the audience.

2. ADDITIONS/AMENDMENTS TO AGENDA

Approval of the minutes and the work session on the Comprehensive Plan were postponed until the next meeting.

3. MINUTES

Approval of the 08/02/07 minutes was postponed until the next meeting due to lack of a quorum present at the August 2nd meeting.

5. PUBLIC MEETING

Mark Thibeault swore in individuals to give testimony on applications before the board, explained the procedure to be followed, and introduced board members.

Conceptual Plan for a 24-unit Planned Residential Development (PRD) at 27-29 Roscoe Court in the R-2 District by Greg Rabideau, Rabideau Architects, agent for David Trombley, David and Donna Demag, owners

Greg Rabideau, Paul O'Leary, and Brad Dousevicz appeared on behalf of the application.

STAFF REPORT

Jeff Arango described the project area on Roscoe Court and the proposal to build 16 single family dwellings and eight duplex units (the Staff Report references an earlier version of the plan which included 18 single family homes and six duplex units). The current proposal shows a center green, open space area and emergency access from Oneida Avenue. There is a storm water infiltration basin. The parcel size needs to be clarified by the applicant (the size of the parcel needs to be clarified without the public street and including the area for Roscoe Court). The proposal meets density and lot coverage requirements per the Code. Lot coverage needs to be revised to include the decks on the dwelling units. The applicant submitted a landscape plan. There are street trees proposed per the Code. The application is a PRD to allow flexibility in site design. A PRD must demonstrate unique and superior land planning. The open green area is one item, and the buildings are clustered. The proposal appears to meet the intent of a PRD. There are eight duplex units (33% of the development), but the Code only allows 30% to be multi-family units. The applicant needs to address this matter. Planned open space is 6.85% of the parcel. A bike path is not shown, but there will be low traffic in the

development and no through connection for cars so interior roads can serve both vehicles and bicycles. A bike/pedestrian path connection across the railroad tracks was discussed previously. There may be a legal easement for the crossing. There is a right-of-way to the railroad tracks. Further research of an easement across the railroad tracks is necessary. Roscoe Court was at one time on both sides of the tracks, but there never was a crossing over the tracks. There are mature trees on the site which could be preserved, though new landscaping with appropriately sized plantings would also be acceptable. There is sidewalk on one side of the street per the Code. The applicant needs to submit lighting information. The multi-family units should have 750 s.f. of limited common space per the Code. The Planning Commission previously indicated the single family units should have limited common space as well.

Mark Thibeault asked if the Planning Commission can waive lot coverage with a PRD. Jeff Arango stated the Code is not clear on the matter, but multi-family units are only allowed in the R-2 District through a PRD. Chairman Thibeault asked if 750 s.f. of limited common area per duplex unit can be required. Mr. Arango confirmed this if the space is typical of the neighborhood and in the design scheme of the project. Mr. Thibeault asked if the Fire Chief reviewed the plan relative to the cul-de-sac. Mr. Arango stated the Fire Chief reviewed a previous version of the proposal showing one access point. There are two access points with the new plan and the cul-de-sac is shorter than others in the area. Chairman Thibeault asked if the density of the project can increase without adding duplex units. Mr. Arango stated a single family house could be added and a duplex removed. The size and proximity of the houses are other options to consider.

Diane Clemens asked about access to the ETR property. Jeff Arango confirmed the access is by a driveway in the development off the private road to West Street. Brad Dousevich stated the owners of the single family house have seen and approved the plan. The previous proposal to build a new house for the property owner with access off Cherokee Ave. was explained. The house would have triggered the requirement to improve Cherokee Ext. due to the number of houses on the street. Diane Clemens asked if an existing tree on Oneida Ave. will be removed. Jeff Arango confirmed this. It was noted the property owner will be compensated. Ms. Clemens pointed out the street trees and streetlights appear to be in the same location. Jeff Arango stated the photometrics will determine if the light is being blocked by the trees. The Village Engineer reviews the plan as well. The size of the single family houses range from 1,600 s.f. to 1,800 s.f. Elevations will be submitted by the applicant. The planting scheme for the houses was reviewed. There will also be a deck, garage, front porch, and limited common area for each house.

Andrew Boutin asked about the storm water system. Paul O'Leary explained the grading to be done to direct water to the infiltration basins. Mr. Boutin asked about a fence to keep children away from the railroad tracks. Greg Rabideau stated there will be a combination of fencing and landscaping, especially by the multi-family units.

APPLICANT COMMENTS

Greg Rabideau stated the plan was modified to address staff's comments. A duplex unit will be replaced with two single family houses if necessary to meet the lot coverage requirement. Density of 24 units is needed for the development to be feasible. The hammerhead turnaround is designed to accommodate a fire truck. The street is existing with no opportunity to connect presently, but the design provides for future connectivity if the remaining parcel is ever developed. The emergency access which will be an easement will be grass pavers with a sub-base capable of supporting a fire truck. The access will be plowed in winter. A gate will be installed if necessary to discourage use of the access by the public. The streetlights and trees will be integrated. The 20' wide road will be paved with curbs in places. The tree belt is five feet wide as is the sidewalk. The minimum setback from the back side of the sidewalk is ten feet. On-street parking will be allowed. Each unit will have a garage and a driveway. Building #1 and #24 each have the opportunity for a two-car garage. The other units will have single car garages. The proposal has tried to create diversity in unit types with façade variety within a reasonable economic model so it may be possible to provide more two car garages. The principal façade garage is setback from the house and there is a front porch or pedestrian streetscape feature for a more neighborhood like atmosphere. Mark Thibeault mentioned parking on the grass is not allowed so there should be some provision for off street visitor parking.

There was further discussion of lot coverage and access from West Street to the development which is a public street and not included in the lot coverage calculation. The houses will be two-story structures. The houses are close together, each with an eight foot side yard setback and a 25' rear yard setback. The public works easement will overlay. Regarding landscaping, the duplexes will have common space of 25' x 34' or 850 s.f. The single family houses will have a 25' setback and a 36' wide perimeter. Mark Thibeault noted a patio or deck (accessory to the house) can be built in the limited access area. The single family homes should have limited common space like the duplexes. Paul O'Leary assured the limited common element for each single family house will be shown on the next set of plans. Jeff Arango suggested recreational amenities in the open space area be considered.

Regarding landscaping, Greg Rabideau stated there will be groups of plantings from which to choose. A landscape architect will be involved. Andrew Boutin mentioned advice from the police about avoiding high bushes by the houses for safety reasons. Mr. Rabideau stated the bushes will likely be junipers or other dense ground cover.

Mark Thibeault asked about the right-of-way across the railroad tracks. Brad Dousevicz stated their attorney did not find a right-of-way in their research, but that does not mean one does not exist. The investigation is on-going. The road for the development is up to the existing easement. A boundary line adjustment with the current property owner may be necessary. There was question as to whether the Trombleys own the right-of-way. Residents testified Mr. Roscoe kept the right-of-way. The Planning Commission requested more information on the matter.

PUBLIC COMMENT

John Babinski, 3 Oneida Ave., asked about a fence between his property and the duplexes, and if the duplexes will be rental units. Brad Dousevich stated there are no plans for a fence. Jeff Arango stated the Code has no requirement for buffering with single family or two-family dwellings, but due to the scale of the project some landscaping is reasonable. Regarding renting the duplex units, the homeowners association will likely decide if the units are owned or rented. The state allows accessory apartments to be rented. The homeowners association declarations will also address outside vehicles, such as boats, campers. The village ordinance prohibits parking on the lawn.

Ed Payne, Loubier Drive, asked about the sewer and water hook up. Paul O'Leary stated the hook up will be from West Street and up Roscoe Court. Mr. Payne asked about the spacing of the street trees and curbing on Roscoe Court since many of the residents access their back yards from Roscoe Court. Jeff Arango stated the trees will be spaced 40' apart. Projected traffic generation is 10 trips per day per single family home (approximately 240 cars per day). The project does not appear to meet the threshold for a traffic study. There will not be curbing on Roscoe Court and the trees on the road bed and each side of the road will be cleared (no clear cutting of all the trees). Utilities will be overhead to the private property at which point the lines will be underground. There will be ditches by West Street to handle storm water. Jeff Arango will inform Public Works about the access use from Roscoe Court to existing back yards.

Matt Morse, 23 Seneca Ave., expressed concern about access to his back yard via Roscoe Court being eliminated since there is no way to go around the side of his house to the back yard. Mr. Morse stated Roscoe Court is located on his property (his corner lot became part of Roscoe Court to make the corner safer). The actual corner stake is beyond where the road is today. A survey is needed to identify the proper boundary lines. If there are changes, existing fences will have to be removed. Greg Rabideau stated the site plan is based on lots as recorded in the public land records. Paul O'Leary agreed the road cuts across the corner of Mr. Morse's property. A survey has been done. Mark Thibeault asked if there is a right-of-way, easement, or perpetual use. Mr. Morse stated per his deed Mr. Roscoe has right-of-way use to access the printing business and has to maintain the right-of-way. Mark Thibeault clarified boundary disputes are civil issues and not the jurisdiction of the Planning Commission. Andrew Boutin suggested one solution may be to add a garage door to the back of the garage to allow drive through to the back yard. Mr. Morse objected to being penalized by having to incur expense due to someone else's monetary gain (e.g. development plans). Greg Rabideau assured it is not the intent of the applicant to bring hardship to the neighbors, and if there are rights by deed, the design plan can accommodate.

Eric Aubin, 19 Roscoe Court, expressed concern that without landscaping or fencing his yard will become common land for the development. Mark Thibeault reiterated the regulations do not require fencing for single family or two-unit duplexes. Individual property owners can install a fence themselves or negotiate with the developer. The Planning Commission has not been in favor of fences, noted Chairman Thibeault. Mr. Aubin asked if the setback applies to the hammerhead turnaround. Jeff Arango stated

there is street frontage for 20' of the road face so the setback is 15'. Mr. Aubin mentioned the right-of-way on the last 300' of Roscoe Court of which he owns half and the Trombleys own half. The deeds state "ownership" and the dimensions are noted in the records. If the right-of-way is used by residents in the development there will be serious infringement on private property and privacy. Mr. Aubin asked about moving the driveway closer to the house to maintain the right-of-way. Mark Thibeault stated this will be discussed at the next level of review.

There was comment in support of a gate on the emergency access to deter people from using the access. The applicant will follow the recommendation of the Fire Chief.

Donna Babinski, 3 Oneida Ave., asked about the distance from her property line to the duplex unit. Jeff Arango calculated 55' from the duplex to the house.

There were no further comments.

MOTION by Mark Thibeault, SECOND by Andrew Boutin, to close the public portion of the PRD application for Roscoe Court. VOTING: 3 ayes; motion carried.

DELIBERATION/DECISION

Conceptual Plan for a 24 unit PRD at 27-29 Roscoe Court by David Trombley

The Planning Commission discussed drainage, parking, open space, street width, and the emergency access.

MOTION by Mark Thibeault, SECOND by Diane Clemens, to approve the conceptual plan for a 24 unit PRD at 27-29 Roscoe Court by Greg Rabideau, agent for David Trombley, contingent upon the applicant addressing the following:

1. There shall be private limited common open space for each unit.
2. All rights-of-way and easements shall be defined.
3. One duplex unit on the site plan shall be changed to two single family units.
4. The lot coverage calculation shall be revised.
5. Off-street parking for visitors shall be provided throughout the parcel.
6. The emergency access shall be gated and consist of a grass paver surface.

VOTING: 3 ayes; motion carried.

Site Plan to raise the pitch of the existing roof and add vinyl siding over existing brick at 38 Park Street in the Village Center District by Sharron Saunders, owner

Sharron Saunders appeared on behalf of the application.

STAFF REPORT

Jeff Arango reviewed the proposal to add a 5:12 pitched roof and vinyl siding to match the siding at the back of the building at 38 Park Street. A free standing sign will be installed on the existing sign posts. The same lighting and landscaping will remain. There

are no issues with the sign, but adding the siding and pitched roof will alter the character of the original structure. There is a mixture of buildings in the area and similar type buildings closer to Five Corners and Railroad Ave. There is vinyl siding on other buildings in the district, but typically this is in place of clapboard, not brick. The design of the original building is consistent with the Village Plan which is very detailed with regard to historic buildings in the VC District. The proposed alterations will significantly impact the turn-of-the-century brick commercial building.

Diane Clemens asked about the façade roof over the front window and if the building connects to the back buildings. Jeff Arango stated the roof is not original to the building and there is no connection between the brick building and those behind it.

APPLICANT COMMENTS

Sharron Saunders explained the pitched roof and siding are the last items in the building renovation, inside and outside. The brick is very old (the building was constructed in 1896) and the façade appears to be leaning on the north side. A structural engineer has not looked at the building as yet. Jeff Arango mentioned the possibility of assistance in the restoration of the façade as an historic building. Ms. Saunders stated the rest of the building has a pitched roof. There was further discussion of restoring the building with brick. The Planning Commission felt the building stands out by being brick which is good from a retail point of view.

Ms. Saunders asked if a permit is necessary to remove the overhang. Jeff Arango stated any exterior alteration needs Planning Commission review.

There was mention of the sign attached to the overhang which would be lost if the overhang is removed. Hanging a projected sign at a right angle to the building is one option. Adding a name plate to the free standing sign is another option.

PUBLIC COMMENT

There were no comments from the public on the application.

MOTION by Mark Thibeault, SECOND by Andrew Boutin, to close the public portion of the application for exterior building changes at 38 Park Street. VOTING: 3 ayes; motion carried.

DELIBERATION/DECISION

Site Plan for exterior building changes (pitched roof, vinyl siding) at 38 Park Street by Sharron Saunders

MOTION by Mark Thibeault, SECOND by Andrew Boutin, to table the application by Sharron Saunders pending further information. VOTING: 3 ayes; motion carried.

5. OTHER PLANNING COMMISSION ITEMS

Work Session: Comprehensive Plan

Postponed until next meeting.

6. ADJOURNMENT

MOTION by Andrew Boutin, SECOND by Diane Clemens, to adjourn the meeting.

VOTING: 3 ayes; motion carried.

The meeting was adjourned at 9:50 p.m.

RScty: M.E.Riordan

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
September 6, 2007**

MEMBERS PRESENT: Liza Kilcoyne, Dan Kerin, Diane Clemens, Andrew Boutin.
(Mark Thibeault was absent.)
ADMINISTRATION: Jeff Arango, Developer Director.

1. CALL TO ORDER and AUDIENCE FOR VISITORS

In the absence of Chairman Mark Thibeault, Liza Kilcoyne called the meeting to order at 7:30 p.m. There were no comments from the audience.

2. ADDITIONS/AMENDMENTS TO AGENDA

No additions or amendments to the agenda were made.

3. MINUTES

August 2, 2007

MOTION by Dan Kerin, SECOND by Diane Clemens, to approve the 8/2/07 minutes as written. VOTING: 4 ayes; motion carried.

August 16, 2007

Postponed until next meeting.

6. PLANNING COMMISSION ITEMS

Work Session – Comprehensive Plan

The Planning Commission reviewed Chapters 5-9 of the Comprehensive Plan. Regarding Chapter 5, there was discussion of participating in the Vermont Safe Routes to School Program and the reasons why children are no longer walking to village schools (families are not necessarily living in the same neighborhoods as the school and safety concerns with young children walking to school). The infrastructure (sidewalks and crosswalks) is in place to allow walking to school. In Chapter 6 (Utilities/Facilities), the following was reviewed: waste water treatment facility, storm water drainage, streets and sidewalks, public buildings, library, and fire department. Jeff Arango will summarize the information on the Brownell Library. Discussion of Chapter 7 (Housing) included types of housing (single family, duplex, multi-family, condominiums, moderate and affordable housing) and building activity in the village. Housing issues, such as building codes and historic preservation, were also discussed. Chapter 8 (Transportation) included discussion of streets, sidewalks/bike paths, parking, public transportation, and energy conservation. The roundabout at Five Corners as part of the circumferential highway project was mentioned as well as the impact on surrounding roads (Route 2A would be four lanes wide). A goal to identify possible locations for a park-and-ride facility in the village was added to the list of transportation goals in Chapter 8. The Planning Commission reviewed types of land use in the village as noted in Chapter 9 (Land Use) including the village center district, residential (single and multi-family), commercial, industrial, transit oriented, mixed use, office, highway-arterial, exposition, agricultural,

and flood plain. There was discussion of future land use as well. Jeff Arango will incorporate edit changes and typographical corrections as discussed.

5. ADJOURNMENT

**MOTION by Diane Clemens, SECOND by Andrew Boutin, to adjourn the meeting.
VOTE: 4 ayes; motion carried.**

The meeting was adjourned at 9:10 p.m.

RScty: M.E.Riordan

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
September 20, 2007**

MEMBERS PRESENT: Mark Thibeault (Chairman); Liza Kilcoyne, Andrew Boutin, Dan Kerin. (Diane Clemens was absent.)
ADMINISTRATION: Jeff Arango, Developer Director.

1. CALL TO ORDER and AUDIENCE FOR VISITORS

Chairman Mark Thibeault called the meeting to order at 7:30 p.m. There were no comments from the audience.

2. ADDITIONS/AMENDMENTS TO AGENDA

None.

3. MINUTES

August 16, 2007

Action was postponed until the next meeting due to lack of a quorum present at the 8/16/07 meeting.

September 6, 2007

MOTION by Liza Kilcoyne, SECOND by Dan Kerin, to approve the 9/6/07 minutes as written. VOTING: 4 ayes; motion carried.

7. PLANNING COMMISSION ITEMS

Request for a zoning change on both sides of Maple Street from 19 Maple Street to East Street from R-2 to RO District by Mary Crandall Cavanaugh, 23 Maple Street

Jeff Arango reported the subject area was previously zoned Residential-Office (RO) until 2003 when the Trustees changed the zoning to R-2. There have been similar requests to change from residential back to RO which have not been supported by the Trustees because of the desire to maintain the single family residence.

Mary Cavanaugh, 23 Maple Street, explained her house is very large (5,100 s.f.). Her father's medical office was in the house when the family was growing up. There are other offices and commercial uses within close proximity. The plan for office space is so her daughter can have her law practice at the house and the house can remain in the family. The lot is large and there is plenty of space for on-site parking. Ms. Cavanaugh expressed concern about the impact of the recent reappraisal, adding the zoning change would allow revenue to be generated and returned to the village. The neighbors are in support of the change (the Planning Commission urged letters from the neighbors be submitted to the Board of Trustees). The house because of its size will likely not remain as a single family home (possibly converted to multi-family/condominium units), continued Ms. Cavanaugh, so allowing an office use is the best choice because there will be less impact on municipal and school services, and there will be generation of income for the village. There will be no outside changes to the house structure with the zoning change.

Mark Thibeault explained the Planning Commission can make a recommendation to the Board of Trustees about the zoning request, but in the past the Trustees have not been supportive of changing from residential to residential/office use. The Trustees want to keep single family homes as such. Also, if the zoning change is allowed on Maple Street, there are other areas (i.e. upper Main Street) that were also changed from RO to residential which would likely have to be changed back again. Liza Kilcoyne pointed out there are other large houses in the village that are in the RO zone (house on Main Street with a small computer service). Allowing office uses is a great way to keep large houses viable.

Jeff Arango will research areas where zoning was changed (residential/office) and present uses per parcel. The Planning Commission urged Ms. Cavanaugh to address the Board of Trustees and bring the support of neighbors as well.

Work Session: Comprehensive Plan

The Planning Commission reviewed the zoning maps and considered the request from 222 Franklin Square to change the zoning on a small parcel of their land off Park Street from Light Industrial to Mixed Commercial to reflect the existing use of the property. Jeff Arango will notify IBM of the requested change and the impact on a portion of their property. Mr. Arango will also make necessary changes to the zoning maps.

5. ADJOURNMENT

MOTION by Mark Thibeault, SECOND by Liza Kilcoyne, to adjourn the meeting.

VOTING: 4 ayes; motion carried.

The meeting was adjourned at 8:07 p.m.

RScty: M.E.Riordan

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
October 18, 2007**

MEMBERS PRESENT: Mark Thibeault (Chairman); Liza Kilcoyne, Andrew Boutin, Diane Clemens. (Dan Kerin was absent.)
ADMINISTRATION: Jeff Arango, Developer Director.

1. CALL TO ORDER and AUDIENCE FOR VISITORS

Chairman Mark Thibeault called the meeting to order at 7:30 p.m.

Nick Meyer re: Village Center District

Nick Meyer, 28 Pleasant Street, expressed concern about take-out restaurants in the historic village center. Mr. Meyer also asked about review of sign applications by the Planning Commission (this is now part of site plan review).

2. ADDITIONS/AMENDMENTS TO AGENDA

None.

3. MINUTES

August 16, 2007

MOTION by Mark Thibeault, SECOND by Andrew Boutin, to approve the 8/16/07 minutes as written. VOTING: 3 ayes, 1 abstention (Liza Kilcoyne); motion carried.

September 20, 2007

MOTION by Liza Kilcoyne, SECOND by Andrew Boutin, to approve the 9/20/07 minutes as written. VOTING: 4 ayes; motion carried.

8. PUBLIC MEETING

Chairman Thibeault explained the procedure to be followed, introduced members of the Planning Commission, and swore in those individuals to give testimony on applications before the Planning Commission.

Sign application for a wall sign at Papa John's Pizza at 10 Main Street in the Village Center District by Terry Meron, owner

Terry Meron appeared on behalf of the application.

STAFF REPORT

Jeff Arango explained the request for a 2' x 5' (10 s.f.) wall sign which will be externally illuminated by two gooseneck lights at the top of the sign. Sign size requirements and lighting standards are met per Section 714.M.2. The Village should reserve the right to modify light output if necessary. Mr. Arango noted at site plan review there was discussion of the trees on the property. One tree was within the footprint of the proposed expansion and would be removed, but another tree was to be saved, however, on the first day of construction this tree was cut down.

APPLICANT COMMENTS

Terry Meron stated though a 20 s.f. sign is allowed, the smaller footprint of 2'x 5' (10 s.f.) fits better above the door and is more aesthetic. Photographs of a similar (though larger) sign for Papa John's in downtown Burlington was shown. Compact florescent lights will be used for the sign lighting. The sign is sandblasted wood made by a national company called "Persona" that makes all the signs for Papa John's. Andrew Boutin pointed out the photograph indicates the sign material to be medium density overlay. Jeff Arango will verify the material of the sign and add the necessary information to the application for the file.

Terry Meron addressed the issue of the tree removal, acknowledging the goal to save the tree. When the site measurements were done by the construction manager, it was discovered the tree was too close to the building to be saved (the tree was 18' from the corner of the building and the measurement to the outside wall is 17'8" and the footing is four inches beyond that point). The tree was a box elder with a broken top so it was not healthy. Also, the root structure was compromised by the construction. At site plan, the tree was identified "at risk" by the Planning Commission. It was felt the tree was a threat to adjacent property. The Village Office was notified of the situation and the tree was removed. The engineer is revising the site plan and an amended plan will be submitted for the record. Another tree will be planted. Violation of the site plan was not intentional, stressed Mr. Meron. Jeff Arango stated a written statement should have been submitted by the applicant before the tree was removed. Mark Thibeault suggested looking for a better place to plant the new tree. Mr. Meron noted existing trees by the building foundation will likely damage the foundation in the future.

Liza Kilcoyne asked if there will be lettering in the windows of the pizza shop. Mr. Meron stated there will be a neon sign in the window stating "Now Baking", but no lettering on the windows.

PUBLIC COMMENT

Joe Weith, 35 Pleasant Street, asked if the sign undergoes design review. Jeff Arango stated signs in the Village Center District are not subject to design review, but there are sign standards that must be met.

MOTION by Liza Kilcoyne, SECOND by Andrew Boutin, to close the public portion of the sign application for Papa John's at 10 Main Street by Terry Meron. VOTING: 4 ayes; motion carried.

DELIBERATION/DECISION

Wall Sign for Papa John's Pizza, 10 Main Street, Terry Meron

MOTION by Diane Clemens, SECOND by Liza Kilcoyne, to approve the wall sign and lighting at 10 Main Street for Papa John's Pizza as presented and with the following condition: The Village may require modifications to the sign lighting if in the future it is determined that the lighting does not comply with Section 714.M.2. VOTING: 4 ayes; motion carried.

Application for a pitched roof and siding at 38 Park Street by Sharron Saunders

Jeff Arango noted a letter dated 10/5/07 from Sharron Saunders was received requesting her application for a pitched roof and siding on the building at 38 Park Street be withdrawn.

MOTION by Mark Thibeault, SECOND by Liza Kilcoyne, to accept the request by Sharron Saunders to withdraw her application for a pitched roof and siding on the building at 38 Park Street. VOTING: 4 ayes; motion carried.

5. PUBLIC HEARING: COMPREHENSIVE PLAN

Jeff Arango provided a copy of informal comments from the Regional Planning Commission, dated 10/18/07, on the Village Comprehensive Plan. The Planning Commission also received a letter from Curt Montgomery, dated 10/17/07, regarding rezoning a portion of his property at 48 Park Street from L-1 to MCU.

Mark Thibeault opened the public hearing at 8:03 p.m.

PUBLIC COMMENTS

Nick Meyer, 28 Pleasant Street, spoke in support of a vibrant downtown village center, expressing concern about take out food service located there, and urging making the area a destination point for people to visit and spend some time. Mr. Meyer also spoke in support of affordable housing in the village and effort to meet the numbers outlined by the Regional Planning Commission. Changing the zoning on Main Street and Pearl Street from Residential-Office to Residential may lead to the conversion of the very large houses on the streets into apartments rather than single family homes with an accessory unit. Mr. Meyer spoke in support of the change. Mark Thibeault noted changing the zoning has been reviewed over the years, but the Board of Trustees has maintained the residential zoning, feeling the area has unique and special single family homes to be preserved. Mr. Meyer interjected the residential character can be maintained while still allowing more units. The Planning Commission concurred in general and urged the public to bring the matter before the Board of Trustees.

Joe Weith, 35 Pleasant Street, expressed concern about the Village Center District and the loss of key businesses there as well as the new pizza places. Mr. Weith spoke in support of language in the plan to strongly encourage businesses to locate in the downtown center. It is hoped the Trustees support the village and staff being proactive in recruiting the types of businesses desired for the downtown area. Building owners should be contacted to see what assistance can be provided to attract businesses. Mark Thibeault pointed out the zoning does allow the Village to help. Also, infrastructure improvements are planned in the Five Corners area. The Village hosts an annual block party to promote the village downtown. The Village is willing to work with investors and developers. Liza Kilcoyne stated more outreach can be done. There was further discussion of economic development in the village. Money is an issue. Other ways to attract businesses and development must be found. Jeff Arango will review the language in the plan to ensure economic development is strongly encouraged.

There were no further comments.

MOTION by Liza Kilcoyne, SECOND by Andrew Boutin, to close the public hearing on the Village Comprehensive Plan. VOTING: 4 ayes; motion carried.

The hearing was closed at 8:22 p.m.

6. OTHER PLANNING COMMISSION ITEMS

Town of Essex Zoning Revisions

The Planning Commission received a copy of the Town of Essex zoning revisions.

7. ADJOURNMENT

MOTION by Mark Thibeault, SECOND by Diane Clemens, to adjourn the meeting. VOTING: 4 ayes; motion carried.

The meeting was adjourned at 8:33 p.m.

RScty: M.E.Riordan

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
November 1, 2007**

MEMBERS PRESENT: Mark Thibeault (Chairman); Liza Kilcoyne, Andrew Boutin, Diane Clemens. (Dan Kerin was absent.)
ADMINISTRATION: Jeff Arango, Developer Director.

1. CALL TO ORDER and AUDIENCE FOR VISITORS

Chairman Mark Thibeault called the meeting to order at 7:30 p.m. There were no comments from the audience.

2. ADDITIONS/AMENDMENTS TO AGENDA

None.

3. MINUTES

October 18, 2007

MOTION by Mark Thibeault, SECOND by Liza Kilcoyne, to approve the 10/18/07 minutes with the following correction: Page 1, Item #4, Public Meeting, 1st paragraph – remove “introduced members of the Planning Commission”. VOTING: 4 ayes; motion carried.

9. PUBLIC HEARING: COMPREHENSIVE PLAN

Mark Thibeault opened the public hearing at 7:35 p.m. There was brief discussion of prioritization of goals relative to potential budget cuts. Typographical errors in the list of goals/objectives were noted. Diane Clemens suggested the CCTA representative be involved in improving bus service since more than just students ride the bus. There was brief discussion of publicly funded or pro-rated funding for childcare services versus privately funded services. There were no further comments. The public hearing was closed at 7:40 p.m.

MOTION by Mark Thibeault, SECOND by Liza Kilcoyne, to send the Village Comprehensive Plan to the Board of Trustees as presented. VOTING: 4 ayes; motion carried.

5. OTHER PLANNING COMMISSION ITEMS

None.

6. ADJOURNMENT

MOTION by Mark Thibeault, SECOND by Diane Clemens, to adjourn the meeting. VOTING: 4 ayes; motion carried.

The meeting was adjourned at 7:44 p.m.

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
November 15, 2007**

MEMBERS PRESENT: Mark Thibeault (Chairman); Liza Kilcoyne, Diane Clemens, Dan Kerin, Andrew Boutin.
ADMINISTRATION: Jeff Arango, Developer Director.

1. CALL TO ORDER and AUDIENCE FOR VISITORS

Chairman Mark Thibeault called the meeting to order at 7:30 p.m. There were no comments from the audience.

2. ADDITIONS/AMENDMENTS TO AGENDA

None.

3. MINUTES

November 1, 2007

MOTION by Liza Kilcoyne, SECOND by Diane Clemens, to approve the 11/1/07 minutes as written. VOTING: 5 ayes; motion carried.

10. PUBLIC HEARING

Mark Thibeault explained the procedure to be following with applications before the Planning Commission and swore in those individuals to give testimony.

Sketch and Final Plan for a two lot subdivision at 1 Birch Lane in the R-1 District by Janice M. Riordan, owner

Janice Riordan appeared on behalf of the application.

STAFF REPORT

Jeff Arango explained the application for subdivision of an existing 38,817 s.f. lot at 1 Birch Lane into one lot of 21,257 s.f. with an existing single family house and one lot of 17,615 s.f. with 80' of frontage on Mansfield Ave. The newly created lot can accommodate a single family dwelling. Section 720 requires 60' of frontage on a public street. Lot #1 will not have frontage on a public street, but this is not the newly created lot. The house on Lot #1 was designed and built with access from Birch Lane, a private street, as were the other houses on Birch Lane. Therefore a waiver of the frontage requirement should be granted. The minimum lot size in the R-1 district is met by the application as is lot coverage and setback requirements. The lot shape of Lot #2 is two times as deep as wide which is common for older subdivisions. A waiver for the lot depth is needed from the Planning Commission. On the final plat the eight foot drainage and utility easement on the rear and side lot lines must be shown, and easement documents must be submitted and recorded in the land record. Development on Lot #2 can be handled at the permit stage.

Mark Thibeault asked if the private street (Birch Lane) is built to standard. Jeff Arango stated street standards are not met. The proposed subdivision is for the front portion of the lot which fronts a public street. The remaining (rear) portion does not have frontage, but has an existing single family house with access to the private street. Mark Thibeault recalled a similar application requesting access to a private street not built to municipal standards. Jeff Arango explained the previous situation involved a lot having frontage on a public street and the house being the last one on the street so the safety risk and access problem by emergency vehicles was being increased by extending the length of the street. In the current situation, the house will be the first on a private street and will not impact how the private street functions. Also, the lot has frontage on Mansfield Avenue, however it makes sense to have the driveway access the private street rather than creating another curb cut on Mansfield Ave. There was further discussion of the private street serving six units relative to the calculation of square footage for the subdivision. Jeff Arango stated he included the right-of-way as part of the lot square footage because of the survey lines. Mark Thibeault asked if the square footage requirement is met for both lots if the right-of-way is excluded. Jeff Arango stated Lot #2 (front lot) does not meet the requirement without the right-of-way. The definition of "right-of-way" and "easement" were reviewed in the Land Development Code. Mark Thibeault pointed out if the roadway were built today it would have to be built to municipal standards and as of right now the road does not meet the standards. Jeff Arango concurred, but added the driveway to the newly created lot could access Mansfield Ave. directly if necessary. Mr. Thibeault clarified the application is for a subdivision incorporating a private street, and the question is whether the road standard should apply. There was further discussion of how the square footage figure was calculated per the tax map. It appears the square footage was taken from the property lines shown on the survey.

Mark Thibeault asked about the irregular shape of the lot. Jeff Arango reiterated the newly created lot is twice as deep as it is wide. The intent of the waiver is to avoid this situation with large subdivisions. There is no regulation addressing lot shape. Other lots in the area (per the aerial photograph) have an irregular shape. There was further discussion of irregularly shaped lots in the vicinity.

APPLICANT COMMENTS

Janice Riordan said she will provide lot square footage information. There was continued discussion of the lot shape and the proposed building envelope. Liza Kilcoyne observed the width of the building envelope is only 18' which is very narrow and quite limiting. The applicant pointed out the application is for a subdivision. There are no building plans presently. The intent is to present a uniform look on Mansfield Avenue. Ms. Kilcoyne stressed the proposed building envelope shape and size is quite limiting, and the driveway will not help dictate where the entrance is located. There is not much room to locate the front door within the 18' wide wall.

Diane Clemens commented at first glance it appeared the plan may be for a double wide modular home on the site. Ms. Clemens asked if a garage is included in the building envelope. It was noted a garage could be outside the building envelope, but not within the setback. It was also noted that a zoning permit for development is needed. There was

discussion of potential dwellings on the site (small cottage or carriage house with a small garage). The placement of existing dwellings on Mansfield Ave. was reviewed. There was agreement the appearance of a front door or porch with a door or window facing Mansfield Ave. would help maintain a uniform look on Mansfield Ave. The proximity of the new dwelling to neighboring houses was mentioned. Waivers requested by the applicant include depth (twice deep as wide) and frontage (Lot #2 does not have frontage on a public street).

PUBLIC COMMENTS

Pat Collier, 23 Mansfield Ave., pointed out there is a 20' x 110' strip of land running along the back of the applicant's property that is included as part of the newly created lot. The strip of land is heavily treed and does not appear to be useful as part of the lot. Ms. Collier also noted the building envelope on the new lot is eight feet from her fence. If a house is built and the land is sloped toward her house, there will be water in her basement. During a January thaw when the ground is frozen and there is rain, water will run into the basement. A drainage ditch needs to be installed. Ms. Collier stated because she cannot access her backyard from the front of her property her fence has a gate that opens to the applicant's property to allow emergency access across the property to the back of the Collier house. The former owners granted access. Ms. Collier said she has only had to use the emergency access about five times since 1972 when the Thomas family owned the property. Mark Thibeault stated the access issue is a civil matter, not the Planning Commission's jurisdiction. The court can determine if Ms. Collier has a vested right to the access. Regarding the strip of land, the land is private property and the property owner can determine how it is used.

Phyllis Drury, 3 Birch Lane, stated the land strip under discussion was a railroad right-of-way. Ms. Drury gave a brief history of the property on Birch Lane. The property was sold to the applicant with the caveat the strip of land will not have any development on it (this is part of the property deed).

There was discussion of the definition of 'subdivision' relative to development. It was noted unless the land in the deed is restricted the Planning Commission can consider the subdivision. The applicant will confirm if the 20' x 110' strip of land is needed to meet lot square footage requirements.

There were no further comments.

MOTION by Dan Kerin, SECOND by Liza Kilcoyne, to close the public portion of the subdivision application for 1 Birch Lane. VOTING: 5 ayes; motion carried.

DELIBERATION/DECISION

Sketch & Final Plan, Subdivision, 1 Birch Lane, J. Riordan

There was further discussion of the deed restriction on development and potential impact on the subdivision. Liza Kilcoyne expressed concern about creating odd shaped lots in order to meet lot size requirements. The square footage numbers are a guide. Also, the building envelope must be carefully placed on the lot to lessen impact to the area. There

was discussion of placing a modular/mobile home on the site and matching the image of the houses in the area. Mark Thibeault spoke against supporting the waiver requests or the project. Also, Mr. Thibeault felt the subdivision application allows the Planning Commission to look closer at Birch Lane where the number of units served by the road is reaching a point where there are impacts. Additionally, a 21' wide house will be 'shoehorned in', and no matter how the factoring is change, the configuration of the newly created lot is bizarre. The subdivision is creating a square lot for the existing house while the new lot is getting what is left over. There was mention of tabling the application or denying the application and allowing the property owner to reapply with a different plan. Mark Thibeault made a motion to deny the application, but the motion did not have support.

MOTION by Liza Kilcoyne, SECOND by Dan Kerin, to table the application pending more information from the applicant. VOTING: 4 ayes, 1 nay (Thibeault); motion carried.

5. OTHER PLANNING COMMISSION ITEMS

None.

6. ADJOURNMENT

MOTION by Mark Thibeault, SECOND by Diane Clemens, to adjourn the meeting. VOTING: 5 ayes; motion carried.

The meeting was adjourned at 8:30 p.m.

RScty: M.E.Riordan

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
December 6, 2007**

MEMBERS PRESENT: Mark Thibeault (Chairman); Liza Kilcoyne, Diane Clemens, Dan Kerin. (Andrew Boutin was absent.)
ADMINISTRATION: Jeff Arango, Developer Director.

1. CALL TO ORDER and AUDIENCE FOR VISITORS

Chairman Mark Thibeault called the meeting to order at 7:30 p.m. There were no comments from the audience.

2. ADDITIONS/AMENDMENTS TO AGENDA

None.

3. MINUTES

November 15, 2007

MOTION by Liza Kilcoyne, SECOND by Dan Kerin, to approve the 11/15/07 minutes as written. VOTING: 4 ayes; motion carried.

11. PUBLIC HEARING

Mark Thibeault explained the procedure to be following with applications before the Planning Commission and swore in those individuals to give testimony.

Revise subdivision plat to correct survey for 128-134 Main Street in the R-1 District by Robert Lemire, owner

Robert Lemire appeared on behalf of the application.

STAFF REPORT

Jeff Arango explained on the western side of the property at 134 Main Street which was subdivided into three individual lots the survey plat shows a gore behind the back property line and the adjacent properties on Drury Drive. The revised plat extends the back portion of the lot line to be in the same location as the properties on Drury Drive.

APPLICANT COMMENTS

Bob Lemire confirmed an error was made on the plat.

PUBLIC COMMENTS

None.

MOTION by Dan Kerin, SECOND by Liza Kilcoyne, to close the public portion of the revision of the plat for 134 Main Street. VOTING: 4 ayes; motion carried.

DELIBERATION/DECISION

Revised (corrected) Plat, Three Lot Subdivision, 134 Main Street, Lemire

MOTION by Liza Kilcoyne, SECOND by Dan Kerin, to approve the revised plat for a three lot subdivision at 134 Main Street by Robert Lemire with the understanding all previous conditions of approval shall still apply to the project. VOTING: 4 ayes; motion carried.

5. PUBLIC MEETING

Site plan for a 1,400 s.f. addition to the existing Essex Rescue building at 1 Educational Drive in the R-1 and FP districts by Craig R. Butkus, Essex Rescue, Inc., agent for the Union #46 School District, owner

Craig Butkus appeared on behalf of the application.

STAFF REPORT

Jeff Arango explained the proposal for a 1,400 s.f. addition on the north side of the existing Essex Rescue building. The addition will be one story and match the existing façade. The entrance will face the north. The Village owns a 30' strip of land next to the building which contains a major sewer main running from Drury Drive past the rescue building. The proposed building addition will encroach into the strip of land so there is a plan where the Village will deed land to Union #46 School District in exchange for an easement so Essex Rescue can expand the building as proposed. Another issue is maintaining adequate access to the sewer line. One proposal is to extend the foundation wall of the building below the sewer line so if the line is excavated the building foundation will not be disturbed. There have been discussions about reinforcing the sewer line with a stronger pipe (C-900 pipe). Other minor issues to be addressed include showing the seven on-site parking spaces on the site plan (no additional parking is required for the building addition and there is public parking available in the high school parking lot), and showing the dumpster with screening on the site plan per Section 706.J. The building expansion will cause one landscaped bed to be removed and replaced. A landscape plan from the applicant must be submitted prior to issuance of an occupancy permit. Landscaping similar to what is there now is acceptable. Also, comments from the Village Engineer must be addressed.

There was brief discussion of landscaping for the overall project (One Campus). It was noted there is not much landscaping by the rescue building itself.

APPLICANT COMMENTS

Craig Butkus stated Essex Rescue is trying to keep the cost of the project contained and work with what is available to satisfy the Planning Commission and Public Works. The project is a community project with contractors volunteering to help and the school having students work on the addition as a school project.

Paul Duchesneau, engineer for the applicant, stated following several discussions with Public Works and the Village Engineer there was agreement the sewer pipe needs to be upgraded, manhole to manhole. The pipe is old, laid flat and very deep in the ground (nine to 12' deep). Sleeving the sewer line was also discussed. Jeff Arango noted the Water Quality Superintendent felt even with sleeving there is the potential to dig up the line. The Village Engineer agreed with extending the foundation wall and reinforcing the

pipe. The Water Quality Superintendent agreed with extending the foundation, but not necessarily with reinforcing the pipe. The cost to sleeve the pipe is approximately \$7,000 more than just reinforcing the line. Reinforcing the line with C-900 pipe and extending the foundation wall is close to the same cost as sleeving the line. Issues include protecting the pipe from failure after construction, the possibility of undermining the footings of the building, and causing failure to the pipe during construction. Jeff Arango reiterated the Village owns 30' of land which contains the sewer line and is willing to allow the building addition to be within three feet of the line if the construction is done properly. There was mention of replacing the sewer line with new pipe, but not C-900 pipe. Paul Duchesneau asked if it would be acceptable to extend the foundation and replace the existing sewer line with typical pipe which is not nearly as expensive as C-900 pipe. Jeff Arango confirmed this. Liza Kilcoyne spoke in support of extending the foundation below the pipe, and taking care of any breaks in the pipe if and when they occur. Diane Clemens spoke in support of upgrading the pipe when the excavation is done for the foundation.

Liza Kilcoyne asked if other options or areas away from the sewer pipe had been investigated for the addition. Mr. Butkus stated adding a second story to the building was not viable and other factors eliminated the option. Existing space within the building is being enlarged into the additional building space.

PUBLIC COMMENTS

Dave Bostwick, North Street, asked if there will be additional services provided with the building extension. Craig Butkus stated the existing 24/7 operation of emergency management services for two ambulances will continue at the site. The building addition will support additional administrative function and personnel. Presently the operation is outgrowing the existing building. The ultimate goal is to have two ambulances offering 24/7 operation. Currently, there is one ambulance for 24/7 duty and one for additional service plus one ambulance in the Underhill Fire Station to provide service to that area. Dan Kerin mentioned the possibility at some point in the future for a public safety building combining rescue and police services.

There were no further comments.

MOTION by Mark Thibeault, SECOND by Dan Kerin, to close the public portion of the application by Essex Rescue for a building addition at 1 Educational Drive. VOTING: 4 ayes; motion carried.

Site Plan, Addition to Rescue Building, 1 Educational Drive, Essex Rescue

MOTION by Diane Clemens, SECOND by Liza Kilcoyne, to approve the application for a 1,400 s.f. addition to the Essex Rescue building at 1 Educational Drive with the following conditions:

- 1. The plan of extending the building foundation to the level of the sewer pipe including replacement of the pipe shall be reviewed and approved by both sets of engineers (applicant and village).**

2. A landscape plan shall be submitted by the applicant and reviewed/approved by staff prior to issuance of a Certificate of Occupancy.
3. Legal documents for the land transfer between the Village and Union #46 School District shall be signed and recorded prior to issuance of a zoning permit.
4. Comments by the Village Engineer and the engineer of record shall be addressed prior to issuance of a zoning permit.

VOTING: 4 ayes; motion carried.

6. OTHER PLANNING COMMISSION ITEMS

Public Hearing by Board of Trustees on Comprehensive Plan

The Trustees scheduled a public hearing on 12/11/07 regarding the Comprehensive Plan.

7. ADJOURNMENT

MOTION by Mark Thibeault, SECOND by Dan Kerin, to adjourn the meeting.

VOTING: 4 ayes; motion carried.

The meeting was adjourned at 8:30 p.m.

RScty: M.E.Riordan