

TOWN OF ESSEX
PLANNING COMMISSION
MINUTES
October 13, 2022

PLANNING COMMISSION (PC) PRESENT:

IN PERSON: Dustin Bruso, PC Chair; David Raphael; and Patty Davis.

VIRTUAL: Vice Chair Josh Knox; John Mangan, Clerk; and Tom Furland.

OTHERS PRESENT:

IN PERSON: Katherine Sonnick, Community Development Director; Sharon Kelley, Zoning Administrator; Darren Schibler, Planner; Bryan Currier; Ryan Morse; David Burke; Jeff Weston; Henry Hayes; James Badger; Ashley Wager; and Mike Wager.

VIRTUAL: Chelsea Crucitti; David Sopkin; DDcoryk; John Egan; Paul Morgan; Sharon Hayes; Mike Smith; and Tracey Reece.

The meeting was called to order at 6:03 p.m. Chairman Bruso noted that Commissioners Knox, Mangan & Furland were attending virtually; noted that the Preliminary/Final review application for Linda & Patrick LeClerc has been reschedule to November 10th; as well as an item under 'Other Business'; and thanked Darren Schibler, Planner, for his work with the PC as Schibler has accepted a new position with CCRPC.

AGENDA ITEM 1: Public Comments: None.

AGENDA ITEM 2: SITE PLAN-PUBLIC HEARING: Glen & Ronalyn Cummings:
Proposed 16,100 SF warehouse building located at 22 Corporate Drive in the Resource
Preservation District-Industrial (RPD-I) zone. Tax Map 72, Parcel 3, Lot 22.

Darren Schibler, Planner, described the location of the proposed development and reported that the site has received two previous PC approvals, one being a fitness center and the second being two warehouse buildings. Both of these uses fell through and the lot remains undeveloped. The current proposal is to accommodate a 16,100 sq. ft. warehouse and storage building, with 5 bays. They may be leased individually or combined. Schibler described the parking layout, noting that 23 parking spaces were proposed all on one side of the lot, which is a slight increase. Schibler stated that the Regulations require a separation for parking spaces that have more than 20 contiguous spaces. As a result, he amended the Staff Report, on lines 207-211, by adding the following:

ZR Section 3.9(H)(3) requires that a landscaped island with one shade tree and appropriate shrubs be provided when there are 20 or more continuous bays of parking. Since the proposed parking exceeds the minimum required, one space shall be substituted with the landscaped island, with street tree and shrubs to be approved by Community Development staff.

Schibler spoke on the site circulation and noted the additional changes to the Staff Report which eliminated the inclusion of a fire lane and noted where the correct location of the nearest hydrant was located in connection to the building. Lastly, Schibler added proposed language to the conditions to capture the landscaped parking island.

Bryan Currier of O’Leary-Burke Civil Associates spoke on behalf of the applicant. Currier agreed with the changes on the parking. Regarding proposed Condition 3a, wherein a sidewalk was required to be installed from the building entrance to Corporate Drive be reconsidered. He proposed they add the following to the condition, “if there is an entrance that faces Corporate Drive. He noted that this is an industrial park and there is not much pedestrian traffic walking out of the building and onto the street. Currier noted that the cost for this sidewalk that will not serve much, if any, of the public, is extremely high.

Currier noted that Condition 5 states, the applicant shall “pay any traffic fees”, however Lot 8 was the most recent approval and they were not assessed a fee. Currier questioned if traffic fees were still required since the recent road improvements done on Corporate Drive. Currier stated that if a fee is to be assessed, he requested that it not be made from the approval for the previous gym that was granted to this site.

Chairman Bruso noted that the Findings on Lines 159 & 166 discuss the traffic study, which was acceptable.

Commissioner Davis noted that people run up and down the road, noting this brings intersection delays. Davis questioned if things will change when and if a light goes in at the intersection of Route 15 and Allen Martin Drive. Schibler stated that is a State intersection and Act 250 assesses the fee.

Vice Chair Knox MOVED and Commissioner Davis SECONDED a MOTION to Open the Public Hearing. The MOTION passed 6-0.

There were no public comments.

Commissioner Mangan MOVED and Vice Chair Knox SECONDED a MOTION to Close the Public Hearing. The MOTION passed 6-0.

The PC had a brief discussion on whether a sidewalk was necessary from the building to the street. Commissioner Furland noted that it did not seem like this sidewalk would ever get used. Commissioner Davis stated that sidewalks are good for connectivity and asked if the sidewalk would be ADA compliant. Chairman Bruso confirms that there is an existing sidewalk on Corporate Drive. He questioned the need for the sidewalk from the building to the road. Commissioner Mangan was okay with not requiring the portion of sidewalk from the building.

Commissioner Raphael MOVED and Commissioner Mangan SECONDED a MOTION to approve the application for 22 Corporate Drive, as warned, subject to the amended Findings and Conditions of a Staff Report dated October 13, 2022, as follows:

Finding E, Lines 207-211: Add the following: ZR Section 3.9(H)(3) requires that a landscaped island with one shade tree and appropriate shrubs be provided when there are 20 or more continuous bays of parking. Since the proposed parking exceeds the minimum required, one space shall be substituted with the landscaped island, with street tree and shrubs to be approved by Community Development staff.

Finding I, Line 300: Delete “with the inclusion of a Fire Lane” and “across the cul-de-sac of Corporate Drive”

Finding I, Lines 301-302: Add, “the proposed building” and Delete “1 and 240 feet from Building 2.”

Finding II., Line 308: 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 8, 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.”

Finding II, Line 312, add an additional comment, “The Planning Commission determined that based on the use of the project, the sidewalk from the building to Corporate Drive is not required.

Condition 3a: Strike and re-letter Condition 3b to 3a.

The MOTION passed 6-0.

AGENDA ITEM 3: PRELIMINARY PLAN-PUBLIC HEARING: Don Weston d/b/a JMW Investments, LLC: Proposal for a 32-unit Planned Unit Development-Residential (PUD-R) located at 87 Pinecrest Drive in the Medium Density Residential (R2) District. Tax Map 48, Parcel 4-1.

Darren Schibler, Planner, noted this was a 20.12-acre lot, located in the R2 Zone, with a proposed 31 new units and 1 existing unit located off a new public road, to be named Elsa Lane and a private road, to be named Telsa Court, will be created off Pinecrest Drive. Schibler reported that the applicant has demonstrated that there is sufficient water, sewer, traffic and stormwater capacity to serve the project. He stated that staff is supportive of the project and is pleased with the provision of affordable housing units and community open space. He noted that the community garden was removed due to not having access to water and was replaced with a small park space, suggesting that a gazebo and/or picnic tables could be provided for the homes within the development. He noted the trail will also be private to the neighborhood. He described the location and placement of the required street trees however, the trees will overlap with the utilities and therefore may be relocated outside the right-of-way. Schibler noted that existing vegetation may also be able to be considered and the street trees can be discussed more at final review. Schibler noted that a previous landowner, years ago, used the property as a dump site. The current landowner had test pits done and it was reported that there are no issues and there is no leaching into Indian Brook.

Commissioner Davis asked about the wetland buffer proximity and if everything to be built would not impact the buffer. Schibler replied that there are small impacts on a large section that cuts through Elsa Lane and showed the area on the overhead. He noted that the Agency of Natural Resources (ANR) noted that the impacts are small and reasonable. Commissioner Davis asked what would happen if they expand the project. Schibler stated that there is no room for expansion.

Commissioner Davis asked about the Homeowners Association (HOA), noting that private septic systems are not usually maintained by the HOA and ultimately are picked up by the Town. Schibler noted that at first the Town was not willing to own the pump station, but they are working with the applicant and he expects that Final review will show the town owning the pump station.

David Burke stated that Schibler provided a good overview so he will go to his points of discussion on the project, as follows:
off from Pinecrest Drive

David Burke and Jeff Weston provided comments on this application.

Burke made the following points:

- He confirmed that Public Works has had a “change of heart” regarding the pump station and final application will show the details, however he noted that one caveat was that he wants something in writing, assuring that the town will take it over before final approval.
- He described how bringing water to the garden bisects the wetland, and the applicant does not want to boor under the road or disturb the wetland.
- He reported the addition of a crosswalk on Pinecrest however, Public Works has asked them to upgrade with a beacon. He does not feel this is appropriate as beacons have glare and blinking lights. Burke did not believe the landowners would like this proposal. He requested that if the beacon was going to be a condition of approval, that consideration of waiving or partially waiving the recreation impact fee requirement.
- He described the shortening of the public road to the private road to be less than 300 feet, Public Works will not take over the road, and they can eliminate the 60’ right-of-way. If this is done, it will provide the new development better separation from Shillingford Crossing.
- He reported that he used his truck to do a headlight test while coming in and out of the lot; he described changes to the proposed fence to cut down on glare into house; he pointed out the house across Pinecrest Drive that will be affected, however, he made some changes to make it a little better than how it was originally proposed. He reported that the landowner was agreeable to planting some type of arborvitae on the neighboring lot. Burke noted that there is nothing in the Regulations that requires the elimination of headlight shine.
- Regarding the Staff Report, he noted that the requirement as noted in Condition 3a for the “rapid-flashing beacon” will be a nuisance to landowners Badger, Dwyer and Viens.
- Condition 3f, he reported that units 31 & 32 should be added.
- Condition 6, the street name was already approved by E911.
- Condition 14, regarding the Recreation Impact Fee, asked for consideration of removal if the beacon was going to be required to be installed.

Chairman Bruso asked the PC for their thoughts.

Vice Chair Knox stated that Burke provided a lot of information. He had not comments.

Commissioner Mangan agrees that a sidewalk beacon was not needed as Pinecrest Drive had good visibility. He reported that there is a beacon in his neighborhood and nobody uses it.

Commissioner Davis likes the condensed plan for the development.

Chairman Bruso acknowledged good site distance on Pinecrest, however a long straight road allows people to increase their speed and this call out for greater visibility, therefore a beacon may be necessary. He recognized that some neighbors may not like the installation of a beacon.

Commissioner Raphael was good with the comments at this point.

Burke stated that traffic never benefits speeders, the only way to do this is by enforcement.

Commissioner Raphael MOVED and Commissioner Davis SECONDED a MOTION to Open the Public Hearing. The MOTION passed 6-0.

Henry Hayes, 14 Hampshire Court, asked if the sewer to the private road was still in flux as the thought that still needed to be resolved. Schibler noted that the placement is set, however the final design is not yet resolved and, final review will cover this point.

Hayes asked if the proposed 5' fence would be placed on a 3' berm. Schibler noted that the area has a 3' elevation change. Burke noted that the grading of units 9, 10, 11 & 12 is 2'-3' higher, 150' long and 10' in from the tree line.

Hayes asked if the fence would block headlights; asked what type of fence would be installed; and what was the guarantee of the fence and tree line in perpetuity.

Mike Wager, 12 Hampshire Court, stated that light pollution from a fence is 3'-4' for the average vehicle; he asked for the make and model used for the test; he asked if high beams were taken into account, noting that this could project light over a 5' fence; he asked about environmental impacts as wetlands were still a concern, noting that the road goes over a section of wetland; and he asked what a "buffer impact area" means; he stated that there was discussion of a dump site and pig farm in past years, and just because the test digs did not find anything does not mean it was not there.

Burke noted that they could go to a 6' fence but believes 5' works. Burke noted that the applicant went way beyond what the Regulations require by doing dig tests. Burke re-calculated the math for a truck versus a Toyota Corolla and believes a 5' fence is adequate.

Burke noted that the wetland impacts have been fully vetted by the State.

Mike Smith, 10 Hampshire Court, asked what happens if the HOA is dissolved. He asked what the orange ribbons were on the property line. Burke was not sure of what the ribbons represented. He suggested it may be a requirement of Act 250 and an archaeological survey. Smith asked if the underbrush would remain on his property line. Burke replied that nothing would be touched from there to Shillingford Crossing and a silt fence will be installed. Smith asked for an elegant and halfway decent fence to be installed.

James Badger, 89 Pinecrest Drive, made the following points:

- A lot of traffic will be coming in and out of the development all day long.
- Winter excess snow will go into his driveway.
- The development makes more work for him, more noise, more headlights.
- There are 8 deer that are currently living there and this will push them out of their habitat.
- He would have shown them where to do the environmental test pits as he has lived there for 69 years. He noted there was a pit by Unit 29.

Schibler noted that snow maintenance is for Public Works to address. Burke noted that Mr. Badger does not have a sidewalk and that Public Work's issues are with a public road.

Commissioner Raphael has concern over the road being 939' as the PC has tried to hold to this limit. Schibler noted that the Public Work's Specifications can modify the length of the road.

Vice Chair Knox MOVED and Commissioner Davis SECONDED a MOTION to Close the Public Hearing. The MOTION passed 6-0.

Commissioner Raphael MOVED and Commissioner Davis SECONDED a MOTION to approve the application as warned, subject to the Findings and Conditions of a Staff Report dated October 13, 2022, including the following changes:

Finding V, Line 564, add the following new bullets to read,

- The applicant has agreed to conforming to the Public Works Specifications for sanitary sewer pump stations with the understanding that the Town will take over the pump station.*
- There is still some debate about the need for a pedestrian activated crosswalk on Pinecrest drive. The applicant and staff should work together to resolve this with the ultimate goal of safety and potential for possible light trespass to adjacent neighbors. If an activated crosswalk is required, the applicant has requested consideration on the recreational impact fees.*
- The applicant has committed to providing fence details at final, noting many of the neighbors have requested vinyl.*
- The applicant shall work with Public Works to detail the snow removal as you leave the subdivision and enter Pinecrest Drive.*

Add a new Condition 2 and re-number remaining conditions accordingly, to read, The applicant shall work with Public Works to determine if a pedestrian activated crosswalk will be required.

The MOTION passed 6-0.

AGENDA ITEM 4: Minutes 9/22/2022 & 9/28/2022

Commissioner Furland Moved and Commissioner Davis Seconded a Motion to approve the 9/8/2022 minutes as written. The Motion passed 6-0.

AGENDA ITEM 5: Other Business

Sharon Kelley informed the PC about a Zoning Board of Adjustment Short-Term Rental application for property located at 386 Old Stage Road. The PC had no comments.

Kelley reported that Andrew Hood has requested the PC grant a one-year extension regarding his site plan/site plan amendment approval for warehouse buildings to be located at 1 Allen Martin Drive. The request was based on the application still being under Act 250 review.

290 **Chairman Bruso Moved and Commissioner Furland Seconded a Motion to approve a 1-**
291 **year Site Plan & Site Plan Amendment Extension for Andrew Hood, 1 Allen Martin Drive,**
292 **Essex, VT. The Motion passed 6-0.**

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294 The meeting adjourned at 8:39 p.m.

PLANNING COMMISSION

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296 By: _____
297 Dustin R. Bruso, Chair
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