

TOWN OF ESSEX ZONING BOARD OF ADJUSTMENT
DRAFT MINUTES
JUNE 2, 2022

Note: This meeting was held in-person and virtually on Microsoft Teams.

ZONING BOARD OF ADJUSTMENT (ZBA) MEMBERS PRESENT:

In Person: Nick Martin, Chair; Michael Plageman, Vice-Chair (arrived at 6:07 p.m.); Tom Yandow, Clerk; and Hubert Norton.

OTHERS PRESENT:

Sharon Kelley, Zoning Administrator; Peter Edelmann; Shawn Cunningham; Karen Wischart; Chris Line; and Dustin Bruso.

VIRTUAL: None.

Chairman Martin called the hearing to order at 6:04 p.m.; took roll call of the Board Members present; provided the public oath and recognized the change to the Agenda.

AGENDA ITEM 1: CONDITIONAL USE: E O F Outlets, LLC c/o Peter Edelman: Proposal for outdoor seating for a restaurant located at 21 Essex Way in the Mixed Use-Planned Unit Development Zone (MXD-PUD) and Business Design Control Overlay (B-DC). Tax Map 92, Parcel 2-1.

Board Member Norton MOVED and Board Member Yandow SECONDED a MOTION to open the Fact Finding/Public Hearing. The MOTION passed 4-0.

Sharon Kelley stated that the applicant is requesting 85 outdoor seats for its newly opened restaurant. Kelley initially thought the application was going to go before the Planning Commission as 'Restaurant' is listed as a permitted use in the B1 zone. She reported that she spoke with PC Chairman Bruso about the application, noting that there was a sidewalk, a transfer of shrubbery after the sidewalk and the tables would be placed on the pavement under the awning, as well as around on the side of the unit. At that time, Chairman Bruso suggested a boulder be placed at the corner of the lot as a protection to the tables in that area. However, Kelley realized that the definition of 'Restaurant' requires outdoor seating to be reviewed by the ZBA and not the PC.

Board Member Norton asked if the seating would still allow pedestrians to walk through without blocking the area. Kelley replied that it would not block pedestrians.

Board Member Yandow asked how far the ZBA wanted to take protection and questioned the need for a boulder. Kelley replied that there are two stop signs coming from Essex Way that will slow down traffic, however when she spoke with the applicant, they were agreeable to place a boulder on the site. Kelley stated this it was up to the ZBA to determine if the boulder was necessary. Board Member Norton agreed with Yandow.

Shawn Cunningham and Peter Edelmann spoke on this application. Cunningham described the request to allow for 85 outdoor seats. Cunningham stated that if a vehicle was going fast they could turn in that area and head towards the building, however felt cars coming from the other direction would land on the other side of the road.

Peter Edelmann does not believe the boulder is necessary, however he has no problems with putting the boulder on the site. Edelmann noted that the sidewalk would remain open to pedestrian traffic and they could even get by the walkway under the canopy.

A brief discussed took place on traffic calming and crosswalks. Edelmann stated that he may, in the future, request a crosswalk and if he did, he would install speed bumps.

Board Member Norton asked if there were other considerations to consider to satisfy the requirement of the liquor license. Edelmann replied that the area would need to be roped off.

Chairman Martin asked about operating hours, outdoor lighting and heating. Edelmann reported the hours would be from opening to 9:30 p.m. He reported that there is existing lighting under the canopy and he plans to open to the ceiling and put in optic lighting. Chairman Martin instructed the applicant to work with the Fire Marshall if outdoor heating was going to be installed.

Dustin Bruso also stated that when first discussed, the application was going before the Planning Commission and, he acknowledged it was up to the ZBA to determine if the boulder was needed. Bruso used 'Hoagies Restaurant' as an example which showed more of a physical barrier between the sidewalk and tables. Bruso noted that the boulder was an opportunity to provide a barrier between the seating and the sidewalk. Bruso repeated that it is the purview of the ZBA and the PC appreciates the team effort to put something in place.

Vice Chair Plageman MOVED and Board Member Yandow SECONDED a MOTION to close the Fact Finding/Public Hearing. The MOTION passed 4-0.

Vice Chair Plageman MOVED and Board Member Norton SECONDED a MOTION to approve 85 outdoor seats for the restaurant located at 21 Essex Way, Suite 101, subject to the following Findings and Conditions.

FINDINGS:

- 1) The landowner is Peter Edelmann d/b/a EOF Outlets, LLC. The property is located at 21 Essex Way, Building 1, Suite 101, in the Town of Essex, Chittenden County, State of Vermont (Tax Map 2:092-002-001.) The parcel lies within the Mixed-Use Development-Planned Unit Development (MXD-PUD) Retail Business District; (B1) Subzone and the Business Design Control (B-DC) Overlay District.
- 2) The application is being reviewed under the Town of Essex Outside the Village of Essex Junction Official Zoning Regulations, Article V, Section 5.7 Conditional Use.
- 3) The proposal is to allow a recently opened restaurant named 'Bramble' to accommodate 85 outside seats. Zoning Permit #2021-184 was issued on 9/27/2021 for the restaurant use (in an existing commercial space); a sign permit was issued on 4/7/2022; and the Certificate of Occupancy was issued on 4/5/2022. The current tenant and owner of the restaurant is Shawn Hyer.
- 4) The Zoning Regulations define 'Restaurant' as follows:

Restaurant: *An establishment whose primary operation accommodates food and drink preparation, service, and consumption primarily in designated locations on premises. A deli in a grocery store, convenience store, supermarket, or free-standing structure serving food and sandwiches for off premise consumption only, shall not be considered a restaurant. Restaurants shall be allowed in designated zoning districts under Article II, however, restaurants including any of the following additional facilities shall be considered a conditional use (in only those districts allowing restaurants) subject to Board of Adjustment approval: take out service, catering, drive-through window, live entertainment, outside seating, or other additional facilities deemed by the Zoning Administrator necessary to warrant approval by the Board of Adjustment.* (emphasis added)

- 5) The following plans were submitted by O’Leary-Burke Civil Associates, PLC in support of this application:

Sheet 1: *THE ESSEX EXPERIENCE Essex, Vermont OVERALL SITE PLAN*, dated 4-25-22;
and
Sheet 2: *THE ESSEX EXPERIENCE Essex, Vermont EXISTING CONDITIONS PLAN*, dated 4-25-22.

- 6) It is noted that a large protective boulder, as shown on the plan, is shown on the plan near the existing drive as a barrier. In addition, it is noted that traffic is slowed due to the two existing stop signs on the private drive coming from the direction of Essex Way (east) to the point of this establishment.
- 7) Pursuant to state statute a ‘Notice of Hearing’ was provided to the applicant for posting on the property.
- 8) The abutting property owners were notified of this meeting by certified mail.
- 9) The landowner and applicant were mailed a copy of this Staff Report prior to the meeting.
- 10) The following persons spoke on this application.

Shawn Cunningham of O’Leary-Burke Civil Associates stated the request is to allow for 85 outdoor seats. Cunningham discussed the request for a boulder and the concern about traffic. He noted that if a vehicle was going fast, they could turn in that area and head towards the building, however he noted that cars coming from the other direction would land on the other side of the road.

Peter Edelmann, Landowner, does not believe the boulder is necessary, however he has no problems with putting the boulder on the site. Edelmann noted that the sidewalk would remain open to pedestrian traffic and pedestrians could even get by the walkway under the canopy.

Dustin Bruso, Planning Commission Chair provided the following comments on this application. Bruso stated that when first discussed, the application was going before the Planning Commission and, he acknowledged it was up to the ZBA to determine if the boulder was needed. Bruso used

‘Hoagies Restaurant’ as an example which showed more of a physical barrier between the sidewalk and tables. Bruso noted that the boulder was an opportunity to provide a barrier between the seating and the sidewalk. Bruso repeated that it is the purview of the ZBA and the PC appreciates the team effort to put something in place.

- 11) In an email dated 5/25/2022, Public Works stated that they reviewed the applications and offered the following comments,

Transportation:

1. *Public Works is of the opinion that there will be no significant change in the overall traffic flows to and from the existing Essex Experience caused by the change of use of the retail space to a restaurant. Businesses have come and gone over time with uses of the commercial space at this location generally staying the same. Staff does not see any significant impact to the surrounding transportation infrastructure throughout the Town Center area.*

Water and Sewer:

1. *The most recent accounting of water and sewer allocation for the Essex Experience has been reviewed and approved by Public Works. After reallocating water and sewer allocation to cover the proposed restaurant Bramble, and the future Cidery planned for Building 2, The applicant will not be required to apply for the additional sewer allocation from the Town. The new Bramble Restaurant will require the following*

<i>Indoor Seating</i>	<i>(88 Seats @ 20 GPD Ea.)</i>	<i>1,760 GPD</i>
<i>Outdoor Seating</i>	<i>(85 Seats @ 10 GPD Ea.)</i>	<i>850 GPD</i>
<i>Bar Seating</i>	<i>(12 Seats @ 5 GPD Ea.)</i>	<i>60 GPD</i>

After this new change of use, the complex will have 310 GPD of water and 480 GPD of available sewer allocation to use for future uses

- 12) The Recreation Director has no concerns with the request.

- 13) In an email dated 5/5/2022, the Fire Chief said, *The fire department previously met with Mr. Edelman about this application and supports the outdoor seating as proposed. We would just request a reminder that the tenants should file their after-hours emergency contact information with the Essex Police Department.*

- 14) In an email dated 5/5/2022, the Police Chief said, *A second on updated contact information for dispatch. Also, not sure if they have a liquor license now, but we should be sure they are fulfilling any requirements of that if they decide to serve outdoors.*

- 15) Pursuant to Section 5.7 (Conditional Use) of the Zoning Regulations, **the applicant** provided the following response:

A) **General Standards:**

1. **Capacity of Existing or Planned Facilities:** *The proposed use will be in an existing commercial area that is currently developed. No additional community facilities will be required to accommodate the business.*
2. **Character of the area affected:** *The area proposed use will occupy a portion of the existing Building 1 within the Essex Experience and the use will blend well with the surrounding commercial uses. The Essex Experience has existing outdoor seating restaurants and bars so the use will fit in with the surroundings.*
3. **Traffic on Roads and Highways:** *The proposal is not anticipated to change traffic patterns on surrounding roads. Adequate parking currently exists at the Essex Experience through a shared parking agreement.*
4. **Bylaws and Ordinances:** *The proposal complies with existing municipal bylaws and ordinances.*
5. **Utilization of Renewable Energy Resources:** *The Essex Experience has solar panels on many of the building rooftops. The proposed use will not interfere with future availability of renewable energy resources or the access or such resources by abutting landowners.*

B) **Specific Standards**

- 1) **Conformance with the Town Plan:** *The proposed use conforms to the Town Plan and fits in well with the anticipated residential and commercial growth around the Town Center. The use will be a unique use and add to the variety of uses in the Town Center that currently exist and future plans.*
- 2) **Site plan review criteria:** *Please see the plans.*
- 3) **Conformance with community character:** *The proposed use will add to the character of the Town Center and conforms to the Town Plan goal for the area which calls for lively, walkable, mixed-use centers.*

16) Pursuant to Section 5.7 (Conditional Use) of the Zoning Regulations, the Zoning Board finds the following:

- a. There will be no adverse effect on the capacity of the existing or planned community facilities;
- b. There will be no adverse effect on the character of the area/neighborhood affected;
- c. There will be no adverse effect on traffic on roads and highways in the vicinity;
- d. The proposed use will be in compliance with the bylaws now in affect;
- e. The proposed use will not adversely affect utilization of renewable energy resources;
- f. The proposed use is in conformance with the Town Plan;
- g. The proposed use does not require site plan review; and
- h. The proposed use is in conformance with community character.

CONDITIONS:

1. The tenants shall file their after-hours emergency contact information with the Essex Police Department, Public Works and the Zoning Administrator.
2. The applicant shall secure a Use Permit if a seasonal tent and/or canopy will be installed for any of the approved outside seating areas and shall confirm with the Department of Fire & Safety on any use of outside heaters within these areas prior to the issuance of said permit.
3. The applicant shall secure any/all state permits that may be required of this approval.
4. All conditions of previous approvals remain in effect.
5. By acceptance of the conditions of this approval without appeal, the applicant confirms and agrees for himself and all assigns and successors in interest that the conditions of this approval shall run with the land and the land uses herein permitted and, will be binding upon and enforceable against the applicant and all assigns and successors in interest.

The MOTION passed 4-0.

AGENDA ITEM 2: CONDITIONAL USE: E O F Outlets, LLC c/o Peter Edelmann: Proposal to operate a light manufacturing cidery operation located at building 2, 25 Essex Way, Suite 214 in the Mixed Use-Planned Unit Development Zone (MXD-PUD) and Business Design Control Overlay (B-DC). Tax Map 92, Parcel 2-2.

Board Member Yandow MOVED and Vice-Chair Plageman SECONDED a MOTION to open the Fact-Finding/Public Hearing. The MOTION passed 4-0.

Sharon Kelley reported that the applicant was proposing to use an existing space within the Essex Experience to operate a cidery operation and the application was straight forward. Kelley reported that she made changes to the Staff Report which were highlighted in red. A revised copy of the report was provided to the ZBA, landowner and engineer. The changes reflect updates from Public Works regarding wastewater, as questioned by Board Member Norton. Kelley noted that the applicant will be required to obtain an allocation letter from Public Works and pursuant to the Sewer Use Ordinance, the town engineer will condition the requirements for the sewer concerns. Kelley noted that she documents some questions which were listed in the Staff Report that the ZBA may want to include as Findings.

Peter Edelmann stated that he received the staff report and has no issues. He reported that the owners of the cidery were present and thought they could describe the operation.

Chris Lyon stated that the proposal was a 7-barrel system and would produce 7,000 gallons per year. He stated the production would occur in the back of the unit; he was proposing a 50 indoor seating tasting room in the front of the unit, along with a small retail space in the right corner of the unit. He handed out a floor plan. He described the fit-up that would take place within the unit. Lyon noted the production area will have two bay windows within the unit for viewing. He noted there is a potential to change a wall, to building code, for the canning area.

Board Member Norton asked about the operating hours. Lyon replied that production will be 7/days a week and tasting will occur from 5:00 p.m. to 9:30 p.m., 5-days a week. Norton asked if food will be served. Lyon replied no, however snacks will be provided.

Board Member Norton asked if they will process apples. Lyon replied, no and that they will be sourcing the juice from area farms. He feels confident that they have the support they need. Lyon stated that there is a huge farm in Massachusetts where they can get an allotment if local farmers are not able to provide same.

Board Member Yandow asked what the protocol was if they received a bad batch. Lyon stated that they would transfer back into the tank and dispose off premises. Board Member Norton confirmed it would be hauled away, and noted that PW's letter will have provisions to cover that issue.

Chairman Martin asked about indoor or outdoor entertainment. Lyon stated that they will likely have a trivia night, however no indoor bands. He will have private parties, and other indoor games such as shuffleboard. Lyon stated that they will listen to any music that may be occurring outside of the unit. Board Member Norton asked if the windows will be garage style and open-up like a door. Lyon stated they will provide high tables and described the windows opening half-way so that music can filter in, similar to Hachett's in Richmond.

Peter Edelmann was excited to bring in another professional couple into the Essex Experience and that it is an organic process business.

Board Member Norton asked if this was the applicant's first venue. Lyon stated that he has been making cider for 12 years and his wife has been in hospitality for 12 years. He stated they hired a consultant to scale recipes and they have a good grasp going forward.

Vice-Chair Plageman MOVED and Board Member Yandow SECONDED a MOTION to close the Fact-Finding/Public Hearing. The MOTION passed 4-0.

Board Member Norton MOVED and Board Member Yandow SECONDED a MOTION to approve 85 outdoor seats for the restaurant located at 21 Essex Way, Suite 101, subject to the following Findings and Conditions.

FINDINGS:

- 1) The landowner is Peter Edelmann d/b/a EOF Outlets, LLC. The property is located at 25 Essex Way, Building 2, Suite 214, in the Town of Essex, Chittenden County, State of Vermont (Tax Map 2:092-002-002.) The parcel lies within the Mixed-Use Development-Planned Unit Development (MXD-PUD) Retail Business District; (B1) Subzone and the Business Design Control (B-DC) Overlay District.
- 2) The application is being reviewed under the Town of Essex Outside the Village of Essex Junction Official Zoning Regulations, Article V, Section 5.7 Conditional Use.
- 3) The proposal is to allow a hard cidery production with a capacity of 30 gallons per day, including canning and kegging; and a 50-seat tasting room. The business is proposing 5 employees. The days and hours of operation of production are 7-days a week; and the days and hours of the tasting room are 3:00 p.m. to 9:30 p.m., 5-days a week.

The estimated wastewater flows for the brewery, tasting room, and employees are 4.5 gpd per gallon of brewed cider (maximum of 30 gallons per day anticipated), 300 gpd for the tasting room and 15 gpd per employee. Proposed flows are 510 gpd.

- 4) Table 2.9 ‘Retail Business District’ lists ‘Light Manufacturing’ as a conditional use. The Zoning Regulation definition reads,

***Light Manufacturing:** The processing and fabrication of certain materials and products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties. Light Manufacturing includes the production of the following goods: home appliances; electrical instruments; office machines; precision instruments; electronic devices; timepieces; jewelry; optical goods; musical instruments; novelties; wood products; printed material; lithographical plates, type composition, machine tools, dies and gages; ceramics; apparel; lightweight non-ferrous metal products; plastic goods; pharmaceutical goods; and food products, but not animal slaughtering, curing, nor rendering of fats.*

- 5) The following plans were submitted by O’Leary-Burke Civil Associates, PLC in support of this application:

Sheet 1: *THE ESSEX EXPERIENCE Essex, Vermont OVERALL SITE PLAN*, dated 4-25-22; and
Sheet 2: *THE ESSEX EXPERIENCE Essex, Vermont EXISTING CONDITIONS PLAN*, dated 4-25-22.

- 6) Pursuant to state statute a ‘Notice of Hearing’ was provided to the applicant for posting on the property.

- 7) The abutting property owners were notified of this meeting by certified mail.

- 8) The landowner and applicant were mailed a copy of this Staff Report prior to the meeting.

- 9) Peter Edelmann, Landowner, stated that he received the staff report and has no issues. He reported that the owners of the cidery were present and thought they could describe the operation. Edelmann was excited to bring in another professional couple into the Essex Experience and that it is an organic process business.

Chris Lyon, tenant, stated that the proposal was a 7-barrel system and would produce 7,000 gallons per year. He stated the production would occur in the back of the unit; he was proposing a 50 indoor seating tasting room in the front of the unit, along with a small retail space in the right corner of the unit. He handed out a floor plan. He described the fit-up that would take place within the unit. Lyon noted the production area will have two bay windows within the unit for viewing. He noted there is a potential to change a wall, to building code, for the canning area.

- 10) No one from the public commented on this application.

- 11) In an email dated 5/31/2022 and 6/2/2022 respectively, Public Works stated that they reviewed the applications and offered the following comments,

Transportation:

Public Works is of the opinion that there will be no significant change in the overall traffic flows to and from the existing Essex Experience caused by the change of use of the retail space to a cidery. Businesses have come and gone over time with uses of the commercial space at this location generally staying the same. Staff does not see any significant impact to the surrounding transportation infrastructure throughout the Town Center area.

Water and Sewer:

2. *The most recent accounting of water and sewer allocation for the Essex Experience has been reviewed and approved by Public Works. The applicant will not be required to apply for additional sewer allocation from the Town. The new Cidery will require the following*

<i>Tasting Room</i>	<i>(State Flows Used)</i>	<i>300 GPD</i>
<i>Employees</i>	<i>(5 Seats @ 15 GPD Ea.)</i>	<i>75 GPD</i>

After this new change of use, the complex will have 310 GPD of water and 480 GPD of available sewer allocation to use for future uses.

In an additional email dated 6/2/2022, Public Works said,

The applicant has indicated that there will be only 750 gallons of cider fermented per month, averaging 25 GPD of product a day. See the attached email and attachment for more description of their fermenting procedure. This is not the same scale as Black Flannel. The Cidery will be required to get an allocation letter from Public Works. This letter will be conditioned with additional requirements found within the Town of Essex Sewer Use Ordinance. One being that the applicant will be assessed an additional wastewater surcharge due to the high strength waste that will be generated from the brew process, as necessary. Another will be that under no circumstances shall a bad batch of cider be placed down the drain. Additionally, the cidery will be responsible for submitting a Water and Wastewater Management Plan for review and approval by Public Works. These are all standard conditions imposed on all users under the Towns current Sewer Use Ordinance. If it helps, please share this email with the ZBA so that any concerns regarding waste can be addressed.

- 12) The Recreation Director has no comments on the request.

- 13) In an email dated 5/18/2022, the Fire Chief said, *The fire department has no objections for this application. We would request that once the business is occupied, that the business operators maintain emergency contact information with the Essex Police Dispatch, and that the FD Supra box be updated with current access keys for the business. We are also happy to work with the Applicant with any other questions they may have throughout their build process.*

- 14) In an email dated 5/18/2022, the Police Chief said, *No comments from PD other than the usual*

alcohol permitting.

15) Pursuant to Section 5.7 (Conditional Use) of the Zoning Regulations, **the applicant** provided the following response:

A) General Standards:

1. **Capacity of Existing or Planned Facilities:** *The proposed use will be in an existing commercial area that is currently developed. No additional community facilities will be required to accommodate the business.*
2. **Character of the area affected:** *The area proposed use will occupy a portion of the existing Building 2 within the Essex Experience and the use will blend well with the surrounding commercial uses. The Essex Experience has existing breweries, bars, and restaurants, which this business will fit in with.*
3. **Traffic on Roads and Highways:** *The proposal is not anticipated to change traffic patterns on surrounding roads. Adequate parking currently exists at the Essex Experience through a shared parking agreement, which is monitored with provisions to add parking as needed.*
4. **Bylaws and Ordinances:** *The proposal complies with existing municipal bylaws and ordinances.*
5. **Utilization of Renewable Energy Resources:** *The Essex Experience has solar panels on many of the building rooftops. The proposed use will not interfere with future availability of renewable energy resources or the access or such resources by abutting landowners.*

B) Specific Standards

- 1) **Conformance with the Town Plan:** *The proposed use conforms to the Town Plan and fits in well with the anticipated residential and commercial growth around the Town Center. The use will be a unique use and add to the variety of uses in the Town Center that currently exist and future plans.*
- 2) **Site plan review criteria:** *No exterior site plans are proposed.*
- 3) **Conformance with community character:** *The proposed use will add to the character of the Town Center and conforms to the Town Plan goal for the area which calls for lively, walkable, mixed-use centers.*

16) Pursuant to Section 5.7 (Conditional Use) of the Zoning Regulations, the Zoning Board finds the following:

- a. There will be no adverse effect on the capacity of the existing or planned community facilities;
- b. There will be no adverse effect on the character of the area/neighborhood affected;
- c. There will be no adverse effect on traffic on roads and highways in the vicinity;
- d. The proposed use will be in compliance with the bylaws now in affect;
- e. The proposed use will not adversely affect utilization of renewable energy resources;

- f. The proposed use is in conformance with the Town Plan;
- g. The proposed use does not require site plan review; and
- h. The proposed use is in conformance with community character.

CONDITIONS:

1. The applicant shall secure a Use Permit and Certificate of Occupancy prior to opening for business.
2. The applicant shall submit a request for an allocation letter from Public Works; shall pay any additional costs associated with same if applicable; and shall submit a Water and Wastewater Management Plan for review and approval by Public Works.
3. The applicant shall secure any/all state permits that may be required of this approval.
4. The applicant shall secure any town and state approval for the sale and distribution of alcohol.
5. All conditions of previous approvals remain in effect.
6. The applicant shall update the emergency supra box key and provide updated emergency contact information to Police Dispatch and Public Works.
7. By acceptance of the conditions of this approval without appeal, the applicant confirms and agrees for himself and all assigns and successors in interest that the conditions of this approval shall run with the land and the land uses herein permitted and, will be binding upon and enforceable against the applicant and all assigns and successors in interest.

The MOTION passed 4-0.

AGENDA ITEM 3: CREATING WORK GROUPS Re: ETC|NEXT PLAN.

Chairman Dustin Brusco attended this work group meeting as the Planning Commission liaison for the ZBA. Brusco noted that in past years the PC has prepared amendment and then send out the draft regulations to Boards for review. He noted the PC has changed its thinking and is now asking the Work Groups what they feel needs to be changed in the planning documents. Brusco noted that replies may be “no burning desire to change anything.” He noted that the PC received a request from Al Senecal to change the uses in the RPD-I zone and, noted that he is a major landowner in Essex who deserves a look at the uses. Brusco repeated that the PC is asking “what should we be putting in this round of amendments.” He noted that this effort started with a spreadsheet and charges to the work groups, noting that this process is all organic and everyone is learning “as we go.” Brusco stated that if the ZBA wanted to make changes, then “go for it.” He was trying to be the liaison and suggested the two questions are 1) If you want to work; and 2) How to facilitate.

Brusco stated that Vice-Chair Josh Knox has been the point on this effort and has done a good job to date. Brusco suggested that the workgroup does not need to be just the ZBA, there is a lot of vagueness.

Brusco stated that the PC is moving towards electronic updates with regulatory documents, which allows for more flexibility and will be cost effective.

Board Member Norton noted that so many documents interrelate and asked if the ZBA was focusing on the Town Plan for the genesis on the zoning ordinances.

Bruso noted that the ETC|NEXT Town Center Plan is a ratified vision. Norton asked if this plan was voted on by the public. Sharon Kelley replied no.

Board Member Norton observed that the definitions in the Zoning Regulations and the Subdivision Regulations are not all the same and used 'Structures' as an example. Bruso suggested a radical thought, create a separate document containing definitions to be used in all regulations and town ordinances.

Bruso noted that the ETC|NEXT Plan currently has challenges which prevents new regulations from going into place at this time.

Bruso noted that the PC would like a statement from the ZBA stating that "we want to see this and why."

A brief discussion took place regarding spot zoning.

Bruso suggested the ZBA determined two topics to start work on 1) update definitions and 2) RPD-I uses. He noted that he would provide a master list to include all working groups.

AGENDA ITEM 4: MINUTES: May 5, 2022

Vice Chair Plageman MOVED and Board Member Yandow approved the 5/5/2022 minutes with the following changes:

Lines 22-23: Delete;
Line 39: After "monoxide" add "/smoke detector";
Line 52: Change "Chairman" to "Board Member";
Line 129: After "monoxide" add "/smoke detector";
Line 179: Move to Line 194;
Line 261: After "to the" add "hand-drawn"; and change "accept a" to "accept the";
Line 297: Change "unknown" to "Plageman"; and
Line 350: Change "4-0" to read "3-0-1 (Martin abstained)."

The MOTION passed 4-0.

OTHER BUSINESS:

The meeting adjourned at 8:10 p.m.

ZONING BOARD OF ADJUSTMENT

By:

Nick Martin, Chair