

**CITY OF ESSEX JUNCTION
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
DECEMBER 19, 2024
FINAL – APPROVED FEBRUARY 20, 2025**

MEMBERS PRESENT: John Alden, Chair; Luke Brockmeier; Cristin Gildea; Dylan Zwicky

ADMINISTRATION: Michael Giguere, City Planner

OTHERS PRESENT: Pat Bouchard, Diane Clemens, Greg Dixon, Craig Dwyer, Scott Homsted, Sabrina Margarete, Sara Marie Massino, James Melone, Bryan Plant, Sandra Plant, Gary Sevcik

Mr. Giguere noted that this is a hybrid meeting, and that staff are present at 6 Lincoln Street 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. If there are technical difficulties the meeting may be paused and resumed later.

1. CALL TO ORDER

Mr. Alden called the meeting to order at 6:34 PM.

2. ADDITIONS OR AMENDMENTS TO AGENDA

None.

3. PUBLIC TO BE HEARD

None.

4. MINUTES

a. Regular Meeting – November 21, 2024

DYLAN ZWICKY made a motion, seconded by LUKE BROCKMEIER, to table approval of the minutes from November 21, 2024 pending administrative review, with changes. Motion passed 4-0.

-Mr. Alden requested that the motion on page five regarding closing the public hearing for 162 West Street be changed to continued. Mr. Giguere said that the recording was rewatched and that it said that it was closed, however he is aware that this is not the intention. Mr. Giguere will work on clarifying this further and bring these back for further consideration for the DRB’s January meeting.

-Mr. Alden said that “imagine” should be changed to “image” on page three, as well as grammatical corrections in the sentence.

5. PUBLIC MEETING

Mr. Giguere swore in all individuals who intended to speak during this meeting under the following oath: “I hereby swear that the evidence I give in the cause under consideration shall be the whole truth, nothing but the truth so help me God or under the pains and penalties of perjury”

a. Sketch plan review for a three-lot subdivision for one residential lot and two lots for future development; road connection of Taft Street to Meadow Terrace in the R1 District by Center for Technology Essex, owners

Mr. Homsted, of Krebs & Lansing Consulting Engineers, said that the Center for Technology (CTE) Essex will continue the building of homes on Taft Street that they have been doing for 10+ years. The sewer

system will be extended to serve the new homes, and the stormwater facilities will be updated. Pedestrian access will be extended. Mr. Alden asked for clarification about the potential street extension from Meadow Terrace and expressed a desire to keep the same street name for clarity. Mr. Homsted was amenable to this. The DRB lauded the home building program at CTE and the experience that it provides to the students.

Mr. Alden requested public input. Mr. Dwyer said that he lives at 10 Taft Street, and asked how many lots were planned. Mr. Homsted said that one lot is proposed now, however more will be planned. He said that 4-6 lots could be proposed, and that some of these may be duplexes. Nothing is confirmed and this would be a part of a future application. Mr. Dwyer asked why these lots were connected to Meadow Terrace. Mr. Homsted said that the next home built will require multiple points of roadway emergency access according to City regulations. Mr. Giguere read a letter from a member of the public, Mr. Mills of Meadow Terrace. The letter stated that the writer has concerns about connecting Taft Street and Meadow Terrace. He said that the intersection design is unsafe and will encourage speeding. Mr. Mills said that thru streets have more crime than cul de sacs. An emergency access gated road could allow for emergency access. Mr. Homsted said that future applications will provide traffic control plans and said that he is not concerned about an increased risk of speeding due to the narrow road design. Ms. Gildea said that there is a lot of traffic in this neighborhood during school hours. She suggested including stop signs and blinking pedestrian lights. Mr. Homsted said that he thinks that emergency services will push back on the idea of a gate. Mr. Alden closed the public hearing. Mr. Giguere confirmed that this is a minor subdivision and that the next step would be final approval.

CRISTIN GILDEA made a motion, seconded by LUKE BROCKMEIER, that the DRB approve the sketch plan for the proposed three-lot subdivision and road connection of Taft Street to Meadow Terrace with conditions. Motion passed 4-0.

5. PUBLIC HEARING

a. Final site plan review for the construction of a triplex with parking at 162 West Street in the R2 District by Franklin South LLC, owner.

Mr. Alden re-opened the public hearing that was held at the November 21st meeting. Mr. Dixon, of Krebs & Lansing Consulting Engineers, said that a triplex is proposed at this property. The existing single-family home has already been removed. Each unit will have an entrance at the front and back. A boundary survey has been supplied to the City, and the width of the driveway has been increased since the previous meeting. Fencing has been added and the driveway has been moved further from the side property line. A lighting plan has been provided and additional details on stormwater grading have been included. The plan has been updated to reflect light bleed over concerns. The lighting plan will be reviewed by the City Engineer and a condition can be added that this will need to be done prior to approval. A landscaping plan has been reviewed by a landscape architect. Changes based on the input of the tree warden have been incorporated, including the removal of invasive species and trees that would interfere with power lines.

Mr. Alden requested public comment. Mr. Plant asked how tall the building would be. Mr. Dixon said that this would be a three-story building. Parking is available for three vehicles in the garage. All units will be privately owned. Mr. Plant expressed concern about lighting, trash, and parking. Mr. Sevcik expressed concern about the property line and fence. He said that he does not want to see a new fence installed, as he likes the current one and expressed concern about the fence being right on the property

line. He discussed a fuel tank on the property being potentially moved and/or disposed of improperly, as well as odor, noise and vandalism concerns.

Ms. Clemens said that she believes that this property is out of character for the neighborhood, and requests that siding be used instead of board and batten to keep it in character with the neighborhood. Mr. Alden said that board and batten is very common in Vermont and said that siding may actually make the building look taller. Mr. Alden said that he will suggest that the applicant listen to tonight's testimony and work towards being a good neighbor. He said that the DRB does not have any purview over oil tanks nor demolition materials disposal. He said that staff can put appropriate energy into making sure that the rules are observed for this project. Mr. Alden said that the state is working to promote infill housing, which this application provides. He also said that the DRB would like to hear the concerns of neighbors. Mr. Plant said that this property has a backyard that frequently floods and expressed concern about the size of the building blocking TV antenna and sun. Mr. Dixon said that the fence is proposed to be located six inches within the property, not on the property line. Mr. Brockmeier said that he is also concerned about the board and batten. He would like to make sure that it is not visually apparent that bottom floor is a garage. Mr. Dixon said that he will share this with the architect. The DRB does not have much control over the design in the R2 district, however Mr. Alden said that a recommendation could be made against board and batten and to better integrate the garage with the rest of the property. Mr. Zwicky said that additional facades may help to make the building less tall.

Mr. Alden closed public input and opened DRB discussion. Mr. Alden said that there is one side of the property with an eight-foot setback. He said that he believes that the fifteen-foot buffer is not needed, as the intent is for this to be used to protect single-family homes against much larger buildings. Mr. Zwicky said that he is sympathetic to the neighbors concerns and said that he believes that the applicant has addressed many of them. Mr. Giguere said that he has verified that the lighting plan meets the requirements of the code. All lighting is mounted to the building. Mr. Alden said that he would like to add a condition requiring the applicant to comply with all staff comments. Mr. Alden said that the landscaping plan should be made acceptable to staff. He said that surplus funds could be added into the landscaping fund, however he suggested that if there are opportunities to add additional landscaping to satisfy the neighbors this should be done. Buildings will need to be at an appropriate level to store runoff and snow storage.

The conditions for the variance requesting relief from Section 708.B are discussed below:

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." The lot is constricted by an irregular side lot line that slopes at a diagonal angle toward the back of the lot, creating unnecessary hardship to position the proposed driveway and building.
The DRB is in agreement with the staff comments.

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." Based on the applicant's reasoning, this request is necessary to make the most efficient use of space on site while providing three (3) dwelling units.

The DRB is in agreement with staff comments.

3. “Unnecessary hardship has not been created by the appellant.” The lot’s dimensional constraints are pre-existing and have not been created by the applicant.

The DRB is in agreement with staff comments.

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 public welfare.” The driveway orientation will help the triplex’s façade match that of the neighborhood’s essential character by locating parking in the back of the building rather than in the front. This Page 8 of 9 will not impair the development of adjacent properties and will improve public welfare through improved pedestrian safety.

The DRB is in agreement with staff comments.

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.” The variance would grant the applicant the minimum relief necessary to locate a small portion of the proposed home within the fifteen (15) foot buffer, providing a reasonable access driveway to the parking area behind the triplex.

The DRB is in agreement with staff comments.

Mr. Zwicky asked what material the replacement fence would be, Mr. Dixon said it would be wooden fence. Mr. Alden said that the neighbors are interested in the fence materials and suggested that the developer connect with them on this issue.

DYLAN ZWICKY made a motion, seconded by JOHN ALDEN that the DRB approve the application with the variances granted as listed and the proposed conditions as listed.

Mr. Alden stated that the lighting plan would need to be updated per staff comments. He said that the applicant shall “review the proposed fence constraints and coordinate with neighbors.” He also suggested that a condition be included stating that the “applicant shall make good faith effort to review and seek approval for fence construction design materials” suggested by Dylan. Mr. Brockmeier proposed coordination with the neighbors regarding water drainage. This was not added as a condition of approval after Mr. Alden noted that this could not be prescribed by the DRB, but pointed out that the applicant is now aware of potential drainage issues from this discussion and can react accordingly.

Mr. Alden called the question: All in favor of the proposed motion with the variance conditions granted and conditions as amended. Motion passed 4-0.

6. OTHER DEVELOPMENT REVIEW BOARD ITEMS

Mr. Giguere said that the City Council has reviewed the proposed LDC amendments and will review them again in January. The public hearing will tentatively be held on February 12th, 2025. Ms. Clemens, Planning Commission Chair, suggested that a joint meeting be held between the DRB and PC regarding the new proposed regulations. The DRB discussed other potential collaborations with Ms. Clemens. An edited version of proposed amendments will be made available to the DRB. Mr. Alden suggested that some type of enforcement reports be given out to let the PC and DRB know what is going on, as well as

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additional communication between the two boards. Mr. Giguere discussed the process of enforcement in Essex Junction.

7. ADJOURNMENT

CRISTIN GILDEA made a motion, seconded by LUKE BROCKMEIER, to adjourn the meeting. The motion passed 4-0.

The meeting was adjourned at 8:40 PM.

Respectfully submitted,
Darby Mayville