

TOWN OF ESSEX
PLANNING COMMISSION
MINUTES
May 26, 2022

Note: *This meeting was in-person and virtual on Teams.

PLANNING COMMISSION (PC) PRESENT:

IN PERSON: Dustin Brusco, PC Chair; and Ned Daly

VIRTUAL: David Raphael and Tom Furland

OTHERS PRESENT:

IN PERSON: Sharon Kelley, Zoning Administrator; Darren Schibler, Planner; Patrick LeClerc; Ken Signorello; Betsy Dunn; Hubie Norton; and Paula Duke.

VIRTUAL: Dorothy Bergendahl; Alan Botula; David Skopin; Katie Ballard; Michael Fink; Natalee Braun; Shawn Cunningham; Tom Yandow; Nick Martin; Philip March; Patty Davis; and Community T.V.

The meeting was called to order at 6:35 p.m. Chairman Brusco called out the Commissioners who were in attendance virtually and who was present in the conference room, noting that only 4 Commissioners were in attendance for this meeting; he stated that after the first agenda item, he would have the working groups introduce themselves so that all were on common ground; he provided the oath to the public; and noted changes to the agenda.

AGENDA ITEM 1: PUBLIC COMMENTS:

Commissioner Furland had a question regarding the Consent Agenda re-approval of 1 LeClerc Woods sketch plan, specifically the easement for the trail access. He asked the planner if the PC could include a condition for the easement in the re-approval even if it was not going to be used. Darren Schibler replied that the PC could do that however, it could also be reviewed again at the preliminary review and that either way was fine. Commissioner Furland stated that he would like to make that a condition of sketch approval. Commissioner Furland provided some background as to why he felt this way about requiring the trail easement. He stated that when he was in Korea they went to a lot of little out of the way trails that were built up in unlikely places. Furland referred to Lines 240 & 256 of the draft approval letter which discussed the trail issue. Schibler suggested deleting Section 'g' and adding a new PC Finding to capture a new condition. Commissioner Raphael had concerns with making these changes as the item was warned on the consent agenda, noting that the PC usually pulls items off the consent agenda for a full discussion. Chairman Brusco agreed and said, "You were headed where I was." Kelley noted that lines 254-255 already noted that the trail easement discussion stated that the trail easement was to be reconsidered at preliminary review. Brusco asked the planner to confirm that it was not inappropriate to require the removal of the trail at sketch review with the finding that it could be re-discussed at preliminary. Schibler agreed and read lines 254-255, "The inclusion of this trail easement should be reconsidered for the preliminary submission." Commissioner Raphael stated that the PC was just being asked to re-approve an expired approval. Commissioner Furland asked the applicant not to take the trails off the maps for preliminary so that it can be rediscussed. Chairman Brusco asked Patrick LeClerc for his thoughts on the easement. LeClerc stated that the discussion occurred a while ago and he is going from his memory. He stated easement was only

for the use of the units and staff stated that the feasibility of people using the trail in a certain area was difficult. He continued to state that both staff and the PC recommended to show a path lower on the parcel so that these landowners could recreate on the site. Betsy Dunn asked some questions about the location of the trail. The plan was brought up to show those in attendance the location of the trail discussions and the condition of the terrain. Commissioner Raphael suggested making a note in the Motion to the affect that the PC expected a re-discussion on the trail easement when approving the consent agenda item.

AGENDA ITEM 2: CONSENT AGENDA:

- **REQUEST TO RE-APPROVE AN EXPIRED SKETCH PLAN APPROVAL ISSUED TO LINDA LECLERC DATED 6/2/2020** for a Planned Unit Development-Residential (PUD-R) with 8 residential lots on a portion of the remaining undeveloped lands known as 1 LeClerc Woods in the AR Zone. Tax Map 73, Parcel 1.

Commissioner Furland MOVED and Chairman Bruso SECONDED a MOTION to approve the consent agenda with a note to revisit the trail discussion as noted in Finding II C(5)(g). The MOTION passed 4-0.

AGENDA ITEM 2: Planning Session: Zoning Regulations and ETC|NEXT Workgroups.

Chairman Bruso noted that this was still a PC meeting, however the PC was going to open-up an informal discussion to include the workgroups. He asked the groups to introduce themselves. Those in attendance were:

- Trails Committee: Alan Botula, Chair; Betsy Dunn, Clerk; Ken Signorella.
- Zoning Board of Adjustment: Nick Martin, Chair; Hubie Norton; and Tom Yandow, Clerk (and also on Energy Committee);
- Housing Commission: Katie Ballard;
- Energy Committee: Dottie Bergendahl; Phil March; Mike Fink; Natalee Braun; David Skopin; and Will Dodge.

Chairman Bruso stated that the PC is looking forward to working with these groups. He stated the PC effort was to set up groups so that they will engage with the PC and members of the public. The goal is to look at different zoning requirements and initiatives so that there can be a more inclusive effort. Bruso noted that this effort started with a spreadsheet work plan with items the PC identified to work on within the next year or so. Bruso stated the PC has since determined that the spreadsheet is a fluid document. He noted that Vice-Chair Josh Knox is the spokesman for this initiative, however he was unavailable for this meeting. He thanked Josh for collating and doing a good job. Bruso stated that the PC felt there are items on the spreadsheet the work groups can work on and report back to the PC, either in attendance at a meeting, or provide written comments. Chairman Bruso stated that he has been on the PC for some time and he can't remember a time when the PC asked the Zoning Board of Adjustment (ZBA) to look at the permitted and conditional uses in all the zoning districts, as well as any other zoning changes they felt needed consideration. He went on to say that this effort is not usually done so early in the process as the ZBA usually gets it after the proposed regulations are developed. The PC is changing things up, which is why they have asked the groups to participate at the start of the process. Bruso noted that the PC initially determined that the ETC|NEXT Town Center Plan

was selected to be top priority to get regulations in place, however challenges have already surfaced which now require some issues to be worked out and these issues don't involve the PC. He noted that before the PC can go forward with proposed changes to the ETC|NEXT area as a whole unit, these issues need to be resolved. However, he stated that the PC can still work on form and design, and start enabling some zoning changes, where they make sense and, if they make sense. He suggested that the uses in all the zones be reviewed by all the working groups to see if they still make sense. Brusio stated that this is a time to make positive economic effort and opportunities; making sure things are done in a constructive way so the town is not losing things such as natural resources, housing, and all the issues people say are important. Brusio said, "the PC is trying to get you guys on the hook with us." Brusio stated the PC's approach wasn't to necessarily go to these work groups and say, "what do you think about anything?" Brusio described how the PC created the list, is working from the list and, repeated that the list is fluid and can change. Brusio informed the groups that either he or Commissioner Knox has spoken to the groups at some point in time and the idea was to have a PC liaison with you to participate and bring back major concerns or ideas to the PC. The PC does not want to have anybody caught by surprise at the end of the process. Brusio stated, the working groups should work from the list on the work plan and come up with recommendations. Chairman Brusio stated that it was up to the work groups to determine how they want to proceed with the topics each group chose. He suggested that the working groups start off with their own groups, and even collaborating with other groups.

Chairman Brusio noted that Commissioner Knox provided a list of framework showing the items each member has chosen for topics of interest which include, ETC|NEXT/Design Standards; Old Historic Center placemaking; Rezoning Senecal and Ehler lands off VT15/VT289; Uses; Bylaw Modernization Grant; Performance standards; Inclusionary Zoning; Saxon Hill Master Plan; 2024 Town Plan update; Fort Ethan Allen rezoning; Energy Efficiency carbon neutral zoning; solar & electric charging readiness; and Act 171. Chairman Brusio stated that Commissioner Knox will be the liaison with the working groups and he will be the ZBA liaison.

Betsy Dunn, Conservation & Trails, is interested in trails and the forest. She stated that forest fragmentation is required by law to go into the Town Plan. Chairman Brusio stated that this has been in the Town Plan for the last 7-10 years.

Chairman Brusio suggested that the groups focus on separation and clean up issues that arise from separation. He provided examples that they could look at:

- Clean up trails established on the plan and not on the plan. He reported that if a trail is not formalized it should not be on a plan.
- Pollinator gardens.
- Look at locations for charging stations. Putting in a charging station in an area where nobody can use does no good.

Brusio stated that the goal was for the Groups to work on solutions and provide recommendations.

Brusio noted that the process of adopting the regulations does not change, it will continue to go through the PC and then again through the Selectboard. However, the process with working groups gives more opportunity for public review. Brusio stated that the working groups can also work collaboratively with one another.

Chairman Bruso asked the group members to introduce themselves so all can become familiar to one another and learn their interests. He asked that they turn on their camera so people can become familiar with one another.

As each member introduced themselves and stated their interests, most all had a common thread of still not knowing how to move forward. They stated that they still needed guidance and informational materials and hoped that a PC member would be involved as the expectations felt daunting. They stated that they are not planners and needed more assistance.

Patty Davis discussed uses for all areas; she suggested that CCRPC may be able to come to a meeting; she researched Windham Regional Planning Commission and noted they provide a lot of help; she researched inclusionary zoning and doesn't know a lot on that topic; she reported that each town has opportunity for a Bylaw Modernization Grant; Green Mountain Power has a workshop online; and noted that we are already in climate change.

Paula Duke stated the advantage to various board groups is that they have public notice. This working group effort gives more opportunities to the public. She reported that the Town Plan needed to get done before addressing the Regulations.

Chairman Bruso stated that the next step is to work on the PC calendar, however they are not ready. He announced that a new Community Development Director will be starting at the end of next month.

Staff noted that PC packets are posted on the Agenda Center online and will have the office assistant send out emails with instructions as to how to navigate and sign up and/or look up packet meeting information. This allows you to chose not only the PC information, but other committees or commissions as well.

Chairman Bruso emphasized that planning is not a quick process. It takes trial and effort. The PC will try to keep things moving.

AGENDA ITEM 3: MINUTES 5/12/2022:

**Commissioner Furland MOVED and Commissioner Daly SECONDED a MOTION to approve the 5/12/2022 minutes as written.
The MOTION passed 4-0.**

AGENDA ITEM 3: OTHER BUSINESS

Schibler provided the PC with a draft Request for Proposal (RFP) for the Bylaw Modernization Grant.

The meeting adjourned at 8:10 p.m.

PLANNING COMMISSION

By: _____
Dustin R. Bruso, Chair