

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
October 21, 2010**

MEMBERS PRESENT: Liza Kilcoyne (Chair); Aaron Martin, Diane Clemens, Nick Meyer, Dan Kerin, Andrew Boutin. (John Alden was absent.)

ADMINISTRATION: Robin Pierce, Development Director; Terry Hass, Assistant Zoning Administrator.

1. CALL TO ORDER and AUDIENCE FOR VISITORS

Chairwoman Liza Kilcoyne called the meeting to order at 7 PM.

Audience for Visitors

Lucky Kalanges discussed his request to change the zoning on his property on Old Colchester Road from R-1 to R-2. Mr. Kalanges read the letter from Terry Hass, dated 10/13/10, regarding insufficient information for the Planning Commission to consider the change at this time, noting he is researching the history of the zoning on the street. Liza Kilcoyne stated the Planning Commission did discuss the change, but did not know why the change is requested (i.e. what cannot be done now in terms of development without a zoning change) and what the benefit will be to residents on Old Colchester Road. The Planning Commission is not interested in changing the zoning to benefit one lot. Comments from other property owners on the street are needed. Mr. Kalanges said he is compiling comments from the neighbors. Lucky Kalanges recalled in March, 1985 there was a zoning change on Old Colchester Road from R-1 to R-2. The Planning Commission at the time approved a nine lot subdivision on a lot co-owned by Mr. Kalanges and the Village Manager at the time said the approval was good for 20 years. Then the zoning was changed. The property is three acres, but will not accommodate nine units if zoned R-1. When the zoning was changed to what it is now the Planning Commission overlooked the approval for the nine lot subdivision, said Mr. Kalanges.

2. ADDITIONS/AMENDMENTS TO AGENDA

There were no changes to the agenda.

3. APPROVAL OF MINUTES

October 7, 2010

MOTION by Dan Kerin, SECOND by Diane Clemens, to approve the 10/7/10 minutes with the following correction(s)/clarification(s):

Page 2, Historic Preservation, 1st paragraph, last sentence – change “...is a timely manner” to “...in a timely manner”;

Page 3, Grove, North, Central Street Zoning Change, sentence reading “There is a large multi-family rental unit down the street.” – change to read: “There is a large multi-family rental unit that has been approved down the street.”

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

4. LAND DEVELOPMENT CODE (LDC)

Public Comments on Zoning District Changes

L-1 to MCU portion of 48 Park Street

There were no comments from the public.

R-2 to MF-3 Grove Street (odd #s), North Street, and 34, 36, & 38 Central Street

It was noted a signed petition (45 signatures) was received opposing the zoning change. Previously a signed petition was received in support of the change.

Richard Villamil, 18 North Street, stated as a resident since 1972 he has witnessed many changes, most of them good. The previous attempt to create multi-family dwellings in the area was opposed and the resulting three single family houses have helped the area. There have been problems with the multi-family dwellings on Central Street and this is not wanted in a predominantly single family, owner occupied neighborhood. There are some existing houses that are owner occupied with two units. Issues are aesthetics (what the house will look like), green space (crowded with buildings), and decrease in the character of the area. Traffic is a problem now on North Street. There are many cars with residents and visitors, and many near collisions. The road is narrow with sidewalk on one side. Tripling the number of housing units will have an impact on traffic. Also, access to driveways with cars parked on the road is difficult. There is concern with absentee owners and the property not being properly maintained, impacting the value of surrounding properties. There is perceived devaluation of single family homes with an influx of multi-family dwellings.

Jaye O'Connell, 27 Central Street, stated as a member of the Railroad Avenue Revitalization Committee and a resident in the MF-3 zone, revitalization is important. There have been great neighbors in the apartments and there have been not so great neighbors. Absentee landlords are an issue because there is no oversight or inspection, and no support for tenant screenings. If owners are absent there is no continuous and ongoing management and support of the site. Ms. O'Connell advised being careful if the footprint of the MF-3 zone is expanded without oversight because it is against the preservation of the integrity of the historic neighborhoods. The lots in the area are long and narrow with the houses facing the street. It is important to promote long term residents and the commitment to property in the village. Ms. O'Connell spoke against adding more MF-3 zoning. The well attended forum in February 2010 (120 citizens attending) resulted in six recommendations sent to the Trustees relative to zoning and regulations as items of importance.

Cathy Shearer, 10 North Street, echoed the need to preserve what is in the neighborhood now and wanting to feel safe to allow children to walk to school and to know who the neighbors are. Much clean up of Central Street has been done, but there have been problems in the past at the apartments. There is a difference if the property owners are present. Ms. Shearer urged maintaining the current zoning, stressing the homeowners are there for the long haul with their property.

Nick Woodbury, owner of 37 Grove Street, but residing at 24 West Street, asked for a brief history of the request to change the zoning. Liza Kilcoyne explained an individual requested the change in order to convert a single family house to three units. Other benefits of the change include more affordable housing and housing for people who prefer to rent rather than own.

David Bostwick, 15 North Street, said he submitted the petition opposing the zoning change. It is not certain the people who signed the petition to change the zoning understood the ramifications of the change. With the owner living in the house there will be changes made faster and tenants will be screened. Changing the zoning opens the potential for properties not being maintained and undesirable activities and tenants.

Norm Charbonneau, 5 North Street, said he submitted the first petition in support of the zoning change, and he did explain to the signers what the change would mean. There was only one person who opposed the change. There were more people willing to sign the petition in addition to the 26 who did sign. Mr. Charbonneau stated even with owner occupied buildings there can be undesirable tenants. Police will not intervene because they say it is a civil matter. Enforcement and a police presence are needed. Mr. Charbonneau said he has been a landlord in the village for 35 years and a property owner cannot simply kick out a tenant. Mr. Charbonneau said he would like the option when he sells his house on the open market to be able to sell to multiple unit buyers. There are investors who want to buy two and three unit houses. A sales contract on the house did not go through due to the requirement that the dwelling be owner occupied, said Mr. Charbonneau.

Justin Garal, 26 North Street, mentioned grandfathered properties which remain in place until a zoning change is requested then the property is up for review.

Historic Preservation

It was explained historic preservation zoning creates a process to protect older buildings and neighborhoods in the village. There was mention of the prescriptive program in Burlington. The Planning Commission is taking an incremental approach to implementing historic preservation zoning, using state and federal standards as a guideline.

There were no further comments.

MOTION by Dan Kerin, SECOND by Andrew Boutin, to close the public comments on the zoning district changes. VOTING: unanimous (6-0); motion carried.

Work Session: Land Development Code Update

Street and Driveway Surface – Section 703.K.3

There was agreement to allow a gravel driveway surface for up to five houses.

Lighting – Section 704, 704.B.7

There was agreement with the language as drafted.

Sandwich Board Signs – Section 714.A

There was discussion of the purpose of sandwich board signs (helping businesses without visibility, directing pedestrians, not drivers). Sandwich signs are temporary and should be removed at the end of the day. Business owners are not being diligent. Better enforcement is needed. There was discussion of mandating that sandwich signs in the Village Center District be 15' from the business entrance rather than in the right-of-way, and that a fee should be charged to retrieve signs picked by Public Works (like a parking ticket). Staff will research whether tickets can be issued and check with Public Works about picking up signs and collecting fees.

5. OTHER PLANNING COMMISSION ITEMSBurlington's Abandoned Building Ordinance

Nick Meyer will forward information to the Planning Commission on the Burlington ordinance pertaining to abandoned and burned buildings. Briefly, in Burlington if a building is abandoned for a certain period of time a permit is required and a process must be followed to actively market the building or a draft plan for redevelopment must be submitted. If progress is not made, then the owner must re-apply.

6. ADJOURNMENT

MOTION by Liza Kilcoyne, SECOND by Aaron Martin, to adjourn the meeting.

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

The meeting was adjourned at 8:50 PM.

RScty: M.E.Riordan