

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MAY 18, 2017
AGENDA
6:00 P.M.**

I. Audience for Visitors

II. Additions or Amendments to Agenda

III. Minutes

A. Regular Meeting – May 4, 2017

IV. Public Meeting

A. Sketch plan review for a two lot subdivision; Lot 1 to retain existing multi-family dwelling, Lot 2 to be a single family dwelling at 13-15 Church Street in the M-F3 District by Elizabeth and Patrick Fleming and Karen and Jack Nee, owners.

V. Public Meeting

A. Final plan review for a two lot subdivision; Lot 1 to retain existing multi-family dwelling, Lot 2 to be a single family dwelling at 13-15 Church Street in the M-F3 District by Elizabeth and Patrick Fleming and Karen and Jack Nee, owners.

VI. Other Planning Commissions Items

A. Discussion of support for collaboration between the Town and Village Planning Commission.

VII. Adjournment

Pursuant to 24 VSA Section 4464(a)(1)(C) Participation during the public hearing before the Essex Junction Planning Commission is a prerequisite to the right to take any subsequent appeal.

Members of the public are encouraged to speak during the Public-To-Be-Heard agenda item, during a Public Hearing, or, when recognized by the Chair, during consideration of a specific agenda item. The Chair may limit the comments from the public to three (3) minutes.

NOTE: The Planning Commission may choose to postpone consideration of any application not started before 10:00 P.M.

This meeting will be held in the conference room of the Essex Junction municipal building at 2 Lincoln St., Essex Jct., VT. Reasonable accommodations will be provided upon request to the Village, 878-6950, to assure that Village meetings are accessible to all individuals regardless of disability.

For information on subsequent meetings on the above mentioned applications, please contact the Community Development Department from 8 – 4:30 at 878-6950 or the website www.essexjunction.org.

**VILLAGE OF ESSEX JUNCTION
PLANNING COMMISSION
MINUTES OF MEETING
May 18, 2017**

MEMBERS PRESENT: David Nistico (Chair); John Alden, Amber Thibeault, Joe Weith, Diane Clemens. (Andrew Boutin and Steven Shaw were absent.)
ADMINISTRATION: Robin Pierce, Development Director.
OTHERS PRESENT: Wes McClellan, Dave Marcotte, Sue Hale, Rob Hale, Paul O'Leary, Joe Flynn.

- AGENDA:**
1. Call to Order
 2. Audience for Visitors
 3. Additions/Amendments to the Agenda
 4. Minutes
 5. Public Meeting:
 - Sketch Plan, Subdivision, Two Lots, 13-15 Church Street, Fleming/Nee
 - Final Plan, Subdivision, Two Lots, 13-15 Church Street, Fleming/Nee
 6. Other Planning Commission Items
 7. Adjournment

1. CALL TO ORDER

Chairman David Nistico called the meeting to order at 6 PM.

2. AUDIENCE FOR VISITORS

There were no comments from the public on matters outside the agenda items.

3. ADDITIONS/AMENDMENTS TO THE AGENDA

None.

4. MINUTES

May 4, 2017

MOTION by Amber Thibeault, SECOND by John Alden, to approve the minutes of 5/4/17 as written. VOTING: 4 ayes, one abstention (Diane Clemens); motion carried.

5. PUBLIC MEETING

David Nistico noted although both Sketch Plan and Final Plan are separate applications for the proposed subdivision at 13-15 Church Street testimony will be taken simultaneously on both applications.

Sketch Plan for a two lot subdivision with Lot 1 retaining the existing multi-family dwelling and Lot 2 to have a single family dwelling at 13-15 Church Street in the M-F3 District by Elizabeth and Patrick Fleming and Karen and Jack Nee, owners

Final Plan for a two lot subdivision with Lot 1 retaining the existing multi-family dwelling and Lot 2 to have a single family dwelling at 13-15 Church Street in the M-F3 District by Elizabeth and Patrick Fleming and Karen and Jack Nee, owners

Joe Flynn and Paul O'Leary with O'Leary-Burke Civil Associates, Inc. appeared on behalf of both applications. John Alden disclosed the applicant is a friend, but there has not been any correspondence for years. Joe Weith disclosed the same. Diane Clemens disclosed she served on the school board with Wes McClellan. Following brief discussion the Planning Commission felt there were no conflicts of interest. There were no announcements of ex parte communication. Individuals to give testimony on the applicant(s) were sworn in.

Diane Clemens mentioned the zoning permit sign is not posted on the applicant's site. Joe Flynn said the sign was posted by the landowner and will confirm it is still up and visible.

STAFF REPORT

The Planning Commission received a written staff report on the application, dated 5/18/17.

APPLICANT COMMENTS

Joe Flynn highlighted the following:

- The parcel is 19,600 s.f. with a multi-family residential unit.
- The proposal is to subdivide the lot and build a single family house on the new lot southerly of the existing duplex.
- The zoning requirements for setbacks, density, and height are met.
- The new single family house will have four bedrooms and an attached garage.
- There are two existing curb cuts for the duplex. One curb cut will be eliminated and replaced with a curb cut on Church Street to serve the single family house. The applicant would like the existing curb cuts to remain until construction has started.

There was discussion of the curb cuts and whether the Trustees need to approve the new curb cut. Robin Pierce pointed out one of the two existing curb cuts for the multi-family unit will be moved to serve the driveway of the single family house so there is no change in the number of curb cuts.

There was discussion of landscaping as a buffer between the two lots. Robin Pierce said with a simple subdivision for a single family house a landscape plan is not required. There is existing landscaping on the site. Diane Clemens said there are shrubs and raspberries on the site, but not shrubs. The site plan should be corrected to show raspberries and other brambles and weed trees that are there. David Nistico suggested as a condition of the approval the applicant will work with staff to ensure proper landscaping to buffer the two properties.

John Alden asked about the grade line between the garage and house to the south and protecting the vegetation there. Joe Flynn said the lot slopes so the grade will maintain positive drainage on the driveway. The slope on the north side of the newly created lot

(Lot 2) from the building to the edge of the property line is 3-on-1 to divert natural runoff to the back of the parcel.

John Alden mentioned the required 30' setback from the street and allowing an average of the surrounding house fronts for the location of the new house so the new house better lines up with the existing houses on East Street and to help with grading. This would mean having a longer, narrower building and ensuring there is enough driveway length for a car to park in front of the garage. Paul O'Leary said having the option to move the house forward would be good.

John Alden asked about building height at 25', noting the regulations allow 35'. Joe Flynn said the applicant would like the opportunity to go to 35' with the new building.

There was discussion of corrections needed on the site plan and the list of conventional requirements including minimum lot size where Lot 2 is 7,500 s.f. and Lot 1 is 10,500 s.f., frontage where Lot 1 is actually 88.5', and the sidewalk on Church Street being macadam not concrete.

There was discussion of the drainage easement. Robin Pierce confirmed the Land Development Code, Section 907, requires a drainage easement. Paul O'Leary said the applicant will provide an easement if required, but otherwise opposes encumbering the lot with an easement that will not be used. There are no utilities or sewer lines on the property. The Planning Commission will pursue the ability to waive Section 907 when an easement is not necessary.

PUBLIC COMMENT

Wes McClellan, East Street, spoke in support of the building fronting East Street. Mr. McClellan spoke of the new house on Lamoille Street that backs to Mansfield Avenue and is only eight feet from another house, and questioned how the building which is an "eyesore" was approved.

Rob and Sue Hale, adjacent property owners to the proposed new house, spoke in support of locating the house closer to the street to match the streetscape and to reduce the need to elevate the house. There is concern about water drainage. Robin Pierce said per the regulations post-construction runoff cannot be any greater than pre-construction runoff. Sue Hale mentioned the existing evergreen tree that will be next to the new driveway, noting the tree appears to be dying and hinders sight distance. Paul O'Leary said the tree can be addressed with the landscaping. A forester can provide advice.

Rob Hale asked if the new house will be owner occupied. Joe Fisher confirmed this. Rob Hale asked if the garage will be in the front of the house since the garages on the street are at the back of the house. It was noted the Planning Commission does not have design review in this district and the proposal meets all the regulations.

There were no further comments.

MOTION by John Alden, SECOND by Diane Clemens, to close the public portion of the Sketch Plan and Final Plan hearing for 13-15 Church Street. VOTING: unanimous (5-0); motion carried.

DELIBERATION/DECISION

Sketch Plan, Subdivision, Two Lots, 13-15 Church Street, Fleming/Nee

The Planning Commission discussed waiving the front setback of 30' so the building could be pulled forward closer to the road to better fit with the streetscape and improve the overall lot in terms of drainage. Also, the applicant should work with staff to ensure there is a vegetative buffer between the lots. The existing evergreen tree should be looked at by a forester. All landscaping requirements must be met. The conventional requirement notes on the site plan need to be corrected as noted (lot size for Lot 1 and Lot 2, frontage of Lot 1, and material of sidewalk on Church Street).

MOTION by John Alden, SECOND by Amber Thibeault, to approve the Sketch Plan for a two lot subdivision at 13-15 Church Street for a single family dwelling and an existing multi-family dwelling by Elizabeth and Patrick Fleming and Karen and Jack Nee as presented and with correction to the conventional requirements pertaining to minimum lot size, frontage, and sidewalk material. VOTING: unanimous (5-0); motion carried.

Waiver of Setback

MOTION by Diane Clemens, SECOND by Amber Thibeault, to waive the minimum front yard setback of 30'. VOTING: unanimous (5-0); motion carried.

Final Plan, Subdivision, Two Lots, 13-15 Church Street, Fleming/Nee

MOTION by John Alden, SECOND by Diane Clemens, to approve the Final Plan for a two lot subdivision at 13-15 Church Street for a single family dwelling and an existing multi-family dwelling by Elizabeth and Patrick Fleming and Karen and Jack Nee as presented and with the following conditions:

1. The building shall be moved forward to be closer to the street but still allow sufficient room to park cars in the driveway and to be consistent with the existing houses on either side.
2. The remaining vegetation shall be evaluated through construction and the applicant shall work with staff to supplement the vegetation up to the landscape budget amount required in the Land Development Code.
3. The evergreen on the southeast corner of the lot shall be evaluated by the Village tree warden and staff, and appropriate measures may be taken which may include replacement of the tree in a location approved by staff.
4. Comments from staff shall be addressed and satisfied prior to the issuance of a zoning permit.
5. All work must comply with the Land Development Code.
6. If post-construction storm water runoff exceeds pre-construction storm water runoff the Village reserves the right to have the property owner and/or assigns to take remedial action to reduce runoff from Lots 1 and 2.

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

6. OTHER PLANNING COMMISSION ITEMS

Next Meeting Agenda

Discussion of drainage easements per Section 907.

Planning Collaboration

The Planning Commission endorsed the idea of planned collaboration between the village and town planning commissions and will work on a schedule to attend meetings.

Essex Town Center

There is a community forum on 5/20/17 at the Inn at Essex to discuss the Essex Town Center development code.

7. ADJOURNMENT

MOTION by John Alden, SECOND by Joe Weith, to adjourn the meeting.

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

The meeting was adjourned at 7:15 PM.

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