

**VILLAGE OF ESSEX JUNCTION  
PLANNING COMMISSION  
MINUTES OF MEETING  
April 1, 2010**

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

---

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

Chairwoman Liza Kilcoyne called the meeting to order at 7 p.m.

Audience for Visitors

*Abandoned Buildings*

Nick Meyer, 28 Pleasant Street, read a letter to the Planning Commission, dated 3/21/10, regarding the need to strengthen the Land Development Code relative to abandonment of structures (Section 726). Mr. Meyer cited the burned out building on Railroad Avenue. Mr. Meyer submitted a copy of Burlington's ordinance pertaining to vacant buildings and dangerous structures, noting the burned out building on Railroad Ave. would not be allowed to remain under Burlington's ordinance. Regarding enforcement and staff time, one option might be to contract out enforcement services on a case-by-case basis if staff time is limited, suggested Mr. Meyer. Liza Kilcoyne thanked Mr. Meyer for the information, and added the state Dept. of Health and Public Safety may also yield some help.

*Mobile Concession Stand*

Bill Cardinal described his mobile concession stand to be located at 15 Maple Street (on private property owned by David Knox). The stand will serve lunch (chili, hot dogs, burgers, fries) from April through October. Hours of operation are 11 AM - 3 PM. There is plenty of available parking although it is anticipated most of the traffic will be foot traffic. Photographs of the mobile unit were shown. The unit has been inspected and licensed by the state health dept. Landscaping will be added around the unit and there will be one picnic table for patrons. According to the state there is not enough seating to warrant a restroom. Electric power will be run to the unit from the house on the property. There is also a generator available. Per the Land Development Code the mobile concession stand is an allowable use in the Village Center District. Following brief discussion the consensus of the Planning Commission is administrative review and approval of the application is acceptable.

*Playground at Summit Street School*

Chris Catterton, Gabrielle Smith, and David Knox informed the Planning Commission of the plan to renovate the playground at Summit Street School using natural structures made with natural materials (berms, logs, boulders, gardens). Playground items (slides, steps, walkway) will be embedded in the natural structures. Photographs of a similar playground structure in Waterbury were shown. Ms. Catterton noted the playground

committee is working with neighbors and the school district on the project. A \$3,000 grant from the school district has been received for the project.

## **2. ADDITIONS/AMENDMENTS TO AGENDA**

There were no changes to the agenda.

## **3. MINUTES**

*February 18, 2010*

**MOTION by John Alden, SECOND by Andrew Boutin, to approve the 2/18/10 minutes as written. VOTING: unanimous (6-0); 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.

Site plan for a 499 s.f. accessory apartment at 51 Maple Street in the R-2 District by Bruce Wishinski, owner

Bruce Wishinski and Ashley St. Gelais appeared on behalf of the application.

### **APPLICANT COMMENT**

The applicant said the previous owner built an accessory apartment above the garage, but did not get the permit which is now being sought retroactively. The driveway was also built without a permit. Correction to the size of the driveway has already been done. There are four parking spaces plus space in the garage for the house and apartment. The entrance to the apartment is through the breezeway connecting the house and garage.

### **STAFF REPORT**

The Planning Commission received a written staff report on the application, dated 4/1/10. Staff will ensure any approval for the apartment cites the fact that the work undertaken for the accessory apartment must comply with State building and fire code requirements. There is no requirement for separate sewer service for an accessory apartment per village regulations.

### **PUBLIC COMMENT**

There were no comments from the public. The evidentiary portion of the hearing was closed.

### **DELIBERATION/DECISION**

Site Plan, Accessory Apartment, 51 Maple Street, Wishinski

**MOTION by John Alden, SECOND by Liza Kilcoyne, to approve the application by Bruce Wishinski for a 499 s.f. accessory apartment at 51 Maple Street with the following stipulations/conditions:**

- 1. Occupancy of the accessory dwelling and single family house shall be in accordance with Section 721.B of the Land Development Code.**
- 2. Occupancy of the accessory apartment shall be limited to no more than two individuals.**

3. The single family dwelling which accommodates the accessory apartment shall be owner occupied.
4. Parking for the accessory apartment shall be provided in accordance with the Land Development Code and shall adhere to all setback requirements.
5. The applicant shall contact the Vermont Department of Public Safety to ensure compliance, and shall be subject to inspection by the Village of Essex Junction and/or the State Division of Fire Safety.
6. A permit is required from the Division of Fire Safety for the electrical and plumbing work, and a licensed plumber is required for any plumbing work.
7. The applicant shall conform to any additional requirements by the state.

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

Site plan for a 460 s.f. accessory apartment at 18 Cascade Court in the R-2 District by Lazarus Manrique, owner

Lazarus Manrique appeared on behalf of the application.

#### APPLICANT COMMENTS

Mr. Manrique explained the single family house has three levels (walkout basement). The accessory apartment will be located at the back of the house at ground level with an exterior entrance and two windows. The structure for the apartment is in place. There will not be interior access to the apartment from the main house. No outside changes are proposed except to trim some tree branches by the windows and to add exterior steps/stairs on the right side of the house by the apartment. Parking for the apartment and house includes the garage with two spaces and the driveway.

Liza Kilcoyne asked about the number of windows and size of the windows. Robin Pierce stated the state building code addresses windows, but the village code does not. The village does not enforce the state code. Mr. Manrique said the exterior door to the apartment is half glass and half wood. There are two exterior windows.

#### STAFF REPORT

The Planning Commission received a written staff report on the application, dated 4/1/10. There was discussion of including a condition with every accessory apartment application that the apartment must comply with state regulations. Also, if the accessory apartment meets all village requirements the permit can be approved administratively.

#### PUBLIC COMMENT

There were no comments from the public. The evidentiary portion of the hearing was closed.

## DELIBERATION/DECISION

Site Plan, Accessory Apartment, 18 Cascade Court, Manrique

**MOTION by Andrew Boutin, SECOND by Diane Clemens, to approve the application by Lazarus Manrique for a 460 s.f. accessory apartment at 18 Cascade Court with the following stipulations/conditions:**

- 1. Occupancy of the accessory dwelling and single family house shall be in accordance with Section 721.B of the Land Development Code.**
- 2. Occupancy of the accessory apartment shall be limited to no more than two individuals.**
- 3. The single family dwelling which accommodates the accessory apartment shall be owner occupied.**
- 4. A permit is required from the Division of Fire Safety for the electrical and plumbing work, and a licensed plumber is required for any plumbing work.**
- 5. The applicant shall contact the Vermont Department of Public Safety to ensure compliance, and shall be subject to inspection by the Village of Essex Junction and/or the State Division of Fire Safety.**
- 6. The applicant shall conform to any additional requirements by the state.**

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

**5. OTHER PLANNING COMMISSION ITEMS**

Consultant to Work on Land Development Code Update

Staff reported a request for proposal has been drafted for a consultant to review the Land Development Code to ensure all state required regulations are included. The consultant will also look at including language on abandoned buildings and other items identified by the Planning Commission that should be addressed.

Administrative Approval of Accessory Apartments

If an accessory apartment meets all requirements per the Code, staff can issue an administrative approval. If the apartment size exceeds 30% of the main house the Planning Commission must approve the accessory apartment unit.

Doggy Daycare, Grooming and Training Service

Staff reported an inquiry was received regarding a doggy daycare, grooming and training service at the Hinsdale property on Park Street (next to Dominos Pizza). The Land Development Code only allows schools sanctioned by the state. The dog service could be considered a business occupancy with accessory uses, said Mr. Pierce, adding a kennel is a permitted use in the district. There was further discussion of whether the use is appropriate for the location.

**6. ADJOURNMENT**

**MOTION by Liza Kilcoyne, SECOND by Dan Kerin, to adjourn the meeting.**

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

The meeting was adjourned at 8:10 p.m.

*RScty: M.E.Riordan*