

**VILLAGE OF ESSEX JUNCTION  
PLANNING COMMISSION  
MINUTES OF MEETING  
August 19, 2010**

**MEMBERS PRESENT:** Liza Kilcoyne (Chair); Dan Kerin, Aaron Martin, John Alden, Nick Meyer, Andrew Boutin, Diane Clemens.  
**ADMINISTRATION:** Terry Hass, Assistant Zoning Administrator; Dave Crawford, Village Manager.

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

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

Audience for Visitors

*Norm Charbonneau re: Zoning Change Request*

Norm Charbonneau submitted a signed petition in support of changing the zoning on North Street, Central Street, and Grove Street from R-2 to MF-3 to allow multi-family housing. Mr. Charbonneau said he owns the large house on the corner of Central Street and North Street along with his daughter and has done extensive renovations, but will not do more until it is known the zoning can be changed to allow additional apartments in the house. The house was for sale, but the interested buyer wanted to see if the zoning could be changed to allow conversion to a multi-family dwelling. Presently, the zoning allows one apartment and the house must be owner occupied. Mr. Charbonneau said he would like three apartment units in the house. North Street is the only street with R-2 zoning. Whoever buys the house would likely be doing so for investment purposes, said Mr. Charbonneau, adding his daughter would like to move south to pursue a job opportunity and wants to sell the house.

*Louis "Lucky" Kalanges re: Zoning Change Request*

Lucky Kalanges explained his request to change the zoning on the westerly end of Old Colchester Road from R-1 to R-2. There are 11 properties on the west side of the road and a total of 33 residential properties on the road. Historically Old Colchester Road was zoned R-2 except for the tree nursery and in 1987 the zoning was changed to R-1. Mr. Kalanges stated the change from R-1 to R-2 will be fair and equitable. Eleven properties will be impacted by the zoning change. Of the 33 properties, 22 are already in the R-2 zone. The tree farm (open space) is on the east side of the road. No residences on the east side of the road would be impacted by the zoning change. Mr. Kalanges pointed out the zoning change will improve the appearance of 'spot zoning' and coincide with the existing R-2 zone on the majority of Old Colchester Road. If the change is not approved Mr. Kalanges promised to pursue the matter further and campaign for the change or a higher/better use. Under R-1 zoning, lots must be a minimum of 15,000 s.f. (100' x 150' with 100' of frontage). In a village like Essex Junction most of the residents are interested in less, no more, land. The average, mature property owner probably prefers a lot of 7,500 s.f. (75' x 100'), said Mr. Kalanges. Some of the properties on Old Colchester Road have acreage and could be subdivided. The general feeling of the neighbors is in favor of change, said Mr. Kalanges, though not all the neighbors have been contacted.

Mr. Kalanges said he is confident he can get the majority of the residents to be in support of the change.

*Norm Yandow re: Zoning Change*

Norm Yandow spoke in support of the proposed zoning change on Old Colchester Road from R-1 to R-2.

Liza Kilcoyne invited all interested parties to attend work sessions on the update of the Land Development Code. Dave Crawford briefly explained the process to change the zoning regulations and the required public hearings by the Planning Commission and Board of Trustees.

**2. ADDITIONS/AMENDMENTS TO AGENDA**

There were no changes to the agenda.

**3. WORK SESSION: LAND DEVELOPMENT CODE**

Urban Planning and Design consultant, Jeff Arango, reviewed suggested amendments to the Land Development Code as outlined in the memo to Robin Pierce, dated 7/28/10.

*Historic Preservation and Design Control in Village Center*

Jeff Arango explained historic preservation standards would apply to historic structures in the village center and to buildings listed or eligible to be listed on the state or national register. A building can be torn down, but restrictions and further review are needed to determine if this can occur, such as if the building is not structurally sound or it is not economically feasible to rehabilitate or if there is a community benefit for redevelopment. Federal Secretary of the Interior Standards are incorporated in the Land Development Code. The standards cover windows and doors and what is required to qualify for any tax benefit. There is also conditional use approval for 'formula based' businesses (i.e. chain stores and franchises).

Liza Kilcoyne commented positively on having a mechanism for demolition and the Planning Commission having guidelines for review and to give guidance to the applicant. The regulations also offer some protection to neighbors who may have purchased property in the historic district just for that reason.

*Protection of Open Space*

Jeff Arango noted regulations relating to protection of open space are in the subdivision section of the Code, in the section on density bonuses for Planning Residential Developments, and in the Planned Agricultural District section. To protect open space, density bonuses can be increased, the amount of open space that is required can be calculated on an area (square footage) basis, and non-buildable land removed from the density calculation. Uses and function of open space include nature trails, active recreation land (ball fields and such), community gardens, and recreational space. The Planning Commission can require usable space to be set aside for a recreation area. Transfer of density to another portion of the site should not be allowed without offering an open space benefit. The Countryside development is an example of high density of

houses without an internal park (open space) for the residents which could have been required by the Planning Commission when the development was proposed, said Mr. Arango.

John Alden observed removing unbuildable land from the density calculation will have a significant impact on some projects, such as the proposed development on Maple Street which includes land with a very steep slope. The burden will be on the developer to think through their plan and demonstrate exceptional design.

#### *Affordable Housing*

Short of inclusionary zoning, said Mr. Arango, and because density is already so high in the village it is a challenge to offer a density bonus for affordable housing so the bonus is incorporated in the PRD standards. To ensure there is affordable housing the village could enter into an agreement with the developer or facilitate partnerships with affordable housing agencies. Also, the village could act as a pass through for grant funds. In the village center district there is no density cap and buildings can be several stories high so there is no incentive, noted Mr. Arango. Inclusionary zoning is another approach where it is required that 20% out of every 100 units must be affordable, for example, but this approach is very difficult to implement and manage.

#### *Native Species*

Jeff Arango recommended the landscape requirements for site plans mandate all species must be native. UVM provides a list of native plantings. The Land Development Code incorporates this list. The Planning Commission can decide whether to allow a planting that is not on the list, but is a native species.

#### *On The Record Review*

Jeff Arango stated having appeals to Environmental Court are no longer de novo and the Court reviewing local decisions may speed up the appeal process and add weight to local decisions. Meetings must follow MAPA procedures which will formalize meetings somewhat. The procedure seems to work well in other communities and may help combat frivolous appeals.

#### *Master Planning*

Jeff Arango recommended encouraging developers to submit a master plan for large scale developments on larger sites, such as Whitcomb Farm or CVE. A master plan could be requested if the development is large or one piece out of an entire parcel is being developed and natural features or areas to protect need to be identified to determine if the development is in the right place and can connect to other development in the village.

Liza Kilcoyne pointed out having a master plan informs the Planning Commission in a schematic way of the proposed development in its entirety. Having a master plan does not prohibit changes to the development.

Diane Clemens mentioned the conceptual plan for the Lincoln Development Group project which is assumed to be a master plan showing the phases of the development. Jeff

Arango stated most developers are willing to do an overall conceptual plan for the initial review before spending lots of money on design and engineering.

Ms. Clemens requested that sections in the Code be cross-referenced with the highlighted amendments for easier review. Jeff Arango will handle the matter.

#### *Judicial Bureau Enforcement*

Jeff Arango stated the zoning ordinance is typically enforced with notices of violation sent to the violators and the matter settled by the Environmental Court which works well with developments, but violations, such as parking on front lawns and signs in the wrong location, could be handled with tickets and fines. Staff time issuing tickets and fines is an issue to consider though. VLCT provides a good overview of the enforcement process.

Dan Kerin stressed the need to enforce conditions of approval for a permit to avoid complaints and problems. Liza Kilcoyne mentioned having language that requires resolution of previous, outstanding violations before the current application can proceed. Dave Crawford confirmed the language in the Code says a new application must correct any existing violations as a first step. Terry Hass mentioned there are properties that need attention and clean up before redevelopment can be allowed (Poon property on Park Street, for example) and the Code does not address this situation. Also, staff requests 45 days to review applications for completeness (including input from various departments and the engineer) before Planning Commission review.

#### *Storm Water*

The storm water regulations will be adopted by the Trustees on 8/24/10. Diane Clemens noted there is more language pertaining to storm water in the material from the consultant, Jeff Arango. Terry Hass will incorporate the consultant's work into the updates to the Code.

#### *Street and Driveway Surface*

Jeff Arango recommended a gravel driveway be allowed provided the apron in the village right-of-way is paved. Also, a private street serving up to five houses can remain gravel.

#### *Lighting*

Jeff Arango noted the amount of parking lot lighting is reduced to avoid the situation that exists by the dentist's office on West Street and by the tennis courts at Maple Street Park. Also, the Planning Commission can require timers and a minimum number of hours of operation.

#### *Sandwich Board Signs*

Sandwich board signs must be located within 15' of the front door, stated Mr. Arango, since the purpose of such signs is to alert the pedestrian versus the motorist. Municipal notices on public property are exempt.

#### GENERAL DISCUSSION

Andrew Boutin mentioned adding a note on the village website alerting homeowners to the matter of lead paint removal.

Terry Hass reported mandates by the State of Vermont should automatically be incorporated in the Code and be part of the amendments to be covered in the public hearings. Also, language is being drafted relative to having Village Attorney fees for review of development documents (easements, homeowner associations, and such) paid for by the applicant as is the time spent by the Village Engineer to review an application.

John Alden suggested a disclaimer be added to the Code saying the more stringent regulation applies (local, state, or federal, whichever is more stringent).

Nick Meyer asked about having rental inspections or a registration program for rental properties. Terry Hass said the village does not have a building inspector or any building codes and relies on the services of the State Fire Marshall. Liza Kilcoyne pointed out the Code addresses the outside walls of a development that impact the community, but has no jurisdiction with the inside walls.

Next Work Session: September 9, 2010 at 7:15 PM. Jeff Arango will participate via teleconference. Terry Hass and Liza Kilcoyne will draft a schedule for the work sessions.

There was brief discussion of having a process in place to work through the proposed amendments, such as limiting presentation time by individuals at the public hearings and notifying abutting property owners. It was noted input from the Zoning Board should be compiled based on the variance applications that have been received.

Andrew Boutin asked about separating zoning issues from applications. Dave Crawford mentioned the Development Review Board (hears applications) versus the Planning Commission (deals with planning and zoning regulations).

#### **4. OTHER PLANNING COMMISSION ITEMS**

None.

#### **5. ADJOURNMENT**

**MOTION by Dan Kerin, SECOND by Andrew Boutin, to adjourn the meeting.**  
**VOTING: unanimous (7-0); motion carried.**

The meeting was adjourned at 9 PM.

*RScty: M.E.Riordan*