

TOWN OF ESSEX
PLANNING COMMISSION
MINUTES
March 9, 2023

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PLANNING COMMISSION (PC) PRESENT:

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

VIRTUAL: Josh Knox, Vice-Chair; Jonathan Schumacher and Tom Furland.

OTHERS PRESENT:

IN PERSON: Katherine Sonnick, Community Development Director; Sharon Kelley, Zoning Administrator; Paula Duke; Michael Peterson; and Karl Marchessault.

VIRTUAL: Joe Flynn; Surveyor; Gary Villeneuve; Jennifer Villeneuve; Georgia Lavigne; Stephanie Mack; and Essex ReTorter.

The meeting was called to order at 6:00 p.m. Chairman Bruso called out the Commissioners in the room and who attended virtually; noted the amendments to the Agenda; and provided the oath to the public.

AGENDA ITEM 1: Public Comments: None.

AGENDA ITEM 2: SKETCH PLAN/MASTER PLAN/FINAL PLAN: Gary Villeneuve:
Proposed a 2-lot Minor Subdivision of 96-acres at 250 Jericho Road (Tax Map 8 Parcel 16, AR Zoning District). Proposed subdivision to create Lot 3, a 5.06 building lot and remaining lands Lot #1 will total approximately 91 acres.

Katherine Sonnick, Community Development Director, noted that she will not present because she is an abutter to the project. However, she is able to participate in policy and procedures.

Sharon Kelley, Zoning Administrator, noted that the amended Agenda Item was warned in 7-Days correctly, however the written Agenda needed amending to note that the application was being reviewed for sketch, final and master plan. Kelley noted that Kent Johnson, Town Planner, prepared the Staff Report and sent his apologies for not being able to attend the hearing. Kelley reported that because a simple parcel subdivision was done in 2018, the application had to be warned as a Sketch & Final versus another consent agenda item. Kelley noted that the new lot would be known as 164 Weed Road (Lot 3) as the driveway will front on this road. Kelley noted that she made some minor changes to the Staff Report and called out the highlighted areas as shown on the amended hard copy and on the overhead presentation, as follows:

- Page 1, Lines 12-14: Added the Landowner, being Eric W. Senn, Trustee to Walter Senn Trust.
- Page 2, Lines 96-91, which reads,
Public works would recommend that the applicant construct this driveway to meet the requirements of the Type B driveway up to the Weed Road Right Of Way (ROW) where driveway width is limited to 15 feet for a single residence. This would alleviate substantial future costs of driveway reconstruction due to the increase in the number of residences being served.

Kelley stated the proposed language was a recommendation and is open for discussion with the PC to determine how to go forward with the suggestion.

- Page 5, Lines 200-206: Added the following language under ‘Additional Planning Commission Findings’; and added a new Condition 2, as follows:

Finding: The Planning Commission finds that the lands located outside of the building envelope fall within the Scenic Resource Protection Overlay (SRPO) District. Any future development or additional landscaping located within the SRPO will require further review and approval. Any/all roadside scrub trees/brush should be kept clear to preserve the scenic view.

Condition 2: Any future development or additional landscaping located within the SRPO will require further review and approval. Any/all roadside scrub trees/brush shall be kept clear to preserve the scenic views.

Kelley reported that the planner asked to add this language, however Condition 1 had similar language. The PC needed to determine which language to keep. Kelley noted that a difference between Condition 1 and 2 was that #1 required the applicant to return to the PC for an amendment, whereas Condition 2 allowed staff to determine if the request was minor and could be handled administratively.

Kelley also pointed out that Condition 5 reads, *All vegetation within 50 feet of the driveway centerline in the Town right-of-way shall be kept cleared for the life of the project.* She noted the difference compared to the last sentence in proposed Condition 2.

- Page 6, Conditions 8, 9, 10 & 11: Showed minor housekeeping changes.

Joe Flynn and Karl Manschessault, both of O’Leary Burke Civil Associates, represented the applicant. Manschessault deferred to Flynn for comments. Flynn stated the lot was created from a previous long-standing family-owned lot. He noted that the proposed subdivision he lot size was just over 5-acres and located in the AR zone. Flynn noted a previous simple parcel subdivision occurred in 2018 and was appreciative to combine the meetings since the proposed application was also a minor subdivision. The proposed lot will front on Weed Road and house a single-family house on a 5.06 building lot, leaving the remaining lands, known as Lot #1, with approximately 91 acres. Flynn noted the lot has areas of Scenic Resource Preservation Overlay (SRPO) lands on the lot, including a smaller portion within the building envelope, however he reported that the building footprint is not located within the SRPO area. Flynn showed on the overhead plan where a small portion of SRPO lands are located within and outside the envelope. Flynn informed the PC that an approved curb cut has recently been issued, and the septic system has been approved by the State of Vermont and recorded in the Land Records. Flynn stated he was fine with the comments made by Kelley and liked the idea of staff being able to approve minor amendments. Flynn noted that Public Work’s comments regarding the driveway were relevant.

Commissioner Raphael asked for the applicant’s thoughts on Public Work’s suggestion to bring the driveway up to a Type B standard. Flynn stated that because of the previously approved simple parcel and the submittal time of the current application, they were required to produce a

Master Plan. He reported that the family did not intent to create these lots now and they understood they would need to come back to the PC with another application in the future.

Karl Marchessault reported that he was “pretty certain” that Public Work’s previously sent Mr. Villeneuve information on the width of the road, and they are aware that future development will require them to dig up the road to build to a certain driveway spec when the time comes.

A brief discussion ensued regarding the Type B driveway and whether the PC should make it a condition of approval. Flynn reminded the PC that Public Work’s comments was that they recommend building it now to save themselves money in the future, however they were not requiring it at this time. The PC agreed the development of a Class B driveway should not be required of this application. The PC requested that the plans show better demarcation of the SRPO District and that building structure(s) and landscaping are outside of the SRPO District.

Chairman Bruso suggested that the PC Finding read, “The construction of a Type B driveway could be at the applicant’s discretion for future development of Lots 4 & 5.”

Marchessault noted he and Public Works were in consultation with VTrans and when the time comes for additional future development of the lot, costly improvements will also be required to be done on Route 15.

Gary Villeneuve confirmed that he understands the requirements of future development for the driveway.

Commissioner Raphael Moved and Vice Chair Knox Seconded a Motion to open the Public Hearing. The Motion passed 5-0.

Stephanie Mack stated that she abuts the property and asked if the gray area on the plan shows where the house would be located. Chairman Bruso confirmed yes. Mack asked the sizes of Lots 4 & 5. Chairman Bruso said they don’t exist yet and would need a future PC review.

Gary Villeneuve believes constructing the driveway at 15’ makes sense.

Paula Duke understands the building envelope but asked where the building itself would be located. Kelley replied that any structure can be placed anywhere within the building envelope.

Vice Chair Knox Moved and Commissioner Furland Seconded a Motion to close the Public Hearing. The Motion passed 5-0.

Commissioner Furland Moved and Commissioner Schumacher Seconded a Motion to approve the application, as warned and subject to the Findings and Conditions of a Staff Report dated 3/9/2023, including the following changes:

The Planning Commission made the following changes to the Staff Report:

PC Finding, Lines 202-206, ‘Additional Planning Commission Findings’ change to read, *Any future development or additional landscaping located within the SRPO, will require further review and approval as determined by staff. All roadside scrub trees/brush should be kept clear*

to preserve the scenic views; and all vegetation within 50 feet of the driveway centerline in the Town right-of-way should be kept clear for the life of the project.

Condition 1, Lines 210-214,: Delete and replace with, "All construction shall be in conformance with the plans listed above and as may be amended subject to other conditions and approvals. The title box on the plans shall be amended to read, "2-lot Subdivision (250 Weed Road & 164 Weed Road.) The Plans and Plat shall be amended to clearly delineate the specific areas of the Scenic Resource Preservation Overlay.

Conditions 2 & 5, Lines 216-218 & Lines 227-228, create a new Condition 2 to read: Any future development or additional landscaping located within the SRPO, shall require further review and approval as determined by staff. All roadside scrub trees/brush shall be kept clear to preserve the scenic views; and all vegetation within 50 feet of the driveway centerline in the Town right-of-way shall be kept cleared for the life of the project.

Condition 3, Line 220: After "impact fees" add "and construction, recording and inspection fees".

Condition 5: Delete.

Condition 8, Lines 238-239: After "Regulations" add "and shall provide a certified statement to the Zoning Administrator upon completion."

Condition 10, Line 247: Delete "provided to the Town" and replace with "submitted with the zoning permit."

Condition 11, Line 251: Change "one week" to "two weeks".

The MOTION passed 5-0.

AGENDA ITEM 5: Minutes February 23, 2023

Commissioner Furland Moved and Commissioner Schumacher Seconded a Motion to approve the 2/23/2023 minutes as written. The Motion passed 5-0.

AGENDA ITEM 6: Other Business: None.

The meeting was adjourned at 6:59 p.m.

By: 
Dustin R. Brusio, Chair

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By: 
Dustin R. Brusco, Chair