

TOWN OF ESSEX
PLANNING & ZONING BOARD COMMISSION MINUTES
JULY 25, 2024

***Note: A final draft of these minutes will be posted prior to the next PC meeting.**

This meeting was held on Zoom and In-House.

PLANNING COMMISSION (PC) PRESENT IN ROOM: Dustin Bruso, Chair; Georgia Lavigne, Clerk; Jonathan Schumacher; Ian Carroll and Alternate Stephanie Bixby.

PC PRESENT VIRTUALLY: Trefor Williams.

PC ABSENT: Joshua Knox and Paula Duke.

OTHERS PRESENT IN ROOM: Sharon Kelley, Zoning Administrator; Kent Johnson, Planner; Bryan Currier; Brian Marcotte; Darren Schibler; James Diehl; Natalie Braun; David Skopin and John Craig.

OTHERS VIRTUALLY: Katherine Sonnick, Community Development Director; Melanie Needle; Mukesh Kumar; Don Zimmerman; John Driftmier and read.ai.mtgnotes (unidentified).

AGENDA ITEM 1: CALL TO ORDER: Chairman Bruso called the meeting to order at 6:39 p.m. (late start due to technical difficulties.)

AGENDA ITEM 2: AGENDA ADDITIONS/ CHANGES: None.

AGENDA ITEM 3: APPROVE AGENDA:

Commissioner Schumacher Moved and Commissioner Lavigne Seconded a Motion to approve the Agenda. The Motion passed 6-0.

AGENDA ITEM 4: PUBLIC TO BE HEARD: Chairman Bruso informed the audience that this was the time for the public to discuss any item that was not on the Agenda except for the Consent Agenda. There were no comments.

AGENDA ITEM 5: CONSENT AGENDA:

- a. Boundary Adjustment – James Diehl is proposing to convey 1.23 acres from 265 Browns River Road (Tax Map 15 Parcel 3) to Enisa and Refik Bahunjic at 259 Browns River Road (Tax Map 15 Parcel 4), in the Agricultural Residential (AR) and Scenic Resource Protection Overlay (SRPO) Districts. Parcel 1 will decrease in size from 30.00 acres to 28.77 acres. Parcel 2 will increase in size from 0.88 acres to 2.11 acres.
- b. Simple Parcel – James Diehl is proposing a subdivision to create 2 lots (a 27.08 acre lot and a 4.68 acre lot) at 265 Browns River Road (Tax Map 15 Parcel 3) in the Agricultural Residential (AR) and Scenic Resource Protection Overlay (SRPO) Districts. Proposed lot 2 will be the site of a new single-family residence. No new structures are proposed on Proposed lot 1 at this time.

Commissioner Lavigne Moved and Commissioner Schumacher Seconded a Motion to approve the Consent Agenda. The Motion passed 6-0.

AGENDA ITEM 6: PRESENTATION AND DISCUSSION BY CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION (CCRPC) REGARDING THE BYLAW MODERNIZATOIN GRANT:

Katherine Sonnick reported that Essex received a grant to conduct housing growth and wastewater demands in the areas within the Town sewer core outside of the Essex Town Center areas. Two study areas were considered, Colchester Road near the Susie Wilson Road area and Jericho Road. Sonnick reported that CCRPC was present to give its final report.

Melanie Griffin and Darren Schibler, both of CCRPC, spoke on this presentation, which included an overhead presentation.

AGENDA ITEM 7: PRELIMINARY PLAN: CONTINUED FROM 2/8/24 & 4/11/24: Pinewood Holdings, LLC, c/o Brian Marcotte, proposed a 33-Unit Planned Unit Development-Residential (PUD-R), consisting of 18 single-family homes on individual lots; 15-triplex units on footprint lots and an approximate 88-acre open space lot for property located at 18 & 30 Timberlane Drive (parcel IDs 2-084-001-000 and 2-085-001-001) and consists of 117-acres in the Medium Density Residential (R2) Zone.

Chairman Bruso reminded everyone that the Public Hearing was left open. He provided the oath to the public, including a late arriver.

Bryan Currier and Brian Marcotte represented the application.

The following persons provided public comments:

Natalie Braun, 11 Skyline Drive, Essex, VT, expressed her concern and encouraged the PC to take the environmental concerns as early as possible; noted that the climate crisis is on the anniversary of the previous year's flooding; pointed out the accelerating and destabilization crisis; believes grass root efforts and making good decisions have a ripple effect; understands that housing is needed but questions where to put it and how to do it with as little change to the echo system brings value.

David Skopin, 11 Skyline Drive, Essex, VT, noted that he was a volunteer on the Energy Committee, done for the greater good; he has been around for 10 years of development and described the first step developers do is logging and removing the best that is available, then sold off for profits; after loggers, developers start moving the land around which releases more carbon into the atmosphere; then enormous trucks and excavating equipment comes onto the land which costs someone money and he is not sure that benefits the homeowner. He stated that climate change is not going anywhere and it only worsens. He is concerned about loosing a lot of trees which filters the air. He asked the PC to look at the greater good and fears if they don't take these comments, things will be worse for his grandchildren.

John Craig, 18 Stonebrook Circle, Essex, Vermont, thanked the PC for their volunteer service.

He is concerned with the 15-20 percent grade of development and with water issues.

Mukesh Kumar, 8 Evergreen Drive, Essex, VT, stated that he has been coming to the meetings for the last couple of years and noted that the applicant and residents are frustrated. He does not believe the applicant has addressed the steep slopes and if the project was approved, the PC would be setting a precedent.

Chairman Brusco felt that the applicant has made great progress with Public Work's concerns and asked the applicant if they felt they can get to a point with staff to justify a waiver and move forward with the application. Currier replied that the reason they were before the PC was to make that determination. Currier felt that if the majority of the PC feels, with the proposed measures they agreed to take regarding the steep slopes and Public Work's acceptance, then they will go forward with the application.

Alternate Commissioner Bixby asked the applicant how many lots were impacted with steep slopes. Currier noted that the earth is irregular and described the percentages of all grades, with the color blue showing 20% grade. Currier noted that the roadside ditch is a steep slope and pointed out all the areas less than 15% grade, noting the majority is in these areas. Currier noted that traditionally the PC has not required a waiver as the development of Pinewood started in the 70's.

Commissioner Schumaker suggested that the applicant quantify the impact of the number of acres within the slope and what the project will look like long term.

Johnson stated that he needs a better shaded plan for his review and he needs to know where all the percentage of slopes are located. Chairman Brusco instructed Johnson to look back at other approvals to see how they addressed the slopes.

Currier asked if the PC was comfortable to kick the application to final review. Chairman Brusco stated that a condition will be made at final application and a declaration will be made at preliminary review. Currier asked if he should if the PC wanted to see elevations for the triplex. The PC stated yes.

Chairman Brusco Moved and Commissioner Schumacher Seconded a Motion to continue the Public Hearing Preliminary Review to the next available meeting once the applicant provided additional materials, including building elevations for the triplex, updated master plan, and declarations for a waiver. The Motion passed 6-0.

AGENDA ITEM 8: APPROVAL OF MINUTES 7/11/2024:

Commissioner Schumacher Moved and Commissioner Lavigne Seconded a Motion to approve the minutes as written. The Motion passed 6-0.

AGENDA ITEM 9: OTHER BUSINESS: Katherine Sonnick reminded the PC and public of the public meeting to be held on August 1, 2024 @ 7:00 p.m., to be held at the new Event Center on Essex Way regarding the new town building located at 80/90 Upper Main Street.

Chairman Bruso instructed staff to add a disclaimer to the Agenda that if there are technical difficulties they will pause for 5 minutes, otherwise they will continue the hearing with only the people in the room. Kelley voiced disagreement with that plan as, at times, Commissioners are attending remote. Chairman Bruso stated that if 4 members are in the room, then a vote can still occur.

AGENDA ITEM 11: EXECUTIVE AND/OR DELIBERATIVE SESSION: None.

The meeting adjourned at 7:25 p.m.

PLANNING COMMISSION

By: _____
Dustin R. Bruso