

**CITY OF ESSEX JUNCTION
DEVELOPMENT REVIEW BOARD
MINUTES OF MEETING
NOVEMBER 21, 2024
DRAFT**

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

ADMINISTRATION: Michael Giguere, City Planner; Chris Yuen, Community Development Director.

OTHERS PRESENT: Gabe Handy, Greg Dixon, Hannah Hansen, Nicole Hansen, Gary Sevcik, Jeff York.

1. Additions or Amendments to Agenda

John Alden called the meeting to order at 6:30 P.M.

There were no additions or changes to the agenda.

2. Public to be Heard

None.

3. Approval of Minutes

a. September 19, 2024

MOTION by Maggie Massey, SECOND by Luke Brockmeier, to approve the minutes from September 19, 2024 with minor technical corrections (see below). The motion passed 5-0.

Mr. Alden noted that the minutes stated that he called the meeting to order but that the meeting proceeded absent a chair, and City Planner Giguere confirmed that Mr. Alden was present and that though his status as chair had lapsed, he remained chair until such time that a new chair is elected. He said that he would make a technical correction to the minutes to clarify this.

4. Election of Chair and Vice-Chair

City Planner Giguere called for nominations for Chair and Vice Chair for the Development Review Board.

MOTION by Luke Brockmeier, SECOND by Cristin Gildea, to elect John Alden as Chair of the Development Review Board. The motion passed 5-0.

MOTION by Cristin Gildea, SECOND by John Alden, to nominate Maggie Massey as Vice Chair of the Development Review Board. The motion passed 5-0.

5. Public Hearing

a. Variance application for a garage reconstruction built 3.5 feet from side property line at 37 Jackson Street in the R2 District by Hannah and Nicole Hansen, owners.

Mr. Alden swore in all members of the public and applicants who will give testimony at tonight's meeting.

Hannah Hansen spoke as the Applicant, saying that when she purchased her property the garage was in poor condition, with caving in roof and bowing walls, and needed to be replaced. She noted that after reviewing options, they have determined that rebuilding it on the current footprint makes the most sense to maintain the character of the farmhouse and surrounding neighborhood. She said that this requires a variance, as the garage is sited 3 feet from the side boundary line of the property in this district, and that the ordinance requires at least an 8-foot setback. She noted that the new garage would be similarly sized, with proposed dimensions of 12 feet by 18 feet, but will be 6.5 feet taller than the current 10-foot tall structure. She said the parcel of land is long and skinny, and there is not sufficient space to move the garage closer to the house and be within that 8-foot setback. She said they have considered alternatives, such as moving the garage, but said that other options would be costlier. She also noted that other properties in the neighborhood have garages closer than the 8-foot setback in the neighborhood. She confirmed that they will not use the extra garage space as an apartment, but as a studio space, and will strive to maintain privacy both for adjacent neighbors and for herself. Mr. Brockmeier asked about the reason for the 8-foot setback requirement in zoning, and Community Development Director Yuen explained the reasoning behind various setback requirements. Ms. Gildea pointed out that many properties in the City will need to be grandfathered into requirements, given that they do not adhere to the new 8-foot setbacks. Mr. Giguere noted that the Planning Commission will need to take older neighborhoods like this into consideration with future LDC updates and any changes to setback requirements. He said that this application was flagged because the code prevents an existing nonconformity from being rebuilt, but acknowledged that the increased height will also need to be discussed by the Board. Mr. Alden noted that because the applicant is not seeking to enlarge the original footprint, and the increased height seems reasonable, he does not see any issues with the application. Other Board members concurred.

Mr. Alden closed the public hearing.

MOTION by Dylan Zwicky, SECOND by Maggie Massey, that the Development Review Board approve the variance for a garage to be built 3 feet from the side property line and on or within the existing foundation at 37 Jackson Street in the R2 District. The motion passed 5-0.

6. Public Meeting

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

Greg Dixon, a consulting engineer with Krebs and Lansing, and Gabe Handy, property owner, spoke on the conceptual site plan. Mr. Dixon noted that this project attempts to take advantage of some of the new laws passed by the state to try and promote condensed housing within city centers to provide needed missing middle housing types. He said that this would be for a triplex, though they have approached this within the regulations for duplexes. He noted that they are requesting a front setback waiver for the stoops going into the property, noting that the actual building setback is still within the setback requirements. Ms. Gildea asked if the Applicant is requesting a height variance, and Mr. Dixon replied that they believe they can build within the 35-foot limit. He also noted that the drawings include staircases to enter the buildings, but that they will not be moving forward with this feature. He noted that there are two entrances to each unit. Mr. Handy noted that he has built similarly-designed properties in Winooski and that they were well-received and in high demand. Mr. Alden said that the attempt to get as much housing onto this lot as possible is admirable and said that it fits into the character of the

neighborhood well. He noted the multiple variances, but said he did not have problems with most of them individually. He noted the variance for a driveway within 6 inches of the property line, which gave him pause because the designs don't have a formal building survey yet, and 6 inches feels tight. Mr. Handy said they would obtain a formal survey. Mr. Alden noted that because building height is measured at peak, that incentivizes flat roofed designs, and he asked that this be taken back to the Planning Commission for their consideration. He said a lighting plan is required at final site review, and Mr. Dixon said that because these units would be privately owned, they did not want to lock them into rigid lighting commitments, but acknowledged that lighting will be within coding requirements. Mr. Brockmeier stressed the importance of approving plans that are compliant with all requirements prior to obtaining certificates of occupancy. Mr. Alden said that regarding curb cuts, it would be helpful to see how wide it would have to be for two-way car traffic in and out of the properties, saying that 14 feet might be a good minimum distance. He said that he thinks 24-30 feet is too wide. Mr. Brockmeier said he is comfortable with widening it at the outset. Mr. Alden asked whether a waiver for a driveway variance is possible and City Planner Giguere noted that there is no provision for a variance in the code. Board members agreed to see the finalized survey results prior to making a decision about the variance. Mr. Alden asked about the trees and whether construction would disturb them, and Mr. Dixon replied that there are two smaller pines near the property line (but all in the neighboring property) that may be affected but they will try to avoid disturbing them. Mr. Alden said they can keep this as an item to review at final site plan review. He noted that the final plan will require a formal landscape plan. He noted that the City prefers paving be with concrete, but does not have formal requirements about this and leaves it to the DRB's discretion. He said that given that the surrounding sidewalks are asphalt then it might not make sense to require new pavings be concrete. Mr. Dixon noted that because this is a multi-family unit next to a single-family unit, the buffer requirements are 15 feet but they are currently at 8 feet because the property has always had an 8-foot setback. He noted that the building next to this proposed development is larger than this one, so the 8-foot buffer does not give him concern. Director Yuen agreed, saying that this is an item being taken up by the Planning Commission, because the setback requirements don't differ according to building size, but to whether the units are single-family or multi-family, which doesn't always make sense. Mr. Alden said that they should at least see some more landscaping as a buffer. Ms. Gildea asked about the driveway within the rear setback, and Mr. Dixon said that they can work on tightening this up for final site plan review.

The following public comments were received:

- Gary Sevcik, an adjacent resident, asked where snow storage will be located, and whether there will be handicap accessibility for the building. He also expressed concern about Mr. Handy's treatment of the property to date.
- Mike Domingue, an adjacent resident, provided written comment. He said that the 6-inch proposed variance from the edge of the driveway to the property line gave him cause for concern, particularly around damage from plows during snow removal. He asked what proactive steps are being taken to limit potential damage, and who the liable party would be if damage were to occur.

Mr. Alden noted that in terms of architectural features, having stronger elements where the windows and roof peaks are would reinforce the image that Mr. Handy is trying to pursue with the design. Ms. Gildea asked about snow removal, and Mr. Handy replied that there is room for snow collection next to the driveway and parking areas. Ms. Gildea asked whether a fence could be required on both sides of the property, and City Planner Giguere said he will look into the 15-foot buffer regulations to see what else

it requires. Mr. Brockmeier asked if there is something that could be done at the landscaping stage for the drainage of the snowmelt so that it's not running onto the adjacent neighbor's property. Mr. Dixon noted that the soil is sandy and that they could grade some areas to guide the snowmelt away from adjacent properties. Mr. Alden asked if there are accessibility requirements, and Mr. Handy replied that one unit must be made adaptable for accessibility, but not necessarily accessible from the start.

Mr. Alden closed the public meeting portion of this plan review.

In order to best position the Applicant and Board for final site plan approval, Mr. Alden suggested that the DRB review each of the variance requests in detail to provide as much feedback to the Applicant as possible. The DRB reviewed the following variances and waiver requests:

- Front setback requirement: Mr. Alden noted that the building itself meets the setback requirement, and the features in question are the stoops and overhangs. He said he is comfortable with this. Other Board members agreed.
- Special design standards: City Planner Giguere noted that this pertains to the requirement that no more than 30% or 20 feet of linear frontage space be taken up by parking, and that this design's proposed location of parking in the rear makes sense. Mr. Alden said he is supportive of locating the parking in the back of the building. Other Board members agreed.
- Smaller curb cut requirement: Mr. Alden noted that they discussed this previously, suggesting that the developer widen the curb cut to allow one car to idle while another enters.
- Driveway setback requirement: Mr. Alden said that the DRB would like to see a 2-foot buffer and enough sense that a property line, such as a fence, will not be damaged by snow removal activities. He noted that the DRB is generally uncomfortable with the 6-inch proposal, and would like some way to ensure that the neighbor's fence is not damaged by snow removal.
- 15-foot buffer requirement: Mr. Alden said that he would like the DRB to work with this waiver, given the low impact of this multi-family dwelling building and its small size. He said he would be willing to give some flexibility on this, and would welcome a proposal from the Applicant on further buffer works, such as landscaping or fencing.
- Use of asphalt rather than concrete: Mr. Alden said the DRB is fine with permitting the sidewalk to be reconstructed with asphalt rather than concrete.

Director Yuen asked for clarification on what should be required of the lighting plan. Mr. Dixon said that they will provide more information in a lighting plan that conforms with the City's lighting regulations.

The Development Review Board then reviewed staff comments and proposed conditions that weren't previously covered:

- Submission of detailed traffic control plan for the installation of utilities: City Planner Giguere noted that the City is looking for more details on when closures or partial closures would take place for residents.
- Boundary survey to confirm property line locations: Mr. Alden noted that it would be good to have a final survey when the final site plan review is conducted.
- Grading: Mr. Alden requested plans to depict proposed grading throughout the project site.
- Driveway and rear setback: Mr. Alden said that the Applicant still needs to demonstrate how this is either a variance or not a variance.

Mr. Alden requested that additional considerations be added around how snow storage will be handled and whether this is covered in the HOA.

MOTION by Dylan Zwicky, SECOND by Cristin Gildea, to approve the conceptual plan with the proposed conditions and with the comments on the waiver and variance requests as discussed. The motion passed 5-0.

7. Public Hearing

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

MOTION by Dylan Zwicky, SECOND by Maggie Massey, to close the public hearing and continue the public hearing on this item to December 19, 2024. The motion passed 5-0.

8. Other Development Review Board Items

Community Development Director Yuen provided an overview on the Land Development Code (LDC) amendments currently being considered by the Planning Commission. He noted that there are two large planning efforts occurring currently, which include the Transit-Oriented Development Master Plan and the Comprehensive Plan update, both of which will feed into future LDC amendments. He also noted that there are technical adjustments that are slated for inclusion in 2024 LDC amendments. He spoke about the 2024 LDC amendments in more detail, noting that they pertain to rewriting of sign regulations, adjustment of residential density limits to meet statutory requirements and to reduce barriers to small scale housing construction, adjustment of site, dimensional and design standards for small-scale development, changes to stormwater regulations, regulation of food trucks, and correction of technical inconsistencies. He also noted additional items that were added into the amendments, including a definition of “hard surface” for parking, a shade tree requirement for triplexes and fourplexes, requirements for professional land surveys, requirements around footprint lots, and requirements around fire access. He noted that the 15-foot buffer may still be considered for tweaking, such as potentially requiring it for 5-plexes and above.

Mr. Zwicky and Ms. Massey left the meeting.

9. Adjournment

MOTION by Luke Brockmeier, SECOND by Cristin Gildea, to adjourn the meeting. The motion passed 3-0.

The meeting was adjourned without objection at 9:38 P.M.

RScty: AACoonrad