

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
September 15, 2011**

- MEMBERS PRESENT:** Liza Kilcoyne (Chairwoman); Diane Clemens, Nick Meyer, John Alden., Aaron Martin, Andrew Boutin, David Nistico.
- ADMINISTRATION:** Robin Pierce, Development Director; Dave Crawford, Village Manager.
- OTHERS PRESENT:** Carol Clawson, Patricia and James Meier, Tom O'Brien, Lane Williams, Lori Houghton, John Aleong, Barbara Mudgett-Russell, Clinton Russell, Esther Lotz, Michael Meier, Michael Dugan, Doug Goulette, Bridget Meyer, Michael Hopwood, Sheila and John Stawinski, Paul O'Leary.
- AGENDA:**
1. Call to Order
 2. Audience for Visitors
 3. Additions/Amendments to the Agenda
 4. Approval of Minutes
 5. Review/Sign Ethics Policy
 6. Election of Officers
 7. Public Hearing
 - Site Plan, Two-Story Building with Seven Residential Units and Two Commercial Units, 8 Railroad Avenue, Michael Meier
 8. Public Meeting
 - Site Plan, Change of Use, Personal Service Establishment and Professional Offices, 56 Main Street, John Stawinski for Unity Church
 9. Other Planning Commission Items
 10. Adjournment

1. CALL TO ORDER

Chairwoman Liza Kilcoyne called the meeting to order at 6:30 PM and welcomed new member, David Nistico.

2. AUDIENCE FOR VISITORS

There were no comments from the public at this time.

3. ADDITIONS/AMENDMENTS TO THE AGENDA

Add under "Other Planning Commission Items: Presentation by Dave Crawford, Village Manager, on the proposed crescent connector road and other updates.

4. APPROVAL OF MINUTES

June 16, 2011 – Public Hearing

MOTION by John Alden, SECOND by Nick Meyer, to approve the minutes of 6/16/11 as written. VOTING: all ayes except two abstentions (Martin, Nistico); motion carried.

5. REVIEW/SIGN ETHICS POLICY

The document was signed by the commissioners.

6. ELECT OFFICERS

Chairperson and Vice Chairperson

MOTION by John Alden, SECOND by Andrew Boutin, to nominate and elect Liza Kilcoyne as Chairwoman and Diane Clemens as Vice Chairwoman of the Essex Junction Planning Commission. VOTING: unanimous; motion carried.

Liza Kilcoyne is Chairwoman and Diane Clemens is Vice Chairwoman of the Essex Junction Planning Commission.

7. PUBLIC HEARING

Site Plan to construct a two story building destroyed by fire with seven residential units and two commercial units at 8 Railroad Avenue in the VC District by Michael Meier, owner

Mike Meier, Mike Dugan, and Dave Goulette appeared on behalf of the application.

STAFF REPORT

The Planning Commission received a written staff report on the application, dated 9/15/11. Robin Pierce reported the former building was approved for four apartments, but there were six apartments in the building plus two retail uses on the lower level. The applicant has responded to the comments from the Village Engineer. Mr. Pierce suggested the applicant provide more information about snow removal.

APPLICANT COMMENTS

Mike Meier explained the plan is to rebuild the two story building destroyed by fire substantially the same as before the fire except with seven apartment units and two commercial units. There will be a 480 s.f. above ground addition to the back of the building. State fire and safety code requirements will be met including an accessible ramp for use by both the residential and the commercial units. The building will have a sprinkler system with a water source for the system which will require installing a new water pipe across Main Street to serve 8 Railroad Ave. and as far as the bus station. There are two shared stairway exits for the second floor. A parking waiver is requested because there is not enough on-site parking and the building covers 80% of the lot. The building is in the Village Center and there is public parking and bus service nearby. The neighbors clear the alleyway of snow because they own the property. The only snow clearing that will be needed is the door exits, said Mr. Meier.

Mike Dugan stated the proposed layout shows five residential units on the second floor being fully accessible by two stairways. Where the full addition to the building was done years ago there is a residential unit. The building will have a sprinkler system installed

and according to the state if the building has a sprinkler system there can be a unit in the basement area even though there are no windows and only a single means of egress to grade. The basement unit can be converted from residential to retail to still generate income. Mr. Dugan described the accessible ramp on the street side of the building using five feet of the 16' of sidewalk. There are other such ramps on the street as well. The cost to bring the ramp inside the building is prohibitive. Mr. Meier noted the current apartments have had a low rate of vacancy (Mr. Meier said since he has owned the building there have been residents in the six units in the building). The project must be financially feasible and will have sensitivity to income so the density as proposed is necessary. The applicant agreed to the comments from the Village Engineer.

PUBLIC COMMENTS

Tom O'Brien, 4 Lincoln Place, asked if the existing structure will be torn down and then replaced. Mike Meier said the building is structurally sound now and will be used. The building is dry. The new roof is a membrane roof with a slope. Mr. O'Brien mentioned he has witnessed water problems only when there is lots of snow melting from the rooftop. There is no grass in the parking lot to absorb the water. Mr. O'Brien said he has two apartments with 900 s.f. of flat roof and his tenants do not go out on the roof.

John Aleong, owner of the adjacent building, said he supports the application because it is to the village's advantage to see a beautiful building on the site, but there are some details to cover. Mr. Aleong requested professional engineering certification of the structure before construction to avoid impacts on his building. Mr. Aleong said he gets water in his basement in springtime which comes from Mr. Meier's building. Also, there is a mold problem that should be addressed. Mr. Aleong mentioned damage to his rubber roof due to tenants and the fire, and suggested no windows on the west side of the building to discourage people from going out on the roof. Mr. Aleong expressed preference for use of the same material on the west side of the building that is there now because there are implications on his building and a future owner may want to add a second level to the building. Mr. Meier responded to the water issue, stressing his building is enclosed and the foundation and wall is sealed so the water is not coming from his building. Mr. Dugan addressed the west side of the building, stated Mr. Aleong's building has always been a single story height while Mr. Meier's building originally was two stories. Removing the windows on the second floor will eliminate three living units. John Alden pointed out if the building has a sprinkler system then there is no need to have egress windows. Mr. Dugan countered it is desirable to have windows even if small and just for light.

There were no further comments on the application.

MOTION by Liza Kilcoyne, SECOND by Aaron Martin, to close the public portion of the application for a two story building at 8 Railroad Ave. by Michael Meier, and to enter deliberative session. VOTING: unanimous (7-0); motion carried.

DELIBERATION/DECISION

Site Plan, Building with Residential and Commercial Units, 8 Railroad Ave., Meier

There was deliberation on the following:

- Accessible ramp being located on the street and narrowing the sidewalk - the Planning Commission does not have any jurisdiction if the ramp is outside of the public right-of-way. The ramp should match the building character.
- Drainage - the Village Engineer did not have a problem with the storm water drainage proposed by the applicant.
- Historic replication of the building façade - the applicant indicated the building will have brick on the front and side, and red metal on the new addition (southern side). Colors will be brick and white. The Land Development Code says a building addition should stand out from the original building to distinguish between the original and new portions.
- The applicant asked the Planning Commission to determine if the building qualifies for the six year extended tax stabilization schedule and to support the extension. The Commission agreed with Staff that tax stabilization is not something they could comment on.
- Commercial ventures and parking requirements - staff supports a retail use in the basement of the building.
- Windows facing the driveway not replicating the original window layout – the applicant indicated function drives the window location, but having two windows in a bedroom can be revisited. Staff to approve a new elevation.
- Details on the building elevation are needed. Rear elevation showing a door with no protection from rain – it would be uncharacteristic to the building to add a roof. There is a gutter to divert run off.
- Windows on the second floor party wall could end up being bricked by a second floor addition to the adjacent building.
- Retail unit in the basement is acceptable. Existing public parking is available for all uses in the building.
- In the past there were more units in the building than originally permitted.

MOTION by Nick Meyer, SECOND by Diane Clemens, to approve the site plan for a two story building with residential and commercial units at 8 Railroad Ave. in the Village Center District by Michael Meier with the following conditions:

- 1. The layout shown on Sheet A.2.B with a commercial use in the basement of the building shall be used.**
- 2. Windows are allowed on the second floor on the party wall provided the windows meet code and notice is given that the windows could be bricked over if an additional storey is added to the adjacent building.**
- 3. Water issues caused by the applicant's building shall be addressed.**
- 4. Building color shall be brick or brick like with white trim. Code compliant horizontal clapboard siding consistent with the historic character of the area and building shall be used with the color approved by staff.**
- 5. All comments from the Village Engineer shall be addressed.**
- 6. There shall be six residential units and three commercial units in the building.**

7. The window pattern shall be revised on the south elevation as approved by staff.
 8. A small roof shall be added over the rear entry on the west elevation.
 9. The capping and abandonment of the previous water service to the rear of the building shall be inspected by a representative of the Village of Essex Junction.
 10. Any work involving connection to the existing sewer and water mains or work within the public right-of-way shall be inspected by a representative of the Village of Essex Junction.
 11. The applicant shall provide documentation confirming all work meets State requirements.
 12. All work shall be to Essex Junction Land Development Code standards.
- VOTING: unanimous (7-0); motion carried.**

8. PUBLIC MEETING

Site Plan for a change of use from a church to personal service establishment and professional offices with on-site parking at 56 Main Street in the R-O District by John Stawinski, agent for Unity Church, owner

John and Sheila Stawinski and Paul O'Leary appeared on behalf of the application.

STAFF REPORT

The Planning Commission received a written staff report on the application, dated 9/15/11. Robin Pierce mentioned parking is an issue with the site. Parking is only allowed on one side of Grove Street. Parking is not allowed in the village right-of-way or in the front yard setback per the Code. Curb cuts are required to be no greater than 20' wide, but the proposed curb cuts are 85' and 60'. The applicant needs waivers and variances. Mr. Pierce suggested an alternative parking configuration with 10 parking spaces in front of the building accessed via an easement off the neighboring driveway and with exit onto Grove Street. Landscaping could be added to screen the parking. The approval of the parking layout received in 2005 was never executed and has now expired. The site is difficult and the applicant will need help in making it useful. Liza Kilcoyne expressed concern about having parking fronting Main Street. The applicant expressed preference to keep the front yard presentable and looking like a village property. Ten parking spaces is an adequate though not ideal number. Preferred parking spaces will go to customers and staff will find other locations, said Mr. Stawinski.

APPLICANT COMMENT

Paul O'Leary stated the Unity Church lot at the corner of Grove Street and Main Street is a 12,750 s.f. lot. The building built in 1874 is approximately 3,600 s.f. There is no on-site parking. Patrons have been parking on the lawn on Grove Street for years. The applicant is proposing small offices (750 s.f.) for a physical therapy practice and larger work space for classes. The parking requirement is 12 spaces per the Code; the request is for 10 spaces plus one accessible space in one scenario and nine spaces plus one accessible space in another scenario. In 2005 the church requested an increase in seating from 44 seats to 75 seats with parking added along Grove Street (12 spaces). That is the preferred parking plan for the current application because that is the least amount of

impervious area and lot coverage, and the bulk of the front lawn remains. The second choice is to use the front lawn for parking (nine spaces plus one accessible space). A gravel parking area is preferred, but it is anticipated this will eventually be paved. In the past the church had agreements with nearby businesses for parking, mostly at night or on Sundays, but the present proposal needs parking during the weekdays and occasionally on weekends which conflicts with the parking demand at the businesses. A parking waiver is requested and a variance will be sought for parking in the front yard from the zoning board.

PUBLIC COMMENT

Clinton Russell, 58 Main Street, asked if the parking on Grove Street will be parallel or diagonal. Paul O'Leary said the parking will be diagonal on Grove Street.

Barbara Mudgett-Russell, 58 Main Street, stated the street is very crowded with traffic and parked cars due to the church, businesses, and rental units. School buses use Grove Street as well. The situation is worse in winter due to the snow. Ms. Mudgett-Russell asked if the building will be changed. John Stawinski said windows covered over by siding will be uncovered and the side porch will be enclosed. There will be no change to the roof line.

Several members of the public in attendance spoke against school buses using Grove Street because the road is so narrow.

Mike Hopwood, 50 Main Street, expressed concern about the use of the driveway at 50 Main Street for access to parking for 56 Main Street (church). Mr. Hopwood said he has four apartment units with families and small children at 50 Main Street. Also, there is potential people will use the parking lot for the rental units for parking. Mr. Hopwood spoke against granting a waiver for parking.

There were no further comments on the application.

MOTION by Liza Kilcoyne, SECOND by Aaron Martin, to close the public portion of the application for a change of use at 56 Main Street by John Stawinski for Unity Church, and to enter deliberative session. VOTING: unanimous (7-0); motion carried.

DELIBERATION/DECISION

Site Plan, Change of Use, 56 Main Street, Stawinski for Unity Church

There was deliberation on the following:

- Parking requirement of 12 spaces and the request for a waiver of three spaces.
- Parking schemes include parking on Grove Street, parking on Grove Street and Main Street, and parking on the front lawn area with access from the driveway at 50 Main Street and exit onto Grove Street.
- Having a drop off area by the church and using nearby public parking in the Village Center area was suggested.

MOTION by Liza Kilcoyne, SECOND by Diane Clemens, to continue the application for 56 Main Street until October 6, 2011 to allow the applicant to revise the parking scheme including the suggestion to have one way access from 50 Main Street and exit onto Grove Street, and to inform the applicant that the Planning Commission can support the parking wavier provided the streetscape on Main Street is maintained by having orderly landscaping masking the parking. VOTING: unanimous (7-0); motion carried.

9. OTHER PLANNING COMMISSION ITEMS

Crescent Connector Presentation and Other Potential Development Projects

Dave Crawford briefed the Planning Commission on the proposal for a connector road skirting the five corners intersection from Park Street along Railroad Street to Main Street. The roadway is being called “crescent connector”. An animated video of the route was viewed. Mr. Crawford highlighted the benefits of the road and opportunities for (re)development. The crescent connector gives drivers a choice to go through the five corners intersection or not. Also, the roadway allows rescue vehicles to reach Park Street if the tracks are blocked by a train. If the committee reviewing alternatives to the circ highway approves the crescent connector as a project then the road is included in the Governor’s budget as part of the VTrans budget sent to the legislature for approval in May, 2012. The village is investing about \$25,000 for preliminary plans and to pursue the right-of-way for the road. The cost of the road is estimated at nearly \$6 million of which \$800,000 is for the right-of-way and final planning. If the \$800,000 is secured construction could begin next summer (2012). The Planning Commission is urged to give comment and support the crescent connector, said Mr. Crawford, adding the project will not be before the Planning Commission because it is a road project, but there may well be redevelopment projects triggered by the crescent connector which will require Planning Commission review.

MOTION by Diane Clemens, SECOND by Liza Kilcoyne, that the Planning Commission reviewed and endorses the crescent connector project and feels the project has merit to address the transportation needs of the community and potential future economic development and should move forward. VOTING: unanimous (7-0); motion carried.

Miscellaneous Updates

Dave Crawford reported additional parking provided to Flex-A-Seal allowed 75 local jobs to remain in the village. Improvements at the Amtrak train station continue (roof, platform, electrical upgrade, security cameras). Building/property maintenance will be part of the Code and fowl in the village will be controlled by ordinance. The village is a finalist with the town for an Orton Foundation grant of \$100,000 (split between the two municipalities).

D&C Transportation

A status report on D& C Transportation on Park Street was provided to the Planning Commission.

10. EXECUTIVE SESSION and/or ADJOURNMENT

MOTION by Liza Kilcoyne, SECOND by David Nistico, to go into Executive Session to discuss legal matters where premature disclosure would place the village at a disadvantage, and to invite the Village Manager to attend. VOTING: unanimous (7-0); motion carried.

Executive Session was convened at 10:20 PM.

MOTION by Aaron Martin, SECOND by Andrew Boutin, to adjourn Executive Session and the regular meeting. VOTING: unanimous (7-0); motion carried.

Executive Session and the regular meeting adjourned at 10:45 PM.

RScty: M.E.Riordan