TOWN OF ESSEX
PLANNING & ZONING BOARD COMMISSION MINUTES
JULY 11, 2024

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

PLANNING COMMISSION (PC) PRESENT IN ROOM: Dustin Bruso, Chair; Josh Knox, Vice-Chair; Georgia Lavigne, Clerk; Jonathan Schumacher; Trefor Williams and Ian ___
PC ABSENT: Paula Duke.

OTHERS PRESENT IN ROOM: Katherine Sonnick, Community Development Director; Sharon Kelley, Zoning Administrator; Kent Johnson, Planner; JH Stuart, P.E.; Alan French; Tamara Pickman; Jasmine Bushe; Joseph Baker; Ethan Lawrence; Celeste Larame, Esq.; Nicole Senecal; Peter Senecal; Al Senecal; Ariana Perlee; Roger Sammel; Elizabeth Baslow; Susan Alexander; Kirk Lord; Steve Anderson; Paul Davis; and Joshua Stecker.

OTHERS VIRTUALLY: Sally Fleury; John Driftmier; Ken Signorello; and Sharon Zukowski.

AGENDA ITEM 1: CALL TO ORDER: Sharon Kelley noted the meeting started at 6:30 p.m.

AGENDA ITEM 2: ELECTION OF OFFICERS: Katherine Sonnick, C.D. Director stated she would accept a motion for the officers and asked the PC if they wanted to have discussions. **Commissioner Schumacher Moved and Commissioner Lavigne Seconded a Motion to elect Dustin Bruso as Chair; Joshua Knox as Vice-Chair; and Georgia Lavigne as Clerk. The Motion passed 5-0-1 (Bruso abstained.)**

AGENDA ITEM 3: AGENDA ADDITIONS/ CHANGES: Chairman Bruso noted that the Pinewood Holdings, LLC application for a 33-unit Planned Unit Development was postponed and that abutters would be re-notified of the rescheduled date.

AGENDA ITEM 4: APPROVE AGENDA
The PC accepted the changes to the Agenda.

AGENDA ITEM 5: PUBLIC TO BE HEARD: Chairman Bruso informed the audience that this was the time for the public to discuss any item that was not on the Agenda, except for the Consent Agenda.

Celeste Laramie, Esq., of Gravel & Shea, stated she was present to represent the neighbors of the 33 Hanley Road application, who were concerned with the relocation of the building envelope. Laramie stated that her clients have personal concerns with the proposed relocation; the proposed location does not address if the well and septic will be relocated; questioned if trees will be removed to accommodate the new envelope; and asked if the driveway would be relocated.

Tamara Pickman, 23 Hanley Lane, stated that there is only a barn on the property, with no running water. She noted that it appears that people are living on the property as they are on the property every day. She stated that she was afraid because they shoot guns on the property. She is concerned for her safety and the enjoyment of their home.

Joshua Stecker, 23 Hanely Lane, seconded his wife’s statement. He stated that part of the reason they purchased their property was how the lots were created and laid out. They don't feel comfortable, safe or have peace on their property. He believes the issues will be exacerbated if the neighbor's house is closer to their property.

Chairman Bruso stated that the State of Vermont regulates waster and wastewater (well and septic).

Chairman Bruso confirmed well/septic State purview therefore it is not a part of the PC discussions.

Sharon Kelley confirmed that the building envelope meets the setback requirements and showed on the plan where the rear property line extends past the neighbor's house. Kelley noted that from the easterly property line (facing the neighbors,) the house is pushed back and additional 65' within the building envelope and away from the neighboring lot. Kelley stated the request was put forth to avoid blasting on the site.

Attorney Laramie asked if the rear yard measurement were taken from the road. Kelley stated that the measurement was taken from the property line and showed on the plan where the boundaries were located and where the shared driveway was situated. She noted that the proposed house is situated deeper into the building envelope.

Chairman Bruso noted that the PC is challenged because a lot of the items and concerns brought forward are more social and not technical challenges and does not believe the concerns are within the PC's purview to entertain. Chairman Bruso asked staff if the request to shift the building envelope felt like a normal application. Kelley replied yes, and that the PC has reviewed other similar applications. Kelley noted that during the subdivision process, a neighbor expressed concern over blasting. Bruso looked to the PC, noting that this application is under the Consent Agenda while noting that the pc is not able to entertain a lot of discussion back and forth. Kelley stated the PC can ask clarifying questions, such as the location of the driveway for the relocated house. The plan was pulled up on the overhead screen so they all could see the location of the driveway.

Joseph Baker, property owner of 33 Hanley Lane, Essex, VT showed on the overhead plan where the existing driveway comes in; where the existing barn is located; and where it will branch off on his property to the house location. He noted that the driveway will not go by the neighbor's house. Baker pointed out the location of the "massive crop of ledge." Chairman Bruso asked where the neighbor's house was located on the map. Kelley provided the hard copy of the plan for the PC to view. Bruso asked for confirmation that currently the driveway is shared and that no changes were proposed to the area of shared driveway. Baker confirmed same. Kelley noted that a shared driveway agreement is in place.

Chairman Bruso stated that they cannot re-engineer the application on the fly and if the PC feels it is necessary, it needs to be removed from the consent agenda. He asked the PC members if they felt the application met the criteria for a final plan amendment consent review or if it needed a different level of review, noting that the request was the same - to shift the building envelope.

Jasmine Bushey asked if she could speak. Bushey reported that she was the landowner's fiancé. She stated that the neighbors are upset with personal stuff and it does have anything to do with their application. Bushey reported that “all the personal stuff has been solved with Sharon and she has been to the site. Bushey reported that they have spoken to the police department and everyone is aware of what is going on with the property and with the neighbor’s concerns. She stated that they are just trying to move the house so that they don’t have to blast and that they are not trying to make it harder on the neighbors.

Chairman Bruso asked for the PC’s comments:

Commissioner Williams asked if the change still conforms to zoning regulations. Kelley replied yes. Commissioner Williams feels uneasy about the whole thing and asked what other study could be done if this was not a consent agenda and what the next step would be if it was not on consent. Chairman Bruso stated that it would go back to final plan review and the PC would have the exact same request and options.

Commissioner Schumacher is sensitive to the possible conflict between the two private property homeowners however, the application seems “pretty cut and dry” to him. He pointed out that it follows the Regulations and believes anything outside the technical aspects of work is covered by the consent agenda. The personal issues need to be dealt with some other way as that is out of the PC’s purview.

Commissioner Lavigne echoed Commissioner Schumacher’s comments and does not see that there is anything the PC can do.

Vice Chair Knox stated that if there were no personal issues involved the PC would have approved this application without even thinking about it.

Commissioner Carroll agrees with the other Commissioners and believes the application was perfectly set up for what the PC is in charge of for review.

Joseph Baker stated that he created the application so that it meets all the Regulations and was not asking for any favors.

Mr. Steckman stated that he was a little confused as to why it the house is moving in the direction as shown. He understands there is ledge, however noted that there is not ledge everywhere on the site. He believes it would be mutually beneficial if everybody was further apart from each other. He stated that is the point he is having trouble coming to terms with on this application.

Chairman Bruso replied that he would have to have a discussion with his neighbor and outside from the PC table.

Chairman Bruso Moved and Commissioner Schumacher Moved to Amend the Agenda to move the Consent Agenda before the Town Center Sign discussion. The Motion passed 6-0.

AGENDA ITEM 6: CONSENT AGENDA: FINAL PLAN AMENDMENT: JOSEPH BAKER PROPOSED TO SHIFT THE APPROVED BUILDING ENVELOPE DUE TO A LARGE LEDGE OUTCROP FOR PROPERTY LOCATED AT 33 HANLEY LANE, ESSEX, VT:

Commissioner Schumacher Moved and Commissioner Lavigne Seconded a Motion to approve the consent agenda. The Motion passed 6-0.

<u>AGENDA ITEM 7: TOWN CENTER SIGN DISCUSSION</u>: Kelley informed the PC that the landowner, Peter Edelmann, was unable to attend the meeting and asked that I relay his request. Kelley stated that Mr. Edelmann first request was to eliminate the color palate so that there is no requirement of signage color. If the PC was not agreeable, his second request was to allow the zoning administrator to approve a similar color to what is shown on the existing color palette. The Planning Commission were not agreeable to changing or adding colors to the palette, however advised to have the landowner bring additional colors to the palette that the PC can review and possibly amend. The reason for this decision was to maintain the character and consistency of the Town Center.

<u>AGENDA ITEM 8: Continued Hearing from 4/11/24: Sketch Plan - Alan French is proposing a new conventional 9-lot residential subdivision, with 7 lots served by individual driveways connected to Chapin and Colonel Page Roads and 2 lots served by a shared driveway located at 60 Colonel Page Road, Parcel ID 2-010-071-000, located in the Low Density Residential (R1) Zone and Scenic Resource Preservation Overlay (SRPO) District.</u>

Ken Johnson, Planner, stated that the PC has reviewed this application a few times. The meeting was continued so that all of Public Works concerns could be satisfied, which has been done.

Chairman Bruso noted the Public Hearing remained open and asked for public comments.

Elizabeth Baslow, 69 Colonial Page Road asked to see the location of the driveway on the plan. Once done, she was satisfied that vehicle headlights would not be an issue for her property.

Paul Davis, 62 Chapin Road, is concerned that one house remains situated in the middle of the field.

Roger Sammel, 95 Chapin Road, asked for confirmation that the septic in the back of the lot, near the sand pit area, was in the same location as shown during the 4/11/24 hearing. John Stuart replied, "exact same location."

Ethan Lawrence, 135 Osgood Hill Road, Essex, VT attended the original meetings but missed the last meeting. Lawrence thought the plan was "great" but added that "this plan is better."

Susan Alexander, 50 Chapin Road, Essex, VT, asked to show where her driveway was located on the plan and the driveway abutting her lot. She was good with the plan.

Vice Chair Knox Moved and Commissioner Lavigne Seconded a Motion to close the Public Hearing. The Motion passed 6-0.

Vice Chair Knox Moved and Commissioner Lavigne Seconded a Motion to approve the application as warned, subject to the Findings and Condition of a Staff Report dated 6/11/2024, with the following change:

Line 548: Add, "The Planning Commission is in approval of the staff report." The Motion passed 6-0.

<u>AGENDA ITEM 9: OTHER BUSINESS</u>: Katherine Sonnick reported that a public meeting will be held on August 1, 2024 @ 7:00 p.m., to be held at the new Event Center on Essex Way regarding the new town building located at 80/90 Upper Main Street. Prior to that meeting, the stakeholders will meet, noting that Vice-Chair Knox is involved as a stakeholder. Sonnick asked if any other PC members want to be involved. Commissioner Lavigne stated she would like to be involved.

Sonnick informed the PC that the Bylaw Modernization Grant was ready and someone from CCRPC (Chittenden County Regional Planning Commission) would be present at the meeting.

<u>AGENDA ITEM 10: APPROVAL OF MINUTES 6/27/2024</u>: Kelley called out a change she made to the minutes and referred to Lines 158-162; and with a typo correction.

Commissioner Schumacher Moved and Chairman Bruso Seconded a Motion to approve the minutes with the noted changes. The Motion passed 6-0.

<u>AGENDA ITEM 11: EXECUTIVE AND/OR DELIBERATIVE SESSION</u>: None.

The meeting adjourned at 7:25 p.m.