

TOWN OF ESSEX
PLANNING COMMISSION
MINUTES
March 23, 2023

PLANNING COMMISSION (PC) PRESENT:

IN PERSON: Dustin Bruso, PC Chair; David Raphael and Tom Furland;

VIRTUAL: Josh Knox, Vice-Chair; John Mangan, Clerk; and Jonathan Schumacher.

OTHERS PRESENT:

IN PERSON: Sharon Kelley, Zoning Administrator; Kent Johnson, Planner; Paula Duke; Sally Fleury; Jonathan Lang; Ethan Lawrence and Courtney Boutin.

VIRTUAL: Tim Mack; Essex ReTorter; Lorraine Zaloom; Gillian Smith; Gina Barrett; and Community T.V.

The meeting was called to order at 6:00 p.m. Chairman Bruso called out the Commissioners in the room and who attended virtually.

AGENDA ITEM 1: Public Comments: Sharon Kelley reported that the Community Development Director, Katherine Sonnick sent her apologies for not being present due to a personal matter.

AGENDA ITEM 2: DISCUSSION: Town Plan Updates for 2024

Vice-Chair Knox reported that over the last several months, members of the public met over a variety of planning topics. The public agreed and voiced appreciation that the process felt more cohesive and better connected compared to the last Town Plan update. Knox reported that Town Meeting had several tables and very good presentations resulting from the working groups efforts. Discussions included topics on the ETC|NEXT Plan, Draft 2024 Town Plan, density (specifically keeping the rural areas rural), energy, housing, conservation, etc. Knox noted that from the onset of the updated Town Plan process there has been high turnout of public input in a variety of areas; and the public agreed and voiced that the process felt “more cohesive and better connected”.

Chairman Bruso thanked the Planning Commission and reported that the PC and Staff worked hard to get public involvement up front of the process versus having the PC create a draft document and then ask for public input. Bruso felt this year’s efforts had the public feeling more involved and more like they owned the work.

A brief discussion ensued about the process. Vice-Chair Knox reported that the next steps were to get all the written recommendations from the working groups and create a clear executive summary. Knox reported that the town people have “clearly spoken” and the input will be consistent with the comments that were received. Knox will start pulling that document together and hopes to have it before the PC within the next 2 Planning meeting dates.

Chairman Bruso requested that a timeline be put back on the April 13th Agenda. Bruso asked if the public had any comments.

Paula Duke stated she would like to be kept updated more frequently with the Town Plan documents. Chairman Bruso stated that the next document is not yet created or packaged for a

presentation. Paula was concerned that the final document would go out before the public had a chance to review same. Bruso repeated that there a draft document was not yet created as the PC, specifically Vice-Chair Knox continues to obtain written comments from the working groups. Bruso assured Ms. Duke that she would see what the PC sees when it becomes available and instructed her to look to the website, as well as review the PC Agendas. Sharon Kelley reminded the public that the second meeting of the month (4th Thursday), is dedicated specifically for planning. The only applications would be a consent (minor) application.

Ethan Lawrence, 135 Osgood Hill Road, Essex, VT, reported that he was attending this meeting as a landowner. Lawrence did not believe that the Town Plan was not very clear/defined about the zoning in the upper parts of Essex, specifically the Agricultural-Residential (AR) zone and the Conservation (C1) zone. Lawrence stated the AR zone is within the high/low residential area and does not sufficiently protect the rural area up near Brown's River. Lawrence suggested that the Town needs further distinguishing of these zones, and all other areas around Town for preservation. Lawrence does not feel that the existing Town Plan has a designation for AG use.

Commissioners Raphael stated that the Town Plan is more of a vision statement, and the Zoning Regulations have the teeth to enforce rules.

Chairman Bruso stated that the vision statement for AG use is for future preservation.

Lorraine Zaloom, Center Road, questioned if Ethan's topic on AG came up. She stated that food resiliency, water, climate changes, etc. are changing and said, "don't put all your eggs in one basket." She asked if "vision" was talked about during the Town Plan processes. Vice-Chair Knox replied, "yes." Discussions included working farms, food resilience, AG, etc.

AGENDA ITEM 3: DISCUSSION: Draft Zoning Regulations:

Sharon Kelley reported that Courtney Bushey from SB Signs, was present to make a brief presentation regarding "Push thru Signage" that the PC may wish to consider with the current round of draft Regulations, or for future changes.

Courtney Bushey stated that currently the Regulations do not allow for face lit signs and specifies that it shall be Halo or Reverse Channel lighting. Bushey presented two examples of a Halo/Reverse Channel lit sign and a Push thru Sign. Bushey noted that a Halo sign shows the mechanics from behind the sign, however if there is a larger separation from the mechanics to the actual sign it throws more reflective light on the façade. Bushey showed how a Push thru Sign lights up a façade, noting that the light comes out of holes from the side of the acrylic box. Bushey stated that Halo signage is impossible to use for letters that are small as you don't have space to cut into the acrylic, whereas Push thru allows for the smaller lettering.

Chairman Bruso reminded the PC of the time when Lowe's requested back lit lighting and the Halo/Reverse Channeling was a new proposed change that ultimately the PC accepted. Bruso reminded the PC of its evaluation of Halo lighting using LED and Kelvin temperature, etc.

In response to a question Bushey stated that she did not know of any towns every having to show the color of light as long as lights were allowed. Bushey noted that an 80 s.f. sign puts out more light and is much different than a 40 s.f. sign light spread.

Commissioner Mangan said he was very familiar with Push thru Signage and feels it is less obtrusive than other lighting.

Chairman Bruso stated that the PC was amendable to considering Push thru Signage and requested that Bushey submit signage language to Staff for further review. Bruso stated that the PC would have a hard time to accept this method at this meeting but they hoped to find a way to get a change into this round of amendments should they all agree it was a fit to the signage regulations.

Ethan Lawrence asked if the PC was concerned about lighting, how did they factor in gas station lighting. Chairman Bruso stated that gas stations were pre-existing regulation requirements and changes would not occur at these stations until an amendment was requested. Bruso stated that newer gas stations did conform to the lighting regulations. Commissioner Raphael noted that a regulation requirement also calls for a lighting analysis so the PC is able to see the light spread at each point.

Kelley stated that the PC had previously reviewed the changes to date on the Zoning Regulations. This meeting the PC reviewed a document entitled, 'Additional Proposed Changes to Zoning Regulations.' Kelley noted the following additional changes to the full document:

- Article I, Table 1.1(B)(3): Added sentence noted that 500 kw ground solar shall not be located outside of commercial/industrial districts and have zero impact on views in the SRPO.
- Article II, Table 2.14(7)(d): The PC did not accept a proposed regulation wherein the PC consider additional sound barriers abutting the 100 or 200 foot buffers. The PC noted that these buffers were not proposed a sound barriers. A lengthy discussion, including public input, took place regarding waivers, buffers, sound barriers, and noise. No changes were made.
- Article II, Table 2.16 (B-DC District): The PC accepted the changes, however removed the sentence "The Town is responsible for keeping the 75' buffer along Route 15 clean of loose trash and debris." Staff reported that this could be revisited in the future.
- Table 2.6(B): The PC did not accept the proposed changes and further instructed to remove same from Section 7.7.
- Article III, Section 3.3 Dwelling Areas: The PC accepted the proposed change consisting of minimum dwelling unit sizes for single-family and multi-family housing.
- RV's: Kelley read an email from Nathan MacAlpine into the record regarding Tiny Houses, as follows:

I am working on a affordable housing solution, which involves the use of tiny houses on wheels. The idea is to utilize a home owners backyard, or driveway for the parking of a tiny house to be used as an affordable housing rental.

The tiny houses are self-contained, no connection to the primary residence.. I have found a working solution for waste water disposal, which I have worked out with the wastewater administrator for Chittenden county. Essentially blackwater or composting toilet waste is transferred to an appropriate facility.

The issue is classification, as they could therefore be classified as an RV and subject to those regs.

I'd like to know if there is any way that could be classified differently to stay in place longer?

The PC did not accept any changes to the RV regulations with this round of amendment review. The PC stated that discussions would continue in the future.

- Article III, Section 3.4 (Fences): The PC rejected acceptance of #A, and instructed staff return the language to its currently approved status. Instructed staff to delete (C) “Any fence or wall located adjacent to a publicly owned property line ...” Change (D) proposed language to read, “All fences shall be structurally maintained.” Change (E) by deleting “and shall not exceed eight (8) feet in height and shall not block traffic visibility by the roadside” and the following in the next sentence, “in a timely manner.” Proposed Section G: Delete.

A discussion ensued regarding measuring a tangent section, as well as other changes in the Fence category. Kelley noted that the changes for this section came from the Village so that the documents would better mirror themselves. Kelley suggested that she make the changes as noted and bring it back to the PC for further review. The PC agreed.

- Article III, Section 3.6(B)(3)(f&i): The PC accepted to delete (f) & (i) so that it mirrored Table 1.1 (exemptions).
- Article III, Section 3.10(F)(1) Signs. The PC accepted the Marquee Sign, however instructed staff to confirm the sign as a Marquee Sign is usually larger.
- Article IV, Section 4.2(E) Backyard Chickens. The PC accepted the proposed language.
- Article IV, Section 4.8 Residential Care Homes and Group Homes. The PC re-accepted this language.
- Article VI, PUDs. The PC determined that this was too complex for this round of amendments, however instructed staff to put it on a planning agenda in the next couple of meetings.

Commissioner Furland asked if ‘Hotel’ was going to be included in the MXD-C zone at the Town Center. Kelley reported that she understood this use is not proposed for that side of Route 15.

Kelley reported that staff is shooting for the May 25th PC meeting for a Public Hearing on the Draft Regulations, noting that this could be warned no later than May 10, 2023.

AGENDA ITEM 5: Minutes March 9, 2023

Commissioner Raphael Moved and Commissioner Furland Seconded a Motion to approve the 3/9/2023 minutes as written. The Motion passed 5-0. (Vice-Chair Knox had left the meeting at the time of this vote.)

AGENDA ITEM 6: Other Business: Commissioner Furland reported that he will be resigning at the end of May, 2023.

Chairman Bruso instructed staff to provide an updated PC Work Schedule for the April 13th meeting date.

The meeting was adjourned at 8:36 p.m.

PLANNING COMMISSION

By: _____

Dustin R. Bruso, Chair