

**TOWN OF ESSEX
81 MAIN STREET CONFERENCE ROOM
PLANNING COMMISSION
DRAFT MINUTES
February 13, 2025**

PLANNING COMMISSION (PC) PRESENT IN ROOM: Joshua Knox, Chair; Georgia Lavigne, Vice-Chair; Jonathan Schumacher, Clerk; Ian Carroll; Dustin Brusco; and Trefor Williams.

PLANNING COMMISSION ATTENDING VIRTUALLY: Paula Duke.

PC ABSENT: None.

STAFF PRESENT IN ROOM: Katherine Sonnick, Community Development.

OTHERS PRESENT IN ROOM: Maya Balassa and Darren Schibler (CCRPC); David Skopin; Andrew Seaver; Lois Whitmore; Irene Wrenner; fldworx@gmail.com; and David Skopin.

OTHERS VIRTUALLY: Sharon Kelley, Zoning Administrator; David Goodrich; Ken Signorello; Alyssa FFF; Gina Halpin Barrett; Cheryl Van Epps; Free Her Vermont; Patty Davis; Brian Clifford; Lorraine Zaloom; Lisa Goodrich; Iphone 15; and Nathalia E.

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

AGENDA ITEM 2: ADDITIONS/ CHANGES: None.

AGENDA ITEM 3: APPROVE AGENDA: Board Member Brusco Moved and Vice-Chair Lavigne Seconded a Motion to approve the agenda. The Motion passed 7-0.

AGENDA ITEM 4: PUBLIC TO BE HEARD FOR ITEMS NOT ON THE AGENDA:

David Skopin, 11 Skyline Drive, Essex, VT, discussed his concerns, including:

- He reported that he was hearing impaired and had a difficult time to hear the comments made while in the room. He stated that he takes the time to come out and attend the meetings and feels better accommodations should be made so that all can hear the discussions clearly.
- He requested that more be done on climate change, noting that the PC has more time to look at zoning and make amendments, such as steep slopes and felt that it was a mystery as to why they could not stay at the current meeting longer to discuss smart growth, climate change and land use. He volunteered to work on a subcommittee or working groups.

AGENDA ITEM 5: DISCUSSION – ACT 181 FUTURE LAND USE MAP – CCRPC TO DISCUSS PROCESS OF DEVELOPING MAP AND COMMUNITY ENGAGEMENT PLAN:

Maya Balassa & Darren Schibler, both representing Chittenden County Regional Planning Commission (CCRPC), were in attendance to discuss CCRPC's process in developing the

future land use map (Act 181) and its planned community engagement. They provided an overhead presentation and spoke on Act 181, which overhauls Vermont's planning framework for coordinating state, regional and municipal land use, which includes a tiered system for proposed developments. CCRPC is in the process of developing a new regulatory map and a new Land Use Review Board will be reviewing and approving the maps they create. The new system also includes automatic state designations for certain areas and the option for municipalities to opt into different levels of Act 250 exemptions. The timeline for implementation extends over the next few years, with various deadlines for municipalities to apply for designations and exemptions.

CCRPC discussed the relationship between housing targets and infrastructure, particularly water and sewage. They explained that the State has created a statewide housing target, which is then assigned to each regional planning commission, including CCRPC. The commission then assigns a housing target to each member community, taking into account historical housing trends, municipal plans, zoning, natural resource constraints, and infrastructure capacity. The goal is to normalize the housing market and ensure affordability.

The presentation included the following topics:

- Act 181 Purpose (to maintain VT's historic settlement pattern of compact village and urban centers separated by rural countryside.) Act 181 aligns with local, regional and state planning, which helps modernize VT maps and directs public investments to designated centers; and speeds up Act 150's transition to location-based jurisdiction.
- Interim Act 250 Exemptions for Housing
- Overview of Permanent Changes
- Regional Plan Future Land Use Maps
- Housing Targets
- Permanent Act 250 Exemptions
- State Designation Programs

The slide show called out the new requirements and process which is to incorporate meaningful participation as defined by Act 154; focus on environmental justice, climate resilience and housing in planned growth areas.

CCRPC representatives explained the new framework for review resulting from Act 181, which consists of Regional Land Use categories (Downtown Center, Village Center, Planned Growth Area, Village area, Transition, Enterprise, Resource Based Recreation and Rural.) The state designations and community investments include a Center and Neighborhood. Act 250 created tiers for review, as follows:

- Tier 2: Status Quo;
- Tier 1a. Full Exemption (which is consistent with the FLU map; and
- Tier 1b. A partial exemption.

Listed below are additional topics discussed from the slide show presentation:

- Interim Act 250 Exemptions For Housing Resources
- Three Tiers for Jurisdiction, effective 1/1/26, include:
 - Tier 1A: Full Act 250 Exemptions -Municipalities to take over enforcement of existing Act 250 permit conditions in areas of the municipality suitable for dense development; (effective 1/1/26).
 - Tier 1B: Limits Act 250 jurisdiction to encourage smart growth housing in areas of the municipality suitable for dense development; (Effective Rolling).
 - Tier 2: Act 250 Status Quo, status quo jurisdiction with addition of new reduce sprawl and fragmentation; (effective 2/15/26).
 - Tier 3, expanded jurisdiction with to be determined through rulemaking and stakeholder process (effective 2/1/26).

Other slides and topics of discussion included the implementation timeline, housing targets and CCRPC's approach to same, Interim Act 250 exemptions for housing resources, the designations for Act 181 Future Land Use Areas as follows, Downtown Center, Village Center, Planned Growth Area, Village Area, Transition/Infill Area, Resource-based Recreation Area, Enterprise Area, Hamlet; Rural General, Rural AG and Forestry, Rural Conservation and Airport or Camp Johnson or Ethan Allen.

Schibler noted that the Town now has a newly designated Village Center, which allows for benefits and incentives. He noted that the location of state buildings brings a "whole slew of benefits" which could be shuffled around on the access.

Chairman Knox asked if the Town would need to obtain a state designation. Maya Balassa replied that it would be automatic if the land was in an area that was already mapped.

Commissioner Schumacher asked about the review process. Maya replied that the State Land Use Board would review. Schibler noted there as a list in the packet, and summarized for Tier 1A, the Town would need to apply and Tier B is automatic if the Selectboard opted in and it is mapped.

Maya noted that the plan would be update every 8 years and municipalities need to apply for designations by October. Schibler stated that under the Home Act, housing targets need to be in both the town and regional plans. He continued to say housing targets are goals and not requirements, and noted that costs are skyrocketing and homelessness continues. Schibler was cautious that the goals will get us back to a place to be able to live.

Schibler replied that the state created targets and CCRPC's role will be to assign a housing target, while taking into consideration the housing trends, where to grow, the capacity of water and sewer, etc.

Ken Signorello was happy to hear the incentives. He referred to the Vermont Housing Improvement program, which has been successful in bringing abandoned houses back into use and asked if CCRPC will investigate abandoned houses and whether the houses would

142 be able to be lived in again.

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144 Schibler replied that the state needs to have an assessment on this issue and also has to
145 factor in depreciation. He stated that it is hard to know when/if houses are abandoned. He
146 stated that ultimately the goal is to normalize the housing market and ensure affordability.

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148 Lorraine Zaloom noted that the topography of older developments are not the best place to
149 build. She stated that the town is dealing with developments with slopes greater than 20%,
150 and that blue/green algae and flooded areas were not the best places to build on or near.
151 She asked when they start mapping, how detailed and granular they would address these
152 concerns and how they will connect the dots.

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154 Schibler stated that they look to areas that are walkable and with bike connectivity as these
155 are areas where you “will get a better bang for your buck.” He stated that slopes will not be
156 looked at because it is more granular and differs between municipalities. He stated that
157 CCRPC is starting from the ground up and the first draft is to ask if all seems correct. He
158 reported that the CCRPC will make a recommendation to its Planning Commission and
159 then sends it to the State CCRPC. Schibler stated that there needs to be careful planning
160 so that the CCRPC approves the document, municipalities can receive assistance.

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162 Cheryl Van Epps, noted that she lives in Pinewood Development where there is a number
163 of green wooded areas, and overtime development “totally wiped it out”. She asked if this
164 plan would help with transparency versus remaining green spaces. Maya replied that
165 something may come from the municipal level. Commissioner Brusco replied that a Master
166 Plan will be required, which is a guiding document. Schibler noted that CCRPC will not be
167 that granular.

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169 Lois Whitmore, 178 Old Stage Road, Essex, VT, asked who controls the restrictions.
170 Schibler went to the slide showing the interim Act 250 exemptions. He stated that there are
171 two timelines, the first is 2030 with a 5-year window; and the second is 2050 as long range.
172 She asked who is in control until long term plans are in place. Schibler replied that things
173 stay as the status quo.

174
175 Maya showed the draft map and shows where the Village designation was just recently
176 granted. She noted that the Saxon Hill area is different than the future Land Use map
177 because they included water and sewer. Schibler stated that they had trouble because the
178 RPD-I area has a little bit of everything, which is more granular than what CCRPC gets
179 involved with. He stated that they usually back out industrial areas when mapping. Maya
180 stated that they usually stay in a walkable area and felt that would make it harder with
181 Saxon Hill. Schibler noted that the Kimo and Senecal area are straight up industrial.
182 Katherine Sonnick noted it was also in the sewer core.

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184 Commissioner Brusco noted that the Route 2A area is very wet year-round and it needs to
185 be clear that regional work will not have any bearing. He felt it would be awkward and
186 nonsensical to have regional maps that you can’t use.

Maya instructed staff to make sure to talk to other groups in Essex on the CCRPC mapping work. She suggested going to the public library for comments and then have workshops with other town groups.

Ken Signorello stated that he was the Chair of the Trails Committee and would love them to come to its meeting. He stated he was the Vice-Chair of the Economic Development Commission and offered the same. Schibler stated that it may be worth asking, however they would only send representatives for one meeting.

AGENDA ITEM 6: DISCUSSION - STATE OF VT WOMEN'S CORRECTIONAL AND REENTRY FACILITY:

- a. **State of VT Letter Re: Corrections Overlay Zoning Change Request Clarification**
- b. **PC formulate their questions**
- c. **Letters received from the community**

Chairman Knox stated that this discussion is mainly for formulation of questions at the PC level to provide to the State regarding its zoning request.

Katherine Sonnick stated that the State's initial request was to remove the section about removing the correction facility language from Section 4.14(C)(2) and make it a conditional use in the Industrial (I1) Zone or the Medium Density Residential (R2) Zone. They now have proposed to amend Section 4.14 to add those 2 zoning districts, thereby allowing a correction facility in 3 zoning areas in town.

Commissioner Bruso suggested to have a non-stakeholder provide public records for all emergency services that serve the existing facility, to include volume of calls, response times, and names of all fire and police departments who responded. He noted that South Burlington has full time police, fire and personnel. Bruso also questioned if this request was approved, what would prevent it from turning into a men's prison or a shared facility as it stands now in South Burlington.

Commissioner Schumacher stated that would be a long process reviewing and asked what capacity the state has to override the town.

Andrew Seaver, 14 Hillside Circle, Essex, VT, made the following points:

- He expressed concerns about the lack of transparency and honesty from the state regarding the construction of a new men's reentry facility.
- He asked that the state to be upfront and honest about its intentions and plans and expressed concerns about the lack of transparency by the State.
- He suggested that the state should provide documentation of all communication and negotiations that have taken place over the past few years.
- He raised concerns about the impact of the facility on local emergency services, suggesting that the state should consider the current capacity and challenges faced by these services.
- He emphasized the need for hard numbers to demonstrate the actual trends and not

just projections.

- He pointed out that the Economic Development Commission's resolution was specific and should be taken into account when under review.
- He questioned why the public has not heard from the Town fire department. He pointed out that his mother-in-law, a town resident, died while waiting 30 minutes for an ambulance to arrive and felt the fire department is already at capacity with calls.

Ken Signorello stated that the resolution from the Economic Development Commission was specific only to the Industrial parcel.

Lois Whitmore was also interested to have police and fire response times from So. Burlington as well as rescue.

Vice-Chair Lavigne stated that she heard concerns regarding home values and wanted to know address this matter. She suggested So. Burlington was the place to start. Chairman Knox stated that it is important to look at the values at the time the houses were on the market. VC Lavigne also wanted to know what the "carrot" would be for the Town.

Matt Cohen, 10 Whitcomb Meadows Lane, Essex, VT, suggested to find a place that recently built a new facility and look at those home values as it would make for a better comparison. The PC agreed with an appraisal range for homes near the potential site(s).

Irene Wrenner, 15 Thrush Lane, Essex, VT, pointed out that the new building would be fully sprinklered. She stated that the State Police responds to prison calls and they get full reimbursement for every call; and South Burlington claims the prison has been a very supportive neighbor.

Commissioner Brusco stated that he was not against reviewing the request, however the State has not been transparent and asked if the PC would like to decide if they want to entertain the State's request.

Lisa Goodrich asked for a study done in the last 20 years with information from the last 30 years. She did not feel this was a good project for Essex and for her side of town which abuts River Road. She felt the State should turn this property into low-income housing. She questioned if the building would be sprinklered.

After discussions, the PC determined that it needs to decide on whether they are agreeable to change the zoning regulations; or tell the State that they will entertain a site (one or the other). It was agreed that the State should submit the following concerns:

- Gather public records on emergency service responses to the existing correctional facility in South Burlington, including rescue, fire, and police departments, for the past few years.
- Obtain data on home values and time on market for properties near the South Burlington correctional facility, as well as for a recently built correctional facility in a similar setting.
- Research academic studies on the effects of prisons on land values.

- Request information from the State on their intentions regarding potentially constructing a new men's reentry facility on the same campus as the proposed women's facility.
- Ask for documentation of communication between local, state, and congressional representatives regarding the proposed correctional facility over the past few years.
- Inquire about potential pilot payments from the State for hosting the correctional facility.
- Consider hiring an independent consultant to gather and analyze data on the impacts of the proposed facility.
- Review the long-term plan provided by Katherine and consider forming work groups or subcommittees to address specific topics.
- Formalize the process and definitions for creating work groups and subcommittees, including their mission, duration, and public involvement.

AGENDA ITEM 7: DISCUSSION- CREATING WORKGROUPS OR SUBCOMMITTEES:

The Planning Commission will continue to meet 1x/month at this time. They also are agreeable to a 3-member subcommittee working groups that will not require a warning to the public. The working groups will report back to the Commission in a warned meeting. Commissioner Bruso stated that the conversation shows a need for subcommittees and needs clarity with defined criteria.

AGENDA ITEM 8: MINUTES: JANUARY 9, 2025

Vice Chair Lavigne Moved and Commissioner Carroll Seconded a Motion to approve the minutes with the following changes:

Line 17, add Lynn Smith.

Line 26, after "Bruso" add resigned and"

Line 121: delete.

Line 164: Change to "Planning Commission".

The Motion passed 6-0.

AGENDA ITEM 9: OTHER BUSINESS

The meeting adjourned at 8:40 p.m.

PLANNING COMMISSION

By: _____

Joshua Knox, Chair