

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
September 17, 2009**

MEMBERS PRESENT: Mark Thibeault (Chairman); Dan Kerin, Liza Kilcoyne, John Alden, Aaron Martin. (Andrew Boutin and Diane Clemens 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.

Norm Charbonneau, 5 North Street

Norm Charbonneau asked about the procedure to change the zoning on North Street to allow multi-family housing. Mr. Charbonneau presently has a single family house with a 'mother-in-law apartment' on North Street and would like to convert the structure to multi-family. Robin Pierce said staff researched the area and found that most of the lots are too small to support multi-family housing. Spot zoning is not allowed so a single lot cannot be zoned differently than adjacent lots. A lot must be a certain size for multi-family housing and most of the lots in the area of Mr. Charbonneau's lot only meet the requirements for a single family lot, explained Mr. Pierce. It was noted the Charbonneau lot is larger than the adjacent lots. Mr. Charbonneau asked about a variance. Mark Thibeault commented that it is hard to meet the criteria of a variance. Aaron Martin pointed out the Charbonneau lot is on the corner of North Street and Central Street which is on the border of two different zoning districts. Mark Thibeault suggested Mr. Charbonneau submit his request in writing to the Planning Commission for further consideration. It may be possible to expand the adjacent zone which allows multi-family housing to include Mr. Charbonneau's lot.

Bob Lafayette, 89 Susie Wilson Road & 12 Park Street

Bob Lafayette asked about the procedure to change the restriction on sidewalk signs. Mr. Lafayette has a business on Park Street and said he experiences 520% more business with the sandwich signs on display. To restrict the signs has the opposite impact, said Mr. Lafayette, stressing the signs help to generate revenue in the current economy. Mark Thibeault pointed out sandwich signs are already restricted per the Code, but staff has not been doing enforcement. Signs will be reviewed by the Planning Commission as part of the zoning update. The Planning Commission holds work sessions to review/update the Code when there are no applications to consider. Mr. Lafayette asked why there is a restriction on signs. Mark Thibeault said some have abused the use of signs. Mr. Lafayette asked if the emphasis for the Planning Commission is the appearance of the sign rather than helping to promote business. Liza Kilcoyne stated the matter of signs needs further discussion by the Planning Commission and urged Mr. Lafayette and others to submit their comments and suggestions. Robin Pierce told Mr. Lafayette the date of the next work session would be posted on the Village web site. Mark Thibeault briefly reviewed the process of revising the bylaws (Planning Commission review then Trustees

review and if necessary further Planning Commission review before adoption by the Trustees). The process could take many months before changes are implemented, said Chairman Thibeault. The public is encouraged to attend the work sessions and make comment.

2. ADDITIONS/AMENDMENTS TO AGENDA

Park Street School Plan

Robin Pierce referred to the site plan for the Park Street School parcel, noting the items requested by the Planning Commission have been incorporated including public parking (10 spaces are shown on the plan). Mr. Pierce asked for authorization to approve the plan administratively. Following discussion the Planning Commission preferred to add the item to the next meeting agenda. The interaction of the adjacent properties (Hinsdale and hotel lot) needs to be shown on the plan.

3. MINUTES

August 20, 2009

Postponed until the next meeting.

4. PUBLIC MEETING

Mark Thibeault explained the procedure to be followed with applications before the Planning Commission and swore in those individuals to give testimony.

Continued 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 COMMENT

Mr. Varga referred to Sec. 703 of the Code regarding parking, noting three parking spaces in total are needed for the single family unit (two spaces) and the accessory apartment (one space). The garage is accepted as a parking space. The driveway is 389 s.f. The application is for 336 s.f. of space for parking. Mr. Varga explained his goal to preserve the residential nature of the property and green nature of Vermont by not adding additional concrete or blacktop to the driveway as there is space for three cars presently.

STAFF REPORT

No change from previous meeting.

PUBLIC COMMENT

Christine Wiberg, 18 Redwood Drive, asked if the square footage of the driveway meets the requirements. Mark Thibeault assured the Planning Commission will interpret the regulations regarding the matter.

There were no further comments.

MOTION by Mark Thibeault, SECOND by Liza Kilcoyne, to close the public portion of the application by Dennis Varga for a 591 s.f. existing accessory

apartment at 15 Redwood Terrace in the R-2 District. VOTING: unanimous (5-0); motion carried.

DELIBERATION/DECISION

The Planning Commission discussed parking. Aaron Martin pointed out the length of the driveway is 33'. A composite passenger vehicle is 16'9". The standard vehicle length applied by the Village Code is 18'. The applicant's driveway length cannot accommodate two vehicles parked front to back of each other. Mark Thibeault mentioned parking for members of a single family household is different from parking for rental units (i.e. family members can easily be asked to move cars while tenants may not be as accommodating). Mr. Thibeault stated adequate parking must be provided for the apartment. John Alden concurred, adding the tenant parking must be accessible and unobstructed regardless of cars for the single family dwelling. Robin Pierce suggested the driveway be widened to allow side-by-side parking.

MOTION by Mark Thibeault, SECOND by Aaron Martin, to approve the site plan submitted by Dennis Varga for a 591 s.f. existing accessory apartment at 15 Redwood Terrace in the R-2 District with the following conditions:

- 1. Occupancy of the accessory dwelling and single family home shall be in accordance with Section 721.B.7 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 must be owner occupied.**
- 4. The applicant shall provide one parking space for exclusive use of the accessory apartment that meets all the requirements and is not obstructed or obstructing the parking for the single family home.**
- 5. There shall be no parking on green space or lawn.**

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

Site plan for a 371 s.f. accessory apartment at 35 West Street in the R-2 District, by Destiny and Willie Kinley, owners

Destiny and Willie Kinley appeared on behalf of the application.

APPLICANT COMMENTS

Destiny Kinley explained the proposal to convert the existing garage into an apartment for her mother who spends half the year in Alaska and half the year in Vermont.

Mark Thibeault asked about work being done on the garage presently. Mrs. Kinley stated there was a problem with water (flooding) in the garage. Drywall and insulation had to be removed due to water damage. Drainage work was done around the outside of the structure. Willie Kinley noted the previous owner before the property was foreclosed had started construction of an accessory apartment (plumbing and wiring are in place). Mark Thibeault mentioned state fire code requirements must be met. Chairman Thibeault asked about paving the driveway. Willie Kinley said the driveway will be paved. There

was brief discussion of the driveway space being adequate for parking for the house and apartment.

STAFF REPORT

The Planning Commission received a written staff report on the application, dated 9/27/09.

PUBLIC COMMENT

None.

MOTION by Mark Thibeault, SECOND by Liza Kilcoyne, to close the public portion of the application by Destiny and Willie Kinley for a 371 s.f. accessory apartment at 35 West Street in the R-2 District. VOTING: unanimous (5-0); motion carried.

DELIBERATION/DECISION

MOTION by Mark Thibeault, SECOND by John Alden, to approve the site plan submitted by Destiny and Willie Kinley for a 371 s.f. accessory apartment at 35 West Street in the R-2 District with the following conditions:

- 1. Occupancy of the accessory dwelling and single family home shall be in accordance with Section 721.B.7 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 must be owner occupied.**
- 4. Parking for the accessory apartment shall be provided in accordance with the LDC with adherence to all setback requirements as shown on the site plan.**
- 5. There shall be no parking on green space or lawn.**
- 6. All state fire codes for separation of the residential use and garage space shall be met and subject to inspection either by the Village of Essex Junction or the State Fire Marshall.**

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

5. OTHER PLANNING COMMISSION ITEMS

None.

6. ADJOURNMENT

The Chairman closed the meeting at 7:50 p.m.

RScty: M.E.Riordan