

TOWN OF ESSEX PLANNING COMMISSION
MINUTES
August 24, 2023

These minutes are in pre-draft form and will be completed and posted prior to the next meeting.

PLANNING COMMISSION (PC) PRESENT:

IN PERSON: Dustin Bruso, Chair; John Mangan, Clerk; Johnathan Schumacher; Georgia Lavigne; Trefor Williams and Daniel Parkins.

VIRTUAL: Vice-Chair Knox.

OTHERS PRESENT:

IN PERSON: Katherine Sonnick, Community Development Director;; Kent Johnson, Planner; Paula Duke; Ken Signorello; and Jean MacBride (Essex Reporter.)

VIRTUAL: Sharon Kelley, Zoning Administrator Patty Davis; Gina Halpin Barrett; and Lorraine ZaLoom.

AGENDA ITEM 1. CALL TO ORDER: The meeting was called to order at 6:00 p.m, noting that Vice-Chair Knox is attending remote and 5 PC Members were present in the room.

AGENDA ITEM 2. RATIFICATION OF ELECTION OF OFFICERS:

Chairman Bruso asked the Community Development Director to speak on this item. Sonnick stated that at the 8/10/23 PC meeting, there was an agreement to amend the agenda to hold Election of Officers, however no official vote was taken to accept the amended Agenda, which is a practice of the Selectboard. Sonnick recommended that the PC make a motion to ratify the Election of Officers that took place on 8/10/23. **Commissioner Parkins MOVED and Commissioner Mangan SECONDED a MOTION to Ratify the Election of Officers held on 8/10/23. The MOTION passed. 6-0.**

AGENDA ITEM 3: AGENDA ADDITIONS/CHANGES: None.

AGENDA ITEM 4: APPROVE AGENDA: Commissioner Mangan MOVED and Commissioner LaVigne SECONDED a MOTION to approve the Agenda. The MOTION passed 6-0.

AGENDA ITEM 5: PUBLIC COMMENTS: Chairman Bruso asked for public comments for items not on the Agenda. There were none.

AGENDA ITEM 6: DRAFT ZONING & SUBDIVISION REGULATIONS DISCUSSION:

a. Discuss Selectboard Amendments & Amend Selectboard Report

Sonnick informed the PC that at the last SB Hearing, some changes were made to the proposed regulations. These changes require the PC to submit an Amended Report which states that the changes made still conform with State Statute and the Town Plan. Sonnick walked through the

changes that were made since the PC had reviewed them, including, but not limited to the following:

- The definition of “family” changed to “household”.
- As required by Act 47, changed dimensional standards for duplex units to be same as single unit dwelling.
- Changed to state that parking areas, access drives and components of stormwater management systems may not be located within 50 - foot buffer. Previous language said that they could be allowed in 50-foot buffer; this has never been allowed. The Selectboard removed this, as the suggested language is potentially more confusing / conflicting with the waiver language that follows.
- New Language and section was added to specify that maintenance of landscaping at a property line is required; Language was added requiring fences to be maintained; Language was clarified to state where electric or barbed wire fences are permitted, instead of prohibited. The Selectboard further clarified this language as follows: “Electric and barbed wire fences are only permitted in the C1, AR and R1 Zoning Districts for agricultural uses purposes unless otherwise exempted by the State.”
- Selectboard added Language about tall fences as was requested by the public in a prior PC draft. “Fences may be erected on the property lines and shall not exceed eight feet (8’) in height. Fences shall not be placed atop one another.”

Sonnick stated that there are more changes to be made to the regulations as a result of Act 47, however she reported that many municipalities were trying to figure them out as they are too ambiguous to make changes at this time.

The Planning Commission felt that the garage sale language may not be realistically enforceable as there were no tools to enforce this proposed regulation. The PC was also concerned that as most yard sales are held on the weekends when staff was not working and restricting yard sales would likely prohibit some neighborhoods from having the opportunity for a yard sale. Commissioner Parkins felt the proposed regulation was inequitable to limitations as yard sales are done as a means to make ends-meet. He does not want to prevent someone from having a yard sale.

A lengthy discussion ensued on the 50-foot RPD-I buffer. Chairman Bruso stated that the PC has consistently waived the 50’ buffer in the RPD-I zone as most of the landscaping was scrub trees. The PC has been consistent to require either a blend of trees, or to allow for stormwater management along Corporate and Thompson Drive. Sonnick stated that she tried to explain to the Selectboard that you need to allow for an access within the 50’ buffer, as well as the 100’ buffer on Allen Martin Drive. Sonnick noted that a decision was made “not to muck around too much in the RPD-I until future changes were made and clarifying intentions were made.” Patty Davis asked if the PC has discretionary authority to approve “just about anything” in the 50’ buffer. Davis noted that a residential property could be across the street and asked if the PC takes that into consideration regarding aesthetics, including scenic and natural beauty of the area. Chairman Bruso replied that the 50’ buffer was only along Corporate Drive, Thompson Drive and Red Pine Circle as those are the internal buffers within the RPD-I zone. Bruso noted the 200’ buffer was required if the project abuts a residential zone.

A lively discussion took place regarding changes to ‘fences’. Chairman Bruso argued against the change to electric fences in all zones, especially the residential zone. Sonnick stated that some uses are allowed by the State regarding electric fences and Towns have no say on the matter. Sonnick stated that if you have a low number of chickens, for example, the town can regulate a fence.

Chairman Bruso suggested to ask the Selectboard to restore the regulations on electric fences, especially if covered by state statute. Bruso felt it was a broad stroke and there was risk involved as it does not provide specificity.

Regarding the height of a regular fence, the PC stated that if the areas of concern are not located in a Design Control area, it would be extremely difficult to enforce the style of fence. Chairman Bruso stated that if someone installed a solid fence and then add lattice to the fence, this would be design control. The PC was not in favor of adding the new language to the proposed Regulations. The PC also noted that the way the regulation is written only speaks to fences on the property line and in effect someone could build a fence atop of one another off the property line. Commissioner Parkins was worried about unintended consequences. Commissioner Williams did not think a one-size fits all was the right approach due to the topography. A brief discussion took place on the existing regulation language wherein it refers to state statute where *a person shall not erect or maintain an unnecessary fence or other structure for the purpose of annoying the owns of adjoining property by obstructing their view or depriving them of light or air*. Chairman Bruso acknowledged that the Draft Regulations were now in the hands of the Selectboard and the PC does not “own them anymore.” Sonnick stated that the PC could make a recommendation back to the Selectboard, which they could consider on these matters.

Bruso stated that Sonnick will amend the PC report to add the issues discussed at the meeting and present to the Selectboard.

Daniel Parkins made a Motion to authorize the Community Development Direct to add the PC suggestions to the Selectboard Memo. Commissioner Mangan seconded the Motion. The Motion passed 6-0.

Sonnick noted that the Selectboard will need the PC’s Amended Report for its 9/18 meeting.

AGENDA ITEM 7: TOWN PLAN DISCUSSION:

Sonnick reported that the whole introduction to the Town Plan is a re-write. She reported that Vice-Chair Knox worked on language to add an introduction to each of the following chapters:

- Introduction.
- Chapter 1: The Action Plan.
- Chapter 2: Essex as a Community.
- Chapter 3: Howe We Relate to the Land.
- Chapter 4: Serving the Community:

Sonnick spoke briefly upon the chapters, noting that groups continue to pull information together and they will be reaching out to the committees who still need to provide more details.

Vice-Chair Knox noted the point of the introduction and added language to the chapters was to be more user friendly to the lay person, as well as showcase public suggestions.

Sonnick noted that language will be scattered about throughout the document as a vision. Sonnick recognized Ken Signorello, who has been a big help with the Town Plan.

The PC was appreciative of the summaries and found them useful and interesting.

Patty Davis noted that she did not read the whole document, but thinks the mission (clean air, water, better connected be made as the first objective as it would make things easier as you go through each chapter.

Ken Signorello suggested a legend would be helpful since colors vary throughout the document. He asked that staff send the Economic Development Commission a memo asking for its comments.

Chairman Bruso was appreciative of Signorello's assistance in working with Vice-Chair Knox on the Town Plan.

Discussions continued on what has been done and what is still outstanding to close the loop on the Draft Plan. Sonnick stated that she is planning for a Public Hearing on the Draft Town Plan on November 16th, noting the PC may need to determine if they need an extra meeting as they only meet one time in November due to the holiday.

AGENDA ITEM 8: Approval of Minutes August 10, 2023.

Commissioner LaVigne MOVED and Commissioner Mangan SECONDED a Motion to approve the August 10, 2023, minutes as written. The MOTION passed 6-0.

6. OTHER BUSINESS: None.

The meeting adjourned at 8:02 p.m.

By: 
PLANNING COMMISSION
Dustin R. Bruso, Chair