

1 JOINT WORKSHOP ESSEX TOWN PLANNING COMMISSION
2 AND ZONING BOARD OF ADJUSTMENT

3 MINUTES
4 February 22, 2024
5
6

7 **PLANNING COMMISSION (PC) PRESENT:**

8 **IN PERSON:** Dustin Bruso, Chair; Johnathan Schumacher; Georgia Lavigne; and Alternate
9 Paula Duke (a voting member for a portion of this meeting).

10 **ZONING BOARD MEMBERS PRESENT:** Nick Martin, Chair; Trefor Williams, and
11 Hubie Norton.

12 **VIRTUAL:** Joshua Knox, Vice-Chair; John Mangan; Trefor Williams; and Daniel Parkins
13 (arrived at 6:10 p.m.)
14

15 **OTHERS PRESENT IN PERSON:** Katherine Sonnick, Community Development
16 Director; Sharon Kelley, Zoning Administrator; Kent Johnson, Planner; and Community
17 Television.
18

19 **VIRTUAL:** Sharon Zukowski; Ken Signorello; and Dawn-Hill Fleury.
20

21 **AGENDA ITEM 1. AGENDA ADDITIONS/CHANGES:**
22

23 **Chairman Bruso Moved and Commissioner Schumacher Seconded a Motion to remove**
24 **the Draft Minutes to this Agenda and add them to the next meeting. The MOTION**
25 **passed 7-0.**
26

27 **AGENDA ITEM 2: PUBLIC COMMENTS:** None.
28
29

30 **AGENDA ITEM 3: WORKSHOP-DEVELOPMENT REVIEW BOARD**
31 **TRANSITION PLANNING:**
32

33 Chairman Bruso requested that Community Development Director, Katherine Sonnick,
34 manage the Workshop from start to finish.
35

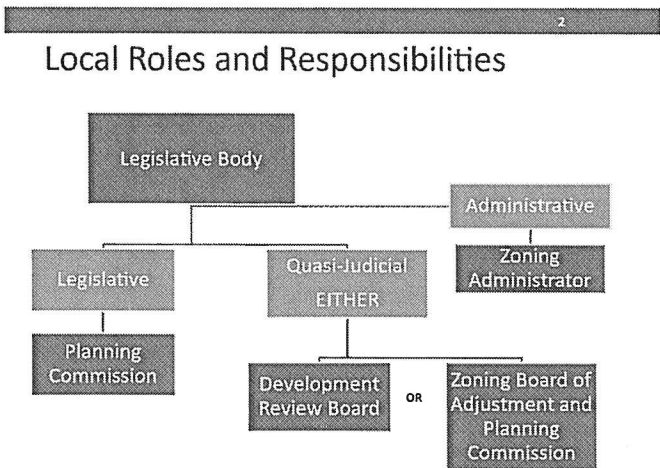
36 Sonnick asked the Planning Commission and Zoning Board to introduce themselves.
37

38 Sonnick summarized the following:
39

- 40 • The Development Review Board (DRB) goes into effect on January 1, 2025.
- 41 • She met with Chairman Bruso, Chairman Martin, Sharon Kelley prior to the
42 workshop and hopes that the outcome of this workshop will allow for direction to
43 provide to the Selectboard – sooner rather than later.
- 44 • The plan is for her to present a direction from the PC and ZBA to the Selectboard at
45 its March 18th meeting.

- She provided the PC & ZBA materials from the State on what is a PC and what is a DRB.
- She noted that she surveyed different towns in Chittenden County with questions, such as how many members they have on each Commission or DRB; how many meetings each have; and if there was overlap between the PC and DRB. She noted that most Planning Commissions had 7 members, but the highest was 9. She found it very interesting that the Town of Colchester has a youth member on both boards, noting that they can do this as advisory. She did not find that there was much membership overlap on both boards, noting that it would be a big-time commitment.
- Regarding Rules of Procedure, she spoke to both Charlotte Town and the City of Essex Junction as they were the two most recent communities that transitioned to a DRB.
- The Regional Planning Commission and Regina Mahoney from Essex Junction reported that it was good to have PC members on the DRB so they can carry over advice on application of the regulations. She also spoke with the Charlotte Planner, who reported having a member on both boards was good for communication and expertise. Essex Junction reported that they had a lot of new DRB members, and they are looser in the way they do things, so it was best to have a script to run the meeting; and the Chair would run through this “interested persons” script.

Sonnick provided a power point presentation covering the following topics for discussions:



Issues

- Determine Membership
 - Institutional knowledge/expertise
 - Numbers
 - Make up of each board
- Number of Meetings a Month
 - Staffing levels
- Amend Zoning Regulations
 - Doesn't need to be done by time DRB is formed
- Development Applications
 - No applications can be in mid-stream
- Rules of Procedure
 - Doesn't need to be done by time DRB is formed

69
70

Staff Recommendations for DRB Model

- Membership
 - Create membership overlap (if interest): 1 member on both boards (potentially as a DRB alternate)
 - Those staying on PC, terms would continue as is
 - Apply for DRB and open PC positions
 - 5 members with 2 alternate members– DRB
 - Keep 7 members, as currently is– PC
- Meetings
 - Have semi-annual joint meetings with PC and DRB
 - One meeting a month each board– PC and DRB
- Staff
 - Community Development Director and Town Planner– PC
 - Town Planner (site plan, PUD, subdivisions, appeals) and Zoning Administrator (consent agenda, variance, conditional use)– DRB

71

Staff Recommendations for DRB Model

- Rules of Procedure
 - New for each board
 - Done at first meeting of each board in January 2025
 - Interested Persons/Meeting Script – DRB
 - Regular “refreshers” in process for both boards
- Amend Zoning Regulations
 - Should start amendment process by summer
- Development Applications
 - May need extra meetings at the end of the year

Katherine Sonnick noted that a Vermont League of Cities and Towns (VLCT) notes that a DRB is permitted to have alternates, however the Planning Commission is not. Sonnick also noted that the current PC is a ‘quasi-judicial’ board as they review applications, however, when that role goes away, the new PC cannot have an alternate. Sonnick also noted the ZBA goes away when the DRB starts up.

Zoning Board Member Norton asked if the Charter mention the number of membership for each Board. Sonnick did not believe so.

A discussion ensued on the number of meetings each Board. Sonnick noted that the number of staff is not increasing, and they should take that into consideration. Chairman Bruso stated that he foresees a phased approach and suggested starting with 1 meeting per month for both boards.

Alternate Member Duke asked if the newer PC’s meet 1 or 2 times per month. Sonnick stated that it varies.

Commissioner Perkins agrees the PC should meet 1x/month; and feels the DRB needs to meet 2x/month, however he is understands that is too much. Sonnick replied that those were valid points, and noted if the PC was working on a special project, such as the ETC|NEXT Plan, it could require extra meetings, which could be added on to its schedules. Sharon Kelley stated that adding extra meetings is common practice when the need arises.

Responding to a question, Sonnick stated that an added a meeting for the Planning Commission only requires 48 hours’ notice, or 24-hours for a special meeting and, no requirement to warn in the newspaper.

Sonnick stated that a lot of work needs to be done as January is not far off with all the preparation work that is needed. Sonnick did state that the revisions to the Zoning & Subdivision Regulations do not need to be completed before the DRB starts, however amendments should be in progress as it is not a quick process.

Responding to a query from Commissioner Perkins, Sonnick stated that once the DRB starts up the PC is no longer a quasi-judicial board, and the Planning Commission won't be mentioned too much in the amended regulations.

Sonnick reported that any application that is in process and has not received a PC and ZBA decision by the end of the year, would have to start the process over with the DRB. She provided an example, using a subdivision application. If that project received sketch approval, and has submitted a preliminary application, but has not yet been scheduled for a meeting, or was scheduled for a meeting that was continued, it must be heard and must have a final decision on the preliminary application before the end of the year. If this was successful, then the 'Final' application would be heard by the DRB. If the preliminary application was continued, and there was no time left in the year, then a new application/fees for preliminary review would need to be submitted to the DRB and start over at the preliminary stage.

Commissioner Perkins questioned if the PC would be amending the Regulations. Sonnick replied yes, however the PC would not be applying the Regulations any longer.

Chairman Bruso asked the ZBA members what the feasibility would be for them to sit at the PC table to hear the applications, such as Pinewood I. Board Member Norton suggested Bruso was making assumptions that the ZBA members would be on the DRB. ZBA Chairman asked if was appropriate for them to make a decision and asked if there would be a conflict. Sonnick agrees that it would not be ideal for the ZBA to attend. Commissioner Lavigne suggested providing the recording to the DRB. Chairman Bruso stated that if the ZBA were invited guests, it is not a conflict of interest. Chairman Bruso stated that appointments are made in July, so the ZBA can be at the PC table to be an active listener. He suggested this approach so that they can be aware should they decide to apply for the DRB.

Chairman Bruso noted that this meeting was a PC and ZBA workshop, however he observed that hands were up from the public. The PC and ZBA agreed to allow comments.

Ken Signorello suggested a transition plan and did not believe it needed to be so complicated.

Sonnick stated that until the DRB is formed with appointments, the PC and The ZBA still reviews applications, The DRB can't be in existence with a ZBA in existence.

Sonnick wants to have draft Rules of Procedure for the DRB prior to its first meeting. Commissioner Schumacher asked for confirmation that the DRB can vote on changes to the Rules of Procedure at its meeting. Sonnick confirmed.

A brief discussion ensued on the Rules of Procedure and why the legislative body voted to create a DRB.

Commissioner Lavigne likes the idea of a youth member on the Planning Commission.

Commissioner Williams stated that he would volunteer to be on the PC and the DRB.

February 22, 2024

149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166

Vice Chair Knox likes 7 members for a DRB and likes only meeting 1x/month.

Commissioner Mangan has no objections to staff recommendations.

The PC & ZBA leaned towards 7 members and 0 alternates for the DRB and agreed to the rest of the recommendations in the presentation.

Board Member Norton would like to see people attend in person as most people do not put their camera on and you can't read body language; you can't confirm who is really talking; you can't provide an oath and know that people are sworn to the oath over video; and believes the virtual process needs work.

The meeting adjourned at 8:12 p.m.

PLANNING COMMISSION
By: 
Dustin R. Brusio, Chair