



**TRUSTEES MEETING NOTICE & AGENDA**  
**TUESDAY, AUGUST 23, 2016 at 6:30 PM**  
**LINCOLN HALL, 2 LINCOLN STREET, ESSEX JUNCTION, VT 05452**

1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE TO FLAG** [6:30 PM]
2. **AGENDA ADDITIONS/CHANGES**
3. **APPROVE AGENDA**
4. **GUESTS, PRESENTATIONS AND PUBLIC HEARINGS**
  - a. Comments from Public on Items Not on Agenda
  - b. Public Hearing on Land Development Code Amendments – Robin Pierce
  - c. Interview for Library Trustee – Max Holzman
5. **OLD BUSINESS**
  - a. Adoption of Amended Land Development Code – Robin Pierce
  - b. Appointment of Library Trustee – Pat Scheidel
  - c. Status of Recreation Governance Study Committee/Special Village Meeting and Vote in December – Pat Scheidel
  - d. Recreation Governance Study Committee Request for Staff Support – Pat Scheidel
6. **NEW BUSINESS**
  - a. None
7. **MANAGER'S REPORT**
  - a. Trustees meeting schedule
8. **TRUSTEES' COMMENTS & CONCERNS/READING FILE**
  - a. Board Member Comments
  - b. Minutes from Other Boards/Committees:
    - Block Party Committee 8/8/16
  - c. Brownell Library Staff and Director's Report July 2016
  - d. Letter from VLCT re: Town Fair at CVE 10/5-10/6/16
  - e. Letter to Essex Selectboard 8/15/16
9. **CONSENT AGENDA**
  - a. Minutes of Previous Meeting 8/9/16
  - b. Expense Warrant #17006 dated 8/12/16 in the amount of \$187,965.03
10. **ADJOURN**

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**VILLAGE OF ESSEX JUNCTION  
BOARD OF TRUSTEES  
MINUTES OF MEETING  
August 23, 2016**

**BOARD OF TRUSTEES:** George Tyler (Village President); Dan Kerin, Lori Houghton, Elaine Sopchak. (Andrew Brown was absent.)  
**ADMINISTRATION:** Pat Scheidel, Municipal Manager; Lauren Morrisseau, Finance Director/Assistant Manager; Robin Pierce, Development Director.  
**OTHERS PRESENT:** Dylan Giambatista, Frank & Judy Naef, Darren Connelly, Anne Whyte, John Alden, Madelyn Nash, Lorraine Pierce, Bob Pierce, Linda McKenna, Jan Wilson, Tim Shea.

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**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 CHANGES/APPROVAL**

The following change(s) to the agenda were noted:

- Add to Presentations/Public Hearings – Emailed comments from Lori Houghton on the Land Development Code.
- Add to Manager’s Report – Information on the Essex Community Parks & Rec webpage and public forum schedule; copy of Essex Junction Ethics Policy and signature page.
- Add to Consent Agenda – Warrant #17007, dated 8/19/16.

**MOTION by Dan Kerin, SECOND by Lori Houghton, to accept the agenda as amended.**

**VOTING: unanimous (4-0); motion carried.**

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

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

2. Public Hearing: Land Development Code Amendments

The Trustees discussed the following:

- Language for “Massage Therapy” and requiring certification/registration when the state does not require this - Robin Pierce explained massage therapists who gave input urged recognizing certification/registration in New Hampshire and Connecticut as well as the national association since Vermont does not have this requirement.
- Striking “historic character of the Village Center District” under Design Review and Historic Preservation – Robin Pierce explained removing the phrase allows inclusion of the neighborhood designation in the village center. John Alden added the Planning Commission wanted the language to be consistent with language being used by other planning groups in the county (Regional Planning, the state), and is relative to funding (grants). There are many buildings that make up the character of the village including warehouses. Lori Houghton countered some of the buildings that are not “historic” were built because there was no language in the Code prohibiting this. George Tyler

commented ‘historic character’ is broad. A building could be historic because it has been in existence for a long time, but may not have much character. John Alden pointed out the people charged with upholding the vision of the village need to have a document that does not restrict doing just that. Pat Scheidel asked how stringent the state and federal historic registration criteria are. John Alden said the criteria are very strict. The village does not require strict compliance. Pat Scheidel asked if the state could stop a tear down if a building may be eligible for the Registry. Robin Pierce confirmed this. John Alden added the Code is trying to allow the village to control its own destiny to the extent possible. The Code should acknowledge the criteria, but not as an absolute. Elaine Sopchak added there is also the comprehensive plan. A phrase such as “historic character” is nonspecific for the Code. The Purpose section in the Code does cover historic character. Dan Kerin said he does not like language that will limit the ability to develop the downtown or the village center.

- Reference to the study of Main Street – Robin Pierce explained reference to the “Design Five Corners Study” is there so people are aware of potential future plans. Lori Houghton suggested mentioning the study by name in the Code rather than saying there may be a potential study done or do not make any reference since there may not be a study done. Following further discussion the Trustees agreed to delete the statement about a study in Section 604.A (Purpose).
- Section 714.Q (Exemptions) which would allow electronic message boards that could change the character of Lincoln Hall – Lori Houghton said the electronic boards should only be approved by the Trustees. Following further discussion the Trustees agreed to add the need for approval by both the Planning Commission and Board of Trustees.
- Section 604.H (Building Height) and a waiver to allow more than four stories – Lori Houghton said the maximum building height should be four stories. John Alden said the waiver gives the Planning Commission the option to be able to approve a building greater than four stories if the village wants the building. A building can be made to look four stories when it is actually of greater height. For example, the apartment building fronting Park Street at the Iroquois Avenue intersection is four stories in the front and five stories in the rear. There was mention of creating a “dip” by allowing taller buildings outside the village center (in the Transit Oriented District) than in the village center. Elaine Sopchak said if building height is limited to four stories then there is not the potential of creating a “dip” in the village downtown. Elaine Sopchak asked if there is significant economic impact on a developer of a building in the village center or TOD if the height is limited to four stories or if a building can be profitable at four stories. John Alden said every building story is more development. Robin Pierce added the profitability of a building depends on the cost of the land and the capacity of the land based on the Code and conditions placed by the Planning Commission. Dan Kerin stressed perspective is key. If a building is setback there is a different perspective than if the building is up close to the road. The height should not be limited to four stories because there are places a taller building can be done tastefully. George Tyler said a six story building on Park Street may not be likely, but for economic development along the railroad track with the crescent connector a higher building could be built. Both the Planning Commission and Board of Trustees should approve buildings higher than four stories.

### *PUBLIC COMMENTS*

Jan Wilson, 2 School Street, asked for clarification of the current ordinance relative to building height. George Tyler said the ordinance allows a four story building or up to six stories with special permission from the Planning Commission. Ms. Wilson said a six story building by Park Street School would feel very tall for the neighbors. Also, Park Street School is an historic building.

Frank Naef, 4 Park Terrace, asked what the criteria are to grant a waiver allowing a six story building. Robin Pierce said the criteria are listed in Section 724 (PUD). Mr. Naef showed photos of the building elevation today at 60 paces away and the elevation with two more stories added.

Linda McKenna, 9 School Street, read a statement of concern about the process for amendments to the LDC, noting residents worked hard to point out discrepancies between the comprehensive plan and the LDC and the input was not considered. The residents felt their input was perceived as complaints. Ms. McKenna expressed concern about waivers allowing an increase in building height to six stories and the Planning Commission making that decision. In reference to proposed development on Park Street using Park Terrace as an access, there is concern about building height, support for the walkability of the village, getting approval from the residents if there is a change from the village plan, access to Park Street from the Park Terrace driveway, and cars going the wrong way on a one-way street. George Tyler said there have not been any requests for waivers to six stories and the Trustees are trying to find a solution for Park Terrace in regard to connectivity and sidewalk.

Anne Whyte, 10 School Street, said the building at 4 Pearl Street is visible from South Summit Street, the brickyard, and Maple Street pool. It cannot be assumed a six story building next to the one at Five Corners will seem proportional. The original proposal was for a two story building, but the developer was told to go back to do four stories. The building did not have to be that big and does not fit in the village center. The village will look like Winooski with small buildings on one side and tall buildings on the other side. Act 250 is interested in the LDC, not the comprehensive plan. Regarding mass and proportion and historic buildings, six stories is not appropriate. The vision of the village is more of a downtown village with historic buildings. Per the minutes of 2/18/16 John Alden said the village wants four story buildings in the village center. The villagers were not asked if six story buildings were wanted. People think of historic buildings in the village, not the building at 4 Pearl Street, and to make “bookend” buildings is not appropriate. George Tyler asked if there are any circumstances where a waiver for a six story building on Park Terrace would be granted. John Alden said the higher building is to counteract sprawl. The village works with Regional Planning and the village center is where Regional Planning wants the density so the village may want to allow more than four stories. If the language is removed from the Code that the village cannot allow a taller building even if a proposal comes along that the village wants.

Madelyn Nash noted Five Corners is one of the busiest intersections in the state and people avoid using it by shortcutting through neighborhoods so why concentrate people living near Five Corners and adding to the traffic. George Tyler said there are different philosophies to accommodate. Regional Planning, state planning, and economic development planning want to concentrate growth in the centers. Most of the studies show commuter traffic is impacting Five Corners, not traffic from people living here. Dan Kerin added Regional Planning wants to limit

sprawl with development focused in the village center which requires either building up or out. People living in the village center will be able to walk to many places.

Elaine Sopchak noted the criteria for the waiver is in Section 724.D, but should be in the building waiver criteria, rather than PUD. Ms. Sopchak pointed out the village is a designated downtown where development is concentrated so the area is more vital and not spread out all over the village. The village is not a typical New England village because of a major intersection (Five Corners). The height of buildings and the number of residences can be controlled to balance village character and affordability. Anne Whyte interjected that the village is not a 'designated downtown'. Designated downtown and village center are both distinct districts and have different criteria which is very confusing. Other terms being used are "walkability" and "pedestrian friendly". Robin Pierce clarified the village is a "Designated Village Center" and considered a growth center by Regional Planning and the State of Vermont.

Robin Pierce stated there are nine districts outlined in the LDC that can receive waivers due to unique physical characteristics of the land, superior design (lot layout, landscaping), open space, and joint vehicle access. Frank Naef asked if all criteria must be met. George Tyler said the waivers are meant to give flexibility to the Planning Commission with each project. Elaine Sopchak said according to the Code waivers can be granted for setbacks, parking, and lot coverage. There is nothing said about building height. Robin Pierce pointed out building height has been in the Code since 2007 because the Trustees wanted to encourage a hotel in the village center. Elaine Sopchak said building height needs to be added to the list of waivers and the criteria need to be clarified. The language is too vague. The Trustees felt the Design Five Corners Concept should be supported. John Alden mentioned potential for development by the railroad tracks once the crescent connector is built where a six story building may be appropriate. Lori Houghton pointed out any land around Five Corners could be rebuilt with taller buildings.

Darren Connelly, School Street, urged clearly stating the building height that is wanted in the village so the Planning Commission has direction. George Tyler said the discussion has been four story buildings and anything greater would need approval by both the Planning Commission and Board of Trustees. Dan Kerin said he does not want to limit building height to four stories in the village. Elaine Sopchak and Lori Houghton felt there should be no waivers granted for building height in the village center or TOD. Maximum building height should be four stories.

There was discussion of the building at 4 Pearl Street and the proposal for 9 & 11 Park Street. Anne Whyte said the building at 4 Pearl Street received Act 250 approval with conditions including parking spaces on Park Terrace and a 30' buffer zone, but there is no documentation of the Trustees granting a curb cut waiver. Also, there is question of who will ensure the sidewalk on Park Terrace is done properly. Robin Pierce said the Village Engineer inspects construction sites during and at the end of the work. Planning staff will inspect toward the end of construction to ensure all village standards are met.

Ms. Whyte expressed concern for people using the easement that was granted by the school superintendent for the Park Street School driveway as a way to avoid Five Corners. Ms. Whyte asked if the easement was warned and public discussion held. There are remedies to help with traffic calming. Regarding walkability on Park Terrace and not closing the end of the road, Ms.

Whyte pointed out the proposed development wants to expand the curb cut onto Park Terrace to accommodate a two-way road and have a secondary access. The senior housing portion of the development does not include sidewalk to either Park Terrace or Park Street. There is no sustainability because there is no exit to the street. Ms. Whyte contended the developer is given a hearing and the residents should be given the same consideration when discussing the issues. Lori Houghton suggested adding to a future agenda discussion of streets used as shortcuts to avoid Five Corners (Park Terrace, School Street, Summit Street are a few).

Robin Pierce explained the easement for use of the Park Street School driveway is between the school district and the private property owner, not the village. George Tyler noted the village has granted easements and not all require a public vote. The decision is made by the Trustees. Anne Whyte referred to the original deed for the school property, dated May 29, 1873, showing the school and land deeded to the village. The easement that was initiated will affect the village and was done a month before the site plan was submitted.

Anne Whyte asked about the waiver for the parking spaces on Park Terrace and the curb cuts granted by the village. Pat Scheidel said the information is filed in the Clerk's Office and in the land records. Ms. Whyte asked what version of the Code will apply to the proposal at 9 & 11 Park Street. George Tyler said the Code in place when the application is submitted is the one that applies.

Anne Whyte suggested the village emulate the Front Porch Forum done by the town which is very informative for items before the planning commission.

Elaine Sopchak commented positively on the Public Participation Guide and the flowchart included in the LCD, and thanked the Planning Commission for the outstanding work done on behalf of the community.

George Tyler stated everyone has a different vision of what a village is.

There were no further comments.

**MOTION by Lori Houghton, SECOND by Elaine Sopchak, to close the public hearing on the LDC update. VOTING: unanimous (4-0); motion carried.**

The public hearing was closed at 8:26 PM.

#### **4. OLD BUSINESS**

##### **1. Adopt Amended Land Development Code**

Postponed to the next meeting when the full board is present and all are informed.

##### **2. Appointment to Library Board of Trustees**

The Trustees interviewed Max Holzman who currently facilitates the Star Wars Club at the library and is a patron of the library along with his children.

**MOTION by George Tyler, SECOND by Elaine Sopchak, to appoint Max Holzman to the Library Board of Trustees. VOTING: unanimous (4-0); motion carried.**

### 3. Status of Rec Governance Study Committee

Pat Scheidel referred to the memo, dated 8/23/16, and explained the statutory requirements for the special vote in December. The transition team for the rec district has begun work on getting the municipal district operational and preparing all the required documents. Staff from the school district, town and village including both rec directors and employees are assisting. Other committees have been formed for specified tasks (outreach committee, research & discussion committee). There will be six public forums (free childcare will be offered). The dates are posted on the rec website. The union municipal district agreement is currently being reviewed by the Attorney General. The document is on the rec website. Lori Houghton added the Rec Governance Committee will not disband as yet and will be present at the six public forums and to help get out information on the vote. Erika Baldasaro is the communications point person.

George Tyler said the Rec Governance Committee was set up to study options and the committee chose a union municipal district. The committee then drafted the necessary documents. The rec district has not been created, just the agreement has been drafted. The community will vote to form the rec district as outlined. The village will vote once and the entire town will vote once. The village is also part of the town. The village and town are not interested in setting up an awkward, out of control, nontransparent structure, but shares the same interest in setting up the best structure possible.

**MOTION by Dan Kerin, SECOND by Elaine Sopchak, to recommend the Trustees state support of the development of data relative to the rec district and making available village staff for this work. VOTING: unanimous (4-0); motion carried.**

### 5. NEW BUSINESS

None.

### 6. MANAGER'S REPORT

#### 1. Meeting Schedule – Regular Trustees Meetings @ 6:30 PM

- September 13, 2016
- September 27, 2016
- October 11, 2016
- October 25, 2016
- November 8, 2016
- November 22, 2016

\* December 13, 2016 – Special Village Meeting/Australian Vote

#### 2. Ethics Policy

The Trustees signed the Ethics Policy

#### 3. Essex Community Parks & Rec Webpage

The webpage is operational.

**4. Maple Street Repaving**

Work by the State will begin after Labor Day and after 8:30 AM.

**7. TRUSTEES COMMENTS/CONCERNS & READING FILE****1. Board Member Comments**

- There was mention of parking issues in the village center and private lots allowing public parking after hours. Dan Kerin showed an example of this arrangement with the Merrill Lynch parking lot in Burlington.
- George Tyler said the signs for the public parking on the Handy property (former Kolvoord lot) have been ordered. There was discussion of improving the Handy property that will be used for public parking. There was discussion of moving the pergola.

**2. Reading File**

- Minutes from other boards/committees:
  - Block Party Committee 8/8/16
- Brownell Library Staff and Director's Report July 2016
- Letter from VLCT re: Town Fair at CVE 10/5/16-10/6/16
- Letter to Essex Selectboard 8/15/16

**8. CONSENT AGENDA**

**MOTION by Dan Kerin, SECOND by Elaine Sopchak, to approve the consent agenda as follows and with the addition of Warrant #17007, dated 8/19/16:**

- 1. Approve Minutes of Previous Meetings 8/9/16**
- 2. Expense Warrant #17006, dated 8/12/16, in the amount of \$187,965.03.**
- 3. Expense Warrant #17007 dated 8/19/16, in the amount of \$12,663.98.**

**VOTING: unanimous (4-0); motion carried.**

**9. ADJOURNMENT**

**MOTION by Dan Kerin, SECOND by Elaine Sopchak, to adjourn the meeting. VOTING: unanimous (4-0); motion carried.**

The meeting was adjourned at 9:12 PM.

RScty: M.E.Riordan 