TOWN OF ESSEX
DRAFT PLANNING & ZONING BOARD COMMISSION MINUTES
JUNE 27, 2024

Note: This meeting was held on Zoom and In-House.

PLANNING COMMISSION (PC) PRESENT IN ROOM: Dustin Bruso, Chair; Jonathan Schumacher; Georgia Lavigne, Clerk; and Trefor Williams.
PC ATTENDING VIRTUALLY: Josh Knox, Vice-Chair.

ZBA ATTENDING PRESENT IN ROOM: Nick Martin, Chair; Hubert Norton; and Ian Carroll. (None attending virtually.)

OTHERS PRESENT IN ROOM: Katherine Sonnick, Community Development Director; Sharon Kelley, Zoning Administrator; Kent Johnson, Planner; Stephanie Bixby; and Community TV.

OTHERS VIRTUALLY: None.

AGENDA ITEM 1: CALL TO ORDER: Chairman Bruso called the meeting to order at 6:33 p.m.

AGENDA ITEM 2: AGENDA ADDITIONS/ CHANGES: None.

AGENDA ITEM 3: APPROVE AGENDA:

Zoning Board Member Norton Moved and ZBA Chairman Martin Seconded a Motion to approve the Agenda as warned. The Motion passed 3-0.

Commissioner Lavigne Moved and Vice-Chair Knox Seconded a Motion to approve the Agenda as warned. The Motion passed 6-0.

AGENDA ITEM 4: PUBLIC TO BE HEARD: None.

AGENDA ITEM 5: APPROVAL OF MINUTES 5/23/2024: Commissioner Schumacher Moved and Commissioner Lavigne Seconded a Motion to approve the minutes as written. The Motion passed 6-0.

AGENDA ITEM 6: PLANNING COMMISSION AND ZONING BOARD DISCUSSION:

Chairman Bruso had the PC introduce themselves, as well as the ZBA.
Stephanie Bixby, a recently appointed ZBA member to start on July 1, 2024, was introduced.

Katherine Sonnick made the following points:

- This joint meeting was to have a discussion to assist in determining the process for development review.
- The meeting packet included materials such as: The PC & ZBA operating procedures; Model operating procedures from VLCT and the Town of Charlotte; Current PC & ZBA

2024 meeting schedule; a document noting the status of existing applications before the PC, Status of transition to and appointment of Development Review Board members, How applications will be reviewed, Status of Zoning Regulation Updates; and a copy of the Town of Charlotte's Rules of Procedure and Conflict of Interest Policy.

- She reported that the current 2024 meeting schedule is proposing to stop accepting development applications in October 2024 and schedule any applications in January with the DRB. She noted they may be exceptions for minor applications.
- She believes that some of the PC & ZBA members will be on the DRB, she noted there is more to do ahead of time so that it will be easier to transition the closer we get to January.
- She prepared a memo to the Selectboard with an update of where the preparations are currently and where the Boards are headed. Her plan is to submit a resolution to the Selectboard in August with a recommended number of members to be on the PC and DRB. The Selectboard will start interviewing for these positions in September. She would like to know who would like to be considered for these positions.

Chairman Bruso stated that the PC has been consistent for some time and described the process as follows: The applicant comes to the table; turns to staff to look for points of contention, agreements and its recommendation; looks to the PC members for questions to staff; goes to the applicant or representative to point to their disagreement or comments with the staff report; goes back to the PC for questions; opens the public hearing and takes public comments; if no public comments, closes public hearing and deliberates; engages with the applicant as needed; closes public hearing; goes to a decision with a motion, unless they go into a non-public deliberative session, (which they seldom use); offers a motion, which may include its own finding specific to a section in the staff report and votes.

Chairman Knox stated that deliberative session is rarely used.

Commissioner Williams thinks the process is good. Sometimes he would like to deliberate in private but understands keeping it open to the public.

Commissioner Lavigne felt the process was covered.

ZBA Chair, Nick Martin, stated that the process does not sound too different from the PC's process. He stated that he swears in the public for testimony and opens the Fact-Finding; he asks staff is there is any changes to the Staff Report and if so to explain the changes; turns to the applicant for more detail and to explain the project; opens discussion to the ZBA members; clarifies any concerns; opens the public; closed the Fact-Finding public hearing; deliberates in public view, but has a tool to close the deliberation if needed; identifies the findings and conditions; motions for a decision and votes.

ZBA Member Norton finds it strange that the PC goes into executive session versus deliberative session. He noted that the ZBA Rules of Procedure allow for them to enter into executive session but not deliberative session. Chairman Bruso stated that they are allowed to go into executive session only for legal, personnel or real estate and deliberative session is used for private deliberation of applications. Bruso stated that, at times, they go into closed deliberative session wherein no minutes are taken. A conversation ensued on this topic.

ZBA Member Norton has an issue with video conference meetings and believes that all members should have their cameras on during a meeting, and the public should turn their camera on when speaking. He asked how to correct this matter. Also, he does not agree with any telephone access and believes that is "an excuse". Norton believes that an applicant should be able to look into the eyes of whomever is speaking (member or public). Chairman Bruso disagrees with Norton and stated that often times households don't have the bandwidth to have its video camera on. Sonnick stated that state statute amended the law to allow for hybrid meetings. He pointed out that VLCT's document, Page 5, requires at least 1 member and 1 staff to be physically present at the meeting location. Chairman Bruso stated that the starting point should be worked from the existing procedure. Norton strongly encouraged the Selectboard to create a policy for hybrid meeting etiquette, where video use would be a requirement. ZBA Chair Martin agreed.

Sonnick asked both the PC & DRB who wanted to be on the Planning Commission and/or the DRB. She reported that everyone will need to apply and interview for the DRB. The members replied as follows:

- ZBA Chair = "DRB"
- PC Member Schumacher = "Probably PC"
- PC Member Lavigne = "PC"
- ZBA Member Norton = "DRB"
- PC Member Williams = "DRB first, both if possible"
- ZBA Member Ian Carroll = "PC, if needed, would consider the DRB"
- Vice-Chair Knox = "PC"
- Chairman Bruso = no reply.
- Incoming ZBA member, Stephanie Bixby = DRB, however she has just applied to be an alternate on the PC.

Chairman Bruso stated the first meeting for the DRB should be a workshop. There was discussion about meetings for the DRB appointees in the fall, to get them up to speed ahead of the January start date. He stated the scope is narrower for the PC and broader for the DRB. ZBA Member Norton stated that all DRB members should get a copy of state statute to read. ZBA Member Ian Carroll asked to clarify what was going to the PC and DRB. Sonnick replied that all development applications go to the DRB. The Planning Commission is purely planning. ZBA Member Norton stated that currently some applications go before both the PC and DRB.

A brief discussion ensued on the number of meetings for the PC and DRB. The consensus was that each should have 2 meetings a month. It was noted that would mean a lot of meetings for staff and Sonnick intends to request that an additional planner be hired in 2026 to focus on development review.

AGENDA ITEM 7: ZONING AMENDMENT DISCUSSION REGARDING FENCES:

Katherine Sonnick reported that she has streamlined all the areas in the existing regulations to be merged under the fence section in the regulations. She matched what other towns have done so that the regulations would be more effective.

Sonnick stated that ZBA Member Norton provided packet material regarding fences from other surrounding communities as he is requesting proposed changes to the existing 'fence' regulation.

ZBA Member Norton explained that he felt changes were needed due to the fence regulations are too permissive in allowing tall and unsightly fences. He also addressed the photos that were included in the packet that showed a fence that was installed which was 12' high and designed with unsightly materials. Chairman Bruso asked Norton what was broken. ZBA Member Norton stated the existing regulations currently don't regulate height and materials. Chairman Bruso asked what makes a 12' fence inappropriate. Board Member Norton replied that it can be out of character with the neighborhood. Board Member Norton reported that he provided several examples from other communities who have regulations that are more appropriate and suggested Essex follow suit. A lively discussion took place over the proposed changes between Norton and Bruso. Board Member Norton stated that no other PC member has been asked for their thoughts on this matter.

Commissioner Schumacher likes Colchester's fence regulations and the idea of consolidating all the fence requirements into one section.

Commissioner Lavigne does not believe a 12' fence is restricting light or air however, it does have aesthetic concerns.

Commissioner Williams wants regulations to keep a fence from being too tall and would also want to keep a regulation from being too restrictive. He stated that he sees Hubie's point and we felt the PC should look into this issue.

ZBA Member Norton suggested outside a certain size, it would need to go to the DRB.

Chairman Bruso asked Norton if he was willing to centralize and pull-out certain fence regulations from other communities as a proposed regulation. Norton agreed to this request.

AGENDA ITEM 8: OTHER BUSINESS: Sonnick reported that the plan is to have the first public engagement meeting on the Upper Main Street planning project on August 1, 2024. She would like to have the PC involved in a stakeholder group, noting that Vice-Chair Knox is a part of the project leadership representing the PC. She noted the time will be 6:30 or 7:00 p.m., however she does not yet have a location for this planning event, but it will likely be in the Town Center area.

Sonnick reported that currently 80-90 Upper Main Street is being used as a staging area for the water main going in on Rout 15. That project is not a part of the Upper Main Street project.

AGENDA ITEM 8: EXECUTIVE AND/OR DELIBERATIVE SESSION: None.

The joint meeting adjourned at 8:35 p.m.

PLANNING COMMISSION	ZONING BOARD OF ADJUSTMENT
By: ________________________	By: ________________________
Dustin R. Bruso, Chair	Nick Martin, Chair