

TOWN OF ESSEX ZONING BOARD OF ADJUSTMENT
DRAFT MINUTES
SEPTEMBER 7, 2023

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

ZONING BOARD OF ADJUSTMENT (ZBA) MEMBERS PRESENT IN HOUSE:

In Person: Nick Martin, Chair; Michael Plageman, Vice-Chair; Trefor Williams, Clerk, Hubert Norton and Tom Yandow.

VIRTUAL ATTENDANCE: None.

IN HOUSE ATTENDANCE:

Sharon Kelley, Zoning Administrator; Bryan Currier; and Glen Goldman & Nina Curtis.

AGENDA ITEM 1: CALL TO ORDER: Chairman Martin called the hearing to order at 6:00 p.m; polled the ZBA for attendance - all were present.

AGENDA ITEM 2: ADDITIONS/CHANGES: None.

AGENDA ITEM 3: APPROVE AGENDA: Vice-Chair Plageman Moved and Board Member Norton Seconded a Motion to approve the Agenda. The MOTION passed 5-0.

AGENDA ITEM 4: PUBLIC COMMENTS: None.

AGENDA ITEM 5: CONTINUED PUBLIC HEARING FROM AUGUST 3, 2023:
CONDITIONAL USE-Glen Goldman & Nina Curtis, proposed Home Business to allow for agrotourism business to hold small to medium-sized special events located at 21 Saxon Hill Road in the Agricultural-Residential (AR) Zone. Tax Map 8, Parcel 4, Lot 8.

Chairman Martin provided the oath to those testifying on this application.

Sharon Kelley made the following points:

- She reported that the ‘Outdoor Recreation’ is no longer a part of this application and the ZBA was review a Home Business for agrotourism events.
- She reported that the site plan was revised to show the overflow parking area on the plan.
- She provided pictures that she took of the front of the property showing where the parking was proposed, noting that it was heavily screened with full sized trees and brush.
- She reported that on the 8/3/23 hearing she reported that she would be comfortable issuing 3 use permits a year for weddings, however after reviewing the Zoning Regulations, she would approve 6 as that is the maximum number approved for garage sales and auctions.

Board Member Norton asked if she had any information on the concern expressed at the last hearing on the water pressure. Kelley replied that she spoke with the Public Works Director and was informed that there is no issue with the water pressure on Deer Crossing.

Bryan Currier, P.E., O’Leary-Burke Civil Associates, informed the ZBA that they already received an allocation for a single-family house and an accessory dwelling unit. Currier believed they all had a good conversation from one month ago. Currier reported that he has resolved the

Fire Chief's concerns with the driveway and noted that the buildings will be properly labelled for E911; the Police Chief's concerns were removed once the plan was updated to show the overflow parking area; and Public Works continued to request a traffic study and referred to the Line 254 of the draft minutes, which read,

That being said, Public Works can require a traffic study for any project. Under Section 220 of our Specifications for Traffic Studies, it states that because each project is unique, Public Works reserves the right to modify the traffic study guidelines accordingly. This is a unique project and Public Works wants to understand the traffic impacts.

Currier noted that Public Works made a good comment as if an event starts at 9:00 a.m., it may contribute during the peak hours. He discussed the 2016 traffic study for Allen Martin Drive and Route 15, noting that the highest demand was at 4:30-5:30 p.m. Currier believes the 4:00 p.m. time limit is up to interpretation and asked the ZBA for its consideration on this matter.

The ZBA asked how the traffic will be enforced. Kelley stated that it would be her job to enforce, however unless she receives a complaint, she will have no way to know there is an issue.

Board Member Williams asked if the State was only concerned about pm peak hours. Currier stated that peak hour trip generation is at the Town/State level and noted that some towns have trip limits rather than be subjective. He stated that this is why Public Works can ask for a study at any time. Currier reported that VTrans allows for 75 pm trips. Currier noted that the parking allows for 1 space for every 3 people, and they are asking for a maximum of 40 attendees, which would bring 12-15 peak trips when the event is during the peak hours if they stayed for the whole event. Currier reported that a use is tricky to do a traffic study, and assumptions are made. Board Member Yandow referred back to the 2016 traffic study and asked about the a.m. trip ends. Currier replied that they do not even look at the a.m. trips as it does not govern congestion at that time.

Chairman Martin noted the neighbor's concern on noise and asked if there is adequate buffer space to dampen noise. Currier replied that the closest house was 400' away. He stated that most concerns were regarding weddings, however he noted that these residential houses could hold its own wedding and only be 40' away from houses.

Glen Goldman, 18 Deer Crossing Road reported that they currently lived at 18 Deer Crossing Lane and plan to be respectful for their neighbors. He reported that they won't get animals as they can create noise. He felt fortunate to be able to attain the property and their main goal is to live on the premises – keeping the property “mostly the way it is now.” They want a place to have friends and their kids stay. They are starting off with building a smaller house now because it is difficult to get a contractor to build a big house as there is at least a 2-year waiting list. He reported that they want to preserve the barn; he still works full time; they thought it would be a fun thing to do to share with people; and there will not be a whole lot of development on the site.

Nina Curtis Goldman stated that they have been brainstorming for 6 months to create a “firmer” business plan and their focus is to work with small groups, elementary class to come and walk

around. She noted that she grew up on a farm in Addison County and wanted to share the experiences that she had in her earlier years. She reported that they may have some weddings, but she is not going into the wedding business. She reported that she lives in the neighborhood and reached out to all her neighbors.

Board Member Norton asked if the number of attendees may be 100 for special events. Nina Curtis replied that a reunion or wedding may bring in that number, but she felt may be too high.

Board Member Norton MOVED and Board Member Williams SECONDED a Motion to Close the Public Hearing. The MOTION passed 5-0.

The ZBA had a brief discussion on the need for a traffic study. Kelley reminded the ZBA that they could condition the approval to return to the ZBA after a certain period of time to re-examine the issue. Board Member Norton felt the traffic study was “overkill”.

Board Member Norton Moved and Vice-Chair Plageman Seconded a Motion to Approved the Home Business Application, subject to the following Findings and Conditions:

FINDINGS:

1. The landowners are Glenn D. Goldman & Nina A. Curtis. The parcel under review is located at 21 Saxon Hill Road in the Town of Essex, Chittenden County, State of Vermont. This lot is a corner lot with approximately 164’ +/- of frontage on Saxon Hill Road and approximately 227’ +/- on Deer Crossing Lane. The lot is serviced by private septic and was recently approved to connect to town water (via the Deer Crossing Development connection.) The parcel is situated in the Agricultural-Residential (AR) Zoning District and a front portion of the lot is within the Scenic Resource Protection Overlay (SPRO) District. The house was recently demolished, and plans are to rebuild a single-family house.

2. PROPOSAL: A Home Business as described below:

Resulting from the continued Hearing, on 8/8/2023, the applicant’s engineer submitted the following statement and Table 3.4 ADA Standards for Accessible Design:

For a parking layout with less than 50 spaces we are required to have 2 ADA spaces. The driveway and ADA spaces will be gravel. The parking shown will remain lawn, as well as the overflow parking labeled in the rear. We have included the existing tree line, including the hedgerow along Saxon Hill. No other substantial changes have been made.

We are showing 46 spaces along Saxon Hill Rd on our property and the overflow parking area could fit early twice that many. We are meeting the Town parking standards for a 40-person event space by a large margin. We added the “overflow parking area” after comments from DPW.

Table 3.4 ADA Standards for Accessible Design			
Total Number of Parking Spaces Provided (per lot)	(Column A) Total Minimum Number of Accessible Parking Spaces (60" and 96" aisles)	Van-Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2

The applicant's engineer submitted a revised site plan entitled, "Curtiss Parcel, 21 Saxon Hill Road, Essex, VT Site Plan, dated 8/3/2023, as drawn by O'Leary-Burke Civil Associates, PLC."

21 Saxon Hill Road is in the AR zoning district with partial Scenic Overlay on approximately 4.8 acres of land that abuts Saxon Hill Rd. Owners, Glenn and Nina Goldman plan to make a significant investment in the restoration of the existing circa 1920's gambrel roof barn over the next several years. They hope to start an agrotourism business that would allow for small to medium sized group events in the barn, once renovations are complete, to enjoy the barn space for events along with walking trails, some light cut flower crops, and some animals to possibly include chickens, bees, mini-donkeys, sheep, and beef cows. Per table 2.1 of the Essex Zoning Regulations, the proposal requires conditional use review for the "special event" aspect of the creation of this Vermont agrobusiness.

The approximately 3,500 sq ft. 2 story barn is a striking building and unique piece of Vermont and regional history. Tucked inside the barn is a rare early 20th century marker; an internal wood foundation to ceiling silo made of something that looks a lot like redwood. While the barn, windows, flooring, roof and siding all need repair, this silo is in pristine shape. Owners, Glenn and Nina will be starting the renovation process in June with a new standing seam roof by Bannister Custom Exteriors as well as restoration of the two existing cupolas. They have a multiyear renovation plan, including, new windows, interior upstairs flooring, repair and painting the exterior, new sliding entry doors, repair of downstairs stable and stall area, new electric map and interior and exterior outlets and lighting, water to the building and adding 1-2 gender neutral bathrooms to the upstairs space.

Owners are also in the process of applying for new septic and wastewater permits with the state and coordination with Essex Town administrators to connect to the town water line along Deer Crossing Lane.

Surrounding the barn is 13.1 acres which abuts both Saxon Hill Rd. and Deer Crossing Ln. Land is a combination of approximately 6 acres of soft and hard wood forest and the remainder open field. O'Leary Burke has completed a parking assessment to support the special event use, see attached. There are currently 48 spaces available in the lower two sections of lands along Saxon Hill Rd., have been utilized in the past by the previous

owners, Pearly and Lucinda Allen, for parking for their vegetable farm stand and Christmas tree business. Many additional spaces could be added beyond the barn in the large open field. Owners would like to limit the attendance to special event usage to a maximum of 100 people for occasional small weddings or anniversary events, for which there is adequate parking on site. Although the owners are still in the process of developing their business plan and ideas for the potential uses of the barn and lands, their intention is for the proposed special event uses will be small groups from 2-40 people, for farm tours, classes or small group meetings and take place during the business day 9-5-hour timeframe. See below list of possible ideas for use of barn and land.

Owners removed the original 1826 home from the property due to condition and plan to build a new 3-bedroom primary home in same location as former house in May 2025. They are looking into putting up a 1-bedroom ADU of less than 800 sq. feet in the wooded area behind the barn this fall or in the spring of 2024. This would serve as the owners' primary home until it would become an ADU upon completion of their primary resident in 2025. The purpose of the ADU would be any of the following: visiting or friends or family, long term family use, and VRBO or short-term rental up to 28 days. Finally, the owners would like to install an inground pool in the open field behind the existing house site. This pool will not be visible from the rest of the property due to surrounding trees on every side and will have permanent 6ft. iron fence around the perimeter in addition to a locked gate system.

Table 2.3 AGRICULTURAL RESIDENTIAL DISTRICT (AR)

(A) Purpose: The purpose of this district is to protect lands with an economic capability for agriculture and which are now essentially undeveloped except for uses associated with agriculture or forestry operation. In this district, planned unit developments which do not remove the potential of the land for agricultural production such as open space, conservation and certain forms of outdoor recreation, are encouraged. Further road development and the extension of public water supply and sewage disposal systems are not planned for this district. Therefore, only low density residential and recreation development which uses existing facilities, which can adequately dispose of its sewage, and is compatible with the district's purpose and guidelines should be allowed.

(Emphasis Added)

3. There are 48 parking spaces proposed on the front of the lot along Saxon Hill Road as shown on the site plan. The plan was revised to show an overflow parking area behind the sheds to the southeast, and two handicapped parking spaces next to the barn. The intention is to use the grassed areas for parking.
4. The Zoning Administrator noted that although the parcel is partially located within the Scenic Resource Preservation Overlay (SRPO), no new construction is being proposed; and the proposed parking area will be utilized in its natural form. A hedgerow is located along Saxon Hill that will remain in place to screen cars.
5. Pursuant to state statute a 'Notice of Hearing' was posted on the property.
6. The abutting property owners were notified of this meeting by first-class mail.

227
228 7. The applicants and engineer were emailed a copy of this amended Staff Report prior to the
229 continued meeting.

230
231 8. Bryan Currier, P.E., O'Leary-Burke Civil Associates was in attendance for the August 3,
232 2023, hearing and provided the following comments:

- 233
- 234 • He noted that he is representing Glen Goldman & Nina Curtis, and their intention is to
235 secure a home business, which includes outdoor recreation as an element of the
236 agrotourism home business.
 - 237 • He called out that the application narrative indicates that the landowners are in the early
238 planning stages with the property. The lot is approximately 13-acres and is the remaining
239 lands from the Deer Crossing Development. Currently, there is an existing barn on the
240 premises; and the 1800's house was unsalvageable and demolished earlier this year.
 - 241 • He described the barn as having a 3,500 sq. ft. "beautiful silo" and takes up "significant
242 space." The lower story which was used for livestock in the past will be used for storage.
243 The upstairs is also "very beautiful" and felt the Agrotourism uses will play on each
244 other.
 - 245 • The plan was mostly for smaller events, up to 40 people, with an occasional limit of 100
246 for a wedding or similar gathering. He repeated that there is not firm business plan yet
247 and the purpose of this meeting was to talk about the intensity of the use.
 - 248 • He described that the previous owner operated a tree farm and vegetable stand. They plan
249 to use the same parking, located in the front yard as you enter into the lot. The intention
250 is to use the parking in the same way, keeping it as a grassed parking area. He noted that
251 there is existing landscape in front of the parking area. He noted that there will be an
252 overflow grassed parking area behind the barn and, his expectation is that the Fire Chief
253 will ask to extend the driveway to the barn.
 - 254 • Another reason they are before the ZBA without a firm business plan is they are trying to
255 obtain a State Water & Wastewater permit in order to construct the new SFH, ADU and
256 occupancy of the barn, noting that they need to be confident that the existing water is able
257 to also serve the barn.
 - 258 • He noted that a traffic study was a sizable expense and at this time they are requesting the
259 ZBA approve the application within specific and limited hours being 9:00 a.m. to 4:00
260 p.m., noting that peak hours are between 7:00 AM - 9:00 AM and 4:00 PM - 6:00 PM., as
261 they won't be contributing to the peak hours, and not contributing to traffic on Saxon Hill
262 Road or Route 15. He stated that doing a traffic study without am or pm hours would be
263 an exercise of conditions.

264 9. At the August 3rd hearing, the following public comments were received:

265
266 Scott LaPlant, 1 Deer Crossing Lane, Essex, VT, stated his house abuts 21 Saxon Hill Road.
267 His main question evolves around the events. He noted that he heard testimony stating 40
268 persons and up to 100 persons could be in attendance. LaPlant noted that they have the
269 Whitcomb Farm to the front of the neighborhood, who can have noisy events, and now this
270 proposal to the side of them. He is looking for more clarity on what events really means,
271 especially what happens "noise-wise" with the events and how that ties in with permitting.

LaPlant was concerned that the landowner could pull a permit for a special event every week. Kelley stated that she monitors the number of times a request is made. LaPlant wanted to make sure he was clear on the special event permits, and asked for confirmation that someone can't pull a permit for a Friday and Saturday every week because it would be excessive.

Neil Villeneuve, 27 Saxon Hill Road, stated that he abuts the subject property and has the same concerns about noise, and that wedding events scare them. He likes the idea of pulling a permit for each event over 40 people. Villeneuve stated that the second story of the barn, as he knows it, has a walk-in door at ground level and that there are 2 large doors to allow a tractor to go into the barn on the second level. Villeneuve stated that the map that was submitted is not correct as it does not show the details to a recent boundary adjustment wherein he now owns the 2-acre lot. He asked for clarification on the weekend hours.

Geraldine Villeneuve, 27 Saxon Hill Road, stated her concerns have been voiced by others. She stated that the weekday hours have been addressed, however weekend hours have not been addressed and this is usually when weddings occur. She also noted that people schedule 1-2 years out for weddings and she does not know if that is the case here.

Deborah Keel, 11 Deer Crossing Lane, made the following points:

- She has a number of concerns about noise level, noting there is a party barn below them located on Route 15 which has fireworks, parties and it seems like the proposal before the Board is much like that business, and the noise will change the feel of the neighborhood.
- It is very difficult to pull onto Route 15 from Saxon Hill as it is hard to get a break in traffic and not just during the rush hours of mornings and evenings. Events being held in other places also makes it hard and adds to traffic.
- Events happening at this lot will "definitely impact all the residents that live in this development and the folks who live on Saxon Hill."
- Her house is located at the very end of the water line in Essex and there is very little water pressure, and sometime air is in the water lines. Having another large property being open to the public, using the water, will impact their residential use.
- Concern with the size of the parties with luncheons and events with up to 100 people, and parking issues. Concern that people would be parking on the road to their entrance onto Deer Crossing.
- Worry about opening-up this area to the public and bringing in a lot of strangers, with people wandering onto other properties and what would happen if the someone were injured on someone else's property.
- Worry about the business growing bigger.

Jessica Stone, 8 Deer Crossing Lane, stated that she has the same concerns as her neighbors, noting that she lives about 1500 feet from the subject property. She was concerned about the

impact of traffic and what it would do to her neighborhood and Route 15. Another concern was noise as weddings/events brings noise with the bands and music and how that “plays out on weekends.” She absolutely believes a traffic study is needed as she stated people arriving for a wedding at 4pm and leaving at 8:00 p.m. does impact traffic. She stated that they lived in a special and unique neighborhood and, they value their peace and believes special events would impact the neighborhood. She does support walking paths and small-scale farming uses.

10. In an email dated 7/27/2023, Public Works provided the following comments:

- A traffic study will be required to assess what impact the proposed conditional use will have on the area.
- Public Works has only supplied a water allocation letter to the applicant’s engineer for the single-family home and accessory dwelling unit. The applicant’s engineer will need to submit a request for an allocation letter for the barn and purchase any additional allocation for the site.

In response to the request for a traffic study, the applicant’s engineer replied,

Regardless of what the narrative says, we will request a condition of approval that events will not take place within peak AM (7 AM-9AM) and PM (4 PM-6 PM) traffic hours. Traffic studies focus on peak hour trip volumes. If we are not contributing any peak hour trips, there is no point of a traffic study. If in the future the Applicant wishes to remove the condition, we will be required to re-apply to the ZBA and produce a traffic study. This is a small-scale home business idea that we do not want to saddle with the cost of a traffic impact study at this time.

In a follow-up email dated 8/25/2023, Public Works stated,

Even if they are limiting events to 9 AM to 4 PM, they may contribute to peak hour traffic. If the event starts at 9 AM, people will have to leave during the 7 AM – 9 AM peak hour time in order to get there. Similarly, if the event ends at 4 PM, people will leave during the 4 PM to 6 PM peak hour time to go home. The only way they would not contribute to peak hours would be to reduce their hours to at least 10 AM to 3 PM or more.

That being said, Public Works can require a traffic study for any project. Under Section 220 of our Specifications for Traffic Studies, it states that because each project is unique, Public Works reserves the right to modify the traffic study guidelines accordingly. This is a unique project and Public Works wants to understand the traffic impacts.

11. In an email dated 7/26/2023, the Recreation Director said,

After reviewing the application for 21 Saxon Hill Road, Essex Parks and Recreation will require recreation impact fees for the new residential build, along with the 1-bedroom ADU.

It is suggested that the parking area has clear signage regarding business parking only, at least during normal business hours. Our department would be interested in having a discussion regarding non-business hour parking for recreational use at the nearby mountain biking trails and how this would impact the use of the trails and affect abutters to the trailhead of the Saxon Hill network.

369
370 12. In an email dated 8/30/2023, the Police Chief said, *I am concerned about there being events*
371 *in this barn and the parking needed. They say they have 48 parking spaces allotted for a*
372 *maximum of 75 guests. Although it does not say this specifically in their application, with the*
373 *trend of barn weddings, I fear that this may be what they actually plan to do for events.*
374 *Wedding or not, my fear is that guests will park on Saxon Hill Rd and I think currently there*
375 *are no restrictions for parking on this section of that road. As we know, we already have had*
376 *parking issues on one section of the road and I would rather not allow something that will*
377 *put us in that situation again. I cannot support this until that is addressed.*

378
379 In a follow-up 8/30/23 email, after pointing out the proposed overflow parking area on the
380 plan, the Police Chief said, *Yes, I am OK with it as long as they use the overflow parking and*
381 *not the roadway.*
382

383 13. In an email dated 7/28/23, the Fire Chief said,
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385 *This is not sufficient to provide full detailed comments. I see a proposed accessory*
386 *dwelling that has no access to it. The driveway ends back before the barn, which is also*
387 *a concern for access during a fire. They'll need to provide some additional details on*
388 *that, as well as how will this property be given a street address? We should be*
389 *requiring signage (6" minimum, reflective) that clearly identifies each building.*
390

391 In a follow-up email dated 8/29/23, the Fire Chief said,
392

393 *We (the Town) needs to assign numbers to the various structures and then ask that they*
394 *be cleared labeled for easy identification for Police/Fire/Rescue.*
395

396 14. This application is being reviewed for Conditional Use under Section 4.9(C) and Section 5.7
397 of the *Town of Essex Zoning Regulations* for Outdoor Recreation/Home Business.
398

- 399 • The proposed hours of operation are 9:00 a.m. to 5:00 p.m., Monday – Friday (special
400 events on weekends?)
- 401 • There will be no change to the outside appearance so that it is out of character with
402 the neighborhood. Existing shrubbery will block the existing parking areas.
- 403 • The area to be utilized within the barn will not exceed 50% of floor area.
- 404 • The landowners will be running the business, with no employees.
- 405 • The landowners propose to use the same parking area as the former residents used for
406 its vegetable stand and Christmas Tree sales.
- 407 • The applicant will be required to submit an approved State Wastewater permit for
408 septic to accommodate the uses prior to opening the business. The plan is for the lot
409 to be served by public water.
- 410 • Although the proposed use is similar to a business that was situated at the premises
411 years prior, Public Works has requested a traffic study. The ZBA will need to
412 determine if that should be a condition of approval in order to determine if traffic will
413 place an undue burden on the roads.
- 414 • The applicants will need to adhere to the Town of Essex Noise Ordinance State AG
415 requirements and Zoning Regulation, Section 4.2 'Agricultural Uses'.
- 416 • This approval does not run with the land and shall terminate once the property is sold.

15. The applicant's engineer provided the following Conditional Use responses:

*Please find the following responses to the Essex Zoning Regulations, Section 5.7 –
Conditional Use Review criteria:*

A) General Standards

- 1) Capacity of existing or planned community facilities: *The proposed use will be within an existing 15-acre single family lot. The barn is proposed to be retrofitted for the special event space. The size of the lot can accommodate the necessary parking requirements of the event space.*
- 2) Character of the area affected: *The proposed use will be housed in a refurbished historic barn and consistent with and respectful of the VT landscape and surrounding community.*
- 3) Traffic on roads and highways in the vicinity: *The proposal is not anticipated to change traffic patterns on surrounding roads. Adequate parking currently exists at the property for the proposed uses.*
- 4) Bylaws and ordinances in effect: *The proposal complies with existing municipal bylaws and ordinances. Recreation/Private Outdoor facilities are a conditional use in the AR zoning district.*
- 5) Utilization of renewable energy resources: *21 Saxon Hill Rd. owners are looking into the possibility of solar panels on the barn roof as well as geo thermal heat and cooling for the future primary home.*

B) Specific Standards

- 1) Conformance with the Town Plan: *The use will be a unique use and add to the variety of uses on Saxon Hill. Chapter 2 page 29 of the Town Plan outlines the town's plan for economic development. It will contribute to the plan's goal of achieving a diverse economy, one that relies more on small entrepreneurial activities than on large employers. Additionally, chapter 2 page 34 describes how rural parts of Essex can increase economic activity. The growth of the recreational economy is a trend which Essex can capitalize on with the creation of an event space which facilitates social gatherings.*
- 2) Site plan review criteria: *Please see the plans. The plans show adequate parking for the proposed recreation facility at 1 space / 200 gross SF of enclosed space plus 1 space for each 3 persons accommodated by outside facilities. The facility is being proposed with a maximum capacity of 75 persons. The gross square footage of the barn to be utilized for reactional purposes would not exceed 4,600 SF. Total parking proposed 48 spaces.*
- 3) Conformance with community character: *The proposed use will add to the character of the Saxon Hill Rd. and surrounding communities as it will provide the community with a beautiful piece of Vermont history and support the local economy with agrobusiness uses.*

16. Pursuant to Section 5.7 of the Zoning Regulations, the Zoning Board finds the following:

(The ZBA to determine 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 effect.
- 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.
- h. The proposed use is in conformance with community character.

CONDITIONS:

- 1) The hours of operation shall be from 9:00 a.m. to 4:00 p.m., with a maximum of 40 people for small events; and a maximum of 100 people for occasional small events.
- 2) ‘No Parking on Road’ and “Additional Parking in Back’ signage shall be prominently displayed on the site during events.
- 3) An on-site parking attendant shall be used for larger events. A certified traffic controller shall be secured for larger events to ensure no parking occurs on the street.
- 4) The applicants shall submit a traffic study, for review and approval prior to scheduling any event that should occur between the hours of 7:00 A.M – 9:00 A.M and 4:00 P.M – 6:00 P.M. and pay any associated fees.
- 5) The applicant’s engineer shall submit a request for water allocation for the barn and shall purchase any additional allocation for the site as required by Public Works.
- 6) The applicants shall provide the Zoning Administrator with a copy of the State Wastewater approval, and any other State permit that may be required of this project prior to the issuance of a construction/use permit.
- 7) The applicant shall submit a Zoning Permit for the reconstruction of the house and renovation of the barn and obtain a Certificate of Occupancy for both structures prior to starting up the home business.
- 8) Each building shall be identified with reflective numbers, at least 8” in size and placed so that it is visible to the road and as you enter the lot.
- 9) The address and emergency telephone numbers shall be posted in a visible location inside the barn, to include Police, Fire/Rescue, and landowners.
- 10) The landowner shall provide the emergency contact names and phone numbers of the landowners to the Essex Police Dispatch office.

11) Signage for the 48 parking spaces and overflow lot shall be adequately posted. A parking attendant shall be secured for larger events. A handicap parking spot shall be designated with signage.

12) The applicant shall secure all permits and occupancy inspections required from the State Department of Fire & Safety prior to scheduling any events; and shall provide a copy of the State Certificate of Occupancy to the Zoning Administrator.

13) Prior to the issuance of a Certificate of Occupancy, the applicant shall provide E-911 signage to be posted on all structures in a manner that is clearly visible from the road.

14) The applicant shall adhere to the Town of Essex Noise Ordinance.

15) 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 5-0.

AGENDA ITEM 6: REVIEW OF OPERATING PROCEDURES:

Vice-Chair Plageman Moved and Board Member Yandow Seconded a Motion to accept the ZBA 2023 Operating Procedures as written. The Motion passed 5-0.

AGENDA ITEM 7: MINUTES: July 6, 2023 & August 3, 2023

Vice-Chair Plageman Moved and Board Member Williams to approve the 7/6/2023 minutes with minor changes. The Motion passed 5-0.

Board Member Yandow Moved and Chairman Martin Seconded a Motion to approved the 8/3/2023 minutes with grammatical changes. The Motion passed 5-0.

AGENDA ITEM 8. OTHER BUSINESS: Kelley reported that no applications were received for the October meeting.

AGENDA ITEM 9: ADJOURNMENT: The meeting adjourned at 7:16 p.m.

ZONING BOARD OF ADJUSTMENT

By: _____

Nick Martin, Chair