

**CITY OF ESSEX JUNCTION  
DEVELOPMENT REVIEW BOARD  
MINUTES OF MEETING  
DECEMBER 19, 2023  
APPROVED FEBRUARY 15, 2024**

**MEMBERS PRESENT:** John Alden, Chair; Robert Mount, Vice Chair (via Zoom); Christin Gildea, Maggie Massey.

**MEMBERS ABSENT:** Dylan Zwicky.

**ADMINISTRATION:** Jennifer Marbl, City Planner; Chris Yuen, Community Development Director.

**OTHERS PRESENT:** Ali Benson, Pat Bouchard, Bryan Currier, Greg Dixon, Steve Eustis, Ronald R. Frey, Sr., Jason Hemenway, Yuning Liu, Sara Massino, Liam Murphy, Megan Nelson, Stephen Wille Padnos, Greg Rabideau, Craig, James, Schraml.

**1. CALL TO ORDER/ADDITIONS OR AMENDMENTS TO AGENDA**

Chair Alden called the meeting to order at 6:32 P.M.

There were no additions or amendments to the agenda.

**2. PUBLIC TO BE HEARD**

None.

**3. MINUTES**

A. Regular Meeting – October 19, 2023

B. Regular Meeting – November 16, 2023

**MOTION by CHRISTIN GILDEA, SECOND by MAGGIE MASSEY, to approve the minutes of October 19, 2023 and November 16, 2023 as presented. The motion passed 4-0.**

**4. PUBLIC HEARING**

Chair Alden opened the public hearing and began by swearing in all individuals who anticipate giving testimony during the hearing.

A. Appeal of Administrative Officer's Notice of Violation at 8 Taft Street in the R-1 District, by Jason Struthers, owner.

Community Development Director Yuen noted that this pertains to the September 21 Development Review Board decision that the City may enforce its Land Development Code (LDC) with regards to Mr. Struthers' farming activities (specifically, raising ducks). He said that staff have noticed that Mr. Struthers has raised ducks on the property since the decision was issued, despite receiving a letter from the Assistant Zoning Administrator requesting compliance from November 6, 2023. He said that on November 20, 2023, Mr. Struthers received an official Notice of Violation from the Zoning Administrator, which enables the City to initiate enforcement efforts with fines of up to \$200.00 per day if the violation continues. He said that Mr. Struthers is appealing this Notice of Violation, and that the DRB needs to determine whether the findings of fact and initial decision are still applicable and enforceable. He noted that the DRB's role is to interpret the law, and that any action taken related to enforcement based on that interpretation would be conducted by the City Council in consultation with the City Manager.

Mr. Alden noted that this is also pending a decision by the Superior Court's environmental division, the outcome of which will supersede whatever decision the DRB reaches tonight, and asked how this should play out. Director Yuen replied that yes, there are appeals from both parties (Mr. Struthers and Mr. Padnos on the opposing side) at the superior court. Mr. Alden said he would be willing to let the courts issue their decision before issuing any different decision at the municipal level, though he has not seen any new evidence to change his mind from the initial decision reached by the DRB in September. He added that if the DRB makes a decision that has a bearing on the final disposition of the ducks themselves and that the Appellant takes irreversible action based on that decision [gets rid of the ducks], that could be an issue if the superior court rules in favor of the Appellant. Mr. Alden also noted that agriculture is permitted in certain zoning districts in the City, but is prohibited in the R-1 District (and other residential districts). Ms. Gildea agreed, saying that the DRB should uphold its decision.

Mr. Alden opened the discussion up to the public.

Liam Murphy spoke as legal representation on behalf of the Appellant, saying that they continue to disagree with the City on its interpretation of its ordinance. He also noted that the City has stipulated that it would not file any enforcement complaints until the environmental court makes a decision or March 15, whichever comes sooner. He said that if this Notice of Violation is upheld, it will be appealed along with the original appeal currently before the environmental court.

Ronald R. Frey, Sr., another resident on Taft Street, said he isn't convinced that this property has been determined to be an agricultural property, which needs to occur prior to the farming operation to begin. He said that the DRB should work with the Department of Agricultural and gain their insight prior to engaging with the Superior Court on this. He said that the Appellant would also need to file a certain tax form to reflect that he has earned \$2,000 to qualify as a farm property. He said that there are also specific processes related to manure storage, etc, that need to be adhered to.

Stephen Wille Padnos, an abutting property-owner on Taft Street, said that the issue in the environmental court is for the DRB decision, not the Notice of Violation. He said that the stipulation that Mr. Murphy referenced hasn't been accepted by the superior court yet, though it was proposed. He said that the environmental court may agree to that stipulation, at which time the City can choose to schedule enforcement. He noted that the Appellant has decided to increase his operation from 1 dozen to 4 dozen ducks and to exponentially increase his cannabis operation, rather than slow down while a decision is reached. He said that while he agrees that taking any irreversible action prior to a superior court decision isn't advisable, this operation has been going on for about 4 years. He said that the fact that Mr. Struthers sought a variance in 2022 means that he knew his property was out of compliance at that time.

**MOTION by CHRISTIN GILDEA, SECOND BY MAGGIE MASSEY, that the Development Review Board uphold the Administrative Officer's Notice of Violation for the Unlawful Condition of Property on 8 Taft Street, issued on November 20, 2023. The motion passed 4-0.**

B. Final plan for a two lot subdivision; Lot 1 to retain existing single family dwelling, Lot 2 to be a single lot at 2 River Street in the R-2 District by Yuning Liu, owner. (*Applicant requested continuance from the November 16<sup>th</sup> meeting*)

Bryan Currier of O'Leary-Burke Civil Associates and Yuning Liu (Applicant) spoke regarding this item. Mr. Burke said that the proposal in front of the DRB is very similar to the sketch plan approval. He said that it is for a 0.33-acre existing developed lot in the R-2 District, which they are seeking to subdivide into a 7,507 square foot lot and an 8,716 square foot lot. He said that a single-family or duplex could be constructed with a zoning permit and that anything additional would require site plan review. He said that they have adjusted the lot size to meet the 7,500 minimum lot size for the R-2 district and that they don't feel that there are more outstanding staff comments.

Mr. Alden said that now that the City has determined that sidewalks are to be built on the north sides of the street, the question remains as to where the sidewalk for this particular development should go or how it should be dealt with. He asked if the City would pave the sidewalk anyway as part of the capital plan, and asked why the staff has presented the DRB with options and essentially ceded the creation of the sidewalk. Director Yuen replied that the first option (which is the preferable option, from his perspective), would require the Applicant to build the length of sidewalk equivalent to the frontage of 2 River Street, but build it starting at Park Street so that it connects to the existing network. Mr. Alden said that this adheres to the LDC but with a twist, since the LDC requires sidewalks built on the Applicant's property. Ms. Gildea also noted that there was concern during a previous hearing about the sidewalk being constructed right up against the building, since the frontage is tight. Mr. Currier noted that they have already proposed an easement in line with the scope and scale of the subdivision, which keeps all options open to the City in the future. Ms. Massey said that her interpretation of the LDC allows for a waiver of sidewalk requirements if there are equivalent pedestrian alternatives, which there aren't. Mr. Currier replied that they would not be interested in Option 1 (building the length of sidewalk but beginning it at Park Street), as there is a lot of vegetation and wetlands in that area, a traffic pole in the way, and there would be difficulty surveying the abutting property. He said that Option 2 (paying a fee to the City for its capital budget in lieu of constructing the sidewalk) would cost substantially more than constructing the length of sidewalk, so they are not interested in that option either. He said that they would be interested in a sidewalk easement (Option 3). Mr. Alden asked whether the sidewalks in this area are in the capital plan and slated for construction. Director Yuen replied that sidewalks from Park Street and Stanton Drive and from Stanton Drive to Franklin Street are in the capital plan, though it is not certain when they will make it to the top of the list.

Mr. Alden opened the discussion up to the public.

Steve Eustis said that he has commuted on this road for 28 years, noting that many people commute by walking to Global Foundries and that there is no sidewalk, it's a 35 mile-per-hour zone, and the lighting is poor. He said that the City doesn't necessarily need a 5-foot grass buffer, but it does need a sidewalk to protect pedestrians in this tight area. He said that creating this connector would help protect pedestrians.

**MOTION by JOHN ALDEN, SECOND by CHRISTIN GILDEA, to approve the final subdivision plat with the stipulations and conditions contained in the staff report with the modified condition #4 that the Applicant shall provide an easement to the City and construct a sidewalk in front of their portion of the property on River Street. The motion passed 4-0.**

C. Conceptual site plan for a proposed mixed-use development to construct a 5-story building with 2 commercial spaces on the 1<sup>st</sup> floor and 52 apartments on the upper stories at 17 Park Street in the VC District by Milot Real Estate, agent for Handy Hotels and Rentals, LLC, owners.

Brett Grabowski of Milot Real Estate and Greg Dixon of Krebs & Lansing Consulting Engineers spoke on behalf of the Applicant about the conceptual site plan. Mr. Grabowski noted that Milot Real Estate will be purchasing the lot from Handy Hotels and Rentals in the future, so they are here tonight to provide an overview of the project at a site that has been needed to be redeveloped for a number of years.

Mr. Grabowski said that they are looking to take advantage of the new regulations passed in the springtime and are proposing a 5-story building and will be leveraging much of the infrastructure that was put in place with the 11 Park Street project (also owned by Milot Real Estate). He said that this 5-story building would consist of 52 apartments with a mix of studio and microunits, 1-bedroom, and 2-bedroom units, with 6,000 square feet of commercial space on the first floor. He said that 3 levels of parking will be provided in the development, with one underneath the structure (accessed through the ramp for 11 Park Street), and a parking deck similar to that of 11 Park Street, which will also utilize the existing ramp for 11 Park Street, for a total of 46 spaces. He noted that the building will have a flat roof and is broken up with decks and that it is raised in the back. He noted that there will also be outdoor space on the upper level of the back part of the building. He said that they would like further guidance from staff and the Board on design work of the building, as well as the general circulation for pedestrian access, how this building will relate to the 11 Park Street building.

Ms. Gildea asked for further details on access for cars parked within the development, and Mr. Grabowski explained in further detail, also noting that some of the current difficulties with making left-hand turns onto Park Street will be mitigated by the traffic reduction that the Crescent Connector project [unrelated] will provide for. He said that there will be three ways to exit this project, which include making a left onto Park Terrace, turning left and going up Park Terrace, and the third would be to come down School Street.

Mr. Alden says that as the project goes forward, it will be good to see how this building interfaces with 4 Pearl and 11 Park. Mr. Grabowski agreed, noting that the space between the buildings will be important for developing pedestrian-friendly spaces. He said that there is interest from restaurants in utilizing that space between buildings for terraces, and that the developers are interested in pursuing an integrated sidewalk with a consistent elevation between the buildings. He also noted that the Green Mountain Power utility poles will also be relocated underground. He spoke about access to any of the businesses along the building frontage, noting multiple points of ingress/egress to each, which are ADA-accessible. Mr. Alden said it will be good to ensure that there is an ADA-compliant access point at the front of the building in addition to the normal primary access point where the main parking area is. He said that this project very creatively integrates the spaces between the two existing and the new proposed building. He also noted that while the regulations allow for the 5-story height, the developers need to be careful about how they integrate this proposed 5-story building into the Village Center. He also pointed out the opportunities to enhance the view corridor up Park Street to the historic Park Street School. Mr. Grabowski noted that there is a significant amount of unutilized municipal parking at the School Street driveway, suggesting that it become unposted (it's currently restricted between midnight and 6:00 AM). He said that decreasing the restriction on parking for that specific area would be beneficial for that area of the City, especially given the perception in Essex Junction that people expect to be able to park very close to their destination (compared to Burlington, where people expect to have to park and walk to their destination). Mr. Alden said that he does not have issue with the proposed number of parking spaces, but said that the developer should take into consideration visitor parking. Mr. Alden also asked about the mix of the affordable units (noting that 20% of the building's units must be affordable to take advantage of the height bonus). Mr.

Grabowski replied that the mix of affordable housing will be proportional to the overall building's unit mix.

Ms. Massey asked about the short-term and long-term bicycle parking requirements. Mr. Grabowski replied that there are some locations in 11 Park Street where bicycle parking can be put, and that since 17 Park Street hasn't yet been designed, there are a number of places that bicycle storage can be located.

Mr. Alden opened the discussion up to the public.

Steve Eustis noted that when 11 Park Street was built, the sidewalk out front of it was closed for around a year, and hopes that this not occur for this development. He also noted that for someone who isn't accessing any of the businesses or amenities between the two buildings, it does not necessarily feel inviting. He said that it would be good to think of ways to include the pedestrians from the sidewalk. Mr. Alden acknowledged this, and said that it is mostly due to parking configuration. Mr. Eustis said he is supportive of this development generally, saying that it will be a good addition to the community.

Mr. Alden said that he would encourage the developer to include the other buildings in the renderings for the design of this building, so that the Development Review Board can see in future hearings how the building is integrated into the rest of the street façade.

**MOTION by MAGGIE MASSEY, SECOND by CHRISTIN GILDEA, to approve the conceptual plan based on tonight's discussion. The motion passed 4-0.**

**5. OTHER DEVELOPMENT REVIEW BOARD ITEMS**

None.

**6. ADJOURNMENT**

**MOTION by CHRISTIN GILDEA, SECOND by MAGGIE MASSEY, to adjourn the meeting. The motion passed 4-0.**

The meeting was adjourned without objection at 8:39 P.M.

*RScty: AACoonrad*