

Minutes subject to correction by the Essex Junction Planning Commission. Changes, if any, will be recorded in the Minutes of the next meeting of the Planning Commission.

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
April 3, 2008**

MEMBERS PRESENT: Mark Thibeault (Chairman); Diane Clemens, Dan Kerin, Andrew Boutin, Liza Kilcoyne.

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.

2. ADDITIONS/AMENDMENTS TO AGENDA

Amendments to zoning to be discussed under 'Other Planning Commission Items'.

3. MINUTES

March 6, 2008

MOTION by Dan Kerin, SECOND by Andrew Boutin, to approve the 3/6/08 minutes with the following correction: Page 1, Item #4, 1st paragraph, 1st sentence – change “following” to “followed”. VOTING: 5 ayes; 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.

Site plan for a 465 s.f. accessory apartment within a proposed attached garage at 10 Jackson Street in the R-2 District by James Diehl, owner

James Diehl appeared on behalf of the application.

STAFF REPORT

Jeff Arango explained the request for an accessory apartment as an attached addition above a new attached garage. There will be a first floor living room between the garage and the existing house. The 465 s.f. accessory apartment will be one bedroom. Mr. Arango noted the original site plan did not show the boundary on Elm Street to scale so the applicant submitted a revised plan. The building meets height and lot coverage requirements. The accessory apartment is within the 30% size limit. The regulations allow no more than two individuals to reside in the accessory apartment and the main house must be owner occupied. The façade will match the house. Information on color and façade material has been submitted by the applicant. Regarding the driveway, the parking space to the left of the driveway was removed. There is parking inside the garage and in the driveway to accommodate three vehicles so the regulations are met.

Andrew Boutin asked how long the property owner must live in the house while the accessory apartment is occupied. Jeff Arango stated technically if the property owner is not living on-site then the accessory apartment cannot be occupied.

Liza Kilcoyne asked if the garage will be used by the tenant or the homeowner. James Diehl said he will be using the garage. There was discussion of the outside staircase to the deck for the accessory apartment. Clarification is needed on whether the stairs are required to be covered by a roof. Also, elevations must be submitted.

APPLICANT COMMENTS

James Diehl stated he purchased the property in October, 2000, and moved in February, 2001. Improvements to the house are on-going.

PUBLIC COMMENTS

None.

MOTION by Liza Kilcoyne, SECOND by Andrew Boutin, to close the public portion of the proposal for an accessory apartment at 10 Jackson Street. VOTING: 5 ayes; motion carried.

DELIBERATION/DECISION

Site Plan, Accessory Apartment, 10 Jackson Street, Diehl

MOTION by Dan Kerin, SECOND by Andrew Boutin, to approve the site plan for a 465 s.f. accessory apartment at 10 Jackson Street by James Diehl with the following conditions:

- 1. The accessory apartment shall be limited to no more than two individuals and the principal dwelling must 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.**
4. **The driveway shall be hard surfaced.**
5. **The garage and apartment shall comply with the Vermont Fire Safety Prevention Code.**
6. **If it is a state requirement the exterior stairs shall be covered and the plan shall reflect this situation for staff review and approval.**
7. **The applicant shall submit elevations and the site plan to scale and accuracy.**

VOTING: 5 ayes; motion carried.

Site plan for a 270 s.f. addition to Rocky's Pizza at 39 Park Street in the Village Center District by Terrence P. Leary, agent for Robert Sophia, owner

Terrance "Rocky" Leary appeared on behalf of the application.

STAFF REPORT

Jeff Arango explained the proposal for a 27'x 10' addition (270 s.f.) to the Park Street frontage of the building occupied by Rocky's Pizza to extend the customer service window out by ten feet. The façade (material and colors) will match the existing building. Awnings and signs will not be changed. There is no parking requirement for the addition and there is adequate parking available for the use. The overhang is 4'6" and there is 22' from the curb to the front of the proposed addition.

Dan Kerin mentioned the large crowds that gather for ice cream at the site. Jeff Arango pointed out there is room for the customer line to curve around the building. The applicant stated there are two sections, one for pizza and one for ice cream. The addition will provide four service windows which should reduce the number of customers waiting in line. Mark Thibeault observed if the crowd becomes a problem a barrier could be installed along the sidewalk to keep people out of the road.

Liza Kilcoyne asked about the tree in front of the building. The applicant indicated the existing tree will remain and a shrub will be planted to replace a tree that was removed.

APPLICANT COMMENTS

There were no additional comments from the applicant.

PUBLIC COMMENT

Mary O'Neil, South Hill Drive, asked about lighting standards in the village and discouragement to keep lights on all night long. Ms. O'Neil urged the applicant to explore alternative lighting (security lighting and motion detectors) so the building lighting is more in character with the neighborhood. Jeff Arango stated the regulations do not encourage or discourage keeping the lights on or off. The applicant noted he has been robbed over six times in the past year (there have been numerous robberies over the past 13 years). The perpetrators come through the back window. The lights are on to allow the police to see the window clearly. The area in the back of the building is dark. Before Rocky's Pizza was there, the back of the building was a hang out in town. The applicant offered to review the lighting and to meet the regulations. Jeff Arango noted the sign ordinance says sign lights within 150' of a residential district may be illuminated during business operating hours or up to 9 p.m.

Russell Ryder, 140 Iroquois Ave., stated the lights at Rocky's Pizza are not a problem for him. Motion detectors may be a good idea to deter thieves.

There was further discussion of lighting. The applicant noted the issue may be with the Five Corner Beverage light by the bottle redemption area. Liza Kilcoyne suggested downcast lights under the canopy by the service windows rather than illuminating the canopy itself when the pizza business is closed. The area in the back of the building can be illuminated with downcast lights as well for security purposes. Mark Thibeault pointed out exterior lighting must meet the village standards.

There were no further comments.

MOTION by Dan Kerin, SECOND by Liza Kilcoyne, to close the public portion of the application for an addition to Rocky's Pizza at 39 Park Street. VOTING: 5 ayes; motion carried.

DELIBERATION/DECISION

Site Plan, Addition, 39 Park Street, Rocky's Pizza

MOTION by Mark Thibeault, SECOND by Liza Kilcoyne, to approve the 270 s.f. addition to Rocky's Pizza at 39 Park Street with the following conditions:

- 1. The façade of the 270 s.f. addition shall match the existing building in terms of material and color.**
- 2. The applicant shall install a barrier if pedestrian traffic becomes a problem.**
- 3. Lighting on the entire building and the parking lot shall meet village standards.**

VOTING: 5 ayes; motion carried.

5. OTHER PLANNING COMMISSION ITEMS

Zoning Amendments

Jeff Arango reviewed a memo, dated 3/6/08, on zoning amendments to include the storm water ordinance to meet state requirements, the National Flood Insurance Program, refinement of the Village Center District, protection of historic buildings, sign lighting, setback from curb cuts in residential areas, design review on major corridors, affordable elderly housing, and fees for legal reviews. Jeff Arango will draft language for review by the Planning Commission. There was discussion of the burned building in the historic Brownell Block.

Mary O'Neil, planner for the City of Burlington, spoke in support of preserving historic buildings in the village and design review to maintain the character of the community. Ms. O'Neil mentioned Burlington's ordinance does not allow demolition of a building due to neglect. Ms. O'Neil stated a census of resources in the village is needed as well as the establishment of community attitude and principles so the village can be proactive in planning and identifying what is important before it is gone. There was discussion of finding a balance between preserving historic buildings and not stifling economic growth. Mary O'Neil noted the "historic" designation is honorary for historic buildings and allows eligibility for federal funding. Assessment and identification of historic buildings will give the village a baseline inventory. There are federal, state and local standards for historic buildings. Mary O'Neil mentioned the article she authored that indicates the historic building designation stabilizes housing prices, houses have longer ownership, and sell for more than houses without the designation.

6. ADJOURNMENT

**MOTION by Mark Thibeault, SECOND by Dan Kerin, to adjourn the meeting.
VOTING: 5 ayes; motion carried.**

The meeting was adjourned at 9:40 p.m.

RScty: M.E.Riordan