

1 TOWN OF ESSEX
2 PLANNING COMMISSION
3 DRAFT MINUTES
4 NOVEMBER 18, 2021
5

6 **MORE DETAILED MINUTES WILL BE POSTED PRIOR TO THE NEXT PC**
7 **HEARING.**

8
9 **Note: This meeting was in-person and virtual on Teams.**

10
11 **PLANNING COMMISSION (PC) PRESENT:**

12 **IN PERSON:** Dustin Brusco, Chair; David Raphael; Ned Daly; and Jonathan Schumacher.

13 **VIRTUAL:** Josh Knox, Vice-Chair; John Mangan, Clerk; and Tom Furland.
14

15 **OTHERS PRESENT:**

16 **IN PERSON:** Owiso Makuku, Community Development Director; Sharon Kelley, Zoning
17 Administrator; Darren Schibler, Planner; TaTanisha Redditta; Paul O’Leary; Shawn Cunningham;
18 Bryan Currier; Paula Duke; Denele Brouner; Katie Ballard; Evan Teich; Rick Bove; Joel Page;
19 Taylor Rochoster; Traci Rochoster; Irene Wrenner; Ken Signorello; James Grimsley; and CCTV.
20

21 **VIRTUAL:** Bill Ellis, Esq.; Dawn McGinnis; Jim Bernerger; Gina Barrett; Joe Flynn; Alison
22 Levy; Dawn Fleury; John Alden; Lorraine Zaloom; Matthew Roy; Sharon Illenye; Gregory
23 Duggan; Liam ?; Sharon Zukowski; Brian Shelden; Chris Kline; Gabrielle Smith; WKeithcart; and
24 Essex ReTorter
25

26 Chairman Brusco called the meeting to order at 6:30 p.m.; called out the Commissioners who
27 were in attendance virtually and in person; noted the Gutema application was postponed to a
28 later date; and provided the public oath, and again to the late arrivers.
29

30 **AGENDA ITEM 1: PUBLIC COMMENTS:**

31
32 Paula Duke, 34 Lavigne Road, Essex, recommended that the PC support the idea of a full-time
33 building inspector, even if shared with another town.
34

35 Commissioner Raphael suggested that Ms. Duke was thinking of a different type of inspector as
36 the Town of Essex does not regulate building codes.
37

38 Sharon Zukowski, Essex, VT, suggested that other towns hire an inspector to inspect rental
39 properties and check to make sure that landowners keep up with current rental codes. She stated
40 that this person would not enforce the codes.
41

42 **AGENDA ITEM 2: CONTINUED FROM 6/10/21-SITE PLAN-PUBLIC HEARING:**
43 **RICK BOVE D/B/A HDI REAL ESTATE, INC.: PROPOSAL FOR 2 RESIDENTIAL**
44 **BUILDINGS TOTALING 30 APARTMENT UNITS; AND 1 MIXED-USE BUILDING**
45 **INCLUDING 30 APARTMENT UNITS AND 6000 SF OF COMMERCIAL SPACE**
46 **LOCATED AT COMMONWEALTH & 10 CARMICHAEL STREET IN THE MIXED**
47 **USE COMMERCIAL (MXD-C) DISTRICT & BUSINESS DESIGN CONTROL (B-DC)**
48 **OVERLAY DISTRICT. TAX MAP 91, PARCEL 1.**
49

50 Commissioner Daly stated that he has an outside relationship with Mr. Bove, therefore recused
51 himself from the table. He stated that he will sit-it the audience and participate as a member of
52 the public.

53

54 Chairman Brusco noted the Public Hearing remained open. He stated that a comprehensive staff
55 report was submitted to the PC and applicants that laid out the comments and concerns,
56 therefore he asked the applicant for comments.

57

58 Bryan Currier and Paul O’Leary represented the applicant and provided comments.

59

60 Darren Schibler, Planner, provided comments on this application.

61

62 Schibler noted that prior to the hearing, several public emails were recently submitted, which
63 were passed onto the PC. O’Leary was surprised that he has not been provided this
64 information and would like to see the emails.

65

66 The following persons provided public comments:

67

68 Katie Ballard, Chair of the Housing Commission, read its letter into the record.

69

70 Traci Rochoster, 4 Carmichael Street, stated that she has lived in her unit for 22 years while
71 raising her daughter. She said the building and the premises were “beautiful” when owned by
72 Homestead Design. She stated that ever since the property was sold to Mr. Bove everything
73 has gone downhill and listed some of the issues as follows:

74

- 75 • The roof has leaked for months, outside her unit in the hallway and she has been told
76 that Evergreen is busy;
- 77 • The leak has made its way to the storage unit and has leaked all over things. She noted
78 it was fixed this week, after the 7-Day article came out in the news;
- 79 • Broken locked that are supposed to be secure;
- 80 • She can’t prove it but believes drug activity is active in the building;
- 81 • The screens are punched out and the “bugs are unbelievable”;
- 82 • There is a pothole in the parking area “that can swallow your car”;
- 83 • The laundry machines have been broken for over 1 year;
- 84 • The stairway has issues with the rail and locks;
- 85 • The sidewalks are thick with ice in the winter and the parking lot is not plowed;
- 86 • She has no control over the heat and it is 78 degrees all year long;
- 87 • He does not maintain the grounds as they have not raked in the past 2-3 years; dog
88 feces; trash, etc.;
- 89 • She is not treated as a human, rather a rent check. She has never needed to go into an
90 affordable housing unit and pays a high rent;
- 91 • She is embarrassed to tell people where she lives because of the condition of the
92 building and premises; and
- 93 • She is concerned for retaliation, but felt the PC needed to know what was going on
94 before he is allowed to build anything else.

95

96 Taylor Rochoster, 4 Carmichael Street, Essex, stated that she has lived in the Whittier Building

97 since before Bove owned the premises. She has watched it fall before her eyes. She noted the
98 following deficiencies:

99

- 100 • Nine out of ten times the front doors are not locked;
- 101 • The emergency stairwell is always broken;
- 102 • The stairwell bannister is broken and a firefighter nearly “took a header”;
- 103 • The communal area has stains on the carpet and there are no screens;
- 104 • The outside is poorly lit and she is concerned as a woman;
- 105 • He does not do any background checks on tenants and is concerned for safety;
- 106 • Daytime hours are safer, but they have to deal with dog feces, potholes and trash;
- 107 • Their belongings are being destroyed in the storage room; and
- 108 • She was frustrated that he is living his life in a multi-million dollar home.

109

110 Katie Ballard, 10 (D4) Sugar Tree Lane, Essex, encouraged the PC, before they approve or
111 deny the application, to consider that the more developers are allowed to develop rental
112 properties, that they also consider those who can’t speak up for themselves. Ballard said, “We
113 cannot let the benefit to bring something economically outweigh the community.” She
114 continued to state that until someone speak up, important pieces are missed. She asked that
115 they be thoughtful to tenants dignity and not to let the other pieces outweigh its decision.

116

117 Alison Levy, 8 Bashaw Drive, Essex, is a member of the Housing Commission. She asked the
118 PC to not throw away its experience with how Bove has been as a property owner.

119

120 James Grimsley, 22 South Summit Street, Essex, spoke on issues not pertaining to the
121 application. Chairman Brusco informed him that his comments were outside the scope of this
122 building and asked him to relinquish his seat.

123

124 Lorraine Zaloom, stated that she took the time to watch the June meeting. She was concerned
125 with O’Leary’s presentation, noting that he seemed angry. She felt like he was doing an end-
126 run. She likes the option of ground floor commercial with the construction to switch to
127 residential, however she is concerned with residential on the first floor. She noted that if you
128 are watching, commercial is becoming stable, noting that Black Flannel and Phoenix Books are
129 viable. Hard work has occurred over the last 4 years to make the area walkable, however was
130 not sure what 8’ sidewalks mean. As she lives on Route 15, she is concerned with headlights
131 and noise and noted that ground floor residential would be surrounded by these issues. She is
132 concerned with human rights.

133

134 Dawn Fleury, stated that with all the work done with the ETC|Next Plan, the applicant should
135 be required to follow its recommendations.

136

137 Gina ?, noted the proposed units seem to allow for 45 one-bedroom and 17 two-bedrooms. She
138 would like to see more diverse, less units and add some 3-bedroom units.

139

140 Ned Daly, attempted to provide public comment, however Commissioner Raphael was
141 concerned that because he recused himself, he should not be allowed to provide comments.
142 After a brief discussion, Commissioner Daly chose not to provide comments.

143

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

146

147 A brief discussion ensued on whether the PC should go into deliberative session. The PC did
148 not feel it to be necessary and was ready for a vote.

149

150 **Commission Moved and Commissioner Seconded a Motion to Deny the application as**
151 **warned. The Motion passed 6-0.**

152

153 **AGENDA ITEM 3: MINUTES 10/28/2021:**

154

155 **Commissioner Raphael MOVED and Commissioner Schumacher SECONDED a**
156 **MOTION to approve the site visit minutes and the hearing minutes, both dated 10/28/2021,**
157 **as written. The MOTION passed 6-0.**

158

159 **ITEM 5: OTHER BUSINESS:**

160

161 Staff reported that the Housing Commission will be coming to an upcoming PC hearing to
162 discuss inclusionary zoning.

163

164 A brief discussion continued on the topic of building inspector. John Alden noted that a handful
165 of towns make arrangements with the state to accomplish this matter.

166

167 The meeting adjourned at 8:20 p.m.

168

PLANNING COMMISSION

169

By: _____

170

Dustin R. Brusco, Chair

171