

**CITY OF ESSEX JUNCTION
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
NOVEMBER 17, 2022
APPROVED DECEMBER 15, 2022**

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

MEMBERS ABSENT: Dylan Zwicky.

ADMINISTRATION: Regina Mahony, City Manager.

OTHERS PRESENT: Meghan Belyea, David Burke (Engineer for Owner), Heidi Clark (via Zoom), Tina Logan, Todd Logan, John Mangan (via Zoom), Barney Matthews (via Zoom), Harriet Matthews (via Zoom).

1. CALL TO ORDER/AUDIENCE FOR VISITORS

Mr. Alden called the meeting to order at 6:30 PM.

There was no public comment.

2. ADDITIONS OR AMENDMENTS TO AGENDA

None at this time.

3. PUBLIC TO BE HEARD

None at this time.

4. MINUTES

A. Regular Meeting – July 21, 2022

MOTION by ROBERT MOUNT, SECOND by CRISTIN GILDEA, to approve the minutes as presented. The motion passed 4-0.

5. PUBLIC HEARING

A. Approval for minor site plan amendment and approval extension of a Planned Unit Development for six residential units with parking at 41 Maple Street in the R-2 District, by Gabriel Handy, owner.

Mr. Burke briefly described the above change and noted that the R2 zoning district allowed for these six units in terms of density. He noted that the original approval did not include setback waivers, but instead included each of the building envelopes in a footprint lot. He said that the Applicant is returning before the DRB now to obtain approval for the mylar, which was not signed during the first approval, as well as approval for a different style of units than what was originally proposed. He said that the proposed changes were reviewed and approved by staff prior to construction. Mr. Alden replied that the staff in question is no longer with the City and expressed concern that this did not return to the Planning Commission or Development Review Board prior to construction.

Mr. Burke spoke in more detail about the change in the style of units for the project than what was originally proposed. He said that the approved plan originally included 1.5-story buildings and that they have modified that to include 2-story buildings instead. He noted that this still complies with height

regulations. He said that the only condition of the previous approval was that the buildings should be different colors (and they are). He noted that the units were staked by his office and they are within the original footprints.

City Manager Mahony reviewed staff comments around the two changes within the application. She noted that 2 stories are an allowable use in this zoning district and that in terms of the regulations, an amendment would be in line with the land development code. She said that the item on the table is to extend the timeline of the subdivision.

Mr. Alden opened the discussion up to the Public.

Tina Logan, an adjacent neighbor, expressed concern that the building footprints are extremely close to her property line and that now instead of being 1.5 stories they are 2 stories, which significantly impacts the view from her backyard. She said that the quality of the screening is poor and that they have no privacy. She asked if the buildings will be rentals or single-family homes and how many families will be living in these buildings. She expressed frustration that consideration was not given to adjacent neighbors.

Mr. Alden asked whether the plantings shown on the Applicant's plans have been installed. Ms. Logan replied that there are small plantings (2' high) that have been installed. Mr. Burke noted that a landscape plan was submitted and approved. Mr. Alden asked whether there are windows on the second floor facing Ms. Logan's home. She replied that the second floor does not have windows facing her (which she appreciates), but that there are windows on the first floor that face her as well as a stockade fence separating the properties.

Todd Logan, an adjacent neighbor, said that the buildings are very brightly lit at night and cause light pollution for their property. He said that this project has pushed the boundaries of legality, given that 1.5-story structures were approved but that the developer built 2-story structures. He asked whether they could receive a waiver to build a fence that is taller than 6 feet. He also noted that there is construction occurring, sometimes at night. He asked whether the buildings are going to be partitioned into two apartment units each. Mr. Burke replied that they are approved as single-family dwellings and can't be anything other than that.

Mr. Alden expressed concern that the Bollard lights are not low enough to only cast light downward and that the landscaping and plantings are not sufficient. He also said that the buildings appear stark but that they still adhere to regulations. He said that they can possibly look into remediation measures for fencing and screening, given that the change was more impactful than the plan that was submitted anticipated. He said he would also like to see measures taken to adjust the lighting. City Manager Mahony said that the lighting can be corrected before a certificate of occupancy is issued. Mr. Burke said that the lighting could be turned off until there are occupants in those buildings.

Barney Matthews, a neighbor, echoed others' concerns about the lighting. He said that the plantings do not block the lights and that the lights are extremely bright. He said that there was construction occurring for lengthy periods but that it was not too loud. He noted that there is a right-of-way from 43 to 41 Maple Street and that his deed states that there can be 5 houses on that plot, not 6. He asked

whether this has legal implications. City Manager Mahony noted that the lot was approved for 6 houses, but could not comment on whether there is a civil issue at hand.

Mr. Mount said that the landscaping plan shows 6' Australian pines between Mr. Matthews' property and the 41 Maple Street property. Mr. Burke noted that there has been a revised landscaping plan from TJ Boyle that has different plantings than what was originally proposed.

Mr. Logan suggested that the DRB be required to review ground level view as well as birds-eye view landscape plans. Mr. Alden replied that the Land Development Code does not give the DRB the ability to take ground level view information into consideration in most districts within the City when considering approval for projects. He said that the planting plan was resubmitted after approval of the project, and is being reviewed by the DRB for the first time now. He noted that the developer is responsible for maintaining plantings in a healthy condition.

Mr. Alden noted that there have been changes proposed to the Land Development Code that would allow for more design review and oversight for districts other than the Village Center District, which could prevent situations like this from occurring in future.

Meghan Belyea, a neighbor, expressed concern about lack of privacy now that these buildings have been constructed. She said that they have had to install blackout curtains in their home in order to be able to sleep, since the lights from the buildings are so bright. She noted concerns about construction and landscaping right up against her property line. She additionally noted that the property boundary markers/pins were graded underground and are no longer visible. She noted staff comments from the original approval that do not seem to have been addressed. These include a lack of proper screening around the trash area and lack of parking for guests. She additionally noted a chirping smoke alarm in one of the buildings that has been going off for two months. She noted that when she called the police, they advised her to be in touch with the City offices. Mr. Alden said that enforcement at the City level has been an issue and needs to be improved. He also said that the developer/owner should address the smoke alarm issue. Mr. Burke said that the surveyor can take a look at and replace boundary marker pins between Ms. Belyea's property and 41 Maple Street.

Mr. Alden said that they will defer to City administration to ensure that the conditions of the original application, approval, and City standards are met prior to issuance of certificates of occupation for the buildings. He said that he would like the DRB to continue discussing the issues around lighting, screening, and landscape plans.

MOTION by JOHN ALDEN, SECOND by ROBERT MOUNT, that the Development Review Board approve the minor site plan amendment for building elevation changes at 41 Maple Street, and approve an extension to the final PUD/subdivision approval to November 17, 2022. The motion passed 4-0.

6. OTHER DEVELOPMENT REVIEW BOARD ITEMS

Mr. Alden asked for an update on approving the proposed changes to the Land Development Code that were submitted to the City Council for consideration this summer. City Manager Mahony replied that there have been changes to the cannabis section that were made by the City Council, approved on September 14, 2022 and went into effect on October 6, 2022, which swap out the definitions section and the land use table. She noted that other components of the LDC changes are still in the City Council's

hands for approval. She noted that the City Council has one year from the date of the Planning Commission's public hearing on LDC changes (which was on August 4, 2022) to take action on those revisions.

City Manager Mahony said that the next meeting will be on December 14 and that they will hear two applications and an appeal for a denied home occupation application for Tier 1 cannabis cultivation.

7. ADJOURNMENT

MOTION by ROBERT MOUNT, SECOND by MAGGIE MASSEY, to adjourn the meeting. The motion passed 4-0.

The meeting was adjourned at 8:02 PM.

RScty: AACoonradt