

TOWN OF ESSEX
PLANNING COMMISSION
MINUTES
October 27, 2022

PLANNING COMMISSION (PC) PRESENT:

IN PERSON: Dustin Brusco, PC Chair; and Patty Davis.

VIRTUAL: Vice Chair Josh Knox; David Raphael; and John Mangan.

OTHERS PRESENT:

IN PERSON: Katherine Sonnick, Community Development Director; Sharon Kelley, Zoning Administrator; Jay McCormack; Rich Gardner; Paula Duke; Donna Mathieu; Peter Edelmann; and Sally Fleury.

VIRTUAL: Margaret Smith.

The meeting was called to order at 6:01 p.m. Chairman Brusco noted that Commissioners Schumacher & Furland were not in attendance and Commissioners Knox, Raphael, and Mangan were attending virtually; and called out the changes to the Agenda.

AGENDA ITEM 1: Public Comments: Commissioner Mangan inquired why the application for the Resort Event Center was rescheduled. Kelley replied that the application did not make the statutory deadline for warning in order to go forward with this date.

AGENDA ITEM 2: Workshop: Update on Planning Topics: Work Groups; Regulations; Town Plan; VT 15 Corridor Study:

Katherine Sonnick noted that the Town Plan is also part of the workgroup discussion and could get rolled all in together with the discussions.

Vice-Chair Knox clarified that with respect to the workgroups, he has only been monitoring his workgroups and unfortunately, he does not know what or if the remaining work groups are meeting and he has not had time to check. He agreed to wrap in the Town Plan discussions in with his update. Knox noted that Recreation/Trails; Economic Development; Housing and Energy groups have met together about 4 times, on Wednesdays, prior to the Thursday PC meetings. Knox noted that the group as agreed that the work to be done will be visioning as opposed to getting into the weeds on detailed work. He stated that each group (Planning Commission, Trails & Conservation, Housing and Energy) picked 5-7 top priorities and all those were merged together and final items were selected from that list, which included items such as Zoning Design, Economic Development; Infrastructure, and the like. Knox reported that the next phase they are working on is to have Community envisioning, which would include meetings around town at different locations. Knox provided an example of what could be submitted as a public comment and used the example of someone stating they did not like the traffic light at the intersection of Route 15 and VT 289. The group would determine that this would classify as 'infrastructure'; they would and then have discussions and shape that into what they believe the community would like to see. Knox stated at that point Staff would step in and take over as that would be well above the ability of the group. As of now, they plan to start setting up the community meetings, and contact various businesses and locations around town to

see if there is availability and interest. Knox estimated this would start in late November/December.

Katherine Sonnick noted that the Regional Planning Commission has done an initial review of the Town Plan and, so far, it looks good. Sonnick stated that staff will be involved with some of the technical updates. Sonnick noted that these reviews will be done concurrently. Knox noted that some statutes require the group to stay on a visionary review.

Commissioner Davis stated that she is on the Act 171 Committee with Commissioner Schumacher, who was not present for this meeting, however Davis provided the PC with a synopsis with their plan of action, which would conclude in the Spring, 2024.

Chairman Bruso instructed that groups would need to stay flexible with date targets and timelines may need to change. He suggested that Spring 2024 will likely be too late for changes. Bruso stated that he would like to see regular reports or minutes from the groups to keep apprised of the group's progress. He instructed the group leaders to submit information to staff so that it can be included in the PC packets. Bruso wanted to make sure the timelines stayed in synch.

Chairman Bruso asked the Zoning Administrator about the progress of the Zoning Board of Adjustment (ZBA). Kelley stated that the ZBA has received all of the memos and updates from staff and the Planning Commission regarding the working groups, however they had conflicting commitments. Kelley reported that they did meet to discuss the permitted and conditional uses that are listed in the RPD-I zone, and that information can be found in the memo which was part of the PC packet. In reply to a comment, Kelley noted that no changes have been made to the Regulations on these recommendations. Bruso asked if there were any other concerns to discuss. Sonnick stated that the Economic Development Coordinator is asking when the concerns in Fort Ethan Allen are going forward.

Chairman Bruso noted that there were members of the public who requested the floor.

Peter Edelmann, owner of the Double E located in the Town Center, had two requests.

1. He requested that the PC consider the allowance of banners around the green when he has temporary special event fencing installed. He noted that it takes sponsors to be able to have these events and he needs these sponsors. He stated that the fencing is located on private roadways and is not visible to public roads; and
2. Regarding the Performance Art Center, formerly the TRex, he would like to be able to replace the currently approved, but not installed sign, approximate 8'x10' in size, with a tasteful marquis side, which would have lighting.

Chairman Bruso asked if the marquee sign would be similar to The Flynn. Edelmann said no, the sign would probably be more like a LED Board. He noted as you come down Essex Way, you would not see the sign.

Commissioner Mangan was in support of this request, as long as it was not "gawdy" like the Flynn. Commissioners Raphael & Knox replied, "Ditto." Chairman Bruso did not think this was a big lift and stated they would consider the request.

Sharon Kelley noted that Eric Langevin was asking, in an email, for the PC to request a change to the existing Zoning Regulations surrounding 'Group Homes'. Currently, a 1,000 s.f. buffer is required between group homes. Sonnick noted that years ago this was a state statute requirement, and it appears that it is no longer required. The PC agreed, it should be changed if the State no longer has this requirement. Commissioner Raphael noted that all statute references in the document should be checked for accuracy.

Katherine Sonnick referred to the Summary of Changes that was provided in the PC packet, noting that new changes are added, such as the allowance of a PUD-R in the Center Zoning District, noting that it is appropriate as this zone is within a growth area.

To that end, Rich Gardner and Jay McCormack spoke on allowing a PUD-R in the Center Zone. Gardner referred to the overhead map that was provided showing what the current regulations allow for density in this zone versus what the ETC|Next Plan would allow once those changes were incorporated into new regulations. Gardner noted that another benefit for the allowance of a PUD-R is on the financing side as it makes it easier to achieve the sale of soil below the units. Gardner showed examples of PUD projects around other communities, with examples of multi-units of similar shape and scales than what is seen in Essex. Gardner stated that this type of development can fit into a residential development. He stated that if Essex wants to add density, this site "would be great."

Commissioner Raphael noted for the record, that he is close friends with Rich Gardner and knows Jay McCormack. Raphael reminded the PC that they called out this area as an area to have higher density, and believed that whatever was decided with PUD's, the PC should continue to have higher density in this area.

Gardner provided a few examples of how many units would be derived from a PUD, after removing the wetlands, etc. to calculate density. Gardner stated that he was not looking to construct the highest density as he wanted the development to fit and keep in character of the area.

Sonnick asked the PC if they wanted staff to look further into PUDs or just increase the density in this area.

Raphael noted there are not many places left to develop that are walkable to a grocery store, pharmacy, stores, theatre, etc., and that it would be a mistake to only allow for 4 units to go onto this site. Commissioner Davis concurs.

Chairman Bruso would like to see what regulation changes would be needed to get to a greater density. He is leery of density over form as there is still a rural feeling in this area. He would not like to see a cluster of apartment buildings. He felt the building needed to "fit" the area.

Paula Duke thinks it is a challenge in this area to make the transition from high density building compared to the buildings on the other side of the road.

Chairman Bruso stated that the PC supports the initiatives and suggested to continue to work on ideas with staff.

Margaret Smith, Alder Lane, reported that the intersection in this area gets plugged up and there needs to be another lane that goes onto Towers Road. She wished that the traffic could be part of the discussion. Chairman Brusco replied that traffic is always a factor.

Sally Fleury stated that she does not have any issues with what she has heard so far.

Sonnick referred to her memo entitled, 'Proposed Zoning & Subdivision Regulation Updates' which included comments from the Housing Commission; Conservation and Trails; Zoning Board of Adjustment; Other Committees and Commissions; and Additional Changes Proposed by Staff.

Regarding added language to go into the Business Design Control specific to maintenance, etc., Chairman Brusco suggested that it be included in all the B-DC zones and not just the Town Center.

Chairman Brusco requested that the Zoning Administrator check with Zoning Board Member Norton to see if he was still interested in developing the definitions from the Zoning & Subdivision Regulations and merge them into one document that can be referenced in both Regulations. The remaining Commissioners supported this suggestion. Kelley noted that she would check with Norton at the next ZBA meeting.

A brief discussion ensued on PUDs. Sonnick said the proposed changes for this round are small, however PUD's likely need an overhaul. Chairman Brusco suggested they need to "take a swing."

Chairman Brusco stated the PC should come together in January for the Town Plan.

Regarding the VT 15 Corridor Study, Commissioner Mangan was not swayed by the points that there is a speeding issue. Mangan stated the data did not show the specifics of how the data was derived – such as how many cars, 25 or more? How many traffic reports in this area were due to speed? He is looking for more data before requesting a change to the speed limit. He can be swayed if he sees the data. He asked what spawned the need for a speed study as he had traveled this section of road at least 2x/day and has not seen speed as an issue. He believes the numbers shown in the memo are minimal.

Vice Chair Knox was interested in obtaining more data to understand how the consultant derived with the proposed numbers; and he agreed with Commissioner Mangan's comments.

Commissioner Raphael believes staff should dial-in Public Works if the PC decides to go forward with this project.

Sonnick reported that the initiative started with Dennis Lutz and now Aaron Martin has taken over. They have stated "They are not taking over the roadway." Sonnick noted this initiative came out of the ETC|Next Plan to make the area more walkable, it would be considered a traffic calming measure.

Commissioner Davis agrees with the other PC Members.

Chairman Bruso agreed that they needed to get the numbers behind the study and put the results in the toolbox to use as recommendations and without implementation at this point. Bruso said, “To John’s point, without numbers to back-up it means nothing.”

AGENDA ITEM 4: Minutes October 13, 2022

Commissioner Mangan Moved and Commissioner Davis Seconded a Motion to approve the 10/13/2022 minutes as written. The Motion passed 5-0.

AGENDA ITEM 5: Other Business: None.

The meeting adjourned at 7:28 p.m.

PLANNING COMMISSION

By: _____
Dustin R. Bruso, Chair