

**VILLAGE OF ESSEX JUNCTION  
PLANNING COMMISSION  
MINUTES OF MEETING  
September 16, 2010**

**MEMBERS PRESENT:** Liza Kilcoyne (Chair); Aaron Martin, John Alden, Diane Clemens, Nick Meyer. (Dan Kerin and Andrew Boutin were absent.)  
**ADMINISTRATION:** Robin Pierce, Development Director.

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**1. CALL TO ORDER and AUDIENCE FOR VISITORS**

Chairwoman Liza Kilcoyne called the meeting to order at 7 PM. There were no comments from the public.

**2. ADDITIONS/AMENDMENTS TO AGENDA**

There were no changes to the agenda.

**3. APPROVAL OF MINUTES**

*August 5, 2010* – No action taken. Staff will re-send a copy of the minutes to members.

*September 9, 2010*

**MOTION by Aaron Martin, SECOND by Liza Kilcoyne, to approve the 9/9/10 minutes as written. VOTING: 4 ayes, one abstention (Meyer); motion carried.**

**4. PUBLIC MEETING**

The procedure to be followed with applications before the Planning Commission was explained and individuals to give testimony were sworn in.

Sketch Plan for a two lot subdivision at 19 Roscoe Court in the R-2 District by O’Leary-Burke Civil Associates, agent for Eric and Beth Aubin, owners  
David Burke with O’Leary- Burke and Eric and Beth Aubin appeared on behalf of the application.

**APPLICANT COMMENTS**

David Burke explained the proposed two lot subdivision of the 73,160 s.f. lot at 19 Roscoe Court in the R-2 zone. Minimum lot size required is 7,500 s.f. Eric and Beth Aubin plan to build a house for themselves on Lot 2 and sell or rent the existing house on Lot 1. Increasing the right-of-way width to 60’ will provide the frontage to Lot 2 at the north end of the right-of-way. This 60’ right-of-way will be shown on the revised plan, said Mr. Burke. The footprint shown on Lot 2 is what is proposed and was used in the lot coverage calculations. Decks and porches are not shown on the plans for the proposed two-story house. Both lots will be served by municipal water and sewer service. The driveway will be paved.

Liza Kilcoyne suggested a walkway from the house to the driveway.

Aaron Martin asked if there is an existing agreement with the homeowners association of the adjacent development regarding maintenance of the private road. Mr. Aubin said road maintenance was discussed with the developer who owns the road. Documentation will be provided. Aaron Martin stressed the documentation needs to follow the deed.

There was mention of the pathway over the railroad tracks. Mr. Aubin explained the 'path' on the property was formerly Roscoe Court. Many people still continue to use the path which is now on private property.

#### STAFF REPORT

The Planning Commission received a written staff report on the application, dated 9/16/10. Robin Pierce confirmed increasing the width of the right-of-way to 60' will provide the required frontage for the lots. The right-of-way is shared by both lots and relative information will be included in the deeds. Details pertaining to landscaping, lighting, and such will be covered at the next stage of review. Liza Kilcoyne added screening for the adjacent properties will be covered at the next stage of review as well.

#### PUBLIC COMMENT

There were no comments from the public on the application.

**MOTION by Liza Kilcoyne, SECOND by Aaron Martin, to close the public portion of the subdivision application by Eric and Beth Aubin for 19 Roscoe Court.**

**VOTING: unanimous (5-0); motion carried.**

#### DELIBERATION/DECISION

Sketch Plan, Two Lot Subdivision, 19 Roscoe Court, Aubin

**MOTION by Aaron Martin, SECOND by Diane Clemens, to approve the sketch plan for a two lot subdivision at 19 Roscoe Court by Eric and Beth Aubin as presented. VOTING: unanimous (5-0); motion carried.**

Site Plan for a 2,000 s.f. addition to an existing building and parking at 118-120 Pearl Street in the TOD District by O'Leary-Burke Civil Associates, agent for Tony Silva, owner

David O'Leary and Tony Silva appeared on behalf of the application.

#### APPLICANT COMMENTS

David Burke explained the existing parcel (118-120 Pearl Street) is 30,872 s.f. with 165' of frontage on Pearl Street and shared access to two buildings (Dunkin Donuts 1,360 s.f. and Asian Cuisine 1,440 s.f.). The existing paved area is where the proposed new addition will be located. The large shed will be removed. Existing lot coverage is 88%. With the proposed 2,000 s.f. addition and removal of the shed the lot coverage will be 89%. Lot coverage maximum in the TOD is 100%.

A rendering of the building was reviewed. Bike racks will be provided, said Mr. Burke. There is not a tenant presently for the building, but the use will conform to the regulations or further review by the board will occur. There are 26 parking spaces on the

site. The requirement is 23 spaces. The regulations require 75% building frontage on the front of the lot and it is acknowledged the building does not meet the requirement, but the building and shared access are pre-existing conditions. The parking is interior to the site. A five foot wide sidewalk along the building and two handicap parking spaces are shown on the plans. The parking lot will be striped and the pavement will extend from the sidewalk to the end of building and in the turn around area. There will be two parking spaces in this paved area. There are no changes to utilities or the access. A planted bed is planned in the island. There is a dumpster behind the Dunkin Donuts building and another in the former location of the shed.

#### STAFF REPORT

The Planning Commission received a written staff report on the application, dated 9/16/10. Robin Pierce mentioned with the update of the Code staff is recommending amending the TOD zone to allow drive through service windows and if that occurs the applicant wants to have that amenity added to the plan. Regarding the planted island, a honey locust tree is a good choice for a planting. There was further discussion of the landscaping and breaking up the large expanse of pavement with plantings as well as adding plantings by the building and by the restaurant sign. Other suggestions for the site and building include:

- Adding a planted bump-out by the parking spaces adjacent to the building;
  - Addressing the “flat” look of the building by adding a sign band for individual signs and lights;
  - Distinguishing the service entrances for deliveries from the entryway to the restaurant or the use in the new portion of the building;
  - Screening the dumpster and paving up to the dumpster;
  - Matching existing lighting to the new lighting (canopy lights on the building).
- Dave Burke suggested existing lighting on the Dunkin Donuts building could be updated when/if a drive through service window is added to the building.

#### PUBLIC COMMENT

There were no comments from the public on the application.

#### DELIBERATION/DECISION

Site Plan, Building Addition, 118-120 Pearl Street, Silva

**MOTION by Liza Kilcoyne, SECOND by Nick Meyer, to approve the site plan for a 2,000 s.f. addition to an existing building and parking at 118-120 Pearl Street in the TOD District by Tony Silva with the following recommendations:**

- 1. Provide landscaping in a form that will provide some enclosure on the public street side of the property and to also give some screening to the enlarged parking area.**
- 2. Provide bicycle racks.**
- 3. Confirm the type of retail activity to take place in the building addition.**
- 4. Ensure lighting on the site matches.**
- 5. Confirm the location of the dumpster, screen the dumpster from view, and pave up to the dumpster.**

6. Provide a landscape plan that includes trees between the windows on the building, landscaping at the front of the existing building, and other types of plantings to help break up the large expanse of pavement on the site.
7. Consider locating the sidewalk adjacent to the building out three feet to allow for plantings or locate a planter between the sidewalk and the parking spaces.
8. Pave to the rear of the building.
9. Install a light over the back door and over service doors.
10. Update the building elevations.
11. Distinguish between service doors and entry doors.
12. Consider adding a sign band on the building.
13. Confirm the retail activity on the site with staff.

**VOTING: unanimous (5-0); motion carried.**

## **5. PUBLIC HEARING**

Final Plan for a 30-unit multi-family housing building, two 3-unit buildings, underground parking, and demolition of single family dwellings and the mobile home at 58, 60, & 62 Lincoln Street in the RO and MF-MU2 District by Bernard Chenette, agent for Diane and Gabe Handy, owners

Bernard Chenette, Diane and Gabe Handy appeared on behalf of the application.

### **APPLICANT COMMENTS**

Robin Pierce asked for confirmation of who is responsible for the entire site rather than dividing the properties. Gabe Handy said he will maintain both properties until the last unit is sold except for the landscaping which is contracted. Mr. Pierce asked about water shut off valves. Mr. Handy stated there is a shut off for the six inch line going into the property and three shut off valves on each building.

Diane Clemens asked if the front two buildings (A & B) will be owner occupied (condominiums). Mr. Handy confirmed this, adding each unit will have its own water heater and boiler. The 30-unit building in back (Building C) will be rental units to start and then will be sold per market demand. There are 14 one-bedroom and 16 two-bedroom units in the building. Building C will have one water system and one heating system for the building. There will be two homeowners associations, one for the condominiums and one for the rentals. Ms. Clemens asked about the sign for the property. Mr. Handy showed a sample rendering.

Liza Kilcoyne asked if a landscape plan will be submitted. Mr. Handy said a breakdown of the trees to be planted will be submitted. The landscaping budget is \$32,000. Recommendations by the Planning Commission and staff at previous reviews of the project were followed for plantings. Ms. Kilcoyne asked about ownership of the right-of-way. Mr. Handy stated the paperwork will be filed after the project receives approval so the parcel becomes one. The Village Attorney will review the document(s).

John Alden asked about space for snow storage. Diane Handy stated there is a bucket loader available to haul snow off site if necessary.

## STAFF REPORT

The Planning Commission received a written staff report on the application, dated 9/16/10.

## PUBLIC COMMENT

There were no comments from the public on the application.

## DELIBERATION/DECISION

Final Plan, Multi-Family & Condominiums, Lincoln Street, Handy

**MOTION by John Alden, SECOND by Liza Kilcoyne, to approve the final plan for a 30-unit multi-family housing building and two 3-unit buildings, underground parking and demolition of single family dwellings and a mobile home at 58, 60 & 62 Lincoln Street in the RO and MF-MU2 District by Diane and Gabe Handy with the following recommendations:**

- 1. The developer shall provide winter maintenance guidelines to all property management subcontractors annually and shall include the use of a high suction street sweeper to maintain the porosity of any porous pavement.**
- 2. The Declaration of Condominium shall clarify ownership of the “C” building; shared responsibility of all common areas outside of the declaration shall be confirmed.**
- 3. Section 4.3 shall read: “Laws of the Village of Essex Junction”.**
- 4. Storm water infrastructure shall be added to the identified maintenance requirements.**
- 5. There shall be an annual inspection of the storm water system components and submission of a summary report to the Village of Essex Junction documenting the inspection, maintenance and sweeping operations for the year.**
- 6. University of New Hampshire Storm Water Center Winter Maintenance Guidelines for Porous Pavements shall be followed with the condition that there shall be an annual inspection of the storm water system components and submission of a summary report to the Village of Essex Junction documenting the inspection, maintenance and sweeping and vacuuming operation for the year.**
- 7. If filed evidence reveals that this surface is no longer functioning as pervious, the applicant shall be required to take immediate measures to restore to a pervious condition.**
- 8. The applicant shall consider increasing the depth of the pervious pavement storage reservoir beyond 31 inches below the surface to prevent the bottom surface from freezing due to frost penetration.**
- 9. Snow shall not be piled over catch basins and yard drain inlets.**
- 10. The applicant shall confirm ownership of the right-of-way and the Village Engineer shall review the condominium documents.**
- 11. A landscape plan shall be submitted by the applicant and confirmed by staff that requirements are met.**

12. The applicant shall comply with all comments from staff and the Village Engineer.
13. Sufficient onsite snow storage shall be identified and confirmed on the plans.
14. The property being held in one single ownership shall be confirmed.
15. A waiver for two parking spaces at the 30-unit apartment building shall be granted as there is more parking than needed for the entire site, but not specifically for the 30-unit building under the parking configuration as presented, and further, the condominium documents shall indicate the allowed use of the parking spaces.
16. The parking spaces shall be numbered.
17. A waiver of the front yard setback from 20' to 8.5' for Building A (triplex) shall be granted.

**VOTING: unanimous (5-0); motion carried.**

## **6. OTHER PLANNING COMMISSION ITEMS**

### Next Meetings/Work Sessions

- October 7, 2010: Regular meeting to be followed by work session (Kolvoord Room at Brownell Library)
- October 21, 2010: Public Meeting - Land Development Code
- November 4, 2010: Work session on Code
- November 18, 2010: Public Hearing on Code; adoption by PC; forward to Trustees

## **7. ADJOURNMENT**

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

**VOTING: unanimous (5-0); motion carried.**

The meeting was adjourned at 8:40 PM.

*RScty: M.E.Riordan*