

TOWN OF ESSEX
PLANNING COMMISSION
AMENDED AGENDA
March 10, 2022-6:30 P.M.
MUNICIPAL CONFERENCE ROOM,
81 MAIN ST., ESSEX JCT., VT

Anyone may attend this meeting in person at the above address or remotely through the following options:

- Join via Zoom link: <https://www.essexvt.org/1043/8225/Join-Zoom-Meeting-Essex-PC>
Depending on your setup, you may need to call in for audio (below).
- Join via call (*audio only*): [1-888-788-0099](tel:1-888-788-0099) | Meeting ID: 950 6840 0813 # | Passcode: 426269
- Public wifi is available at the Essex municipal offices, libraries, and hotspots listed here:
<https://publicservice.vermont.gov/content/public-wifi-hotspots-vermont>

1. Public Comments

- 2. CONCEPTUAL DISCUSSION: Mariot G. Huessy Life Estate, c/o Hans Huessy:** Request for waivers to proceed with a **simple-parcel** subdivision application allowing the creation of one new lot without road frontage and allowing a **third** lot **to utilize** one driveway for property located at 1070 Old Pump Road in the Conservation (C1) Zone. Tax Map 12, Parcel 28.

- 3. CONTINUED FROM 1/27/22 & 2/24/22 – FINALIZING THE PLANNING COMMISSION 2022 WORKPLAN:** Planning for future projects, including but not limited to developing regulations for the ETC|Next plan; updating zoning & subdivision regulation, Town Plan update, etc.

- 4. Minutes:** February 24, 2022

5. Other Business

- **Appeal of PC Sketch Plan Approval – 87 Pinecrest Drive**

Please visit our website at www.essex.org to view agendas, application materials, and minutes.

Memorandum

To: Essex Planning Commission
From: Darren Schibler, Town Planner
Copy: Hans Huessy
Date: March 4, 2022
Subject: 1070 Old Pump Road – Conceptual Application

Proposal

The applicant has proposed a two-lot subdivision of the parcel at 1070 Old Pump Road, a 122 +/- acre lot with approximately 260 feet of frontage located in the Conservation (C1) zoning district. The parcel has an existing single-unit dwelling which shares a driveway with an adjacent single-unit dwelling lot at 1068 Old Pump Road. As part of the subdivision proposal, the applicant requests consideration for two waivers: 1) to create a new lot without sufficient and direct frontage on a public road; and 2) to site three dwellings on a single driveway.

Background

The existing single-unit home on the parcel was built in 1969, prior to the enactment of zoning in the Town of Essex.

On July 11, 1985 the Zoning Administrator approved a two-lot subdivision of the subject parcel (then known as 90 Old Pump Road), which was allowed as an administrative procedure under the regulations in effect at the time. However, the approval noted that Planning Commission permission was required to allow for development of a home on an existing lot without frontage.

On August 22, 1985 the Planning Commission approved development of a single-unit home on a lot without existing frontage (now addressed as 1068 Old Pump Road) using the driveway shared with the parcel now addressed as 1070 Old Pump Road. The Commission specifically noted during the review that further subdivision would require a road to be built to Town specifications.

On October 7, 1985 under interim zoning and upon recommendation of the Planning Commission on September 12, 1985, the Selectboard approved a bed and breakfast for Hans and Mariot Huessy on the subject parcel.

Summary of Staff Comments

The proposal has merit in its intent to avoid impacts to forest resources and may be worthy of consideration by the Planning Commission if presented as a PUD-R rather than a request for a frontage waiver, though design changes (or avoiding housing development at all) would better achieve these goals. However, the requested modifications to access standards are outside the jurisdiction of the Planning Commission to approve. Unless Public Works approves the waiver, a separate driveway would be required, which would increase the impacts the frontage waiver seeks to avoid.

Discussion – Frontage Waiver

Under Section 3.1(B) of the Town's *Zoning Regulations* (ZR), all newly created lots must have frontage on a public road or public waters. This is reinforced in the definition of lot frontage: "The horizontal distance measured along the property line which separates the lot from a public or private street. No newly created lot(s) shall be permitted unless the minimum lot frontage is contiguous along a public highway."

Though ZR Sections 3.1(A) and (D) provide a waiver process for development of lots without frontage, these apply only to lots that predate the enactment of the regulations.

The applicant's narrative notes that a neighbor may be agreeable to a boundary adjustment that would provide the 400 feet of frontage (200 feet per lot) required by the normal dimensional standards for a two-lot subdivision of 1068 Old Pump Road. However, due to the layout of the parcel, it would be impossible to create a new lot that: (A) has 200 contiguous feet of frontage along Old Pump Road, (B) includes the proposed house site, and (C) also meets the maximum depth-to-width ratio under Section 4.4(B)(5) of the *Subdivision Regulations* (SR).

The latter provision limits the new lot's depth to 1,000 feet, which would require additional forest clearing for the new house site. Any subdivision also would also make the remaining lot more non-conforming to the depth-to-width ratio.

ZR Section 3.1(C) does provide for reduced frontage requirements under specific circumstances; the first two are not applicable to this project because it is not located on the outside of a cul-de-sac. The third circumstance would apply if the project were presented as a Residential Planned Unit Development (PUD-R), which provides for specific reductions of frontage requirements under ZR Section 6.8(G)(4). (PUD-Rs also allow for waivers of frontage requirements for footprint lots in multi-family townhouse developments, but this does not apply to the current project.)

Reduced lot frontage requirements are specified for PUDs in other districts in ZR Section 6.8(G)(4), but not for the C1 district. The dimensional standards for the C1 district (in ZR Table 2.18) simply list "NA" for required lot frontage in PUD-Rs. It is unclear if this indicates that reduced frontage requirements are not applicable for PUDs, or if there is no minimum lot frontage required for PUDs in this zone. Though the project could be presented as a 2-lot PUD-R, the Planning Commission generally has not supported such applications whose only distinction from conventional subdivision is the lack of required lot frontage.

The applicant's narrative states that the requested waivers are justified in order to avoid impacts to contiguous forest habitat, which may merit consideration. However, it is noted that the applicant proposes the current house site only because it is the location of a previously cleared log landing, and rather than developing new housing, it would be more consistent with the purpose of the C1 district to reclaim this site as forest or retained for future logging operations. Furthermore, the impacts to the interior forest blocks, connectivity blocks, and terrestrial wildlife road crossings, which are identified in the

[Vermont Conservation Design](#)¹ and [BioFinder 3.0](#)² reports, would be better minimized by locating new housing in existing development areas, or on the exterior edges of these resources.

Regardless of whether the Commission determined that the project met all other PUD-R criteria and thus would merit a frontage waiver, there is the separate issue of driveway requirements.

Discussion – Waiver for Multiple Dwellings on One Driveway

Under ZR Section 3.1(G)(5), a maximum of two dwellings may share the same driveway. This standard is mirrored in Section 501.0 of the Town's Standard Specifications for Construction (SSC); under both sets of regulations, access ways serving more than two dwellings must be provided by a road that meets the SSC requirements.

Other than an exception for subdivisions located in the Scenic Resource Preservation Overlay District, which is not applicable to this proposal, there are no criteria within the *Zoning or Subdivision Regulations* that allow the Planning Commission to waive the requirement of ZR Section 3.1(G)(5). In fact, SR Section 2.1(D) specifically states that waivers from the SSC may only be granted by the Selectboard if recommended by Public Works and the Planning Commission and waiver criteria in SR Section 2.1 are met.

Public Works and the Fire Chief expressed concerns about setting a precedent for waiving this standard, which could encourage other applicants to request the same in the future. Given this, the applicant's request for a waiver to allow 3 dwellings on a single driveway likely would not be granted. In order to accommodate an additional dwelling, the existing driveway must be upgraded as required by the SSC, or else a separate driveway meeting the standards in the SSC and ZR Section 3.1(G) must be provided.

SSC Section 503.2 requires a Type A Paved Rural Road for developments in the C1 zone. However, SSC Section 502.1 sets the maximum length of any dead-end public street is 900 feet to the center of the cul-de-sac; for private roads (only allowed in PUDs or for multi-unit dwellings with fewer than 20 units), the maximum length is 300 feet, or 750 feet for a looped road under SSC Section 501.0. As proposed, the portion of the access serving three units would be 1,500 feet, far in excess of the maximum; therefore, without a waiver, the only option to serve a third unit would be a separate driveway.

¹ Sorenson, E. & Zaino, R. (2018). *Vermont Conservation Design*. Vermont Department of Fish and Wildlife. Retrieved 12 Feb., 2021 from [https://anr.vermont.gov/sites/anr/files/maps/biofinder/Vermont Conservation Design - Summary Report - February 2018.pdf](https://anr.vermont.gov/sites/anr/files/maps/biofinder/Vermont%20Conservation%20Design%20Summary%20Report%20-%20February%202018.pdf)

² Hilke, J., Pryzperhart, M., Sorenson, E., & Zaino, R. GIS Specialist Engstrom, E. (2019). *Biofinder 3.0 Development Report*. Vermont Department of Fish & Wildlife. Retrieved 12 Feb., 2021 from [https://anr.vermont.gov/sites/anr/files/maps/biofinder/BioFinder%203_%20Development%20Report%202019_FIN AL.pdf](https://anr.vermont.gov/sites/anr/files/maps/biofinder/BioFinder%203_%20Development%20Report%202019_FIN%20AL.pdf)

Hans Huessy
1070 Old Pump Road
Essex, VT 05452
(802) 353-1019
hghuessy2@gmail.com

January 21, 2022

Dear Planning Commission Members,

I am writing to seek two waivers with respect to a proposed subdivision of a property located at 1070 Old Pump Road in Essex. I seek a waiver as to the use of a driveway by more than two homes and a waiver as to the requirement that a lot have actual road frontage. The property consists of approximately 120 acres and has a single home on it, located at the end of a half-mile driveway. *See the attached ANR map.* My family has resided at this property for over fifty years. Approximately forty years ago, the Town approved a ten-acre subdivision so that my brother could build a home. My brother's home and my family's home share a common driveway. *See Map entitled Existing Circumstances.* I would like to create a ten-acre lot as shown on the attached map entitled Proposed Subdivision if Waiver granted. The proposed ten-acre parcel was recently used as a staging area for a logging operation. *See Photo No. 3.* The bulk of the 120 acres are in the Common Use program as forestry land and the logging was done as part of the mandatory State management plan. Accordingly, the lot is largely cleared and the construction of a home in this area would not require any further clearing. There is also an easement for power and phone, if necessary, from the end of the line serving my family's home. Any such extension of that line would be installed in conduit underground.

The existing driveway is well constructed and designed and could easily accommodate a third home. It has multiple pull-over areas that allow for two vehicles to pass easily and the end of the drive-way empties into a large parking area in which a large vehicle, like a fire truck, can easily turn around. *See Photos Nos. 1, 2, 4, and 5.* Accordingly, the granting of a waiver allowing a third home to use the driveway would not create any unsafe conditions, nor would it create a difficult access for emergency vehicles. The proposed new home would be relatively small, 2,500 sq. feet or less, so occupation by large numbers of people is unlikely. For the foreseeable future, I would be the sole occupant.

Per the Town's Regulations, the Planning Commission has the authority to grant a waiver in circumstances where refusing to do so would create an extraordinary and unnecessary hardship. It can also grant a waiver when there exist special circumstances and the requirement of certain improvements is not necessary for the public, health, safety, or general welfare. The granting of a waiver should only be done if the objective of the regulation in question will be substantially achieved.

I grew up at my family home and have lived there with my mother for the last ten years. My mother passed away in September. I cannot afford to purchase my family's home and it is far larger than my needs. I own the family home jointly with my ten brothers and sisters. I maintain

ski and hiking trails on the property that connect to other trails systems and have a deep connection to this land. I want to remain on the property if at all possible. The property is a special place and was even included in a list of the thirteen most unique homes in the State. My mother operated a bed and breakfast called Homeplace on the property for decades and people from all over the world have visited and commented on the property's beauty.

Essex's Regulations allow for more than two homes to share a driveway in most, if not all, of its zoning districts other than the Conservation District. The purpose of the Conservation District is the protection of natural resources and steep slopes. The granting of waivers allowing three homes to share the existing driveway and not requiring that the lot have frontage on Old Pump Road will serve both of these purposes.

The property is very large but has extremely limited road frontage. I have a neighbor willing to sell me the additional road frontage to create the necessary 200 feet of frontage for the proposed lot, but if the Commission reviews the ANR map, it will see that it will be virtually impossible to add any further lots. In other words, the granting of a waiver will not create a slippery slope resulting in requests for further subdivision of this parcel. Under the current zoning regulations, it would be virtually impossible to further develop this parcel.

The Town regulations would permit the subdivision of the proposed lot, so long as it was served by a separate driveway and fronted on Old Pump Road. Accordingly, in the absence of a waiver, I could construct a second driveway and create a lot with frontage on Old Pump Road. *See Map entitled Alternative Lot.* This would run counter to purpose of the Conservation District. A second driveway would further fragment this woodland and negatively impact the property's natural resources. There are no steep slopes involved. Accordingly, the denial of this waiver application will not serve the purpose of the Conservation District but rather, do just the opposite, resulting in the further fragmentation of the forest and the clearing of additional wooded areas. There is also a significant deer path that crosses the existing driveway in the location where a home on the Alternative Lot would be located.

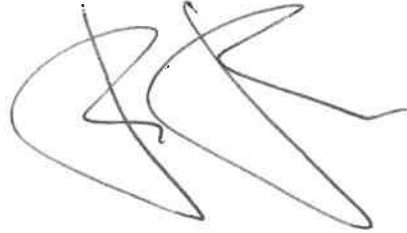
The denial of this waiver application would create an extraordinary and unnecessary hardship, forcing me to build a second driveway that would run parallel to the existing driveway separated by only twenty to thirty feet for its entire length. The property's size, shape, and lack of road frontage constitute special circumstances and the requirement of second driveway is not necessary for the public, health, safety, or general welfare. In addition, the granting of the waivers will advance the objective of the regulation in question.

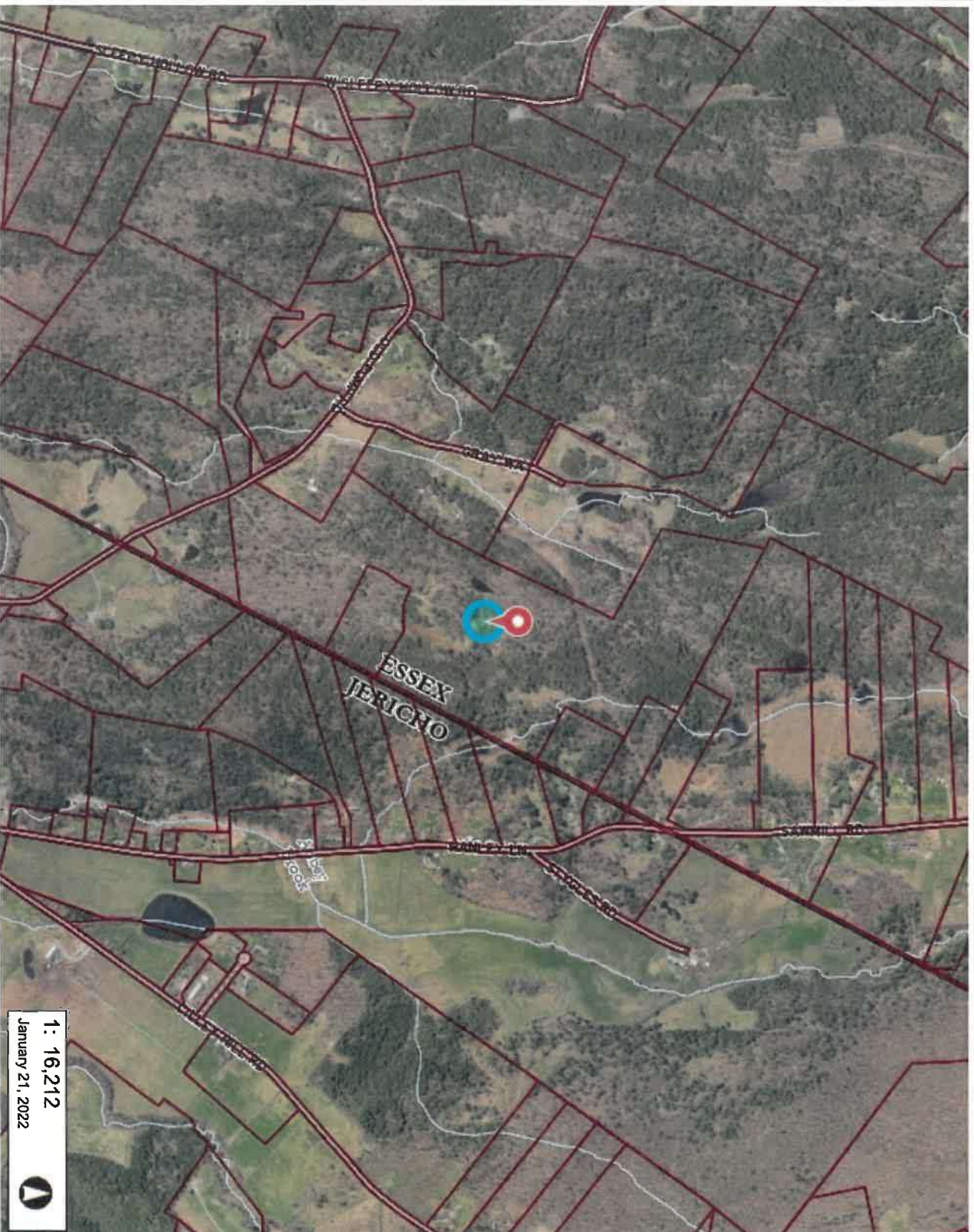
The granting of the waivers would not create a dangerous precedent. The waivers could expressly note that a developable lot exists and that the Town is allowing the substitution of the proposed lot for the developable lot because doing so is consistent with the purposes of the Zoning District, i.e., that granting the waiver would result in more. Not less, protection of natural resources. For any other landowner to rely on the waivers as precedent, they would first have to show that they have a lot that is developable without a waiver, and then show that the development of the alternative lot would be more consistent with the purposes of the zoning district. The waivers would also clearly establish that all 400 feet of road frontage along Old

Pump Road have been allocated to the two existing lots and is not available for the subdivision of any other lot. Finally, in return for the waivers, my family would likely be willing to grant a conservation easement on a substantial portion of the property, if a local land trust is interested.

For all the above reasons, I ask that the Commission grant my request for a waiver and allow me to use the existing driveway to access the proposed lot.

Sincerely,

A handwritten signature in black ink, consisting of stylized, overlapping loops and a long horizontal stroke extending to the right.

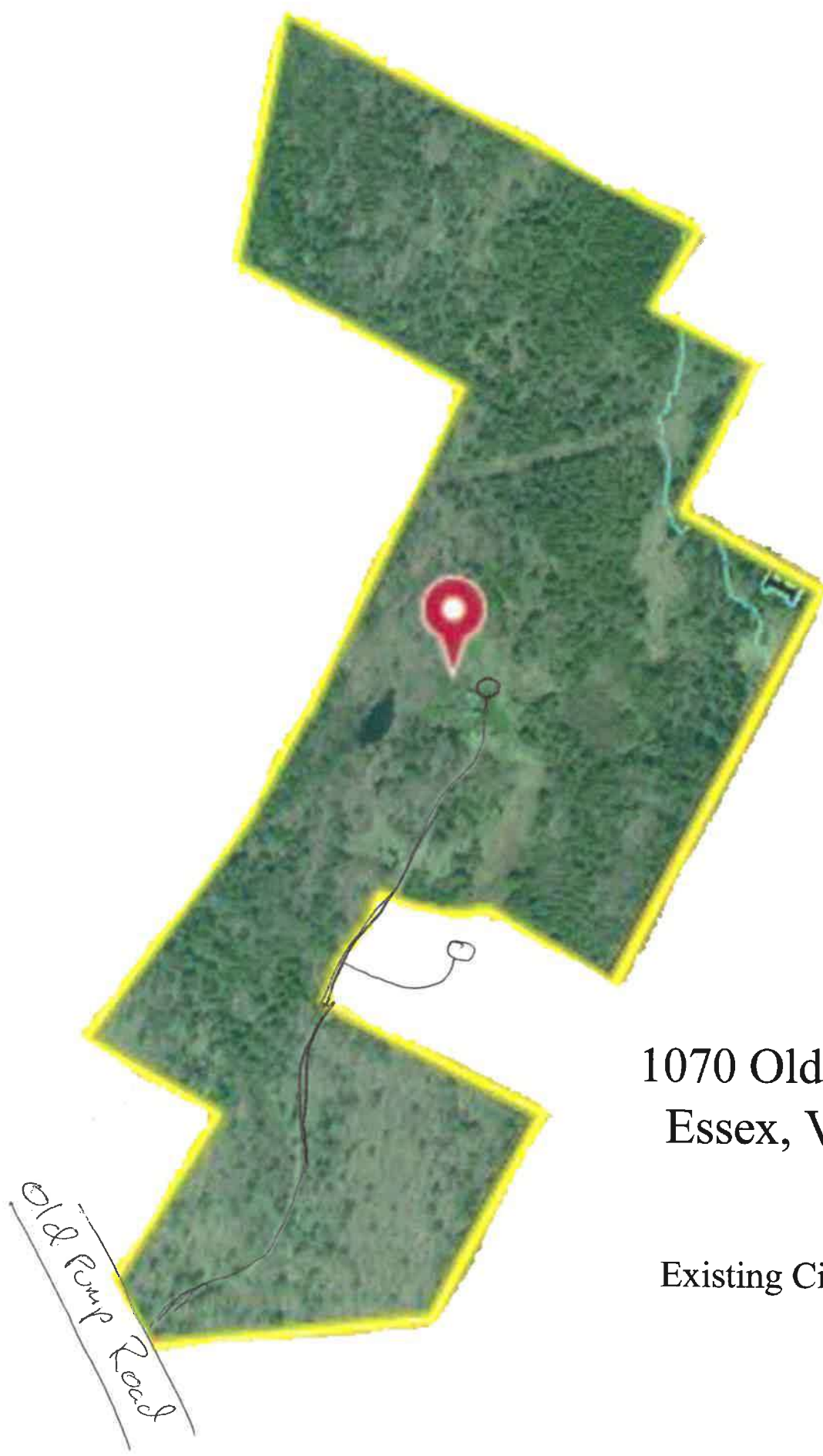


- LEGEND**

 - Parcels (standardized)
 - Roads
 - Interstate
 - US Highway: 1
 - State Highway
 - Town Highway (Class 1)
 - Town Highway (Class 2,3)
 - Town Highway (Class 4)
 - State Forest Trail
 - National Forest Trail
 - Legal Trail
 - Private Road/Driveway
 - Proposed Roads
 - Stream/River
 - Stream
 - Town Boundary

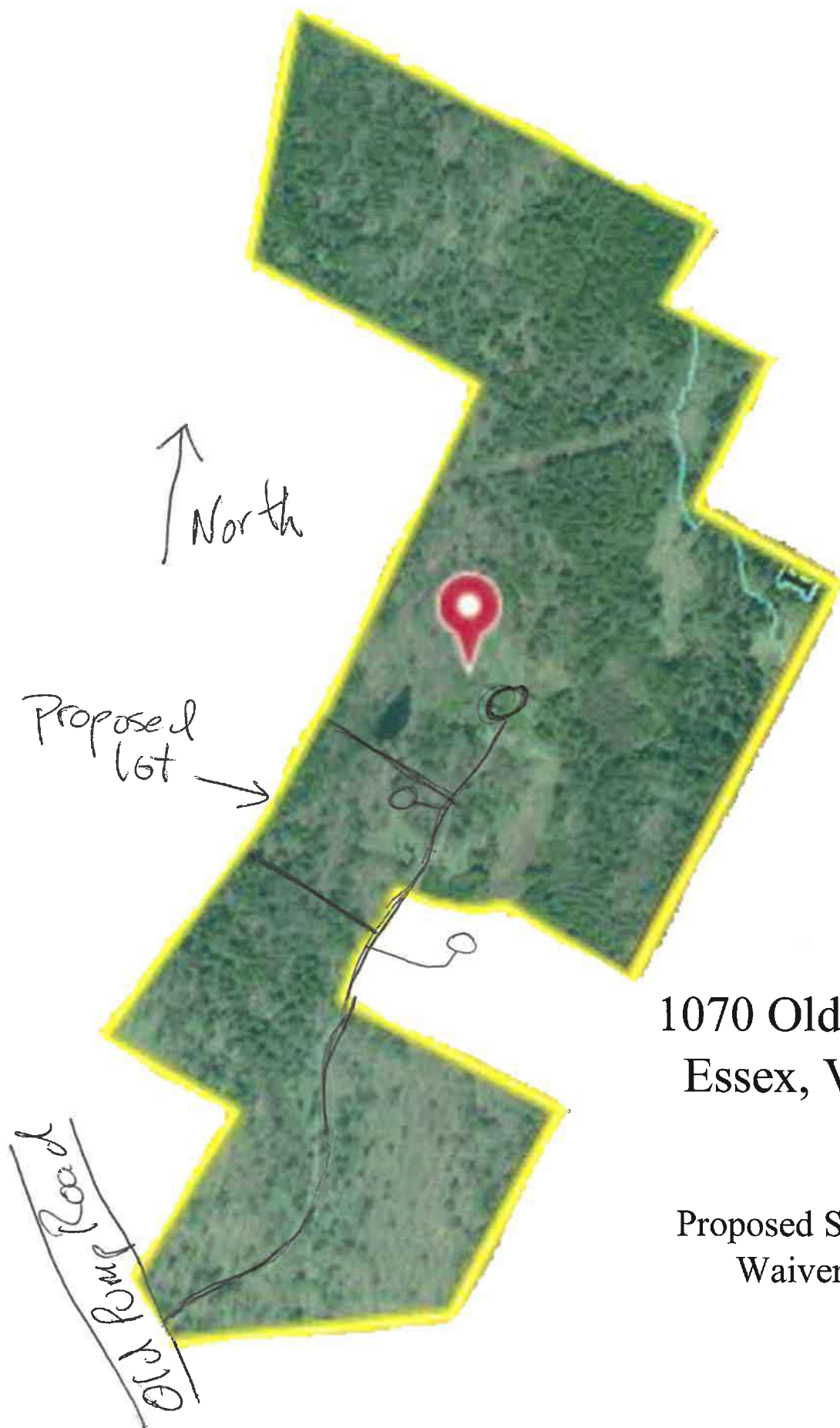
NOTES

Map created using ANR's Natural Resources Atlas



1070 Old Pump Rd.
Essex, VT 05452

Existing Circumstances



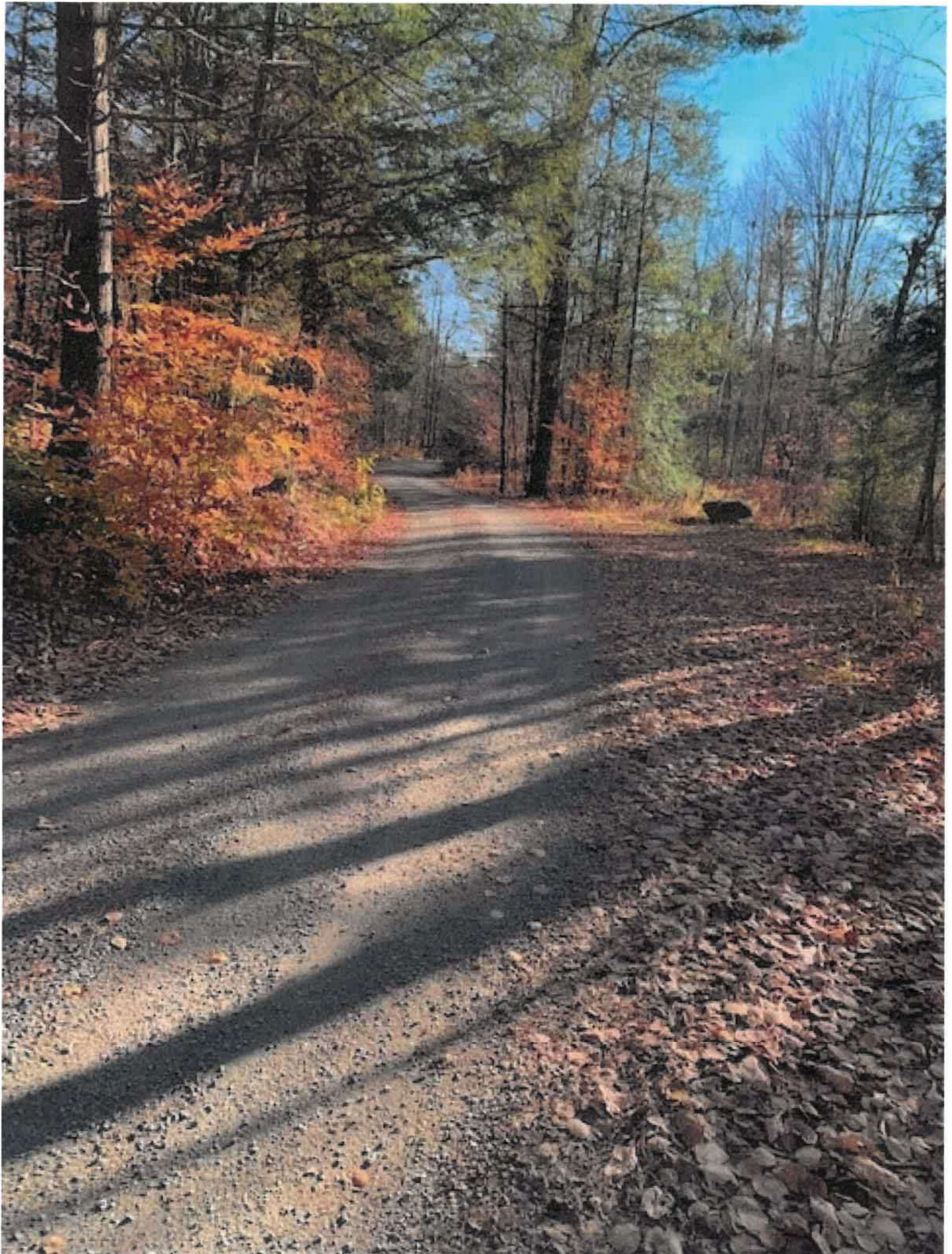
1070 Old Pump Rd.
Essex, VT 05452

Proposed Subdivision if
Waiver Granted



1070 Old Pump Rd.
Essex, VT 05452

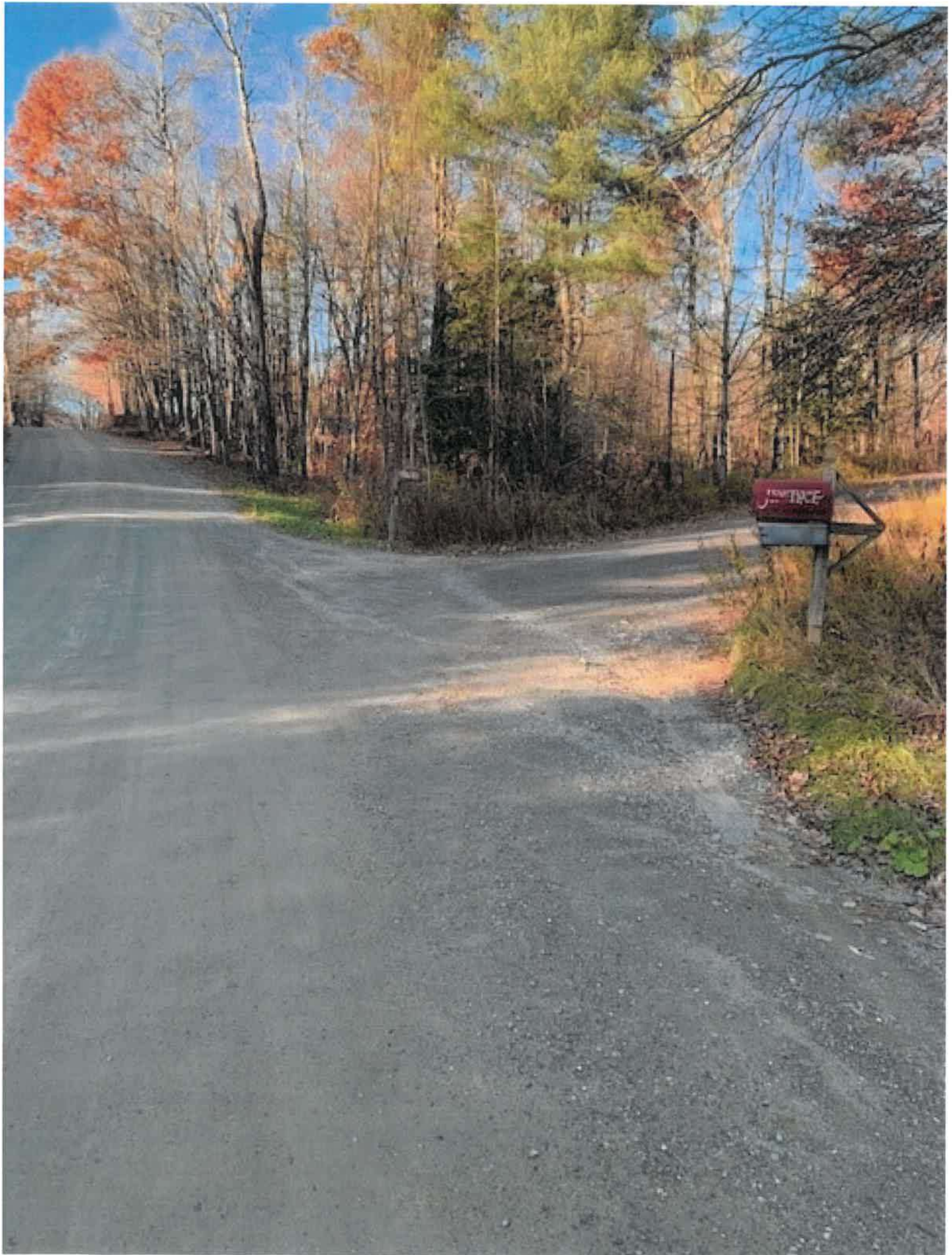
Alternative if Waiver
Denied













TOWN OF ESSEX VERMONT

81 MAIN STREET, ESSEX JUNCTION, VERMONT 05452 • 802/879-0413

TOWN OF ESSEX PLANNING COMMISSION AGENDA

August 22, 1985
7:00 P.M.

1. Minutes - August 15, 1985
2. Raymond Brothers
PUBLIC HEARING
FINAL SUBDIVISION APPROVAL
Rivers Bend Planned
Residential Development
River Road
3. Mariot and Hans Huessy
APPROVAL TO DEVELOP A
LOT WITHOUT ROAD FRONTAGE
Old Pump Road
4. Work Session:
 - Discussion and Review of Planning Commission
Operating Procedures
 - Discussion of Proposed Revisions to Section 1206 of
the Zoning Regulations, "Home Occupations"
5. Communications and New Business

* No applications will be started after 10:00 P.M.

Received for record, August 21, 1985
Jane M. Yandaw
Town Clerk

TOWN OF ESSEX PLANNING COMMISSION
MINUTES OF AUGUST 22, 1985 MEETING

Board Present: June Carmichael, David Jillson, Lee Stewart,
James Wadleigh, Alan Nye, (Rita Schug and John
FitzGerald were absent)

Administration: Dawn Francis, Town Planner;
Jerry Firkey, Zoning Administrator

Chairman Carmichael called the meeting to order at 7:12 p.m.

1
2
3 1. APPROVE MINUTES OF AUGUST 15, 1985

4 Jillson moved, seconded by Wadleigh, to approve the minutes of August
5 15, 1985 with corrections if any. Add to the top that Bernard Parizo,
6 B.O.S., was also present at the meeting. Line #3 change "18," to
7 "8,"; line #31 change "by Carmichael, Firkey, Francis, Ron Bouchard,
8 Mike Tomkowicz and Alan" to "by Carmichael, Firkey, Francis, and Alan
9 Nye from the Town of Essex, and Ron Bouchard and Mike Tomkowicz from
10 Pizzagalli"; line #32 delete "Nye."; line #34 change "requested" to
11 "asked"; line #78 delete "which would be the only way the motion could
12 be changed."; line #92 change "heard again." to "reopened."; line #143
13 after "pointed" add "out"; line #155 after "pertained" add "to" and
14 after "pointed" add "out"; line #164 after "the" add "7/18/85"; line
15 #168 after "for" add "a"; line #188 change "stipulation," to "require-
16 ment"; line #191 delete "45 foot (45')"; line #192 change "45 feet
17 (45')" to "50 feet (50')"; line #255 change "for records." to "be
18 made available for the records."; line #257 change "the" to "that";
19 line #258 change "the meeting." to "meetings."; line #265 change "if"
20 to "is" and after "the" add "official"; line #283 change "making" to
21 "marking"; line #315 after "evaluating" add "subdivisions and"; line
22 #318 after "have" add "a"; line #344 change "that" to "so much"; line
23 #347 change "shouldn't be at" to "should be a"; line #350 change "for"
24 to "that" and delete "to"; line #351 change "them." to "it."; line
25 #396 change "could be put" to "Carmichael suggested using the
26 following statement"; line #397 after "businesses" add "are not the
27 intent and shall be prohibited."; line #408 after "may" add
28 "in Carmichael's suggested wording"; line #409 change "Wadleigh" to
29 "Firkey"; line #412 change "buy" to "by"; line #426 change "said"
30 to "suggested" and change "would" to "type restaurant might"; line
31 #438 after "wanted" add "to use Carmichael's suggested wording, but
32 substitute"; line #517 change "doctor's" to "dentist's"; line #522
33 change "the" to "a"; line #572 change "the application." to "this
34 section."; line #576 change "would" to "could"; line #608 delete
35 "upon"; line #609 change "to include" to "beyond what is currently
36 proposed."; line #610 delete "Officer's Row."; line #614 change
37 "70-30" to "70%-30%"; line #641 change "the" to "they"; and line #642
38 change "the" to "those". All in favor of approving the minutes as
39 corrected, unanimous.
40
41

42 2. RAYMOND BROTHERS

August 22, 1985

5 3. MARIOT AND HANS HUESSY

6
257 APPROVAL TO DEVELOP A LOT WITHOUT ROAD FRONTAGE
258 Old Pump Road
259

260 Gilbert Myers, Attorney, stated that this is an application for a
261 one lot subdivision on the Huessy property, which lies on Old Pump
262 Road. He stated that you cannot see the house from the road, and
263 the driveway is about 1200 feet long. He stated that the Huessys
264 want to give this lot to one of their children to build a house on.
265

266 Carmichael stated that what we are looking at is a lot without
267 road frontage.
268

269 Mr. Myers stated that the driveway is in good shape, it's almost
270 the equivalent to Old Pump Road, it's about as wide and it's about
271 as well maintained as Old Pump Road.
272

273 Carmichael asked what the potential is for the Huessys wanting to
274 make the same type of arrangement for other children in the future?
275 Mr. Myers stated that he thinks that possibility exists, but he
276 doesn't think it's the same process. He stated that the Huessys
277 can do this once under the simple parceling provision, and otherwise
278 the Huessys would have to go via a subdivision. Carmichael stated
279 that if the Huessys wanted a subdivision, that the Commission could
280 require that the road be built to Town specifications.

281 Firkey stated that the Fire Chief has responded personally over the
282 last ten years to two fires at the Huessy's residence, and there was
283 no problem getting to the Huessy's house. He stated that the Police
284 Chief and the Fire Chief have no problem with the approval of this
285 application.
286

287 Wadleigh moved, seconded by Jillson, to grant approval to Mariot
288 and Hans Huessy to develop for a single family house a 10.07 acre lot
289 without road frontage on their property off of Old Pump Road with
290 the following stipulation: That a 20 foot right-of-way be deeded
291 to lot #1 with the right-of-way coinciding with the existing access
292 road. All in favor of the motion, unanimous.
293
294

295 4. WORK SESSION:
296

297 - Discussion and Review of Planning Commission Operating Procedures
298

299 - Page 2, under #5, paragraph 2, line 3 - delete "approved" and after
300 "minutes" add "titled "approved minutes"".
301

302 Wadleigh moved, seconded by Jillson, to adopt the new document titled
303 "Town of Essex Planning Commission Operating Procedures" as our
304 official operating procedure.
305

306 Stewart stated that he would be reluctant to have this become part
307 of an official procedure, because he thinks the moment the Commission
308 doesn't follow this document in precisely the order outlined, that
309 the Commission could be subject to litigation. Wadleigh stated that

Memorandum

To: Essex Planning Commission
From: Community Development Staff
Date: March 4, 2022
Subject: Work Plan Brief: ETC|NEXT

Summary

Implement zoning updates and planning initiatives outlined in the [ETC|NEXT Plan](#).

Discussion

Marked as a priority project by the PC, there are numerous specific elements within this effort. The plan's implementation table is attached, and indicates the following "short-term" action items:

- Amend the 2016 Town Plan to incorporate the [ETC|NEXT Plan](#) by reference
- Update Town Plan maps (and consider adopting an official map) for use in development review
- Finalize the [ETC|NEXT Design Guide](#) and begin code / regulation changes

The Planning Commission must first decide whether to pursue a Town Plan amendment to be voted on in November 2022, or for a later date. Though the former is an ambitious timeline, if successful, it would support another goal of applying for state planning designations, which in turn would expedite Act 250 permitting for housing development in the area enable the town to apply for state grants (some with limited funding timelines). This may be especially crucial given the financial implications of the Village separation.

Regardless, the Commission also should review the Design Guide to affirm or modify its recommendations, and then decide on a framework for revisions to the Regulations. As part of the ETC|NEXT project, the consultants drafted regulations based on earlier recommendations within the plan and design guide. This can serve as a starting point, or the Commission may choose other frameworks including any combination of the following:

- Modify the existing Business Design Control Overlay District
- Create new zoning districts with specific standards
- Update the existing standards throughout the regulations
- Implement a form-based code, either for the entire set of regulations or as a separate chapter specific to the ETC|NEXT area

Other items in the implementation table can be advanced concurrently by staff in consultation with the Planning Commission, including:

- Revising the sewer core map and sewer allocation to align with ETC|NEXT goals
- Updating infrastructure standards, service impact fees, and standard development agreements
- Working with VTrans on traffic, mobility, and site access considerations

There may be significant overlap between this project and others in the work plan, including updating the Town Plan, town-wide review of allowed / conditional uses, zoning changes to support housing development, and placemaking in the historic Essex Center.

In terms of organizing its approach to the work, the Commission may wish to consider:

- Establishing working group on ETC|NEXT specifically
- Addressing ETC|NEXT as a full Commission, informed by working groups specific to other projects
- Engaging a consultant to draft bylaws and conduct public engagement
- Forming (or reconvening) a steering committee including volunteers and staff
- Other ideas

Finally, the work outlined above will have substantial implications for how certain properties within the town center can be developed, some of which is already in progress. The Town should make sure to involve those stakeholders and work collaboratively while being transparent to the broader public.

Costs

Noticing a Town Plan amendment and updates to regulations would cost approximately \$70-100 for each newspaper advertisement, along with minor costs to print copies of draft documents for public review. These costs could be minimized if the plan and regulation amendments are noticed concurrently. Public engagement associated with these efforts may incur minor costs for surveys, events, and flyers / advertisement.

The actual work of reviewing the Design Guide and updating the regulations may be completed by the Planning Commission and staff at no additional cost. However, the Town may wish to consider engaging a consultant to assist with this; funds could be drawn from the \$15,200 available in the professional services category of the operating budget, as well as from the \$16,500 Bylaw Modernization Grant.

Recommendation

This memo is for discussion purposes only.

Memorandum

To: Essex Planning Commission
From: Darren Schibler, Town Planner
Date: March 4, 2022
Subject: Work Plan Brief: Bylaw Modernization Grant

Summary

Implement zoning updates under the [2022 VT Bylaw Modernization Grant program](#).

Discussion

Through this grant program, the Town was awarded \$14,850 (with a forgivable local match of \$1,650) to support regulatory amendments to promote smart growth housing development in pedestrian-oriented neighborhoods. Projects in this program must achieve the following (bolded items indicate specific new initiatives for Essex):

- Increase housing choice, affordability, and opportunity in smart growth areas. Consult Vermont Housing Finance Agency's [community housing profile](#) and [housing-ready toolbox](#).
- Consult [Enabling Better Places: A Zoning Guide for Vermont Neighborhoods](#).
- Consult the [Neighborhood Development Area](#) (NDA) designation checklists as a model for pedestrian-oriented smart growth neighborhoods, as appropriate.
- **Increase allowed lot/building/dwelling unit density by adopting dimensional, use parking, and other standards that allow compact neighborhood form and support walkable lot and unit density, which may be achieved with a standard allowing at least four per acre or allowing obtention of a State and/or municipal water & wastewater permit to determine allowable density.**
- **Increase allowed housing types and uses, which may include duplexes to the same extent as single-family homes.**
- **Reduce nonconformities by making the allowed standards principally conform to the existing settlement (lots, buildings, and uses) within designated centers.**
- **Include street standards that implement the complete streets principles as described in [19 V.S.A. §309d](#) and that are oriented to pedestrians.**
- **Include parking waiver provisions.**
- Comply with State & Federal Fair Housing Law, including the fair housing provisions of Vermont's Planning & Development Act.
- Implement the municipal plan's housing chapter unless the chapter itself needs updating.
- Based on the best available information and as appropriate, identify municipal water supply and wastewater disposal capacity and system constraints, and map the service areas.
- Avoid development of and minimize impact to important natural resources.
- Avoid new development in flood hazard areas, undeveloped floodplains, and river corridor areas, unless lawfully allowed for infill development or as acceptable in [§§29-201 of the Vermont Flood Hazard Area and River Corridor Rule](#).

The Enabling Better Places guide organizes bylaw reform into six topics:

- Dimensional Requirements (building height, setbacks, lot size, coverage, etc.)
- Parking standards (emphasis on reducing over-parking as much as possible)
- Allowable uses (minimizing restrictions on “missing middle” housing)
- Street standards (minimizing infrastructure footprint / costs and increasing connectivity)
- Accessory Dwelling Units or “ADUs” (reducing restrictions on these)
- Streamlining the Development Review Process to minimize permitting costs, especially when there is little public gain to additional review

The Town already meets many of these criteria or anticipates meeting them under existing programs and proposed regulatory amendments. Given that, staff anticipated using the bulk of the funds to commission a study estimating new housing development if the Enabling Better Places / NDA standards to all residential zoning districts within the sewer service area. This would help inform the process of sewer capacity reallocation and the potential to purchase additional capacity from the Village of Essex Junction. However, the grant funds could also be repurposed to focus strictly on bylaw amendments, particularly within the ETC|NEXT study area, and the associated public outreach.

Staff seek direction from the Planning Commission as to how this project should be approached, and would suggest starting with higher-level policy discussions and goal-setting. This can both refine the scope of possible bylaw changes needed and whether staff have capacity to draft amendments or need consultant / Commissioner assistance, as well as clarify the desired outcomes to inform decisions on proposed amendments.

Costs

The grant requires a local match of \$1,650, which can be drawn from the department’s Professional Services budget of \$15,200 for FY2023. The match will be forgiven / waived if the Town adopts bylaws meeting the above criteria by grant closeout (January 31, 2024).

The current project budget allocates \$2,000 for stipends to participants in public outreach events, with the remaining \$14,500 allocated to the buildout model consultant. This may be modified, subject to approval by the Agency of Commerce and Community Development.

Noticing draft regulations would cost approximately \$70-100 for each newspaper advertisement, along with minor costs to print copies of draft documents for public review. Public engagement associated with these efforts may incur similar costs for surveys, events, and flyers / advertisement.

Recommendation

This memo is for discussion purposes only.

Memorandum

To: Essex Planning Commission
From: Darren Schibler, Town Planner
Date: March 4, 2022
Subject: Work Plan Brief: Permitted and Conditional Uses

Summary

Review the tables of permitted and conditional uses and their definitions to reduce ambiguity, avoid extraneous review procedures, and support local economic and housing development while maintaining quality of life and municipal service capacity.

Discussion

The Zoning Regulations' uses and definitions were last updated significantly in 2011; significant economic, social, and political changes have occurred in Essex since then.

Some changes are required by new state laws or are logical updates with little impact. These have been included in the attached summary table of "Simple Zoning Updates" previously presented to the Planning Commission. Further discussion of how allowable uses affect housing may take place through work on ETC|NEXT, the bylaw modernization grant, and inclusionary zoning.

The Commission has also received a request to change the allowed uses the Resource Preservation District-Industrial to match the uses allowed in all other industrial districts. This should be reviewed in context of the purpose and history of the Saxon Hill area, along with other planning documents and public input.

One major public concern over this proposal is the potential for noise, odors, and other nuisances created by certain uses. Staff suggest that if industrial uses are expanded, the Planning Commission consider adopting performance standards to provide measurable and enforceable limits to these impacts.

Another concern is the increase in traffic generated by such uses. The Public Works Department and Vermont Agency of Transportation track this issue closely, and have planned for intersection upgrades and other improvements (generally funded by fees on new development), particularly within the Saxon Hill area but also throughout town. Staff do not feel significant zoning changes are necessary or capable of addressing this issue.

Staff have also noted a marked increase in the development of storage and warehousing projects in all industrial zones; these uses are space-intensive but contribute relatively little to the tax base and local economy. Meanwhile, historic industrial spaces at Fort Ethan Allen are generally vacant, perhaps due in part to disinvestment and lack of functionality for most uses. It is recommended that the Planning Commission collaborate with the Economic Development Commission and Economic Development Coordinator to study this issue and determine whether expanding allowed uses would attract higher value uses.

Costs

Noticing draft regulations would cost approximately \$70-100 for each newspaper advertisement, along with minor costs to print copies of draft documents for public review. Public engagement associated with these efforts may incur similar costs for surveys, events, and flyers / advertisement.

Simpler changes may be handled at no additional cost by staff, the Planning Commission, and Zoning Board of Adjustment. However, others (such as instituting performance standards or studying economic development issues) may require significant research that require outside assistance or require separate public engagement campaigns. Depending on the scope of work, it may be appropriate for the Town to pursue Municipal Planning Grants in the fall of 2022.

Recommendation

This memo is for discussion purposes only.

Essex Planning Commission Workplan 2/24/2022

	High Score = High Priority					
	3 = must happen this year; 2 = should happen in 1 to 2 years; and 1 = would like to happen in 3 to 5 years	3 = high impact; 2 = moderate impact, 1 = minimal impact	3 = not too difficult; 2 = moderately difficult; 1 = very difficult	3 = have resources now; 2 = there are resource options but not secured; and 1 = no resources available		
Topic	Urgency	Impact	Difficulty	Resources	Partners or others who can take lead?	Cross Cutting Benefits
ETC NEXT Zoning / Design standards	3	3	3		Public Works	housing, energy/climate change
Allowable / conditional uses (incl. Saxon Hill)	3	3	2		ZBA	
Bylaw Modernization Grant: sewer capacity, density (Senecal B1), PUD improvements, ADUS/missing middle, Development Review Process (incl. phasing), and parking - including bike & Evs	3	3	2		Public Works	housing, energy/climate change
Performance standards – general wellbeing; screening of mechanical equipment, appropriate berm/buffers/hardscape between incompatible uses; lighting standards/ordinance	3	3	2		ZBA	
Inclusionary Zoning - both in ETC and throughout the Town	3	3	1		Housing Commission	housing
Rezoning Senecal and Ehler lands off VT-15 / VT-289	3	3	1		Public Works	
Solar & Electric Charging Ready (commercial and residential)	3	2	3		Energy Committee	
Saxon Hill Master Plan (Senecal land swap)	3	2	1		Economic Development Commission	
2024 Town Plan update (including wildlife habitat & forest blocks, state designations)	2	3	1		CCRPC, Conservation & Trails, EDC, etc.	energy/climate change
Fort Ethan Allen rezoning	2	2	2		Economic Development Commission	housing, energy/climate change, economic development
Energy Efficiency - carbon neutral zoning	1	2	3		Energy Committee	energy/climate change
Old Historic Center placemaking (follows ETC)	1	1	2			housing, energy/climate change

Implementation Table

Category	Key Next Step	Timeframe			Responsibility
		Short	Medium	Long	
Advancing the Plan	1. Amend the 2016 Essex Town Plan to incorporate the final ETC I Next Master Plan, by reference or as an addendum, as the policy and design basis for associated bylaw amendments – and consideration in state Act 250 review and applications for state designation. Plan amendments can be presented for public hearing and adoption concurrently with associated bylaw amendments.	✓			Planning Staff and Planning Commission
	2. Update plan maps used in development review to show proposed public improvements (e.g., rec path and street networks) presented in the ETC I Next Master Plan. Consider the adoption of an “official map” (under 24 V.S.A. § 4421) for use in development review, as also supported by the town’s capital improvement program, that depicts the general location of planned public rights-of-way (streets, recreation paths), open spaces (parks, plazas), and facilities (buildings, parking areas, structures) within the ETC.	✓			Planning Staff and Planning Commission
	3. Study and consider applying for state designations in relation to associated eligibility requirements and available benefits – e.g., for Village Centers (historic town center), New Town Center (mixed-use districts), and associated Neighborhood Development Areas – with consideration given to existing Essex Junction program designations.		✓		Planning Staff and Planning Commission
	4. Finalize the associated Design Report for this Plan and move forward with code changes for the ETC. The updated code should address all aspects of the Design Report including site layout, parking, uses, forms, and public realm requirements. Work collaboratively with the Planning Commission to review/finalize documents and seek adoption by the Town Selectboard.	✓	✓		Planning Staff and Planning Commission

Addressing Infrastructure

Category	Key Next Step	Timeframe			Responsibility
		Short	Medium	Long	
Addressing Infrastructure	5. Explore a variety of options for the financing of infrastructure improvements and public amenities, including but not limited to user fees, impact fees, grants, dedications, special assessments, a municipal tax increment financing district, ted cost-sharing agreements, and municipal bonding.		✓	✓	Planning Staff and Public Works
	6. Review and update current wastewater, stormwater management, impact fee and public works standards as needed to support ETC Master Plan recommendations – including targeted land use allocations, development densities, lot coverage requirements, street cross-sections, and associated infrastructure improvements.		✓	✓	Planning Staff and Public Works
	7. Study the implications of and update provisions for establishing infrastructure agreements under the public works standards. Such provisions should address how required development agreements established through a subdivision or master plan process consider the timing, installation and financing (public or private) of either required or desired infrastructure improvements, civic spaces, and other public or shared amenities.		✓	✓	Planning Staff and Public Works
	8. Revise the mapped “Sewer Core” (sewer service area) to coincide with ETC districts proposed for higher density development. Study the implications of reallocating wastewater capacity, under the current wastewater allocation ordinances, to support planned densities of development within the ETC (see recommendation #2, above).		✓	✓	Planning Staff and Public Works

Category	Key Next Step	Timeframe			Responsibility
		Short	Medium	Long	
Addressing Design on VT Route 15	9. Work with VTrans and CCMPO on a future traffic study to consider the potential implications of increased density within the ETC. Bring the results of this analysis into consideration of changes to public works standards and consultation with VTrans on site access, identity, and mobility considerations along VT Route 15.		✓		Planning Staff and Public Works
	10. Complete an analysis and study of gateway/arrival elements within the ETC to address specific wayfinding features and potential pedestrian improvements. Evaluate needs for infrastructure in support of the ETC next vision as it relates to sidewalks, crosswalks, lighting, and local utilities.		✓		Planning Staff and Public Works
	11. Evaluate options along VT Route 15 to advance the ETC vision. Contact VTrans and address the potential for in reclassification of the route as a Class 1 Town Highway relative to identified concerns and established state policies. Review the goals and objectives of the Plan with VTrans to discuss other options as needed.			✓	Planning Staff and Public Works

Good afternoon,

I have some serious concerns around a developer showing up at last week's "agenda" less planning commission meeting that seems to have no information in the packet despite there being a spreadsheet shared during the meeting.

The public has the right to see these things when the meetings are warned.

Our community spoke loudly about Saxon Hill remaining RPD-I when we did those community surveys a couple of years back. It sounds like a developer is requesting waivers/rezoning in that RPD-I zoning district. I want to ensure it remains RPD-I as we move through very critical work around climate change impacts, an historic separation, and local economic development that seems to have little emphasis on a circular economy and agriculture.

A bill just passed, largely influenced by our Fish, Game and Wildlife department, upping our state old forest growth (100 years) target from its current 1% status to a target of 9%. One of our state issues is that 80% of our forests are privately owned. I will have to look back, but I believe our state legislators were looking at our forests as an economic commodity that could be sold to offset carbon emissions from other states. I do not want to lose our potential economic edge here in Essex without understanding the full implications of changing regulations in our Saxon Hill district which is certainly one of our crown jewels. Do we have an inventory of forests in our town, both publicly and privately owned?

Mr, Senecal seemed to imply that he helped our town out by buying land from Hector LeClair thus ending a lawsuit. Why did he bring that up given it should have zero bearing on our town planning?

A very very concerning thing for this citizen to witness after watching how three massive buildings were built up against an existing neighborhood through a waiver on a hand-shake deal. That was an outsized lot that clearcut a heck of a lot of trees.

I am also very concerned about location and truck distribution from that area. We are not well suited in that area for distribution.

I would appreciate understanding more about this process and who the decision makers are for a proposition that really cries out for a lot of public input.

Thank you,
Lorraine Zaloom
Essex

Allen Brook Development, Inc.



November 23, 2021

VIA EMAIL

Sharon Kelley, Zoning Administrator
Town of Essex
81 Main Street
Essex Junction, VT 05452

RE: RPD-I Zoning Request – Saxon Hill Industrial Park

Dear Sharon:

We saw that the Planning Commission has been working on some amendments to the Zoning & Subdivision Regulations recently and we were hoping they would also consider expanding the list of permitted uses in Resource Preservation-Industrial Zoning District (RPD-I).

As you know the RPD-I zoning district totals 751.7-acres and in 2014 Allen Brook Development purchased a 401.5-acre parcel from Hector LeClair which is often referred to as the 'Saxon Hill Industrial Park'. In 2016 Allen Brook Development and the Town of Essex negotiated a Settlement Agreement that resolved decades of conflict and resulted in a four-lot subdivision where 170.99-acres were retained by Allen Brook for industrial development, and 230.51-acres were transferred to the Town for recreation and conservation; this allowed for the official creation of the Saxon Hill Town Forest

As stated in the Town Zoning Regulations the objective of the RPD-I zoning district "is to protect such natural attributes for public enjoyment, and to carry out development activities in harmony with the natural surroundings". To accomplish this objective 60% percent of the land in the RPD-I must be reserved for conservation and recreation and the remaining 40% can be developed with the permitted uses listed under section 2.14(B).

Our request is that the Planning Commission consider adopting the list of permitted uses from the Industrial (I1) zoning district for the remaining 40% of industrial land in the RPD-I zoning district. Attached is a list of the permitted uses in the I1 zoning district; the highlighted uses are allowed in the I1 district but not the RPD-I. Over the past few years we have lost a couple of potential tenants which would have been great additions to the Industrial Park because their use was not allowed, but would have been with I1 zoning.

We look forward to discussing this in greater detail with the Planning Commission at their next available meeting, please let me know if you need any additional information to process this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Bertsch".

Brian J. Bertsch, P.E.

31 Commerce Ave.
South Burlington, VT 05403
Phone: (802) 862-0517 x227
Fax: (802) 865-2334
E-Mail: bbertsch@omegavt.com
Web: www.omegarealtyvt.com

Table 2.10 INDUSTRIAL DISTRICT (I1)

(A) **Purpose:** This area provides for employment opportunities in manufacturing, warehousing, research and development and commercial uses which specifically serve the industries or their employees in areas serviced by good transportation facilities and public utilities. Other uses incompatible with industrial uses, such as residential uses, shall not be permitted for the health, safety and welfare of the community.

(B) **Permitted Uses** (see definitions, use standards):

- (1) Accessory Structure/Use
- (2) Agriculture (Table 1.1; Section 4.2)
- (3) Automotive Repair Shop
- (4) Caretaker Apartment (see (F)(1) below)
- (5) Contractor's Yard
- (6) Equipment Sale, Rental and Repair
- (7) Essential Services
- (8) Forestry (Table 1.1)
- (9) Light Manufacturing (see (F)(2) below)
- (10) Machinery Repair/Major
- (11) Machinery Repair/Minor
- (12) Municipal Facilities (Section 4.14)
- (13) Neighborhood Shopping Center
- (14) Office
- (15) Office/Major (Min: 15,000 sq ft gross leasable area)
- (16) Parking Facility
- (17) Recreation/Public Outdoor
- (18) Recycling Establishment
- (19) Research and Testing Laboratory
- (20) School/Technical, Vocational (Section 4.14)
- (21) Small Production and Sales
- (22) Storage, Warehouse and Distribution
- (23) Trucking Terminal
- (24) Wholesale Establishment

(C) **Conditional Uses** (see definitions, use standards):

- (1) Convenience Store/ Existing
- (2) Day Care Facility (Section 4.5)
- (3) Extraction of Earth Resources (Section 4.6)
- (4) Firewood Processing and Sales
- (5) Junkyard (Section 4.10)
- (6) Public Facilities (Section 4.14)
- (7) Recreation/Indoor

*Uses highlighted in RED are allowed in the I1 zoning district but not the RPD-I zoning district.

(D) **District Dimensional Requirements** (unless otherwise specified for a particular use)

Dimension	Off-site Water and Sewer	Off-site Water or Sewer	On-site Water and Sewer
Minimum Lot Area – Nonresidential	40,000 sq. ft	60,000 sq. ft.	100,000 sq. ft.
Minimum Lot Frontage	200 feet	200 feet	200 feet
Minimum Front Setback (from ROW)	50 feet	50 feet	50 feet
Minimum Side Setback (also see (F)(3) below)	25 feet	25 feet	25 feet
Minimum Rear Setback (also see (F)(3) below)	25 feet	25 feet	25 feet
Minimum Buffer/Residential Districts (see (F)(3) below)	50 feet	50 feet	50 feet
Minimum Buffer/Surface Waters (see Section 3.11)	Varies	Varies	Varies
Maximum Lot Coverage – All	70%	70%	70%
Maximum Height (see Section 3.6)	45 feet	45 feet	45 feet

(E) **PUD Requirements:** Planned Industrial Developments (PUD-Is) may be allowed in this district in accordance with the provisions of Section 6.5 of these Regulations and the following dimensional standards, which may supersede the above district dimensional standards to allow for more creative design:

Dimension	Off-site Water and Sewer	Off-site Water or Sewer	Off-site Water and Sewer
Average Lot Area	30,000 sq. ft.	30,000 sq. ft.	30,000 sq. ft.
Minimum Lot Frontage	200 feet	200 feet	200 feet
Minimum Front Setback	25 feet	25 feet	25 feet
Minimum Side Setback (also see (F)(3) below)	25 feet	25 feet	25 feet
Minimum Rear Setback (also see (F)(3) below)	25 feet	25 feet	25 feet
Maximum Lot Coverage	PUD Requirements Apply		

Allen Brook Development, Inc.



February 24, 2022

VIA EMAIL

Sharon Kelley, Zoning Administrator
Town of Essex
81 Main Street
Essex Junction, VT 05452

RE: Zoning Requests for 2022 Work Session

Dear Sharon:

Thank you for taking the time with us earlier this week to discuss the Planning Commission's upcoming 2022 work session. Please pass these comments on to the Planning Commission for consideration.

Dear Planning Commission Members:

I understand at tonight's Planning Commission you will be discussing your work plan for the upcoming year and I was hoping for the opportunity to submit a few requests for land I own.

Below is a list of three projects I would like to discuss in greater detail, either tonight, or at a future work session. My hope is you will consider each of these because I feel each can be an enormous benefit to the Town of Essex.

1. Saxon Hill Industrial Park (RPD-I and I1 Zoning Districts):

Allowed Uses: Earlier this year we submitted a request for the Planning Commission to expand the list of allowed uses in the RPD-I zoning district. This request came because we are getting a lot of interest from area businesses looking to relocate to Essex but are being restricted by the current list of uses.

Now that the perimeter of the Industrial Park has been protected by conserved land (that the Town owns) I hope you can revisit the list of allowed uses.

Saxon Hill Master Plan: In 2014 I purchased 401.5-acres at the end of Thompson Drive from Hector Leclair and then worked with the Town to resolve decades of conflict that resulted in me donating 245-acres for the creation of the Saxon Hill Town Forest.

Since then I have bought two other large adjacent properties; a 50.0-acre property from David Villeneuve and a 259.3-acre property from Warren Palmer. The total area for my three parcels is now 465-acres, and the total area for the land I donated to the town and the adjacent school district property is 335-acres; the combined area of my land and the Town's land is approximately 800-acres.

31 Commerce Ave.
South Burlington, VT 05403
Phone: (802) 862-0517 x227
Fax: (802) 865-2334
E-Mail: asenecal@omegavt.com
Web: www.omegarealtyvt.com

I would like to work with the Commission on a Master Plan for this area that builds upon the 2019 Saxon Hill Vision Framework document that was approved by the Planning Commission and Selectboard.

The addition of these two new properties gives us the opportunity to improve access to the Town Forest and public trails as well as make improvements to layout for the Industrial Park, resulting in a more efficient design.

2. 38, 40, 48 & 60 Upper Main Street (AR Zoning Districts):

Zone Change: For years I have owned 230-acres on the south side of the Circumferential Highway that has been zoned Agricultural-Residential. When the Circ. Highway was built it bisected the AR district and created a triangle of land that's now bound by RT 15, the Circ Highway, and RT 2A. The total area for this triangle of land is approximately 550-acres and it is surrounded by major roads, town water, town sewer, natural gas and power; its only limitation is being just outside the Towns sewer core.

For years I have talked to Planning and Zoning about a potential zone change and was told it wouldn't be possible without a change to the sewer core. I then talk to Public Works and am told they cannot change the sewer core until the zoning changes.

Hopefully this year we could bring both sides together to develop a plan for this area as it's a great spot for infill development and has the potential to solve a lot of the Town's housing needs with a zoning change.

3. 21 Pinecrest Drive, 7 & 9 Joshua Way (MXD Zoning District):

Congregate Housing Density Bonus: I own 12-acres off of Susie Wilson Road and Pinecrest Drive where I have built 124-units of Congregate Housing. When I first permitted these projects the MXD zoning district allowed a 400% density bonus for congregate housing units, the Zoning Regulations have since changed and there is no longer a bonus for congregate housing and density is limited to 4-units per acre.

This location has been tremendously popular for the seniors because it's affordable, close to the pharmacy, restaurants, and grocery stores, and on the bus route.

The land I own has the available space, and sewer capacity, to add an additional 50-units but not without the density bonus. I would like the Planning Commission to reinstate the Congregate Housing density bonus in the MXD zoning district so we keep up with the demand for senior housing.

Finally I would like to state as a resident of Essex and local developer I am dedicated to working with the Town to help meet the needs of our growing community. In 2016 we had success together and I would like to opportunity to work with the Town again on these three projects which will provide more public trails, employment opportunities, and quality affordable housing.

Sincerely,

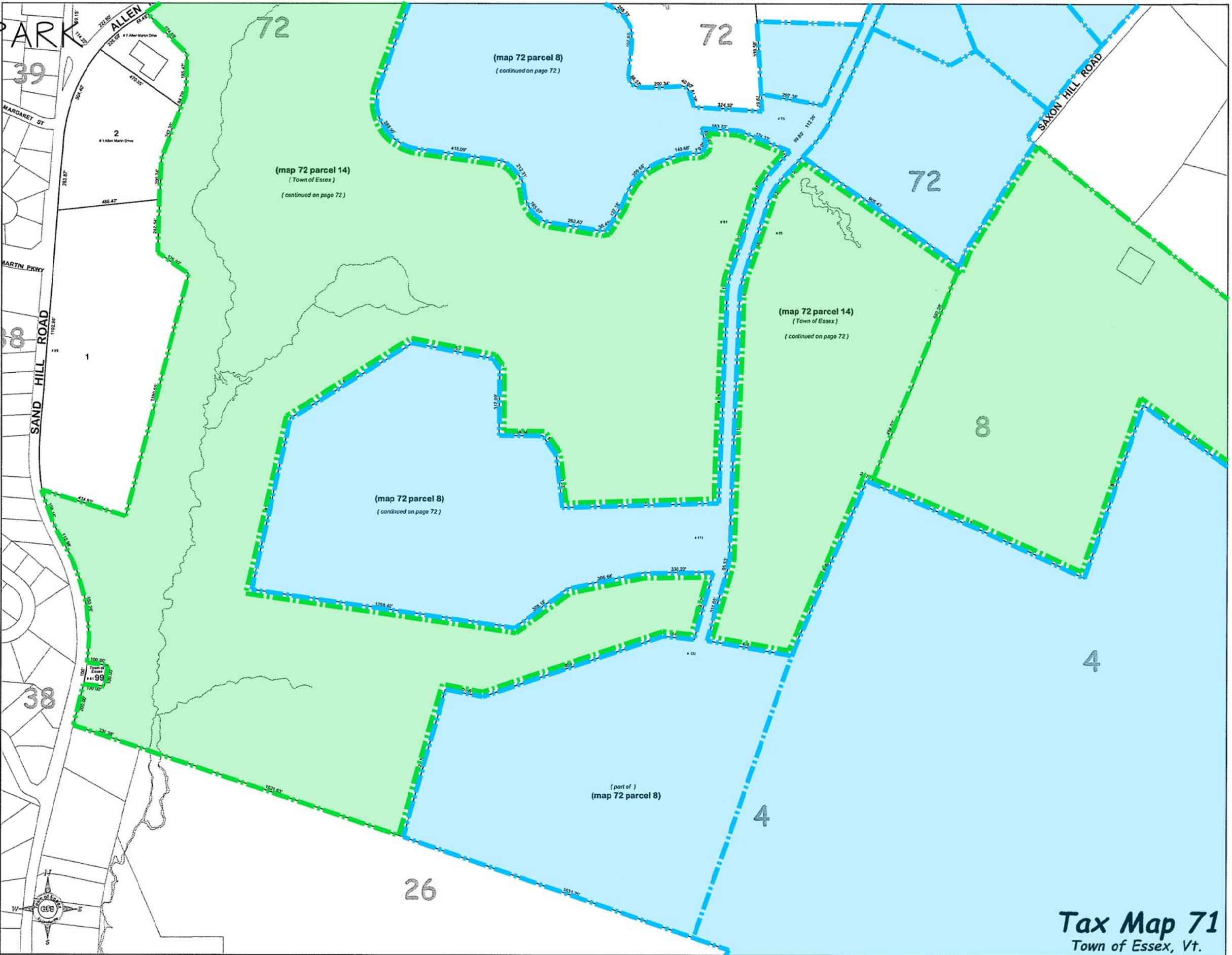
Al Senecal

MAP 1 OF 3

***The information depicted here is approximate only and is not to be used for legal conveyances**

Original (24"x36") Scale : 1 inch = 200 feet

last revision : June 2018



Tax Map 71
Town of Essex, Vt.

SAXON HILL
INDUSTRIAL PARK

MAP 2 OF 3

SENECAL PROPERTY

TOWN OF ESSEX

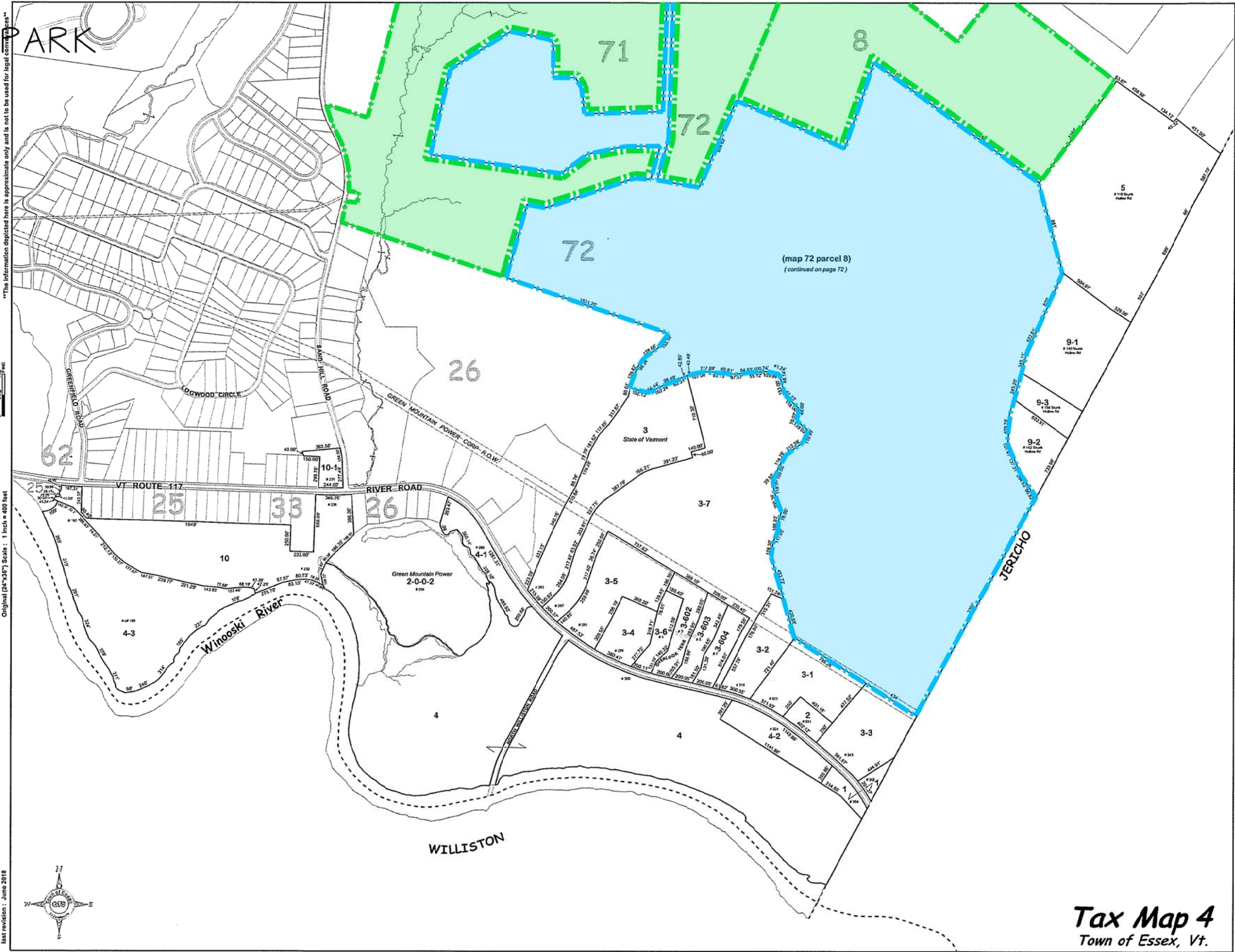


SAXON HILL
INDUSTRIAL PARK

MAP 3 OF 3

SENECAL PROPERTY

TOWN OF ESSEX



MAP 1 OF 1

"The information depicted here is approximate only and is not to be used for legal conveyances"

SENECAL PROP

Original (24"x36") Scale : 1 inch = 100 feet

last revision : July 2016

printed: 13-JUL-16 11:17:35 Wednesday

<i>parcel #</i>	Chase Condominiums owner
010-101	
010-102	
010-103	
010-104	
010-105	
010-106	
010-107	
010-108	
010-109	
010-110	
010-111	
010-112	

parcel #	owner	
017-601	_____	(# 13 A)
017-602	_____	(# 13 B)
017-603	_____	(# 13 C)
017-604	_____	(# 13 D)
017-605	_____	(# 13 E)
017-606	_____	(# 13 F)
017-607	_____	(# 13 G)
017-608	_____	(# 13 H)

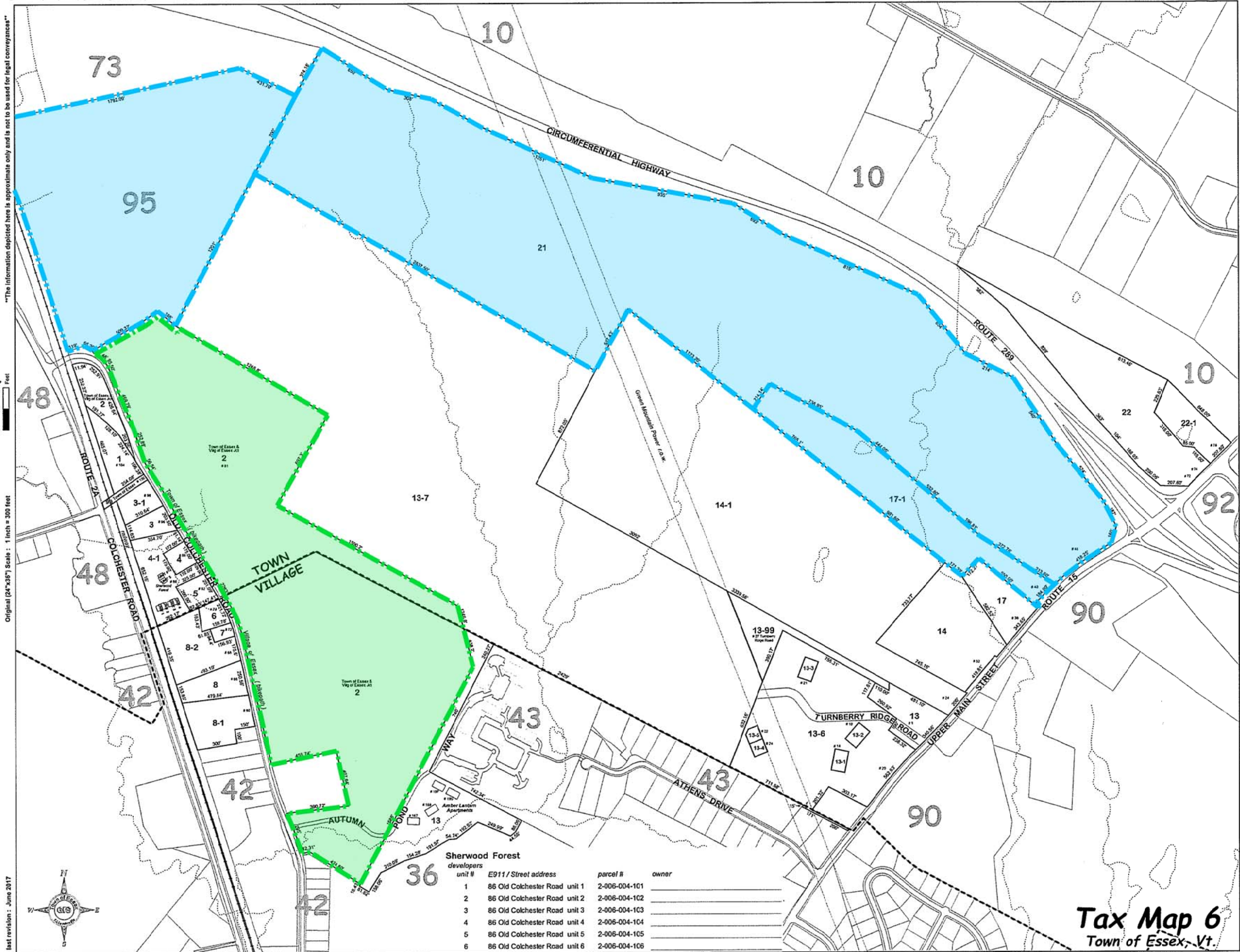
Tax Map 69
Town of Essex, Vt.

UPPER MAIN STREET

MAP 1 OF 2

SENECAL PROPERTY

TOWN OF ESSEX

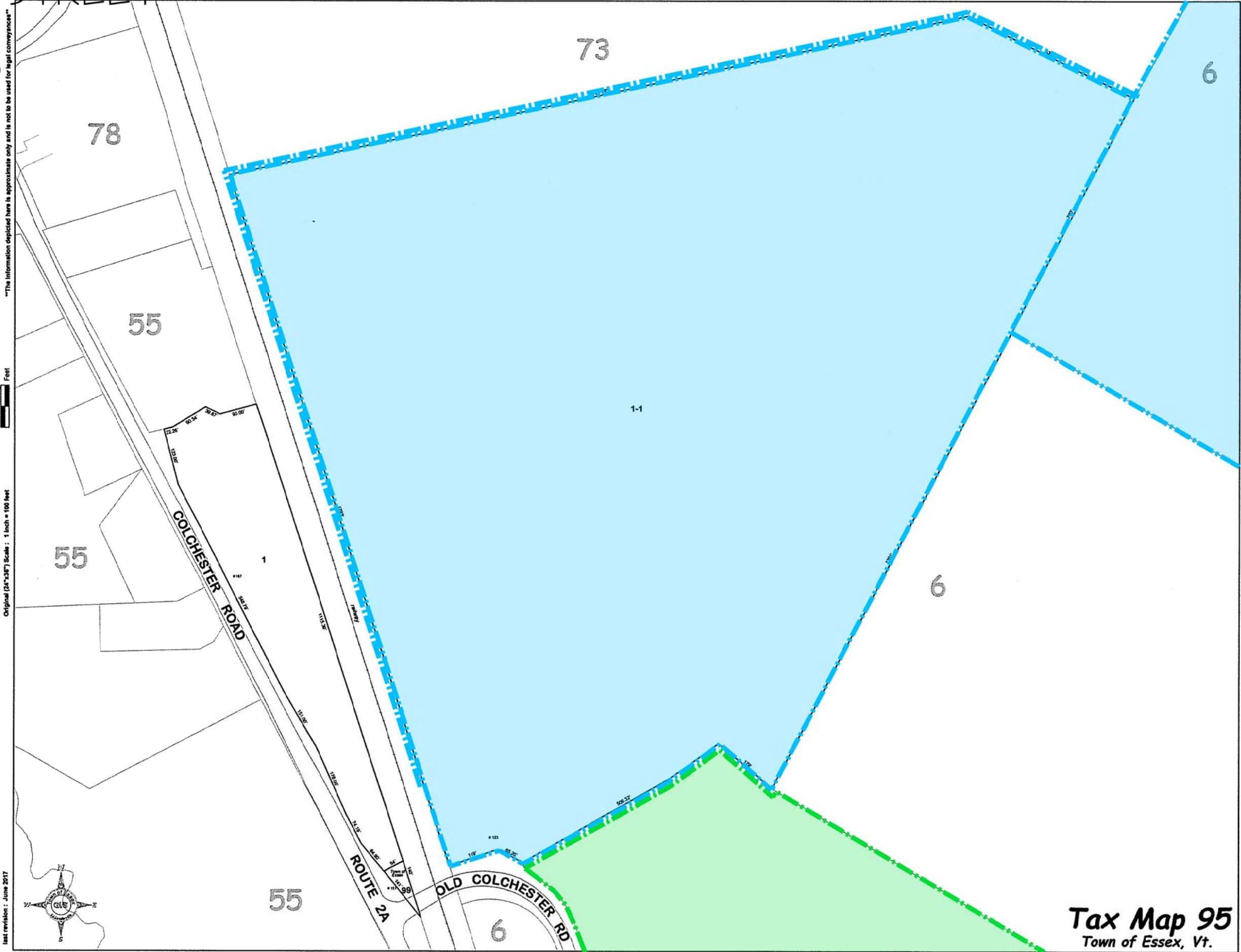


UPPER MAIN STREET

MAP 2 OF 2

SENECAL PROPERTY

TOWN OF ESSEX



Tax Map 95
Town of Essex, Vt.

TOWN OF ESSEX
PLANNING COMMISSION
DRAFT MINUTES
FEBRUARY 24, 2022

**Note: *This meeting was in-person and virtual on Teams.
*These minutes may be made amended prior to the March 10th meeting.**

PLANNING COMMISSION (PC) PRESENT:

IN PERSON: Ned Daly.

VIRTUAL: Josh Knox, Acting Chair; Dustin Bruso, PC Chair; John Mangan, Clerk; David Raphael; and Tom Furland.

OTHERS PRESENT:

IN PERSON: Darren Schibler, Planner; and Al Senecal.

VIRTUAL: Sharon Kelley, Zoning Administrator; Jean O’Sullivan, Economic Dev. Coordinator; Alexander LaRosa, Esq.; Walter McCarthy, Esq.; and Community T.V.

The meeting was called to order at 6:33 p.m. Chairman Bruso announced that he was under the weather and was not sure if he would be available for the entire meeting, therefore asked the Vice-Chair to take lead of this meeting. Acting Chairman Knox stated that this meeting was not to discuss the merits of any proposed changes to the Regulations, rather it was to determine where the PC wanted to land with its 2022 work plan. Knox said, “This meeting is how, not what.”

Acting Chair Knox announced that if any person from the audience or the PC wanted to discuss a topic not listed on the Agenda or comments relating to the Consent Agenda, the time to speak is under ‘Public Comments’.

AGENDA ITEM 1: PUBLIC COMMENTS: Al Senecal stated that an email was sent to staff just prior to the start of the hearing which reinforced topics that he requested the PC to consider. He noted that he spoke about one of the items, uses in the RPD-I zone, at a recent PC workshop. However, he had a few other requests that he hoped the PC would consider. Acting Chair Knox stated that they would take those comments during its workshop. Darren Schibler forwarded the email to the PC.

There were no other public comments.

AGENDA ITEM 2: CONSENT AGENDA:

BOUNDARY LINE ADJUSTMENT: Max Pellerin & Lake Champlain Transportation Company: Proposal to transfer .036 acres from 234 Colchester Rd to 250 Colchester Rd located in the Industrial (I1) Zone. Tax Map 77, Parcels 1 & 2.

Commissioner Mangan Moved and Commissioner Raphael Seconded a Motion to approve the Consent Agenda. The Motion passed 6-0.

AGENDA ITEM 3: Workshop: Continued Discussion re: 2022 PC Work Plan:

Darren Schibler brought up Senecal's letter on the screen. Al Senecal stated that he would like the PC to consider the following topics during its regulation amendment process, as follows:

- Uses in the RPD-I Zone;
- Change of Zoning District located at Upper Main Street where the mini-golf lands are located; and
- Reinstating 'Congregate Housing Bonus' on Pinecrest Drive.

Staff and the PC walked through a workplan, compiled by Regina Mahony of Chittenden County Regional Planning Commission (CCRPC), resulting from an earlier workshop. The document listed topics that were discussed at the previous meeting. The PC went through each item and rated, as a group, what items were urgent and difficult. The topics included the following, and additional topics were added to the workplan:

- ETC|NEXT/Design Standards;
- Fort Ethan Allen rezoning;
- Old Historic Center rezoning;
- Inclusionary Zoning;
- Bylaw Modernization Grant;
- Energy Efficiency; Sewer Capacity reallocation;
- Parking;
- Performance standards;
- 2024 Town Plan update;
- Saxon Hill uses;
- Saxon Hill land swap;
- Solar & Electric Charging;
- Rezoning lands off VT 15/VT 289; and
- Old Historic Center placemaking.

The PC and staff walked through and rated the issues that the PC previously discussed that they would like to consider for the upcoming amendments. The issues were rated on 'Urgency' and 'Difficulty'. The PC determined to discuss the 'Resource' category at a future workshop; and a brief discussion too place on 'Partners or others who can take the lead'. This topic was continued to the next PC meeting.

AGENDA ITEM 4: MINUTES 2/10/2022:

Commissioner Raphael MOVED and Commissioner Schumacher SECONDED a MOTION to approve the 2/10/2022 minutes as written. The MOTION passed 6-0.

ITEM 5: OTHER BUSINESS:

Commissioner Raphael noted that small work groups among the PC works well.

The meeting adjourned at 8:40 p.m.

PLANNING COMMISSION

By: _____
Dustin R. Bruso, Chair

STATE OF VERMONT

SUPERIOR COURT

ENVIRONMENTAL DIVISION
DOCKET NO. 22-ENV-00022

IN RE:
APPEAL OF JMW INVESTMENTS, LLC
SKETCH PLAN APPROVAL

MOTION TO STAY APPEAL

NOW COME Sharon and Henry Hayes, by and through their attorneys, Paul Frank + Collins P.C., and they hereby move to stay all proceedings and deadlines in the above-captioned appeal while appellant's preliminary and final plat applications are heard. The intent of this appeal is to ensure that Appellants' right to challenge various decisions in the sketch approval are not waived while the remainder of the application process is completed. Applicant JMW Investments, Inc. has consented to the stay.

DATED this 4th day of March, 2022.

SHARON HAYES and HENRY HAYES

BY: PAUL FRANK + COLLINS P.C.

BY: /s/ Mark G. Hall

Mark G. Hall, Esq.
PO Box 1307
Burlington, VT 05402-1307
(802) 658-2311
mhall@pfclaw.com

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