

TOWN OF ESSEX
PLANNING & ZONING BOARD COMMISSION MINUTES
AUGUST 8, 2024

This meeting was held on Zoom and In-House.

PLANNING COMMISSION (PC) PRESENT IN ROOM: Dustin Brusco, Chair; Georgia Lavigne, Clerk; Jonathan Schumacher; Trefor Williams; Ian Carroll and Alternate Stephanie Bixby.

PC PRESENT VIRTUALLY: None.

PC ABSENT: Joshua Knox and Paula Duke.

OTHERS PRESENT IN ROOM: Katherine Sonnick, Community Development Director; Sharon Kelley, Zoning Administrator; Kent Johnson, Planner; Regino Longo, 11 Hillside Circle, Essex, VT; Will LeGrande, 15 Hillside Circle, Essex, VT; Lynn Smith, 66 Logwood Circle, Essex, VT; Kate Ebevele, 133 State Street, Montpelier, VT; David DiBiase, 133 State Street, Montpelier, VT; Haley Sommon, 85 North Avenue, Burlington, VT; Tabrene Kerish, 133 State Street, Montpelier, VT; Cheryl Van Epps, 8 Rustic Drive, Essex, VT; Joe Jordan, 259 River Road, Essex, VT; David Skopin 11, Skyline Drive, Essex, VT; JH Stuart, 22 Tanglewood Drive, Essex, VT; Kristine Ericksen, 13 Southdown Circle, Essex, VT; Brian Clifford, 6 Tanglewood Drive, Essex, VT; Missie Thursten, 6 Tanglewood Drive, Essex, VT; Gabriel Meyer-Lee, 15 Cascade Way, Winooski, VT; Max Levy, 8 Bashaw Drive, Essex, VT; John Larkin, 6 Saxonhollow Drive, Essex, VT; Phil Diesing, 5 Margaret Street, Essex, VT; Marybeth Redmond, 11 Marion Avenue, Essex, VT; Joanere Nelson 105 Saybrook Road, Essex, VT; Matthew Cohen, 10 Whitcomb Meadow Lane, Essex, VT; Irene Wrenner, 15 Thrush Lane, Essex, VT; Tyler Boronski, NBC 5; Jacob Hurtem, NBC 5; Brad Jackson, 14 Rustic Drive, Essex, VT; Michelle E. Jackson, 14 Rustic Drive, Essex, VT; Lisa Goodrich, 30 Hillside Circle, Essex, VT; Andrew Seaver, 14 Hillside Circle, Essex, VT; Niki McClymonds, 42 Hillside Circle, Essex, VT; Keith McClymonds, 42 Hillside Circle, Essex, VT; Suzy Seaver, 14 Hillside Circle, Essex, VT; Alan Cosmier, 65 Crossroad, Waterbury, VT; Stephanie White, 2 Hillside Circle, Essex, VT; Janice Mesia, 7 Hillside Circle, Essex, VT; Issac Dayno, State of Vermont; Chris Lundberg, 135 Chapin Road, Essex, VT; Gabe Ma???, 2 Greenbriar Drive, Essex, VT; Tara Miller, 66 Chapin Road, Essex, VT; Emily R. O'Hara, 26 Clover Street, So. Burlington, VT; Andrea Hossley, 3 Hillside Circle, Essex, VT; Bill Siple, 3 Hillside Circle, Essex, VT; Nicole Lee, 16 Joseph Lane, Essex, VT; Lorenzo Whitcomb, 347 Fay Lane, ?; Rory Cronin, 32 Hungerford Terrace, Burlington, VT; Julian Ughetti, 8 Bashaw Drive, Essex, VT; S. Ughetti, 8 Bashaw Drive, Essex, VT; Alison Levy, 8 Bashaw Drive, Essex, VT; Jean White, 2 Hillside Circle, Essex, VT; Patty Davis, 9 Hillside Circle, Essex, VT; and KC Carpenter, 1227 North Avenue, Burlington, VT; and Community Television.

OTHERS VIRTUALLY: Cara West; Dawn Hill-Fleury; Emily Abrami; Heather Legrande; Kristen Thompson; Miriam Sturgis; Rachel Lizotte; 18188256313 (unknown); Meghan's AI Notetaker (Otter.ai) (unknown); TD (unknown); FreeHer Vermont (unknown); Jon's iPhone Pro (unknown); Jonathan he/him (unknown); Meghan Hessler; Jeff Goodrich; John H (unknown); Davis Wildman; Emily Abrami; Jayna Ahsaf; Roger (unknown); Samsung SM-T738U (unknown);

AGENDA ITEM 1: CALL TO ORDER: Chairman Brusco called the meeting to order at 6:30 p.m.

AGENDA ITEM 2: AGENDA ADDITIONS/ CHANGES: None.

AGENDA ITEM 3: APPROVE AGENDA:

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

Chairman Brusco informed the audience that he did not plan to take public comments regarding the Women's Public Facility. He stated that the PC has had no information on this subject and the PC was hearing the presentation for the first time.

Several people from the audience were upset and voiced concern that the topic was warned as a discussion and not a presentation. Someone from the audience asked for clarification if they heard correctly that they could not speak on the facility project. Chairman Brusco responding by asking not to be interrupted when he was speaking and that he would not allow any disrespectful remarks during the meeting.

Chairman Brusco stated that out of respect to people in attendance, he asked that the people in attendance put their name of the record so that they will be noticed when future meetings regarding the public facility is scheduled.

AGENDA ITEM 4: PUBLIC TO BE HEARD:

Another person asked if the applicants at the table could sit in the other chairs so their backs were not to the audience. Chairman Brusco informed the audience that this was the way the room was set up.

David Skopin, 11 Skyline Drive, stated he was a member of the Energy Committee. He apologized to the PC as they came to the Energy Committee some time ago with a request to help them out with the Town Plan update. Skopin stated the Energy Committee dropped the ball and now they want to come forward and offer comments. He stated the Energy Committee welcomes the start of a dialogue with the PC.

Patty Davis requested that the Planning Commission consider adopting general performance and maintenance standards for residential development. Specifically, she wants the PC to regulate flow of traffic, congestion, noise, and support livability in residential areas. Davis stated that she has put One Hundred Thousand Dollars of improvements into her house. She declared, "We want change now." Davis declined to share her notes.

AGENDA ITEM 5: SITE PLAN – PUBLIC HEARING – FRANKLIN SOUTH, LLC IS REQUESTING A SITE PLAN REVIEW OF A PROPOSED 50'X60' COMMERCIAL BUILDING. THE PROPERTY IS LOCATED AT 108 COLCHESTER ROAD, PARCEL ID 2-048-003-000, LOCATED IN THE MIXED USE DEVELOPMENT (MXD) DISTRICT:

Kent Johnson, Planner, spoke on this application. He stated that the parking requirement for the site is 30 spaces, two which should be accessible. The building is proposed to serve two units,

with 1 employee for each unit. Johnson noted that Line 93 of the Staff Report provides the applicant's rationale for only proposing four (4) parking spaces, as follows:

"... both businesses serve as bases for each tenant so that when they receive a service call they respond in a small truck. The parking spaces provided are for business use only with no customer visits. The handicap space is redundant and can be removed. Each business will have a small Sprinter-like utility truck that will be stored indoors at the end of the business day. There are no products to be delivered that cannot be transported in the utility trucks; therefore, no large delivery trucks will be involved. The small trucks can turn within the parking area available and will not have to back onto Route 2A."

Johnson stated that the rationale is far outside what the regulations require. He will leave the judgment up to the PC. Johnson reported that the property meets all other requirements.

John Stuart and Gabe Handy spoke on the application.

Stuart reported the following:

- They have secured an access for the use from VTrans;
- They received a WW permit from the Agency of Natural Resources; and
- They received approval for a Variance from the Zoning Board of Adjustment.

Stuart stated that the 3,000 sq. ft. building will serve 2 businesses and will not be open to the public; there will be no large delivery trucks to the site as the space is too small; and they don't have a need for more than 4 parking spaces.

Commissioner Schumacher Moved and Commissioner Carroll Seconded a Motion to open the Public Hearing. The Motion passed 6-0.

Chairman Bruso swore in the Public.

Gabe Handy stated that his employee, who handles the glass element of building and maintenance would be occupying one unit and possibly both units. Handy stated that this use will require no deliveries. Handy reported that he has an appliance repair person who is considering the other unit. He reported that whomever he leases the unit to will not require customers to come to the site.

Commissioner Schumacher felt the issues were all covered and selling the property down the road would be the owner's problem.

Commissioner Johnson stated that if the uses change, there will be a need for more parking.

Commissioner Carroll was thinking long term and asked what they would do for handicap parking.

Commissioners Lavigne and Commissioner Bixby like the idea of small business and believes, as presented, parking will not be an issue.

Chairman Bruso stated that once an approval is in place, an application won't necessarily come

back to the PC. Bruso stated that he is concerned about the egress of commercial traffic and is looking ahead regarding traffic on Colchester Road. Sharon Kelley stated that Colchester Road was regulated by the Agency of Transportation. Kelley reported that they do not allow trucks to back up onto a state road.

Commissioner Bixby Moved and Commissioner Williams Seconded a Motion to close the Public Hearing. The Motion passed 6-0.

Commissioner Schumacher Moved and Commissioner Lavigne Seconded a Motion to approve the application subject to the Findings and Conditions of a Staff Report dated 8/8/2024, as written. The MOTION passed 5-1-0 (Bruso voted no.)

AGENDA ITEM 6: DISCUSSION – STATE OF VERMONT REQUEST TO AMEND REGULATION, SECTION 4.14(C)(2) ‘PUBLIC FACILITIES’ TO INCLUDE OTHER LOCATIONS.

Someone shouted out from the audience, “No New Prison.” Chairman Bruso asked the audience to respect the process and if outbursts continue, he would clear the room.

Deputy Commissioner David DiBiose, 133 State Street, Montpelier, VT, made the following points:

- He noted there are 360 buildings across the State of Vermont, with supporting agencies.
- The State started looking 10 years ago for a replacement to the existing co-ed facility located in South Burlington. He noted that it costs 3 million dollars per year to maintain that facility.
- They are early in the process and believe that Essex is a key community for a facility.
- He noted that the River Valley Therapeutic facility is currently in Essex;
- They are here to listen to the community as a whole – they want to hear public comments.
- He noted that Al Cormier, Chief of Operations was present to answer questions.

Tabrina Kerish, 133 State Street, Montpelier, VT, made the following comments:

- She was the project manager.
- She provided a slide show showing pictures of the existing facility and describing its use, as well as being a hard and loud environment. It is in need of major renovations and lacks space to further build.
- The vision is to build for ‘Evidence Base Design’. She showed slides of Scandinavian Correction Facility designs.
- The facility will be high security, however the inside is not designed to be a punishment.
- She showed examples of a Maine Re-Entry Facility and showed before and after pictures of improvements.

Deputy Commissioner continued with the following points:

- There will be continued training for the women within the facility.
- There are 6 facilities with only 1 being in Vermont.
- Public transportation is the focus.
- The location will limit the burden for 100 staff members who live locally.

- He showed a bar graph where the women were located and showed where the majority of crimes occur.
- They are looking for the facility to be near utilities and transportation.
- The priority is to build on State lands. They own 400 sites, and the search was parred down to 140, to 25 and then to 4, with two in Essex, Williston, and Vergennes. They plan to use Vergennes for a different state facility, Williston was too small and both of Essex sites work.
- The priority is the location in proximity to where the women would work. Other factors are accessibility to the site; wetlands; elevation contours; environmental impacts; developable areas on the site; and available utilities.
- The two site is Essex are at the end of VT 289 (Colchester Road) and River Road. Colchester Road is zoned R2 (residential). He noted there is an elevation difference from the site to the abutters. The Circ Highway has endangered species, however the building would not completely cut off the wildlife access. Utilities are close enough to be brought to the site. It is located near a bus service; and there are several possible accesses into the site.
- The second location is River Road in the Industrial Zone. He described the grade differences from the residential site; the access drive would need to be upgraded; transit access onto Sand Hill Road; wildlife habitat would not be a total cut off; and utility access would be at the rear of the parcel.
- They are in attendance to see if they feel welcomed in Essex. (The audience yelled out “No.”)
- He reported the permitting process would take 3-5 years, if not further. It will require both PC, ZBA and ANR approvals.
- He showed numbers on the “always assume” upgrades.
- Showed changes on the sewer core.
- He concluded with a photo of the existing facility on Woodside Drive, which has been open for over one year.

Chairman Bruso repeated that this session was not a Q & A and the PC need to review the materials and slide presentation. Commissioner Lavigne asked if the slide show was available to the public. The response was it should be available in the next week, including fact sheets.

Chairman Bruso thanked the State for the presentation, thanked the public and asked the public to come back to future meetings.

Chairman Bruso called for a 5-minute recess.

AGENDA ITEM 7: APPROVAL OF MINUTES 7/24/2024:

Commissioner Schumacher Moved and Commissioner Williams Seconded a Motion to approve the minutes as written. The Motion passed 6-0.

Community Development Director Sonnick asked the public to go to the Town website and/or refer to the QR code on the flyers regarding the new Town building to be located at 80/90 Upper Main Street; and Stantec is presenting to the Selectboard.. She reported that the Energy Committee is coming to the next meeting.

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

The meeting adjourned at 7:31 p.m.

PLANNING COMMISSION

By: _____
Dustin R. Bruso