

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
November 20, 2008**

MEMBERS PRESENT: Mark Thibeault (Chairman); Diane Clemens, Andrew Boutin, Liza Kilcoyne, Aaron Martin, John Alden. (Dan Kerin was absent.)
ADMINISTRATION: Robin Pierce, Developer Director.

1. CALL TO ORDER and AUDIENCE FOR VISITORS

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

2. ADDITIONS/AMENDMENTS TO AGENDA

None.

3. MINUTES

September 18, 2008

MOTION by Andrew Boutin, SECOND by Liza Kilcoyne, to approve the 9/18/08 minutes as written. VOTING: unanimous (6-0); motion carried.

4. PUBLIC MEETING

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

Continued site plan for paving and striping of parking area at 39 Lincoln Street in the MF/MU2 District by Andrew Rowe, Lamoureux & Dickinson, agent for Howard Center, Inc., owner

Andrew Rowe, Chris Pepin, and Frank Kochman appeared on behalf of the application.

APPLICANT COMMENTS

Andrew Rowe stated 37 Lincoln Street is Workers in Wood and 39 Lincoln Street is the Howard Center. The parking lot is shared between the two entities. Workers in Wood has a paved lot behind their building. Howard Center would like the same. The program at the Howard Center has been operating since 1975. There are up to six clients in the morning and six clients in the afternoon at the center without overlap of clients. Staff/client ratio is 1:1. Four parking spaces are needed for employees. The clients at Howard Center are medically fragile. Vans load/unload clients from Lincoln Street via a wheelchair ramp that covers in the space between the curb and sidewalk during loading/unloading. Clients are then able to access the ramp into the building. Village Public Works Director and the Police Chief feel the loading/unloading arrangement works fine. Regarding a definition of the use, the Land Development Code does not contain a specific definition. The definition of "family care facility" is the closest fit. Regarding the use, research by the Chairman of the Village Zoning Board of Adjustment and staff determined conditional use approval for the use is not necessary. It was noted a better defining of the use in the Use Chart is needed. Regarding brick pavers and the

garden area in the front yard (on the north side of the access ramp to the building), the pavers provide a hard surface to allow access by the clients to the raised garden beds. The pavers in the village right-of-way will be removed except for a portion by the end of the sidewalk so the ramp can still be accessed. Section 706 allows pavers classified as a ramp accessible surface. A variance is not necessary for a walkway or ramp in the existing location.

STAFF REPORT

Robin Pierce confirmed as much of the paved garden surface as possible has been removed while still allowing access via wheelchair. Mark Thibeault asked if the Trustees will agree to use of the public right-of-way. Mr. Pierce stated the Village Manager felt the Trustees would not have a problem with the situation. Regarding loading/unloading of clients, the police felt a bulb-out on Lincoln Street would be a safety issue. A "bulb-in" would be acceptable, but the sidewalk and ramp prohibit this. Plowing is impacted with either option. Straight curb and the loading/unloading from Lincoln Street is fine. Mark Thibeault mentioned the past practice of dropping off clients in the driveway and blocking access to the adjacent driveway. Mr. Pepin stated transportation vans load/unload on Lincoln Street only. Letters have been sent to drivers to inform them of the situation. Andy Rowe noted there are no restrictions on parking.

Liza Kilcoyne asked about labeling/stripping the drop off area. Mark Thibeault suggested discussing the loading/unloading zone with the Trustees. Robin Pierce will check with the Trustees about the drop off area on Lincoln Street and a portion of the garden in the public right-of-way. If the Trustees do not approve of use of the right-of-way then the applicant must submit a revised plan. Andrew Boutin mentioned having signs designating the drop off zone. Mr. Rowe said there are signs saying "loading/unloading, no parking". Chairman Thibeault noted the Trustees have to grant permission for signs. The Planning Commission can make recommendations.

Mark Thibeault asked about the striped area by the handicap spaces, noting someone may park in the area. Andy Rowe stated the area is to allow access behind the building without driving on the adjacent property. A raised planter could be placed in the striped area to prevent parking. Robin Pierce observed the applicant is trying to formalize the way the property has been used for years and resolve any potential conflicts with the neighboring property. Mr. Thibeault asked about the parking requirement in the district. Mr. Pierce stated more parking is proposed than what is required.

John Alden asked if the parking in practice works. Chris Pepin said the parking in back has been used for a long time and works well. For staff meetings employees park on the street. Frank Kochman cited the Land Development Code and parking for a family care facility being based on the number of clients and the number of work shifts. Andy Rowe said at most there are six clients and six staff members on-site at one time, but the clients do not drive a vehicle to the center. There are five spaces on-site and six are needed so a waiver is requested for one parking space. The applicant submitted a handwritten request for a parking waiver. There are two accessible spaces due to the clientele. Some clients are dropped off in private cars. The Howard Center has its own van.

Diane Clemens asked if the brick will be reused and if any trees will be removed. Andy Rowe said the area between the door and the new paving will reuse brick and the drainage will be directed away from the building. There is an existing hedgerow along the back and side of the building, but a new tree is proposed to be planted as well.

Andrew Boutin asked about lights in the parking area. Robin Pierce stated with less than 10 parking spaces lighting is not required. It would make sense to have lights on the building though. Lighting must meet Village standards. Mr. Pepin stated once the parking lot is finished a light may be installed. John Alden stated that the light could be under the building overhang at the rear exit door and this would reduce the need for downward shielding while illuminating the entranceway and parking.

PUBLIC COMMENT

There were no comments from the public on the application.

MOTION by Andrew Boutin, SECOND by Diane Clemens, to close the public portion of the application for 39 Lincoln Street. VOTING: unanimous (6-0); motion carried.

DELIBERATION/DECISION

Site Plan, Paving/Striping Parking Area, 39 Lincoln Street, Howard Center

MOTION by Mark Thibeault, SECOND by Liza Kilcoyne, to approve the application by the Howard Center for paving/striping at 39 Lincoln Street with the following conditions:

- 1. Shading 20% of the parking area by deciduous trees shall be done.**
- 2. Any lighting that is installed shall meet Village standards.**
- 3. The Village reserves the right to require modifications of the proposed collection and filtration swale if storm water runoff does not meet Village standards.**
- 4. Clients shall be loaded/unloaded from Lincoln Street and not interfere with the shared driveway with 37 Lincoln Street.**
- 5. A raised planter shall be installed on the striped portion of the pavement next to the handicap spaces.**
- 6. A written request for a waiver of one parking space shall be submitted by the applicant.**
- 7. Permission from the Board of Trustees shall be secured for 'loading/unloading area' signs and any portion of the garden pavers or pavement in the public right-of-way.**

VOTING: unanimous (6-0); motion carried.

Continued major amendment to site plan for an after-the-fact 31.6' x 13.1' building addition and a new containment structure for biodiesel fuel tanks at 33 Park Street in the R-2 District by Chad Whitehead, Dufresne & Associates, agent for D&C Transportation, owner

The application was postponed per the request of the applicant.

5. OTHER PLANNING COMMISSION ITEMS

Ann Stafford, 26 Pearl Street

The Planning Commission received a letter from Ann Stafford regarding her proposal to convert the workshop in the back building on her property into a one bedroom apartment. The property at 26 Pearl Street falls into two zones: the front portion is zoned Residential-Office and the back portion is zoned Residential-2. A formal application has not been submitted by Ms. Stafford. Robin Pierce will provide the Planning Commission with more information on the zones on the property at 26 Pearl Street.

Legal Matters

MOTION by Mark Thibeault, SECOND by John Alden, to go into Executive Session to discuss legal matters, and to invite the Village Development Director to attend. VOTING: unanimous (6-0); motion carried.

Executive Session was convened at 8:05 p.m.

MOTION by Mark Thibeault, SECOND by John Alden, to adjourn Executive Session and reconvene the regular meeting. VOTING: unanimous (6-0); motion carried.

Executive Session was adjourned and the regular meeting reconvened at 8:07 p.m.

Property on West Street

There was discussion of the potential for development of the state owned property on West Street. A public meeting was held by the state to solicit ideas for use of the property. Robin Pierce will do an inventory of current open space in the village that could be used for recreation.

Pearl Street Improvement Project

Robin Pierce reviewed an aerial facsimile of the Pearl Street Improvement Project. Improvement ideas include a trolley service, multi-use path, bike lane, changing the entryway to the fairgrounds, and reducing the number of lanes on Pearl Street into the village.

Update of Zoning Regulations

It was noted the next update of the zoning regulations needs to begin. Mark Thibeault commented a definition of the Howard Center program for adults (adult daycare) needs to be included in the next update of the Code.

6. ADJOURNMENT

MOTION by Liza Kilcoyne, SECOND by Andrew Boutin, to adjourn the meeting. VOTING: unanimous (6-0); motion carried.

The meeting was adjourned at 8:32 p.m.