

TOWN OF ESSEX
DRAFT PLANNING COMMISSION MINUTES
AUGUST 22, 2024

Note: This meeting was held on Zoom and In-House. This is a web draft of the meeting. A more complete set of minutes will be available before the next PC meeting.

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

PC ATTENDING VIRTUALLY: Trefor Williams.

PC ABSENT: Paula Duke.

OTHERS PRESENT IN ROOM: Katherine Sonnick, Community Development Director; Kent Johnson, Planner; Mortin Courcelle; JH Stuart; Alan French; David Wright; Kenon Heco; and Community T.V.

OTHERS VIRTUALLY: Sharon Kelley, Zoning Administrator; Elizabeth Coleman.

AGENDA ITEM 1: CALL TO ORDER: Chairman Bruso called the meeting to order at 6:30 p.m.

AGENDA ITEM 2: AGENDA ADDITIONS/ CHANGES: None.

AGENDA ITEM 3: APPROVE AGENDA: Commissioner Carroll Moved and Vice-Chair Knox Seconded to approved the Agenda. The Motion passed 6-0.

AGENDA ITEM 4: PUBLIC TO BE HEARD: There were no public comments.

Chairman Bruso swore in the public.

AGENDA ITEM 5: FINAL PUBLIC HEARING: 50 COLONIAL PAGE ROAD

Kent Johnson, Planner, stated there were a number of small changes to the staff report and a number of conditions associated with the project. It was Johnson's understanding that the PC was okay with the steep slopes as presented. Johnson noted that Public Works will make sure the applicants are on the safe side of the steep slopes. Johnson reported that Chuck Vile, Town Tree Warden, made some last-minute concerns regarding the proposed White Pine trees as shown on the Landscape Plan. The Tree Warden provided substitute tree types and will work with the applicant on the species. Lastly, Johnson reported that the Conservation and Trails Committee wanted written documentation on how the field area will be shared.

John Stuart reported that the proposed conditions are not yet incorporated into the plan and will be done as a result of this meeting. Stuart did not have anything to add to the proposal.

Chairman Bruso asked the Commissioners to add a condition for 'Other PC Findings' and suggested, "The PC agreed with the request for a waiver based on applicant's explanation that

the design of the homes and associated retaining walls will take advantage of the slopes and ensure their future stability. Bruso noted that it is important that the PC memorialize the waiver request with a reason why they accepted such a waiver.

Chairman Bruso stated to Strike 13.

Vice-Chair Knox Moved and Commissioner Bixby Seconded a Motion to Open the Public Hearing. The Motion passed 6-0.

There was no public comment.

Commissioner Lavigne Moved and Commissioner Carroll Seconded a Motion to Close the Public Hearing. The Motion passed 6-0.

Commissioner Carroll Moved to approve the application as presented and subject to the Findings and Conditions of a Staff Report dated 8/22/24, including the language for a waiver. Vice Chair Knox Seconded, with a Friendly Amendment and to strike Section 13; and add an amended Condition 14 to read, "The applicant shall meet with the Town Tree Warden to work out the replacement of the White Pine Trees; and shall amend the Plan with the new tree selection." The MOTION passed 6-0.

AGENDA ITEM 6: CONCEPTUAL DISCUSSION: 50 GAUTHIER DRIVE, ESSEX, VT

Kent Johnson stated that the site requires grading and the steep slopes may be over 20 percent. He asked the PC to request clarity on the narrative.

Chairman Bruso stated that a conceptual discussion was a back-and-forth conversation with the applicants.

Martin Courville, P.E., of Chaplain Consulting Engineering, stated that the slope was 20,002%, just over the 20% requirement. They chose to come in for a conceptual discussion specifically to discuss the slopes. He noted that a similar project was approved in 2017 and also received an Act 250 approval. He reported that retaining walls are proposed with this application and noted that post construction they will not be dealing with steep slopes.

Chairman Bruso asked if the approval was granted in 2017. Courville reported that the project was approved in 2012 and again in 2017. Bruso noted that the assessment of steep slopes changed drastically since those previous approvals. Courville responded that they were informed of the same information and that is why they are here before the PC. Chairman Bruso noted that a lot of requests come before the PC on steep slopes, noting that different areas have different considerations.

Alternate Commissioner Bixby stated that the Regulations are factual and states when it is and is not appropriate to consider the slopes. She noted that this is a commercial lot and the impact might be less.

Commissioner Williams inquired about the retaining wall and if it would remain a 20% slope after topsoil was laid down on top of the wall; and questioned if there was enough room for a truck to fit through if cars were parked to get to the loading docks. Courville reported that this would not be an issue and that no full-sized tractor trailers will be used on the site – only boxed trucks, such as Fed-Ex and UPS.

Vice Chair Knox stated that the location of this project is in an industrial zone versus residential zone and that the mitigation of slopes has key differences from a residential zone.

Commissioner Carroll agreed with Knox and was okay with the proposal.

Commissioner Lavigne stated that the Regulations do not differentiate slopes, however also agreed with Knox.

Commissioner Bixby stated that the Regulations are the Regulations for a reason and stated the PC was in a gray area and they would be setting a precedent. Bixby does not have any concerns with the plans but does have a concern with an exception if the Regulations state zero allowance.

Chairman Brusco stated that a waiver option was there for a reason and an appropriate reason for the design would need to be given to the PC.

Katherine Sonnick stated the waiver language was important as there is a difference from up to 20% and over 20%, however a waiver justification could be utilized. She noted the applicant stated that they would come in with a design for the slopes.

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

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

AGENDA ITEM 6: OTHER BUSINESS:

Katherine Sonnick reminded the PC to submit an application for a position on the DRB, if they were interested, as the Selectboard was due to meet on September 16th.

The meeting adjourned at 7:17 p.m.

PLANNING COMMISSION

By:

Dustin R. Brusco, Chair