

**CITY OF ESSEX JUNCTION
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
JULY 20, 2023
APPROVED SEPTEMBER 21, 2023**

MEMBERS PRESENT: John Alden, Chair; Robert Mount, Vice Chair; Cristin Gildea, Maggie Massey, Dylan Zwicky.

MEMBERS ABSENT: None

ADMINISTRATION: Chris Yuen, Community Development Director

OTHERS PRESENT: Greg Barrett, Michelle Bolz, Marcus Certa, Brian Currier, Mary Jo Engel, Gabe Handy, Eric Hanko, Dan Heil (O’Leary-Burke Civil Associates) Cristine Kusmider, Scott & Vicki Wolinsky, Yuning Liu

1. CALL TO ORDER

Mr. Alden called the meeting to order at 6:30 PM. Mr. Yuen noted that this is a hybrid meeting, and that staff are present at the City offices to ensure public participation. While efforts will be made to accommodate remote public participants, in-person participation is the only legally mandated form of public participation.

2. ADDITIONS OR AMENDMENTS TO AGENDA

No additions or amendments.

3. PUBLIC TO BE HEARD

None.

4. MINUTES

a. Regular Meeting – May 18, 2023

MOTION by ROBERT MOUNT, SECOND by CRISTIN GILDEA, to approve the minutes. The motion passed 5-0.

5. PUBLIC HEARING

Chair Alden swore in all individuals who intended to speak during this hearing under the following oath:

“I hereby swear that the evidence I give in the cause under consideration shall be the whole truth and nothing but the truth under the pains and penalties of perjury.”

a. Variance application for one story addition constructed 1.5 – 8.5 feet from side property line at 50 West Street in the R-2 District, by Scott and Vicki Wolinsky, owners.

Mr. and Mrs. Wolinsky said that they would like to add an additional bedroom to their home, and that the most desirable location to do such would require a variance. Mr. Wolinsky noted that his immediate neighbor has indicated that they are amenable to this project. Mr. Alden said that he has looked at the property outline and said that it is extremely narrow. Mr. Yuen said that the proposed addition is 1.5 feet of the western side boundary, near the driveway of another property. Mr. Alden said that this is an existing non-conforming lot.

The DRB went through each of the following standards of review:

1. “There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions, and not the circumstances or conditions generally created by the provisions of the bylaw in the neighborhood or district in which the property is located.” All agreed.
2. “Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the bylaw, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.” All agreed.
3. “Unnecessary hardship has not been created by the appellant.” All agreed.
4. “The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.” All agreed.
5. “The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan.” All agreed.

Mr. Alden requested public comment, none was given.

Motion by DYLAN ZWICKY, second by ROBERT MOUNT to approve the variance. Motion passed 5-0.

b. Conceptual site plan to construct 3-story mixed-use building with commercial on 1st floor and 34 residential units with parking at 8 Railroad Street in the VC District, by Franklin South, LLC, owner.

Mr. Heil, of O’Leary-Burke Civil Associates, said that this property will have a four-story front section, with the remainder as a three-story building. Mr. Yuen reviewed the site plan, and said that he had spoken with the City Attorney to determine where the fifteen-foot buffer would apply, noting that if it applies, it would have to begin at the edge of the 8 Railroad lot. Mr. Alden said that Gaines Court functions as a street, however it is private property. Gaines Court is also not in the Village Center (VC) zoning district, while the 8 Railroad Street project is. Multi-Family uses that are adjacent to a single-family use also within the VC district are not required to provide a buffer. In other districts, a buffer would be required between a single-family home and a multi-family home. Ms. Kusmider asked who will be responsible for moving utility poles on Gaines Court, Mr. Yuen said that the applicant will work with GMP to bury the current lines. Mr. Hanko said that fire trucks and utility vehicles are unable to make their way down the road, and asked if the road would be widened and the City take ownership. Mr. Yuen said that there are no plans for the City to take over the road.

Mr. Heil said that keeping the fifteen-foot buffer would make this project very difficult to execute. Mr. Yuen said that the buffer would not need to apply to the front, as another multi-family residence is in that location. Mr. Alden said that zoning district lines are odd, noting that Gaines Court is essentially surrounded by the VC. He said that the DRB needs to establish their concerns, and the paths to overcome these concerns, including the possibility of a waiver.

The DRB began a review of the plan. Mr. Heil noted that the property would be fully residential, with some common spaces for resident use (i.e., laundry, gym, etc.). He also said that the fourth floor was added so that the building did not go as far back as previously presented. Mr. Mount said that he liked the façade change. Mr. Alden said that this design is a significant improvement over the last time this project was presented. Mr. Heil described efforts to vary the screening with fencing and landscaping. Mr. Alden said that he was concerned that the outdoor concrete features near the driveways would be hit by parking vehicles, and Mr. Heil said that the goal of these is to provide protection for pedestrians. Mr. Alden said that he liked the elevation and that this building would represent a strong addition to the area.

Mr. Alden requested public comment. Ms. Engel said that she supported the changes to this project, and that they add elegance to the project. She said that the information online still mentioned 1600 square feet of commercial space and asked for clarification. She asked if Gaines Court would have access to this property, and asked what the cost of underground wires would be to the residents of Gaines Court. Mr. Handy said that the site plan has not been updated yet and that he will be covering the cost of the underground utilities. He said that this project would not affect utility service on Gaines Court. Only two out of the four of the poles on Gaines Court will be removed, and one will be moved. Mr. Alden requested more information on the utility impact the next time this project is presented. Mr. Hanco said that the overall look of the building is very attractive but expressed concerns about the buffer area.

Mr. Yuen said that DRB may waive the screening and buffering requirements in the VC district if it is determined that this will not have an undue adverse effect on the surrounding properties. Mr. Alden said that the DRB needs to address landscaping requirements, buffer, pedestrian access, and fencing/landscaping before moving forward. Ms. Gildea requested an updated plan to reflect the changes that have been made as well as a visual rendering of the power lines. Mr. Heil said that the viability of the project depends on the buffer determination, and asked if the DRB could give him a sense of how they felt on the issue. The DRB discussed potential solutions. Mr. Yuen said that the DRB would need to determine if the lack of buffer would have an adverse impact on the Gaines Court property or not and Mr. Alden discussed balancing the needs of the single-family residences on Gaines Court vs. necessary new housing stock.

Mr. Alden requested public input. Mr. Hanco said that he wanted to see this project go through but that he must consider the code requirements for a fifteen-foot buffer. Mr. Alden said that the Gaines Court properties are not currently in a zoning district for single-family homes, even though this street currently has single-family homes. He said he was unsure if the code referred to current use or allowable use. Mr. Yuen said that it referred to current use. Ms. Massey said that she does not believe that a waiver would be appropriate in this situation. Mr. Hanco suggested that Gaines Court be widened to create more of a buffer area. Mr. Yuen suggested shifting the location of the building, and Mr. Heim said that this would result in the number of units being reduced from 34 to 19. He also expressed concern with the useability of a building with an altered shape. Mr. Yuen suggested moving the fourth story backwards to maximize the space, and Mr. Heim said that it could be considered.

The majority of the DRB said that they do not feel comfortable waiving the 15-foot buffer requirement due to its impact on the adjacent single-family homeowners. Ms. Engel said that she likes the project in its current form and that she would support a compromise on the buffer. Mr. Hanco said that it would be helpful to get a rendering of what the building would look like from Gaines Court. Mr. Zwicky said that if both Mr. Hanco and Ms. Engel said that they do not feel that the buffer is required he would feel

comfortable approving it, as they are the properties that would be the most impacted. Mr. Yuen said that the DRB could continue the hearing to see what changes/additional work could be made, or approve or deny the conceptual site plan. Mr. Handy indicated that he would like the DRB to close the public hearing and issue a decision. Mr. Hanko requested that the applicant provide the images from his home prior to him deciding on whether or not he supported the current rendering. Mr. Zwicky asked Mr. Hanko if he would see the lack of a buffer as an adverse effect on his property. Mr. Hanko said that he is in favor of the project in principle but that it would create an adverse effect. Mr. Yuen said that, if the hearing is closed and the application denied, the applicant would need to submit a new site plan application to be heard by the DRB again in the future. If it is continued this would not be the case.

CRISTEA GILDEA made a motion, seconded by DYLAN ZWICKY to close the hearing. Motion passed 5-0.

Mr. Alden said that the DRB will need to vote to approve or deny the conceptual plan.

MAGGIE MASSEY made a motion, seconded by ROBERT MOUNT to deny the conceptual site plan on the grounds that the DRB does not approve a waiver of the fifteen-foot buffer requirement. Motion passed 5-0.

6. PUBLIC MEETING

a. Sketch plan for a two lot subdivision; Lot 1 to retain existing single family dwelling, Lot 2 to be single lot at 2 River Street in the R2 District by Yuning Liu, owner

Mr. Mount said that he lives in the project neighborhood, but that he does not feel that he needs to recuse himself. All agreed. Mr. Currier, of O'Leary Burke Civil Associates, presented on behalf of the applicant. This project proposes a two-lot subdivision, creating two single-family residences. Mr. Yuen said that this property meets the width to length ratio required. He said that River Street does not currently have a sidewalk, but that this road is the main access to Global Foundries from Essex Junction. Mr. Currier said that a sidewalk would be a financially onerous requirement to include in a two-lot subdivision. Mr. Alden said that it is important to include more connectivity everywhere, all DRB members agreed. Mr. Liu said that the construction of sidewalks would displace the underground utilities.

Mr. Yuen said that the DRB can waive this requirement should there be an equal or superior option for pedestrian access proposed. River Street is not planned to have sidewalks in the Official Plan. Ms. Massey said that the requirement of putting in a sidewalk seems silly given that it would only be a short segment, but that she does not feel that a better alternative has been presented. Mr. Alden requested public input. Mr. Barrett said that he lives behind the property on Silverbow Terrace. He suggested that a sidewalk be on the opposite side of the road due to additional multi-family homes on this side. Mr. Yuen asked if it meant sense to widen the shoulder on this roadway. He noted that this property would be eligible for as many as four units, however this would require site-plan approval. A duplex would not require a site plan.

Mr. Alden said that the DRB is in a difficult position, as installing a sidewalk would not make sense, however it is a requirement of the LDC. Mr. Barrett asked for clarification on property lines, Mr. Currier said that a survey will be conducted. He also asked about the maximum size requirements of the property. Mr. Alden asked staff to confer with the Village Engineer and public works to see if there would be any easement or anything else required to do so.

Motion by JOHN ALDEN, seconded by DYLAN ZWICKY to approve the subdivision, and that the applicant work with staff to determine any possible pedestrian accommodations. Motion passed 5-0.

7. OTHER DEVELOPMENT REVIEW BOARD ITEMS

Mr. Alden asked if recent construction work in Essex Junction is related to the recent flooding; Mr. Yuen said that it was not directly related. Mr. Alden said that S. 100, a new state of Vermont regulation, has been passed. He requested that Mr. Yuen put together a memo explaining its impact on Essex Junction. Mr. Yuen said that four-plexes are now allowed in all areas where single-family homes and explained the new density bonus for affordable housing. Ms. Gildea asked what the process going forward is for the applicant that was denied at this meeting. Mr. Alden said that he will need to follow one of the paths forward provided by the DRB, including reconfiguration, or speaking with the neighbors.

8. ADJOURNMENT

MAGGIE MASSEY made a motion, SECONDED by CRISTIN GILDEA, to adjourn the meeting. The motion passed 5-0.

The meeting was adjourned at 8:35 PM.

Respectfully submitted,
Darby Mayville