

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
August 20, 2009**

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

1. CALL TO ORDER and AUDIENCE FOR VISITORS

Chairman Mark Thibeault called the meeting to order at 7 p.m. There were no comments from the public.

2. ADDITIONS/AMENDMENTS TO AGENDA

Add under "Other Planning Commission Items: Review of paint colors proposed for the Lincoln Inn.

3. MINUTES

August 6, 2009

MOTION by Andrew Boutin, SECOND by Dan Kerin, to approve the 8/6/09 minutes as written. VOTING: unanimous (5-0); motion carried.

4. PUBLIC MEETING/PUBLIC HEARING

Individuals to give testimony on applications before the Planning Commission were sworn in.

Site Plan for a 591 s.f. existing accessory apartment at 15 Redwood Terrace in the R-2 District by Dennis Varga, owner

Dennis Varga appeared on behalf of the application.

APPLICANT COMMENTS

Mr. Varga explained the accessory apartment at 15 Redwood Terrace was constructed over 10 years ago. The house was purchased with the accessory apartment in place and then it was discovered the apartment was never approved by the Planning Commission. The house is going on the market and approval is being sought for the already existing accessory apartment. In three months there have only been three showings of the house, said Mr. Varga, adding the apartment will provide some leverage to market the house (the house value may increase as well as the neighborhood value). Mr. Varga stated he has not rented the apartment while he lived at the house (past ten years), but prior to that time the apartment was rented to at least two different tenants. Mr. Varga said his intention is not to rent the apartment, but to use the apartment as a marketing tool to sell the house.

Aaron Martin asked about parking, noting there appears to be space for only two cars which is not adequate for two people in the apartment plus the residents in the single family unit. Mr. Varga stated the driveway will fit two cars and the garage will fit one car. Diane Clemens asked if the driveway will be widened to accommodate more cars. The applicant agreed this can be done if necessary though cars are getting smaller than the older sedan style of cars which take up more space.

Andrew Boutin asked about access to the apartment. Mr. Varga said there is access through the garage or the front door of the house.

STAFF REPORT

The Planning Commission received a written staff report on the application, dated 8/20/09. Robin Pierce noted a letter, dated 12/16/86, testifies to the fact the apartment has been in existence for 23 years. It is likely beyond the time period to apply a violation. An attorney may see a problem with title to the property if approval from the Planning Commission for the apartment is not on file. Mr. Pierce said he has visited the site, but not been inside the dwelling.

Mark Thibeault mentioned the site plan as presented lacks detail and is inadequate. A more formal site plan is needed. The applicant can work with staff on this matter. Section 502.L of the Code lists six items to be shown on the plot plan for an accessory apartment.

PUBLIC COMMENT

Denise Barewicz, 17 Redwood Terrace, ask why action was not taken by the Planning Commission with regard to the apartment in 1986. The original owner sold the house to another individual. Ms. Barewicz spoke against allowing rental units within single family dwellings. Mark Thibeault explained the Planning Commission is reviewing the application as a new accessory apartment. State statute allows accessory apartments within single family dwellings. The single family residence must be owner occupied, but the law changed with regard to occupancy of the accessory apartment being a family member. The apartment can be rented to non-family members. The number of occupants in the accessory apartment is limited to two people.

Steve Messier, 16 Redwood Terrace, said the neighborhood is single family homes. There is no guarantee that the accessory apartment will not be rented, especially if the house/apartment is marketed as such. The parking situation is a concern. It is not possible to fit three to four cars in the driveway. Cars will have to be parked on the street. Robin Pierce noted a single family house with an accessory apartment must have three parking spaces. He added that he felt during the Roscoe Court application garages were considered parking spaces.

Brian Rathburn, 20 Redwood Terrace, asked how the requirement of owner occupancy is enforced. Robin Pierce stated the tax bill is sent to the home owner and if the address is different than the house that is an indication. Mark Thibeault stated neighbors should notify staff if the owner is not living at the dwelling.

Karen Clodgio, 13 Redwood Terrace, asked about setbacks for widening the driveway. Robin Pierce stated the setback in the R-2 zone is eight feet. Mark Thibeault said a new driveway cannot be built. The existing driveway can only be expanded. Ms. Clodgio stated there is a washing machine in the garage presently so there is question about parking a car in the garage. Also, one entrance to the apartment is through the garage which may not meet fire code regulations. The house is a raised ranch style, continued Ms. Clodgio, and it is not known if there is a door separating the apartment from the main house. Mark Thibeault said there may not be a requirement to segregate the units. The village does not have a housing fire code. There is a state fire code though. Ms. Clodgio recalled there was opposition in 1986 to the apartment and that is why the tenant left then. With the next tenant there was lots of traffic and the situation was bad, but it was rectified. The driveway at 15 Redwood Terrace is the smallest in the neighborhood.

Cars will have to park on the lawn. The applicant interjected he parks his car in the garage. There is a washer and dryer temporarily located in the garage. There are hook ups in the house. The house has interconnected fire detectors.

There were no further comments.

MOTION by Mark Thibeault, SECOND by Dan Kerin, to close the public portion of the application for an accessory apartment at 15 Redwood Terrace. VOTING: unanimous (5-0); motion carried.

DELIBERATION/DECISION

Site Plan, Accessory Apartment, 15 Redwood Terrace, Varga

There was discussion of the garage space being considered a parking space. At least one additional parking space is needed for the accessory apartment. Also, a more detailed site plan needs to be submitted.

MOTION by Mark Thibeault, SECOND by Dan Kerin, to table the application for an accessory apartment at 15 Redwood Terrace by Dennis Varga pending further information from the applicant. VOTING: unanimous (5-0); motion carried.

Sketch Plan for a two lot subdivision at 23 Maple Street in the R-2 District by Mary Cavanaugh, owner

Ron Gauthier appeared on behalf of the application.

APPLICANT COMMENTS

Ron Gauthier explained the property owner proposes to subdivide the lot at 23 Maple Street into two lots. The second lot will be sold. There is a 60' frontage requirement per the Code. The subdivision shows 65' of frontage. The lot layout is irregular to save the historic barn on the site. A variance would be necessary in order to make the lot shape regular. Mark Thibeault stated the Planning Commission frowns upon irregularly shaped lots. Ron Gauthier pointed out in order to change the design of the subdivision the barn would have to be taken down. The barn is 15' from the proposed property line. The lot is on the corner so there is a 15' setback requirement on two sides.

STAFF REPORT

The Planning Commission received a written staff report on the application, dated 8/20/09.

PUBLIC COMMENT

Gary Godbersen, 19 Maple Street, reviewed the site plan of the subdivision. Mr. Godbersen asked if the existing and proposed structures will meet all the zoning requirements, setbacks, percent of open land, and parking. Mr. Godbersen commented the probable benefit of creating the subdivision is to make a profit. There is question of any net gain in creating a small, irregularly shaped building lot next to an existing lot. The existing lot is designed for one large dwelling. Mr. Godbersen asked about precedent for building lots in the village and subdivision of lots.

Matt Stevens, 2 Elm Street, pointed out the application indicated the subdivision is on Maple Street, but the lot is actually on Elm Street. Also, a driveway is not shown on the site plan. Mark

Thibeault stated the proposal for a house including the driveway on the new lot must be presented to the Planning Commission for review and approval. There was mention of allowing in-fill type development in the village. Mr. Stevens said the neighborhood is historic with houses built in the 1800s and early 1900s. Mr. Stevens said his house was built in the 1960s. The proposed subdivision does not fit with the neighborhood, stressed Mr. Stevens, and the Planning Commission needs to look beyond the regulations that say this can be done and look at the impact on the character of the neighborhood. Ron Gauthier interjected the regulations do not prohibit or discourage irregularly shaped lots. Mark Thibeault pointed out in the past three or four years the Planning Commission has been discouraging irregularly shaped lots.

There were no further comments.

MOTION by Mark Thibeault, SECOND by Andrew Boutin, to close the public portion of the subdivision application for 23 Maple Street. VOTING: unanimous (5-0); motion carried.

DELIBERATION/DECISION

Sketch Plan, Two Lot Subdivision, 23 Maple Street, Cavanaugh

MOTION by Mark Thibeault, SECOND by Aaron Martin, to deny the Sketch Plan application for a two lot subdivision at 23 Maple Street by Mary Cavanaugh. VOTING: unanimous (5-0); motion carried.

Final Plan for a two lot subdivision at 23 Maple Street in the R-2 District by Mary Cavanaugh, owner

Sketch Plan for the two lot subdivision at 23 Maple Street was denied so the Final Plan was not reviewed by the Planning Commission.

5. OTHER PLANNING COMMISSION ITEMS

Paint Colors for Lincoln Inn

Robin Pierce showed samples of the colors to be painted on the exterior of the Lincoln Inn. A sample area on the building will be painted for review.

Work Session to Update the Land Development Code

Mark Thibeault mentioned at the next work session on revision of the Code the issue of a garage relative to parking, storage, use as living space (family room) needs to be discussed.

6. ADJOURNMENT

MOTION by Mark Thibeault, SECOND by Andrew Boutin, to adjourn the meeting. VOTING: unanimous (5-0); motion carried.

The meeting was adjourned at 8:05 p.m.

RScty: M.E.Riordan