



**TRUSTEES MEETING NOTICE & AGENDA**  
**TUESDAY, JULY 8, 2014 at 6:30 PM**  
**LINCOLN HALL MEETING ROOM, 2 LINCOLN STREET**

1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE TO FLAG** [6:30 PM]
2. **AGENDA ADDITIONS/CHANGES** [6:30 PM]
3. **GUESTS, PRESENTATIONS AND PUBLIC HEARINGS** [6:35 PM]
  - a. Comments from Public on Items Not on Agenda
4. **OLD BUSINESS** [6:35 PM]
  - a. None
5. **NEW BUSINESS** [6:35 PM]
  - a. Review Updated Comprehensive Plan
  - b. Appeal of School Impact Fee for Green Meadows Apartments
6. **VILLAGE MANAGER'S REPORT** [7:30 PM]
  - Trustees meeting schedule
7. **TRUSTEES' COMMENTS & CONCERNS/READING FILE** [7:35 PM]
  - a. Board Member Comments
  - b. Minutes from other boards/committees:
    1. Planning Commission 6/5/14 & 6/19/14
    2. Bike/Walk Advisory Committee 6/16/14
    3. Tree Advisory Committee 6/16/14
    4. Zoning Board 6/17/14
    5. Block Party Committee 6/23/14
  - c. Local Emergency Operations Plan 2014
  - d. CCRPC Public Hearing Notice Proposed FYE 15-18 TIP 7/16/14
8. **CONSENT AGENDA** [7:40 PM]
  - a. Approve Minutes of Previous Meeting 6/24/14
  - b. Approve Warrants including check #10049559 through #10049614 totaling \$227,622.58.
  - c. Approve Request for Street Names for Village Walk Development: Hemlock Lane and Arbor Terrace
  - d. Approve Request for Sole Source Radio Procurement for Fire Dept.
9. **ADJOURN** [7:45 PM]

*Meetings of the Trustees are accessible to people with disabilities. For information on access or this agenda, call the Village Manager's office at 878-6944. Times on the agenda are approximate.*

**VILLAGE OF ESSEX JUNCTION  
BOARD OF TRUSTEES  
MINUTES OF MEETING  
July 8, 2014**

**BOARD OF TRUSTEES:** George Tyler (Village President); Dan Kerin, Elaine Sopchak, Andrew Brown, Lori Houghton.  
**ADMINISTRATION:** Lauren Morrissette, Assistant Manager & Finance Director; Robin Pierce, Development Director.  
**OTHERS PRESENT:** Regina Mahoney, Jeffrey Rubman, Carol Rubman, Carl Lisman, Diane Clemens.

---

**1. CALL TO ORDER and PLEDGE OF ALLEGIANCE**

Village President, George Tyler, called the meeting to order at 6:30 PM and led the assemblage in the Pledge of Allegiance.

**2. AGENDA ADDITIONS/CHANGES**

- Add to New Business:
  - Email, dated 7/7/14, re: VT Gas Line and Electric Transmission Line
  - Memo, dated 7/8/14, re: Green Meadows Apartments, LLC Education Facilities Impact Fee Waiver Request
- Add to Reading File:
  - 4 Pearl Street Investments, LLC Land Use Permit 4C1264
  - Letter from Robert Rushford, dated 7/3/14, re: 4 Pearl Street Investments, LLC Land Use Permit Application (No. 4C1264)

**3. GUESTS, PRESENTATIONS, PUBLIC HEARINGS**

1. Comments from Public on Items Not on Agenda  
None.

**4. OLD BUSINESS**

None.

**5. NEW BUSINESS**

1. Review Updated Comprehensive Plan

Robin Pierce reported:

- With the update, the plan was firmed up, clarified, and brought into compliance with state and Regional Planning requirements.
- Key stakeholders were asked for input on the update and the Planning Commission made changes as warranted.
- Heart & Soul values were integrated into the plan.
- The June 17<sup>th</sup> deadline was met for the municipal planning grant for the update.
- Once adopted by the Trustees the plan will be reviewed by Regional Planning and then forwarded to the state.
- Next task for the Planning Commission is to update the Land Development Code (LDC). The updated comprehensive plan must be cross-checked with the LDC to

---

ensure the updates of both documents synthesize and meet state requirements. Updates to the LDC do not go into effect until officially adopted.

Regina Mahoney, CCRPC, gave a brief presentation on the plan update, amendments if made, and the public hearing and adoption schedule. Two items in the plan (utility goals and land acquisition fund) need confirmation from the Trustees to remain in the plan (following discussion the Trustees concurred language referring to the land acquisition fund should remain in the plan). Ms. Mahoney mentioned Regional Planning and the state have discussed extending the timeframe for update of comprehensive plans by municipalities from every five years to perhaps every seven years due to the difficulty in meeting the requirement every five years.

The Trustees will review the plan and forward suggested amendments for consideration prior to the July 22, 2014 meeting.

## 2. Appeal of School Impact Fee for Green Meadows Apartments

George Tyler explained Dr. Rubman is proposing to build 300 dwelling units and removed 112 existing units for a net increase in units of 188. The request is for the impact fee to apply to only 27 units.

Carl Lisman, attorney representing Green Meadows Apartments, LLC, and Jeffrey Rubman, member of the LLC that owns Green Meadows Apartments, opined there should not be an impact fee on the units being replaced only on the incremental difference because if a unit is removed and then immediately replaced there is not a change on the impact on the school system. Attorney Lisman argued if the purpose of the education impact fee is to assist schools in dealing with more children in the village then according the VHFA issue paper, dated January, 2007, these units will not generate more school aged children so it seems out of whack to be charged a fee for an impact that will not be felt. The issue paper has a chart that statistically concludes the units will not generate over 28 children. Dan Kerin pointed out adding housing to the market in the village creates the potential in the future for impact on the schools. Andrew Brown added the impact fee was created to address what potentially could be. Carl Lisman read Section 3.E (Legislative Findings) of the village ordinance regarding development expected to add students to the schools in the district and argued statistically this has not been borne out by the facts. There was continued discussion of impact fees and exemptions to the education impact fee. Units less than 650 s.f. are exempt from the impact fee because it is assumed the unit is too small for a family with children. It was noted the school district has indicated the education impact fee will end December 31, 2015.

The Trustees concurred Green Meadows Apartments, LLC should not pay impact fees for 300 units. School impact fees were not assessed on the original 188 units, but it could be argued that the developer should pay impact fees on the net number of new two bedroom units. Carl Lisman stated the impact fee is imposed when the permit is applied to build the unit (which will be in 2014) and the fee is intended to compensate the school district for impact of the development in 2014. What happens in 2020 or 2015 is outside the

scope of the ordinance. Dan Kerin reiterated when the number of housing units in the village are increased the potential for more children in the school system is increased and that is why there is an impact fee. Trustee Kerin recalled a precedent was set by denying a similar request for the development on Park Street and for the Handy housing developments.

Andrew Brown referenced Section 6.B of the ordinance that says in cases of redevelopment impact fees can be based on the likely net positive increase in the number of dwelling units compared to the previous use. Robin Pierce noted the project is phased and a permit will not be let until the unit is built so the developer will end up not paying impact fees on units in the later phases of the development. It was clarified a permit is issued for each building and an impact fee charged for that permit when issued. The permit is based on the number of units in the building and the impact fee is based on that. Dr. Rubman said he anticipates getting permits for 54 two bedroom units in 2014. Andrew Brown suggested 88 units be the cap and if after the 54 units are built and the balance of units (34) is built after the impact fee ordinance is eliminated then the remaining 34 units will not be charged an impact fee. Carl Lisman proposed recognizing in 2014 that 40 units have been demolished and 90 units will likely be constructed for a net gain of 50 units. The impact fee should be applied to the 50 new units. If more than 90 units are to be built before 12/31/15 then there will be further discussion with the Trustees. If the ordinance is extended into 2016 then there will be further discussion with the Trustees. Dr. Rubman said his intent was not to displace the occupants all at once so the development will be done over a number of years (phased). George Tyler observed if a single family house is torn down and rebuilt in the village the owner is not assessed an education impact fee so the 40 units at Green Meadows Apartments should be grandfathered like a single family house in the village.

**MOTION by George Tyler, SECOND by Lori Houghton, to grant a waiver adjustment to Green Meadows Apartments, LLC for payment on the net difference on that which is permitted and that which is demolished through December 31, 2015.**

**DISCUSSION: It was noted the motion is based on information that 40 existing units will be demolished and 90 new units are anticipated to be built and the village is expecting impacts fees on 50 units in 2014.**

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

## **6. VILLAGE MANAGER'S REPORT**

### **1. Meeting Schedule**

- July 22, 2014 @ 6:30 – Regular Trustees Meeting
- August 12, 2014 @ 6:30 – Regular Trustees Meeting
- August 26, 2014 @ 6:30 – Regular Trustees Meeting
- September 9, 2014 @ 6:30 – Regular Trustees Meeting
- September 23, 2014 @ 6:30 – Regular Trustees Meeting
- October 14, 2014 @ 6:30 – Regular Trustees Meeting
- October 28, 2014 @ 6:30 – Regular Trustees Meeting

---

Special Meetings/Events:

- July 19, 2014 @ 5 PM-10 PM – Block Party & Street Dance

2. Email Accounts

Email accounts have been set up for the Planning Commission [PC@essexjunction.org](mailto:PC@essexjunction.org) and the Zoning Board of Adjustment [ZBA@essexjunction.org](mailto:ZBA@essexjunction.org). Staff will receive the emails, redact the names and include the correspondence in the board meeting packets. Information on the village website explains the process.

**7. TRUSTEES COMMENTS/CONCERNS & READING FILE**

1. Board Member Comments

- George Tyler noted correspondence was received from the attorney representing the applicant for 4 Pearl Street.
- Dan Kerin requested appointment to the Rec Advisory Council be added to the next meeting agenda.

2. Reading file:

- Planning Commission minutes 6/5/14 & 6/19/14
- Bike/Walk Advisory Committee minutes 6/16/14
- Tree Advisory Committee minutes 6/16/14
- Zoning Board minutes 6/17/14
- Block Party Committee minutes 6/23/14
- Local Emergency Operations Plan 2014
- CCRPC Public Hearing Notice Proposed FY15-18 TIP 7/16/14

**8. CONSENT AGENDA & READING FILE**

**MOTION by Elaine Sopchak, SECOND by Andrew Brown, to approve the consent agenda as follows:**

- 1. Approve Minutes of Previous Meeting(s) 6/24/14**
- 2. Approve Warrants including check #10049559 through #10049614 totaling \$227,622.58.**
- 3. Approve Request for Street Names for Village Walk Development: Hemlock Lane & Arbor Terrace**
- 4. Approve Request for Sole Source Radio Procurement for Fire Dept.**

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

**9. ADJOURNMENT**

**MOTION by Andrew Brown, SECOND by Dan Kerin, to adjourn the meeting.**

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

The meeting was adjourned at 7:40 PM.