

“When government officials, business leaders, and citizens come together to build communities that enrich people's lives, that's planning.”

– American Planning Association



Essex Community Development Department

Public Participation Guide

July 25, 2017

This Participation Guide identifies ways that residents can learn about and contribute to planning and zoning decisions in the Town of Essex. Good planning relies on input from residents, so the Planning Commission, Zoning Board of Adjustment, and Community Development Department encourage everyone in Essex to pay attention to and participate in the Town's planning and zoning work. **All Planning Commission and ZBA meetings are open to the public.**

When and where do the Planning Commission and Zoning Board of Adjustment meet?

	MEETING DATE	TIME	LOCATION
Planning Commission	2 nd and 4 th Thursday of each month	6:30 p.m.	Essex Town Offices, 81 Main St.
Zoning Board	1 st Thursday of each month (as needed)	6 p.m.	Essex Town Offices, 81 Main St.

How can I find out about development or subdivision applications, or other work the Planning Commission and ZBA are doing?

- The **Town website** contains meeting dates and agendas, plans for development proposals and staff reports about those proposals, and minutes from past Planning Commission and ZBA meetings. (www.essex.org → Local Government → Boards & Committees)
- **The Essex Reporter** has legal notices with agendas for upcoming meetings.
- The **Town Offices, Village Offices, Essex Free Library, and Brownell Library** have bulletin boards posted with notices and agendas.
- **Zoning notices (yellow signs)** are displayed on properties that will be under review.
- **Certified mailings** are sent to immediate neighbors (aka **abutters**) of a property that will be under review; the mailings contain an agenda with the date of the hearing for the proposed project.
- **Front Porch Forum** (www.frontporchforum.com) emails contain information about upcoming meetings.
- **Emails from the Community Development Department** include agendas for upcoming meetings (email skelley@essex.org to be added to the email list).
- **Community Development Department** (878-1343) staff can answer questions.
- Talk to your neighbors.

What does the Planning Commission do?

The Planning Commission performs two main functions: **long-range planning** and **development review**.

Long-range planning involves updates to the *Town Plan* (every five years), amendments to the *Zoning Regulations* and *Subdivision Regulations*, and special projects that focus on specific areas of planning. Recent examples of special projects include the 2008 *Open Space Plan* and the 2012 *Scenic Protection Manual*.

Development review involves **site plan** reviews and **subdivision** reviews (see “Glossary” for more details).

What does the Zoning Board of Adjustment do?

The ZBA handles **conditional use review** and **variances**, and hears **appeals** of decisions made by the Zoning Administrator.

Conditional use review takes place when proposed developments need more careful scrutiny because of their scale, intensity, and potential for off-site impacts.

Variances from the *Zoning Regulations* can be granted in cases of unnecessary hardship.

When should I get involved with a specific project?

As soon as possible! Most **Site Plan Reviews** wrap up in one meeting. Most **Subdivision Reviews** take place over three meetings (**Sketch Review**, **Preliminary Review**, and **Final Review**).

When you show up to a meeting, write your name and address on the sign-in sheet, especially if you plan to comment on a project. By signing in and participating in the review process, you will earn “interested person” status, which gives you appeal rights. You will be mailed a copy of the Planning Commission’s final approval or denial.

When the Planning Commission or Zoning Board reviews an application, they are primarily looking to make sure the project conforms to the Zoning Regulations and/or Subdivision Regulations. The zoning and subdivision regulations are updated periodically and stem from the Town Plan, which is updated every five years. Participating in updates to the regulations and the Town Plan is the best way to influence future development.

When should I speak at a meeting?

- If you want to speak about an issue that is **not on the agenda**, please do so during Public Comments, which happens at the beginning of every meeting.
- If you want to speak to an issue on the **Consent Agenda**, please do so during Public Comments.
- If you want to speak about a **Site Plan or Subdivision (Sketch, Preliminary, or Final)** proposal, the Planning Commission will open a public hearing when they reach that item on the agenda. Be ready to speak – once the public hearing is closed, the Planning Commission will no longer accept comments.



When you speak, please say your name.

If you plan to speak about a Site Plan or Subdivision proposal on the agenda, you will be sworn in at the beginning of the meeting.

What if I can't make the meeting?

If you have **comments** that you want the Planning Commission or ZBA to consider when they review a project, email the comments to skelley@essex.org, dhanley@essex.org, or DSchibler@essex.org. You can also write to the Essex Planning Commission, 81 Main Street, Essex Junction, VT 05452.

If you want to **watch** a meeting, Channel 17/Town Meeting Television (CCTV) tapes at least one Planning Commission meeting a month. For information about CCTV broadcasts, either on cable or online, visit www.cctv.org.

How can I learn more about individual Site Plan or Subdivision applications?

Hard copies of all applications are available for review in the Community Development Office at 81 Main St. Staff members are available to answer questions in person, by phone (802-878-1343) or by email (see below).

Plans and staff reports for individual applications are posted on the Town website prior to meetings, usually by the Friday before an upcoming meeting (www.essex.org → Local Government → Boards & Committees → Planning Commission → Agendas → Current Applications).

What types of projects do NOT need to be reviewed by the Planning Commission or Zoning Board?

Minor projects, such as interior work on a home or the installation of a new shed or garage, do not go before the Planning Commission or ZBA. Most small projects still require a zoning permit (aka “building permit”), which is issued by the Zoning Administrator. Zoning permits have a 15-day appeal period during which someone can appeal the proposed project.

Any other questions?

Please ask! Community Development staff will be glad to help. We're located at 81 Main St.

Community Development Department

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Glossary

(More details about these terms appear in the *Zoning Regulations* and the *Subdivision Regulations*)

Building Permit

See “Zoning permit”

Conceptual Review

A relatively informal meeting with the Planning Commission in which an applicant can discuss ideas for a project and receive feedback from commissioners prior to submitting a Sketch Plan or Site Plan application. Conceptual Review applications are not approved or denied.

Conditional Use Review

A review, conducted by the Zoning Board of Adjustment, of a project that warrants more careful scrutiny because of scale, intensity, and potential for off-site impacts. **Most Conditional Use applications are resolved in one hearing.**

Consent Agenda

Items on Consent Agenda tend to be fairly minor, such as simple parcels or boundary adjustments or minor changes to existing properties. Community Development staff writes draft approval letters for consent agenda items, and the Planning Commission usually approves Consent Agenda items with little discussion. If the Planning Commission decides an application is significant enough to warrant more discussion, it can pull the application from consent agenda for a more thorough review. **Most Consent Agenda applications are resolved in one hearing. Anyone wishing to comment on a Consent Agenda item must do so during the Public Comment portion of a Planning Commission meeting.**

Deliberative Session

A private meeting in which a quasi-judicial board – the Planning Commission or Zoning Board – may meet to rule on an application. Decisions can be made in deliberative session as long as a written decision becomes public record.

The Essex Planning Commission and Zoning Board usually make their decisions in public. The boards have, on occasion, entered deliberative session to make a ruling on an application.

Master Plan

A master plan shows development plans for a project that is intended to be developed in phases and for which approval of only one phase is being requested. Master plans are also required when development is only proposed on a portion of a parcel, and the remaining land exceeds three times the minimum lot size for the zoning district in which the subdivision is located.

Planned Unit Development (PUD)

A project that receives flexibility from the zoning regulations in order to encourage compact, pedestrian-oriented development or redevelopment, and to promote a mix of residential uses or nonresidential uses. PUDs can exist for Industrial (PUD-I), Commercial (PUD-C), Mixed Use (PUD-MU), and Residential (PUD-R) developments.

PUDs that involve subdivision of land are reviewed as major subdivisions, **which require three hearings.**

PUDs that do not involve a subdivision must go through conditional use review and site plan review, **each of which requires a single hearing.**

Site Plan Review

Site Plan Review involves new commercial developments and significant changes to existing commercial sites. The Planning Commission holds Site Plan Reviews to make sure the layout and design of development projects conform to the *Town Plan*, the *Zoning Regulations*, and any conditions of any previous subdivision and conditional use approvals. During Site Plan review, the Planning Commission considers natural features (topography, water bodies, wetlands, etc.), access to and on the site, parking, landscaping, lighting, water and sewer, stormwater, and fire protection. **Most Site Plan applications are resolved in one hearing.**

Subdivision Review

The creation of any new lot in Essex needs approval from the Planning Commission. Subdivisions are reviewed for conformance to the *Town Plan* and *Zoning Regulations*, traffic and pedestrian access, impacts on natural and historic resources, availability of water and sewer, stormwater control, and more. Subdivisions fall under one of four categories:

- Simple Parcel – When a single lot is divided into two lots. **Most Simple Parcel applications are reviewed under Consent Agenda and resolved in one hearing.**
- Boundary Adjustment – When boundaries between two lots are shifted, but no new lot is created. **Most Boundary Adjustment applications are reviewed under Consent Agenda and resolved in one hearing.**
- Minor Subdivision – A subdivision that contains three, four, or five lots and does not require a new street or the extension of public water or sewer lines. **Most Minor Subdivision applications are resolved in two hearings: Sketch Review and Final Review.** The earlier residents become involved in the process, the more likely they are to have an impact on the final outcome.
- Major Subdivision – A subdivision that contains six or more lots and/or requires a new street or the extension of public water or sewer lines. **Most Major Subdivision applications are resolved in three hearings: Sketch Review, Preliminary Review, and Final Review.** The earlier residents become involved in the process, the more likely they are to have an impact on the final outcome.

LEVELS OF SUBDIVISION REVIEW

Sketch Review – The first level of subdivision review, during which the applicant and the Planning Commission explore options for the overall subdivision concept and layout, taking into consideration the characteristics of the site and the surrounding area.

Preliminary Review – The second level of subdivision approval, during which the Planning Commission determines whether the latest plan addresses issues raised at Sketch Review, and ensures that all survey information, septic and well data, and public infrastructure improvements are complete. Most engineering details are completed during Preliminary Plan Review. *Preliminary Review is only required for major subdivisions.*

Final Review – The last step of subdivision approval, during which the Planning Commission reviews the Final Plan and plat to ensure that all engineering, survey, and other data are complete, and that the proposed subdivision complies with all appropriate regulations and standards. Most of the technical and planning issues have been resolved by Final Review.

Town Plan

The *Town Plan* serves as a vision and a guide for the future of Essex in the areas of growth, development, public services, and environmental protection. The *Town Plan* serves as the basis for zoning and subdivision regulations, and can be used to seek grant funding for priority projects. State law requires town plans to be updated every five years. The update process involves gathering data, updating statistics, holding visioning processes, and doing community outreach. Updates can enable the creation of new or different planning districts in town.

Use Permit

See “Zoning permit”

Zoning Permit

A permit required for most projects that involve new construction, additions or changes to existing buildings, or a change in the type of use on a property (i.e. a daycare facility converting to a retail shop).