

TOWN OF ESSEX PLANNING COMMISSION
REGULAR MEETING
MINUTES OF MEETING
March 26, 2026

PLANNING COMMISSION: (*in person*) Josh Knox, Chair; Georgia Lavigne, Vice Chair; Trefor Williams, Clerk; Ian Carroll, Paula Duke; Dustin Bruso; (*absent*) Jonathan Schumacher.

ADMINISTRATION and STAFF: Katherine Sonnick, Community Development Director; Kent Johnson, Planner.

OTHERS PRESENT: (*in person*): Ken Signorello; Sharon Zukowski; Nancy Williams; Cheryl Van Epps; Hubert Norton; Bryan Currier; Al Senecal; David Whitmore; Lorraine Zaloom; Irene Wrenner; (*online*): Lois Whitmore; Gina Halpin Barrett; Nick Ovitt; Natalee Braun; David Skopin; Anne Miller; Lisa Goodrich.

1. CALL TO ORDER (0:12 in video)

Chair Knox called the meeting of the Town of Essex Planning Commission to order at 6:34 P.M.

2. AGENDA ADDITIONS/CHANGES (0:22 in video)

None.

3. APPROVE AGENDA (0:33 in video)

Commissioner Bruso made a motion, seconded by Commissioner Williams, to approve the agenda as presented. The motion passed 6-0.

4. PUBLIC TO BE HEARD (0:49 in video)

a. Comments from Public on Items not the Agenda

Lorraine Zaloom spoke on traffic issues on Route 15 and the issues with development and connectivity. She's concerned with reducing the wetland buffers at the Act 250 level and water mitigation when building.

5. BUSINESS ITEMS (5:15 in video)

a. Steep Slope Regulation – Presentation and Draft Language (5:15 in video)

Commissioner Williams presented the proposed regulation for steep slopes. He explained the current regulation, the change that waivers are no longer allowed and the need for clearer regulations. The hope is to make reviews easier, more predictable and faster. Commissioner Williams stated that Essex currently aligns with our peers. Geotechnical evaluations and factor of safety were noted in regards to soil types and erosion. Commissioner Williams outlined the proposed regulations, covering development standards, technical specifications, risk and cost protections and buffers.

Commissioner Bruso questioned the specification on vegetation removal in the Pre Development and Disturbance section. He questioned what limits are in place today for clearing. Do we require a permit? How does the Town validate what is clearing for development? Is this regulation creating more permits that we don't necessarily need? Commissioner Williams didn't know the answer and commented that this is complicated and would need to be looked into more. Director Sonnick clarified that as of today you are able to clear a certain acreage on your property.

Chair Knox inquired if there were other examples around town that had been waived, and would be considered illegal with the proposed regulations. Commission Williams noted that Sharon Zukowski did the research. Ms. Zukowski stated that Suzanne Lavigne did an analysis of different areas in town in the Alder Brook watershed. She feels that Fern Hollow is a great example of the water collapsing a slope of clay. Discussion continued about the watershed and others noted seeing erosion when it rains in the different rivers and brooks in Essex.

Commissioner Lavigne asked for Planner Johnson's thoughts on the regulation as he will be using them the most. Planner Johnson echoed Chair Knox's request to see some examples of how this regulation would be implemented, the ease of which information would be available, if small developers would be able to find soil information or would this be an unnecessary burden. He questioned in the Town should have a hard stop of a specific percentage or guidelines of how to develop over a certain percentage. He noted that there is a wide range of what is allowed and feels the proposed regulation has a firm cutoff at 20%. Chair Knox liked the idea of a checklist to help developers know what they need to provide and to make it more of a mathematical process to review. Planner Johnson agreed that a checklist with sites of where to find the information would be helpful to developers. Discussion continued on who the regulations would apply to – site plans or individuals requesting a zoning permit. Would a homeowner also need to provide steep slope information? Johnson noted that other towns have a map with steep slope boundaries that help with smaller development. Knox liked the idea of a basic resource like a map that would be available to everyone.

Commissioner Bruso wanted to know if any consideration was given to areas that have already been developed and now a homeowner comes in for a zoning permit. If the slopes were stabilized during the original development, would we now be penalizing those residents. Commissioner Williams stated that he didn't think that was the intention. If someone has a house on a particularly steep slope they would have to show geotechnical calculations that the slope is stable, but wouldn't want to put a burden on residents. Bruso noted that there would need to be "grandfathered" properties that would have different standards for rehab or modification to existing structures.

Vice Chair Lavigne asked about the ease with which someone could get an Independent Technical Review. Director Sonnick gave the example of Pinewood when the Town looked for an independent review and was unable to find a company to perform a review. There are some in the area, but limited Geotechnical engineers in the area. Sonnick inquired about section 5 that allows disturbance to slope areas less than 1,000 square feet and how that amount was determined. Williams clarified that the 1,000 square feet of 15-20% slopes is the amount that the DRB can allow disturbance of slopes to allow for good planning, but over 20% cannot be disturbed. Commissioner Williams noted that this would need to be thought about more. Johnson recommended looking at some examples to consider possible situations that might be presented to the DRB. Johnson and Commissioner Carroll inquired about slopes or small bumps that are removed to put a building or parking lot in. Commissioner Williams was unsure how the regulation would apply and the work group will need to work on that part of the regulation.

Commissioner Carroll inquired about the lack of clarification on man-made slopes as that is something that DRB often sees. Commissioner Williams noted that most towns don't make a distinction between man-made and naturally occurring slopes. He commented that man-made slopes are more prone to erosion and failure. Carroll clarified that development to a man-made slope would ideally be reinforcing the slope.

Planner Johnson asked about projects that create slopes over 20% in the process of development and that those scenarios should be included. Commissioner Bruso inquired about section 4 I and the relief variance. He felt that it could use more clarification on how that is used. Discussion continued on how the regulations would impact existing structures and a homeowner's ability to make changes or improvements to their homes.

Bryan Currier spoke on the definition of a slope in the regulations. He feels that the definition of 10 feet is unrealistic. He noted that erosion control issues are related to sustained slopes. Mr. Currier also feels that the difference between man-made and natural slopes is important. He feels that some of the regulation should be included in Public Works specifications where they are being reviewed by engineers. Mr. Currier went on to note multiple roads and developments that are currently in existence and wouldn't have been approved with these regulations. He noted that there would be "huge impacts" to development with these proposed regulations. Mr. Currier feels that steep slopes shouldn't be a part of the conversation on most projects as construction standards have changed over the last 20-30 years. Mr. Currier noted that geotechnical engineers are very expensive and usually require boring or test pits. Mr. Currier noted a handout that he provided that included the regulations for erosion control that are in place from the State and is an existing tool that is already available. He feels that the proposed regulation is unnecessarily complex and long.

David Skopin commented on the changes to weather and hoped that the Town would err on the side of caution. He would like to see review by an erosion engineer.

Anne Miller said that she feels the specificity of the regulation helps to make the review of applications more consistent and disagrees with Mr. Currier's thought on a more general regulation.

Cheryl Van Epps agreed with David Skopin. She gave an example of a home in her neighborhood (Pinewood). She feels that while the cost upfront to test soil might seem high, it will be less than if there are issues and the cost to fix issues with basements and septic systems. She recommends looking into the history of different developments to understand the issue that might arise.

Lorraine Zaloom asked about some of the comments that Mr. Currier made. She wanted clarification of "2 over 10". Commissioner Williams commented that it's something that was taken from a New Jersey regulation and that the working group could look into it more. Ms. Zaloom was wondering why they used such a small distance. She feels that the regulations should also address the high water tables. Ms. Zaloom went on to express frustration with flooding in the area around her home.

Ken Signorello commented on the 2 over 10 versus 20 over 100 and suggested maybe something in the middle.

Anne Miller spoke about New Jersey, Pittsburg and Arizona and her research that she did in those areas as a part of the working group. She noted that measuring over a 10-foot distance is the most protective.

Al Senecal wanted to reiterate that this will put a large burden on the property owners and feels that this will result in 80% of properties being undevelopable. He asked how many mudslides we've seen in Essex and how many have been on private property where the Town has had to step in and correct the issue. Mr. Senecal also noted that in order to get a bank loan on a commercial

property they are required to have a geotechnical engineer review the property. He encouraged the PC to simplify the regulation.

Hubie Norton spoke as member of the DRB. He noted all the research that went into this proposed regulation. He noted that he's read the regulation 2 or 3 times and feels that the 2 over 10 measurement is too short. It's not clear in the regulation how to determine the slope. He asked if the working group did a beta test of the proposed regulation? What percent of properties would fail or pass as steep slopes? Mr. Norton has several comments on specific word choices where he felt the terms were too subjective and need to be quantified.

Chair Knox proposed that the working group continue to work on the proposed regulation and return to the PC with updates. Commissioner Bruso noted that this might be a multi-year project with multiple versions to get to the level of specificity that is appropriate and desired. Commissioner Williams inquired if this should have a different set of regulations for a homeowner compared to a large development – commercial or residential.

b. Discussion – Amending Childcare Zoning Regulation (1:43:00 in video)

Director Sonnick presented the requested changes to the Childcare regulation. She noted that the definition and terms will need to be updated to what the State uses. There has been a request to separate Adult Day Cener and Childcare Center. The use table will also need updating for Permitted and Conditional uses. The request from the EDC is to make this a permitted use in as many districts as possible. The PC had some concerns in the past about traffic and screening being reviewed if the use is permitted. Director Sonnick had hoped some of these concerns would be covered by State regulations, but they are not.

Chair Knox commented on his own experience dropping off at childcare and the issues with traffic. Commissioner Bruso feels that it should remain and conditional use for reasons of traffic and impact on neighborhoods for in-home locations. Commissioner Duke felt that it needs to be looked at similar to the regulations for a home occupation. It would still need approval and for the applicant to meet the requirements. Sonnick noted that some of the review would depend on the scale and if they have employees. Commissioner Carroll agrees that conditional use makes sense for in-home childcare. He would like to know more about the State regulations.

c. Discussion – RPD-I District Uses (1:57:00 in video)

Director Sonnick presented the use request changes that have been made of the Planning Commission. Commissioner Bruso noted that there would need to be consideration for noise impact, visual impact, smoke and truck traffic. The uses that are added should not be contrary to those considerations. There is a recreational component and an industrial component and Bruso feels that additional uses should link to the existing uses. Chair Knox would like to think about what requests have been arising and feedback that has been heard from the community. Create a spreadsheet to review each use in a meaningful way so that decisions can be made. Bruso noted that some uses might be acceptable with connection to 117 to mitigate traffic. Knox agreed with Bruso. Discussion continued about traffic and how to evaluate requested uses.

Mr. Senecal asked if the PC might be interested in a list of businesses that he's had to turn away, and if those businesses would be considered a benefit to the Town. Mr. Currier suggested that the use could be allowed, but with conditions such as the size of building. He noted that conditional use is a great tool to use where the applicant needs to prove that it's a correct use for the site.

Lisa Goodrich thinks that the Town should consider selling 80 and 90 Upper Main Street and put the Town Offices in the RPD-I.

Anne Miller thinks Ms. Goodrich's idea is very interesting. She thinks that air pollution should be considered in the RPD-I. She also stated that in speaking with businesses in the RPD-I they often comment that their employees need restaurants and that restaurants would also serve the biking community. She feels there's a need for more indoor recreation facilities too.

Gina Halpin Barrett agrees with Ms. Miller's comments. She commented that she lives in a neighborhood that abuts the RPD-I and they are dramatically affected by the uses in that area. She would like to see more recreation and less industrial in that area. She likes the idea of restaurants and food trucks. Ms. Halpin Barrett does not feel that the noise ordinance protects residents and that it's too hard to enforce. She hopes that the PC will consider the residents when considering use changes.

Lorraine Zaloom also likes Ms. Goodrich's idea. She spoke about sound and other ways that the Town can protect residents against noise. She also noted the traffic on Route 15.

Ken Signorello noted that he feels that the primary use in the RPD-I is recreation. He noted several factors that he feels should be considered when looking at adding uses.

- d. Finalizing Zoning Amendment list – Zoning Amendment Status Matrix
Due to time constraints, this item was skipped.

- e. Planning Commission liaison to Housing Commission (2:24:00 in video)
Director Sonnick reviewed the memo in the packet. She noted that the Housing Commission is working to make changes that will help to increase housing stock and affordable housing. Commission Lavigne had noted that it might make sense to have a liaison from the PC to the HC. The Housing Commission felt that this would be a benefit to the commission. **Commissioner Bruso made a motion to appoint Commissioner Lavigne as the liaison to the Housing Commission, seconded by Commissioner Carroll. Motion passed unanimously.**

- f. Economic Development Commission agritourism use request
Due to time constraints, this item was skipped.

6. APPROVAL OF MINUTES (2:26:56 in video)

- a. Approve minutes from February 26, 2026 meeting
Commissioner Bruso made a motion, seconded by Commissioner Williams, to approve the minutes of February 26, 2026 with changes noted by Commissioner Duke. The motion passed 6-0.

7. OTHER BUSINESS (2:27:44 in video)

Chair Knox noted the news with Act 181. He inquired where the bill stands in the senate and if that would change the timeline for implementation. Director Sonnick had not heard and will have an update for the following meeting.

8. READING FILE (2:28:47 in video)

- a. Public Hearing Notice – Deer Crossing Lane – May 4, 2026

**PLANNING COMMISSION
(DRAFT)**

March 26, 2026

9. PROPOSED EXECUTIVE AND/OR DELIBERATIVE SESSION

- a. All meetings have a potential for an executive session per 1.V.S.A. §313.

10. ADJOURN (1:29:01 in video)

**Commissioner Bruso made a motion, seconded by Commissioner Duke, to adjourn the meeting.
The motion passed 6-0 at 9:03 P.M.**

Approved this _____ day of _____, 2026
(see minutes of this day for corrections, if any)

Joshua Knox, Chair