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**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
January 17, 2008**

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

December 6, 2007

MOTION by Liza Kilcoyne, SECOND by Diane Clemens, to approve the 12/6/07 minutes as written. VOTING: 5 ayes; motion carried.

4. PUBLIC MEETING

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

Continued 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 and Mark Ward appeared on behalf of the application.

STAFF REPORT

Jeff Arango recalled on 12/6/07 the Planning Commission reviewed the subdivision proposal for 1 Birch Lane. There were two outstanding issues, one being a legal question

related to the easement (private street) and the other being the lot configuration. Regarding the easement, the Land Development Code makes a distinction between a street easement where the property owner owns the land in fee and a right-of-way that is owned jointly by all residents on the private street. The easement land owned in fee can be counted as part of the lot size, but the jointly owned right-of-way cannot. A legal opinion from the applicant's attorney was reviewed by the Village Attorney who felt the matter was not entirely clear. The Village Attorney did not issue an opinion on the matter. The applicant's surveyor feels the language in the deed is stronger relative to ownership of the right-of-way so the land can be counted as part of the applicant's lot. It is unclear because the cost deed description for the lot does not include the right-of-way, but the deed language speaks of "ownership in fee". The language for the other lots on the private road outlines the right to access the lots via the private road.

Regarding the lot configuration issue, continued Mr. Arango, the Planning Commission felt at the last review that the subdivision as proposed would lead to a house not in character with the neighborhood. A field survey of the street revealed houses of the width proposed do exist in the neighborhood. Most of the properties on the street were developed prior to the 15,000 s.f. lot size requirement. Some lots are 6,000 s.f. in size so the neighborhood is not typical of a subdivision developed under current regulations, such as Countryside. The proposed house would not be out of character with the neighborhood though the lot is an abnormal configuration, stated Mr. Arango.

APPLICANT COMMENTS

Janice Riordan said her intention is to sell the existing house at 1 Birch Lane and build/occupy the new house. A cottage style, one and a half story house is envisioned, not a double wide modular structure. At present plans for the house are not drawn.

Diane Clemens asked about the 100'x 20' segment of land shown on the site plan. It was noted Lot 1 owns all of the right-of-way (Birch Lane). Mark Ward stated the segment of land was owned by Irene Thomas who conveyed the land pieces. It is not known who owns the section of land at this point. There is a right-of-way over the right-of-way. Mark Thibeault noted the tax map shows the section of land as part of the original parcel. Mr. Ward stated the survey did not show the land as part of Lot 1. Jeff Arango pointed out there is little effect on the village; the land is a private issue. The village is only interested that the right-of-way is maintained to serve as access to the lots.

PUBLIC COMMENTS

Pat Collier, 23 Mansfield Ave., expressed confusion as to what a 60'x 18' house would look like on the lot, noting the first site plan showed a 24'x 36' house (examples of the proposed house were shown). Ms. Collier said her house is 24' wide, and mentioned a nearby house (by the Christianson house) with the driveway up against the house squeezed in between two houses.

Phyllis Drury, 3 Birch Lane, asked if the neighborhood included houses on Mansfield Ave. or just houses on Birch Lane because houses on Birch Lane are significantly larger. Jeff Arango stated the neighborhood includes where the public travels. Ms. Drury mentioned the issue of snow storage from plowing Birch Lane if the subdivided lot is developed. Ms. Drury stated she previously owned the Riordan lot and the road as well as the strip of land on the right side up to the trees and the triangular piece across from the lot where the snow is piled in winter.

There were no additional comments.

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

DELIBERATION/DECISION

Sketch and Final Plan, Two Lot Subdivision, 1 Birch Street, Janice Riordan

There was discussion of possible house sizes the lot could accommodate (double wide modular, cottage style house) and the irregular shape of the lot. Any structure built on the lot would be at the setback and 20' from the right-of-way. There does not appear to be room for parking. There are numerous irregularly shaped lots in the area neighborhood. Mark Thibeault pointed out a proposed building envelope is shown on the plan, not a proposed house.

MOTION by Diane Clemens, SECOND by Andrew Boutin, to approve the sketch and final plan for a two lot subdivision at 1 Birch Lane with the following conditions:

1. **Easement documents shall be provided to the Village Office and approved by staff prior to being recorded in the land records.**
2. **The plat shall be revised to show eight foot easements on all side and rear lot lines for future drainage and utility purposes.**
3. **The Village may require site modifications on Lot 2 if drainage problem result from future development.**
4. **Any other further guidance normally provided, such as no parking on the lawn).**

VOTING: 2 ayes, 3 nays (Thibeault, Kilcoyne, Kerin); motion did not carry.

Site plan for change of use from educational use to office space at 51 Park Street in the RO District by Scott & Partners, agent for Essex Junction Vocational Corp., owner

Bruce Murdough (School Dept.), John Alden (Scott & Partners), and Mike Burke (Krebs & Lansing Engineers) appeared on behalf of the application.

STAFF REPORT

Jeff Arango explained the change of use at 51 Park Street in the RO district from the currently approved use by the Center for Technology for office space and printing space to use by the Chittenden County Supervisory Union to house their main offices. There will be no changes to the exterior of the building and only minor changes to the parking layout (angled parking changing from 90 degree to 60 degree angles). Traffic circulation will be south to north on the site. There are 20 parking spaces on the site. The requirement is 22 spaces so the applicant is requesting a waiver of two parking spaces. A waiver is justified because there is adequate public parking on Park Street, only 18 employees will be utilizing the on-site spaces, and there are available parking spaces for visitors. The dumpster on the site needs to be screened. The landscape plan approved with the original site plan must be maintained.

Mark Thibeault suggested the applicant submit a letter requesting the waiver for two parking spaces. Dan Kerin mentioned the adjacent park (Stevens Park) is heavily used by children as a short cut.

APPLICANT COMMENTS

The applicant did not add comment to the staff report.

PUBLIC COMMENTS

None.

MOTION by Liza Kilcoyne, SECOND by Dan Kerin, to close the public portion of the change of use application for 51 Park Street. VOTING: 5 ayes; motion carried.

DELIBERATION/DECISION

Change of Use, Office Space, 51 Park Street, Essex Junction Vocational Corp.

MOTION by Mark Thibeault, SECOND by Liza Kilcoyne, to approve the site plan for professional office space at 51 Park Street and to approve the waiver of two parking spaces provided the applicant submits the request for the waiver in writing to the Village Office. VOTING: 5 ayes; motion carried.

Jeff Arango commented a major goal of the Village Plan is to locate office space in the village center area and the application for 51 Park Street is in line with this goal.

5. OTHER PLANNING COMMISSION ITEMS

Hearings on Village Plan

Jeff Arango announced the public hearings on the updated Village Plan were held by the Board of Trustees. There were no comments from the public.

6. ADJOURNMENT

MOTION by Dan Kerin, SECOND by Liza Kilcoyne, to adjourn the meeting. VOTING: 5 ayes; motion carried.

The meeting was adjourned at 8:15 p.m.

RScty: M.E.Riordan