

TOWN OF ESSEX
PLANNING COMMISSION
MINUTES
September 8, 2022

PLANNING COMMISSION (PC) PRESENT:

IN PERSON: Dustin Brusco, PC Chair; Jonathan Schumacher; and Patty Davis.

VIRTUAL: John Mangan, Clerk; and Tom Furland.

OTHERS PRESENT:

VIRTUAL: Katherine Sonnick, Community Development Director;

IN PERSON: Sharon Kelley, Zoning Administrator; Darren Schibler; Bryan Currier; Neil Villeneuve; Scott LaPlant; Randy Vance; Julia Dichiaro; Jacob Wechler; John Egan; Roger Samel; Paula Duke; Keron Heco; Lejla Merina; Jim Ewing; Josh Ewing; Alan French; Ethan Lawrence; David S. Albright; Julie Albright; Susan Alexander; Kirk Lord; Paul Davis; and JH Stuart.

The meeting was called to order at 6:05 p.m.

Chairman Brusco called out the changes to the Agenda and provided the oath to those in attendance and again to all the late arrivers.

AGENDA ITEM 1: Public Comments: Sharon Kelley reported that she made a minor amendment to the consent agenda item by adding a condition for the applicant to obtain any/all state permits that may be needed resulting from the boundary adjustment.

AGENDA ITEM 2: Consent Agenda:

- **BOUNDARY ADJUSTMENT:** Pearly R. & Lucille D. Allen are proposing to convey 2.18 acres of land located at 21 Saxon Hill Road (Parcel ID 2-008-007-000) to Neil & Geraldine Villeneuve, located at 27 Saxon Hill Road (Parcel ID 2-008-004-006), both located in the Agricultural-Residential (AR) Zone.

Commissioner Schumacher Moved and Commissioner Davis Seconded a Motion to approve the Consent Agenda. The MOTION passed 5-0.

AGENDA ITEM 3: SITE PLAN: PUBLIC HEARING: James M. Ewing is proposing to construct 4 rows of one-story storage units, totaling 195 units at 8 Corporate Drive (Parcel ID 2-072-003-008), located in the Resource Preservation District-Industrial (RPD-I) Zone.

Darren Schibler, Planner reported the proposal was to construct four mini-storage buildings totaling 26,400 square feet; there will be no encroachment into the 200' buffer; a waiver is included for the 50' buffer, noting that waivers have consistently been granted for this buffer due to the fragmented buffer due to the curb cut and entry into the site; new street trees will be planted out front; possible access into the abutting lot is possible as the applicant also owns the lot; and the application meets all other requirements of the regulations.

Commissioner Davis asked if the maple or oaks trees would be saved and has hopes that the soils will have good integrity to save the trees. Town Tree Warden Chuck Vile confirmed that the

trees should survive. Commissioner Schumacher noted that the condition of approval requires the tree(s) to be replaced should they not survive. Chuck Vile noted that there are specifications to plant trees correctly and, often times the bulbs get buried which is not good.

Bryan Currier, P.E., of O'Leary-Burke Civil Associates, stated that they accept the Staff Report as written, including the waiver for the buffer. Currier confirmed that no buildings or structures would be placed within the buffers.

Chairman Brusco asked that the standard buffer condition be added to the conditions of approval.

Commissioner Schumacher Moved and Commissioner Mangan Seconded a Motion to open the Public Hearing. The MOTION passed. 5-0.

There were no public comments.

Commissioner Davis Moved and Commissioner Mangan Seconded a Motion to close the Public Hearing. The Motion passed 5-0.

Commissioner Mangan Moved and Commissioner Davis Seconded a Motion to approve the 8 Corporate Drive application with the following changes:

Finding II, Line 265, add the following:

The Commission supports a waiver to clear the 50 ft. buffer along Corporate Drive to replace the fragmented vegetation with street trees similar to Corporate Drive lots 13, 14, 16, 18, 19, and 20. The objective is to maintain a consistent appearance throughout Corporate Drive. There will be no structures built within the 50 ft. buffer area.

Condition 13: Renumber to Condition 14 and add a new Condition 13 to read,
There will be no structures built within the 50 ft. buffer area.

The MOTION passed 5-0.

AGENDA ITEM 4: SKETCH PLAN: PUBLIC HEARING: Kenan Heco is proposing a conventional 9-unit residential subdivision located at 60 Colonel Page Road, Parcel ID 2-010-071-000, located in the Low Density Residential (R1) Zone and Scenic Resource Preservation Overlay (SRPO) District.

Darren Schibler, Planner made the following points:

- The applicant was proposing a 9-lot conventional subdivision and showed on the overhead plan where a new public road would serve the lots;
- He stated that most of the lot is a hay field, with a tree line and, the plateau area was a former gravel pit.
- He showed where Alder Brook runs on the property and within that area is a proposed multi-use town trail, noting that the proposed trail is shown on the Town Plan maps.
- The parcel lies in the Low Density Residential (R1) Zone and the Scenic Resource Preservation Overlay (SRPO) District. The R1 zone requires 1-acre of land per lot, however the applicant is proposing lots greater than 1-acre. The remainder of the lands will be part of an open space lot for all of the landowners, even though this is a conventional subdivision.

- The parcel has a small glimpse of Camel's Hump on the new road, but the majority of the SRPO District is the open field.
- He appreciated the efforts on this application however, a PUD (Planned Unit Development) where clustering of the houses is preferred.
- He noted the road is slightly longer than the required 900' and if the applicant continues with a conventional subdivision they should shorten the road and, suggested a 300' private road as this provides for far less impervious area and lessens intrusion into the meadow.
- Public Works requires paving between Chapin Road to the entrance into the lot, however details are not locked-in at this time.
- The stormwater is located in the floodplain and is too far out for Public Works to maintain. He suggested moving it into the center of the cul-de-sac.
- He noted that the septic system for Lots 1-5 are potentially located in the FEMA 100' floodplain, however the boundaries are not well mapped out and FEMA is working on this issue.

Chairman Brusco reminded everyone that the application under review is sketch review, which allows for conceptual discussions.

Commissioner Davis asked about the stormwater being located in the cul-de-sac and asked if this cut down on phosphorus and protects the leach field. Schibler replied that stormwater will be treated no matter where it is located and the primary reason to request a relocation was strictly for the ease of maintenance. Schibler noted that less road equals less impervious area which equals less maintenance.

Commissioner Furland like the ideas suggested for a better layout.

Schibler stated that if the lots had a 1-acre building envelope, clustered towards Colonel Page Road or even smaller lots than 1-acre, using the PUD standards which allow for a 20' front-yard setbacks and 10' side-yard setbacks. He suggested 6-9 lots onto the west sides of the parcel so they back up into the tree line. This would put all the houses on one side and keeps the view open.

Chairman Brusco noted that this is the first significant application reviewed under the SRPO District and noted the PC should be clear on its goal. Schibler read the goal of the SRPO as stated in the Regulations.

John Stuart, P.E., Ken Heco and Alan French spoke on this application.

Stuart made the following points:

- The parcel was 37+/- acres, with a proposed 9-lot residential subdivision. He pointed out the key features on the parcel. Alderbrook is located to the west and noted that one area constrains what is done to the east as 60+ yards of gravel was located in this area, then abandoned.
- He showed on the plan where 5 leach fields are proposed, noting they are not located in a floodplain. He has done extensive work in avoiding Alder Brook and noted that the

145 Brook is 10' lower than the septic area. He reported that even if a 100-year flood event
146 took place, the elevation is still 4'-5' lower of the septic and they would not be affected.

- 147 • He showed where the proposed trail for recreation opportunities would be located and
148 pointed out that it was outside of the floodplains and wetland area. He suggested the
149 location was ideal for a trail.
- 150 • He noted the wooded area located to the east. They have proposed large building
151 envelopes, noting that their original plan showed smaller envelopes but changed the size
152 due to staff recommendations. He stated that they could entertain smaller envelopes,
153 however if they move the lots east or west there are large trees which would obstruct
154 views. He reported that there is no visual connection to Mt. Mansfield from the proposed
155 lots, except for a 15' wide and studies were done along Colonel Page Road and Chapin
156 Road on the impacts to Camel's Hump and Mt. Mansfield. He described the views from
157 all directions. He stated they tried to position the houses so as to not block views.
- 158 • He reported that they have been trying to get someone on the site for 2-3 months to check
159 on the wetlands on the SW corner and east of the tree line. He noted there were small
160 pockets around lots 6, 7 & 8, and the houses would be positioned east of those wetlands.
161 He pointed out that pushing the houses to the tree line on the west side will put you into
162 the wetlands. The gravel pit also prevents you from pushing the houses back due to the
163 1/1 slopes. He stated this would be too precarious and there is only a limited area where
164 the houses can be situated.
- 165 • He reported that drilled wells would be situated on each lot as well as individual septic,
166 mound and conventional systems.
- 167 • They attempted to have the open space act as a buffer and make this land available to any
168 of the lot owners for agricultural uses they may wish to explore.

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170 Ken Heco stated that their intent is to provide 9 single-family houses and he already has people
171 he is looking to move to Vermont. He talked to his neighbors to make sure those impacted by
172 the proposed development liked the proposal and would be agreeable. He stated that he does not
173 want to cluster the houses and clustering does not add a benefit to anybody. He noted that most
174 projects do not propose AG space as it does not serve a purpose, however this proposal will serve
175 its lots and neighboring people.

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177 Commissioner Davis is concerned with environmental and water quality. She does not object to
178 more neighbors, but said, "We are a gem, this is a floodplain and scenic overlay for a reason."
179 She noted other people want to see the meadows and views and, respect the flood plains is a high
180 priority.

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182 Heco stated that everybody likes their privacy, and no one like the Smoke Bush development;
183 there is no area to remove the snow and is too clustered.

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185 Commissioner Davis said, "There has to be a way to compromise." Chairman Brusco advised
186 that the PC not engineer for the applicant, however it is important to bring up issues.

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188 Commissioner Schumacher asked if the trail exists today. It was confirmed that there is no trail
189 at this time. Heco reported that the moved the area 10' higher so that the trail would be usable.

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191 Chairman Brusco stated he would like to put the SRPO to the forefront and also discuss the wild
192 life and tree line as a corridor. He asked the engineer why they did not consider coming off

Chapin Road. Stuart stated they will look into the suggestion. Heco noted that it would not shorten the road.

Commissioner Schumacher Moved and Commissioner Davis Seconded a Motion to open the Public Hearing. The MOTION passed. 5-0.

Ethan Lawrence, 135 Osgood Hill Road, noted that he was a Select Board member, but was in attendance as a landowner and his statement does not reflect opinions of the Select Board. He made the following points:

- He leases the top portion of the lot under review to hay, as well as areas on Towers Road and Chapin Road. He noted if you don't have anybody taking care of the land, it would go to scrub.
- He reported that the bales are 5' high and the mountain view would not be obstructed by houses.
- He reported that a lot of the parcel has undesirable acreage and either can't be mowed or is difficult to mow. He has only hayed this lot a couple of times due to the difficulty. He suggested landowner may be able to have a garden or sunrooms.
- He stated the town should encourage people to move to Vermont and co-intergrate together so that they can take care of the land as a group.
- He believes this is a good proposal and asked if the PC had questions of his as a caretaker of the parcel.

Commissioner Davis asked about the wetland. Lawrence showed on the plan where the wetland and rock was situated on the parcel. Davis asked if the proposed plan avoids the wetlands. Lawrence replied yes. Schibler asked if the purple hashed area on the plan could be mowed. Lawrence replied yes. Schilber stated that this was a goal of the SRPO District. Chairman Bruso asked if the hatched area was presently being mowed. Lawrence replied yes, however with difficulty due to large boulders and rock. Schibler asked if there was ledge. Lawrence was not sure.

Elizabeth Baslow, 65 Colonel Page Road, suggested that the word "clustering" sounded like "a dirty word." She asked where the scenic beauty was as there is no mountain views. She wanted to know if the PC considered what the people who live there think about the proposal. She stated that having a requirement to pave the road was "dangerous and crazy." She noted that when she is in her bed you can hear the cars coming over the hill; and when people walk on the road, a paved road won't make it safe, and will allow cars to speed.

Schibler read Roger Sammel note from the Zoom chat:

This is Roger Sammel. I am very concerned about private wells for water sources. There is not any good water aquifers in this area. We drilled a 675 ft. deep water well and, fractured and could only get a trace at a substantial cost. If this development is built and impacts our water source, I would like assurance that the development would be responsible for providing us a water source.

Chairman Bruso noted that wells and septs are approved through the State of Vermont.

Stuart noted the plan shows a right-of-way for future connection to the Town water system. The town has asked for this connection for possible future expansion.

Paul Davis, 62 Chapin Road, showed pictures of development and stated that development is going to outlive everyone. He stated the SRPO District is experientially and “people go on bike rides; the sky gets bigger; the view is not just the mountains.” He stated that the whole area is a designation area. Although he understands there is a housing problem, it is also important to keep with the character of the area. He now sees this area as “a suburb – a target.” He stated that although clustering appeals as it reduced the amount you can development, it also depends on where you put the development. He stated that he wants to “keep with the spirit” and “keep it magical.”

Chuck Vile, Landowner, 210 Chapin Road, provided clarification on the trail as it was a former VAST trail. It is now used for cross country skiers and walkers, and stated it was a good idea to keep for year-round use. He noted that he gets calls every from VAST. Chairman Brusco noted that the easement would not be a VAST trail easement. Sharon Kelley, ZA, confirmed that the Town does not include VAST in its easements, and often VAST trails relocate due to new landowners and/or development.

David Albright, 75 Chapin Road noted that he as a west view and was also curious about a trail. Schibler explained that when development applications are submitted, the Town requests and/or requires a trail easement to be part of the proposal. Albright asked if you could walk along the Brook. Schibler replied potentially and suggested he talk to the Conservation & Trails Committee. Albright requested signage if a trail was to be entertained so that people would be aware of the trail network.

Ken Heco reported that currently people as using the land as they please. He has given permission to VAST for its use.

Albright continued with trail discussion and was concerned about a lack of continuity. Heco stated that they can only take the trail network so far.

Alan French, landowner, stated that they will identify who will be on the lots, which will be family or extended family. They were trying to create a farm-like compound and it is his goal to be proud and honor the land. He stated the land will be loved and cared for by its occupants.

Albright noted that there was a “dramatic dip” in the road, so they will need to re-construct the road in order to pave it. He felt that Public Works should be made aware of this situation. He also noted the culvert drains under the road and water gushes out onto the land. Albright asked that they do not put the garages on the south sides as he hates to see that type of architecture with postage stamp garages. Chairman Brusco strongly suggested Albright reach out to the Energy Committee.

Marty Baslow, 65 Colonel Page Road, likes the proposal and also questioned going into the lot on Chapin Road.

Kurk Lord, 50 Colonel Page Road, asked if they would go through wetlands. Schibler replied that there is a process to go through a wetland.

John Egan, lives on Chapin Road and noted there is a turn from Chapin Road onto Colonel Page Road this is sharp and dangerous. He suggested that Public Works might need to come up with a plan to make it safer for the public. He noted a opening in the NE portion of the tree line that has a view of Camel's Hump. Egan asked if public water was proposed. Schibler stated no, but there may be a possible future connection in the future.

Susan Alexander, 50 Colonel Page Road, noted that she does have a view of the mountains from her window.

Commissioner Davis stated that she is eyeballing the SRPO "like a hawk." She took in the comments and thinks there is room for improvement as to where the houses should be situated and there is room for compromise.

Commissioner Furland is in favor of clustering.

Commissioner Mangan was in support of the staff report and noting there has been conflicting statements, such as dry spots, which will need to get worked out.

Commissioner Schumacher said, "Ditto" and asked Stuart about a layout for the cul-de-sac, and why 900'. Schumacher did not feel clustering was necessary, however the proposal did not need to go so far out into the field. He asked them to "shrink it up a bit." Commissioner Davis agreed and said, "Ditto."

Chairman Bruso believed a site visit was necessary. He was not yet comfortable with the layout and stated it needed to be tuned-up. He recognized some concerns on the land, such as trails and continuity of open area. He stated if the PC compromises on the SRPO, what does the community get in return. He asked if it was single-ownership of each lot, who takes care of the open space area.

Paula Duke suggested the question of range of the square footage of the buildings.

Chairman Bruso Moved and Commissioner Schumacher Seconded a Motion to continue the Public Hearing to the next available meeting once the application was re-submitted and to schedule a site visit as soon as possible. The Motion passed 5-0.

AGENDA ITEM 5: Minutes

Commissioner Schumacher Moved and Commissioner Furland Seconded a Motion to approve the 8/25/2022 minutes as written. The Motion passed 5-0.

AGENDA ITEM 6: Other Business

Sharon Kelley noted that the PC closed the Public Hearing for the Pinewood I application which was continued to the next available hearing date upon resubmittal. Kelley asked for a motion to re-open the hearing and then continue the application.

Chairman Bruso Moved and Commissioner Schumacher Seconded a Motion to Re-open the Pinewood I Sketch Plan Public Hearing and continue to the next available hearing date upon resubmittal of the application. The Motion passed 5-0.

339 The meeting adjourned at 8:04 p.m.

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PLANNING COMMISSION

By: _____
Dustin R. Brusco, Chair