

TOWN OF ESSEX
DRAFT PLANNING COMMISSION MINUTES
SEPTEMBER 12, 2024

Note: This meeting was held on Zoom and In-House.

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

PC ATTENDING VIRTUALLY: None.

PC ABSENT: Paula Duke.

OTHERS PRESENT IN ROOM: Katherine Sonnick, Community Development Director; Sharon Kelley, Zoning Administrator; Kent Johnson, Planner; Bryan Currier, P.E.; Deb Currier; Shawn Cunningham; Dawn Hill-Fleury; Mike Venati; Collen Frisbee; Bart Frisbee; Larry Coato; Nick Boutin, P.E.; Andrew Seaver; Kirk Herbst; Debbie Metruk; Patty Geiger; Brad Jackson; Sue Lagrow; David Skopin; Brian Clifford; Chris diStefano; John Tucci; Kristy Start; and Peter Edelmann. (Need to check spelling on some of these names if able to locate – no address for some.)

OTHERS VIRTUALLY: Kelley (Guest – unidentified); iphone guest (unidentified); George's ipad (unidentified); Kathy-Saybrook-6 (unidentified); Sharon Zukowski; Cecilia Smolinski; Morgan Paine; Rachel Lizotte; Karen Perod; Jen Beane; Ken Kieft; Jenny Barnett; Jen Bean; Janet Grennan; Debbie Bartlett; Stephanie Lane; Rachel Lizotte; Patty Davis; Jenny Burrett; and Karen Penrod.

AGENDA ITEM 1: CALL TO ORDER: Chairman Brusco called the meeting to order at 6:31 p.m.

AGENDA ITEM 2: AGENDA ADDITIONS/ CHANGES: None.

AGENDA ITEM 3: APPROVE AGENDA: Vice Chair Knox Moved and Commissioner Lavigne Seconded a Motion to approve the Agenda as warned. The Motion passed 7-0.

Chairman Brusco swore in the public.

AGENDA ITEM 4: PUBLIC TO BE HEARD:

Brad Jackson, 14 Rustic Drive, Essex, VT, had questions on the prison issue, noting that it seemed to be going full speed ahead to consider changing the zoning. Jackson requested that the PC not make any decisions until the issue is settled with the Town. Jackson read an excerpt on the meeting that was posted on Front Porch Forum.

Chairman Brusco stated that this topic would be discussed later in the meeting under Agenda Item #8. Brusco noted that the PC acknowledges a request(s) from anyone who puts a request for a change to the Regulations. He noted that the process to make any change is a long process, with public workshops, public hearings and will continue to follow the normal process.

AGENDA ITEM 5: CONSENT AGENDA: APPLICATION OF diSTEPHANO LANDSCAPING: PROPOSED SITE PLAN AMENDMENT TO CONSTRUCT A +/- 4,000 SQ. FT. SINGLE STORY COMMERCIAL BUILDING LOCATED AT 302 COLCHESTER ROAD (PARCEL ID: 2:/075/020/000 IN THE INDUSTRIAL ZONING DISTRICT.

Commissioner Schumacher Moved and Commissioner Williams Seconded a Motion to approve the Consent Agenda item as written. The Motion passed 7-0.

AGENDA ITEM 6a: Sketch Plan – Sterling Homes is proposing a 28-lot subdivision (26 lots with single-family homes, 1 condominium lot with 8 living units and 15.44 acres open/common land) located at 53 Center Rd, Parcel ID 2087001000, in the Medium Density Residential (R2) District.

Commissioner Schumacher Moved and Commissioner Williams Seconded a Motion to Open the Public Hearing. The Motion passed 7-0.

Kent Johnson, Planner reported that the applicant has reduced the project to three (3) buildings, thereby making this staff report outdated, therefore the application will need to be continued. Johnson provided the PC with the following information:

- The property has a Center Road address, however the entrance to the site is off Saybrook Road.
- He noted that a previously approved Saybrook development plan, the entire site shows trail alignments.
- He described the area for development as being flat, with deep ravines and steep slopes and abuts the Mathieu Town Forest.
- He provided key challenges on the staff report, such as some lots have insufficient frontage and setbacks; some lots are located too near the ravine; and affects of the steep slopes.
- The adjacent development (Saybrook) has approximately 100 units and the proposed project adds to it and questions how to address the issues.
- The applicant made an effort to connect to the upper left corner as shown on the plan, however he did not have enough time to explore the changes.
- The proposal more than doubles the water and sewer allocation. Public Works is undertaking a study to understand the limitation of the study. The timing aligns well with the project.
- The positive of the project is that will provide much needed housing to the area however, there are challenging geometric aspects too.
- He informed the PC that if more than 50 units were proposed, a secondary or emergency access is needed.

Katherine Sonnick stated that Saybrook was built in the 1890s and the regulation for the number of houses came into effect in 1995. Sonnick noted that the Subdivision Regulations speak to needing adequate access.

Colin Frisbee, Principal of Sterling Construction, was present with Bart Frisbee and Nick from Cross Engineering. C. Frisbee made the following points:

- It is a family business and they have done a lot of work to provide houses in Essex, naming Nature's Way Development, Smoke Bush Lane, Pinewood Development.
- He pointed out that the need for housing is real and looks forward to partnering again with Essex.
- He stated that they have worked diligently with staff and looks forward to working with the State.
- He spoke of State Act 47 (housing), noting that the law was amended to allow for much higher density and Act 181 (Forestry).
- He stated that the Town regulations have not caught up yet with the State changes, however, in working with staff, one way to approach the development of this parcel was through a Planned Unit Development (PUD), which requires that 60% of the remaining lands remains as open space.
- He reported that trails seem to be the use and the land has a good connection to Mathieu Town Forest.
- He acknowledged that there is still quite a bit to work out with the application, such as traffic and turning left onto Center Road. He noted there will be traffic studies and the that the impacts should benefit all parties.
- He asked for sketch review to go forward.

Mike Venati, 63 Saybrook Road, Essex, VT, President of Phase 4 Association, stated the main concern was traffic. He noted when the development was originally created, the occupancy was mostly couples, however that has now changed, people are staying longer and there are more children on the premises. He was not happy that years back, the State of Vermont put in a right-turn lane exiting Saybrook, which now makes turning left onto Route 15 impossible. He was also concerned if the exit to Essex Way was opened up, citizens would use Saybrook as a cut-thru.

Jean Bean (? Did not sign-in), lives in Saybrook and echoed the traffic concerns. She mentioned that Sweet Scoops Ice Cream also makes turning out onto Route 15 difficult.

Larry Caputi, 42 Saybrook Road, President of Phase 3, is concerned about water run-off.

Sue Lagrow, 67 Saybrook Road, Essex, VT, noted that several years ago there was discussion to exit onto Essex Way, which was turned down. She asked if there was any plan for a right-of-way coming out of the new development onto Route 15.

Sue Giambatista, 99 Saybrook Road, was also concerned about traffic using Saybrook Road as a cut-thru if a new road were proposed. She felt that Saybrook Road should already have a red light on Route 15.

Dawn Hill Fleury, 9 Saybrook Road, Essex, VT, noted that the land was a farmland and noted that banks erode and fall-in. Her concern is for the buildings that will cause more erosion. She noted that the Town needs affordable housing and asked the applicant to address this issue.

Chairman Bruso replied that those issues are a Public Works and Selectboard concern. Fleury said there is low pressure now and it is a concern. Sonnick replied that the concern starts with Public Works and if approved, the increase in capacity moves to the Selectboard. Bruso noted that a water pressure concern is different than asking for capacity.

Karen Penrod lives in Saybrook, Phase 6, stated that the drawing has a huge piece of land however Saybrook is squished behind the proposed development, with 60% mostly ravines. She believes this proposal seems excessive all to keep costs low.

Kent Johnson provided the background to the property. Of note was an easement that connects to Essex Way which would provide a second access, or could be deemed an emergency access. Johnson also pointed out that the existing bike path that a former approved plan shows as an emergency access. Johnson felt, from a planning perspective, that was a good approach as it would avoid all cut-thru traffic.

Nick Boutin, P.E., stated that they are proposing under 50 units, which is why the application is before the Planning Commission. Boutin stated that the Frisbees are good folks making good decision and hopes there is a good plan already in place. Boutin hopes to seek sketch approval so they can move forward and address the sewer element. He reported that the steep slopes and wetlands were based on data to develop the sketch; and the topography survey is currently underway – they are aware of the slopes and wetlands concerns.

Kent Johnson stated that he wants to see a plan that shows where the 20% slopes versus the 15% slopes are located, however he understands it is difficult to figure this out.

In response to Commissioner Bixby's question on frontages and setbacks, Johnson stated that both frontages and both sides are required to meet front and side yard setbacks.

Nick Boutin, P.E. replied that every lot has more than 75' of frontage and he described the corner lots. Boutin stated that the plan shows the minimum number of units that could be proposed as the Regulations have not caught up with the State allowed changes.

Colin Frisbee asked for a reduction in the number of units allowed to provide more variation of homes on the lot. He noted that most lots don't use a side yard and would rather use the space differently.

The discussion continued on the sizes and placements of the houses and its setbacks.

Vice-Chair Knox asked if the next stage application would be heard at the PC table. Sonnick replied that sketch would get through the PC stage however, preliminary review would go before the Development Review Board (DRB).

Alternate Commissioner Bixby likes housing and likes single-family homes. She needs to understand what "affordable" means as its definition may mean many different things. She likes the plan, feels it is pretty dense, which gives her pause, but is struggling with what is affordable.

Commissioner Carroll echo's Commissioner Bixby's concerns. He stated that a point of order

was that the application is a concept plan and preliminary review captures traffic, slopes, etc. This information should be able to ease the Commissioner's minds.

Commissioner Schumacher states "Ditto to both Commissioner's comments." He noted that Act 47 reduces a lot to 1/5 of an acre, but the proposal includes smaller lots; and he is concerned with traffic.

Commissioner Williams likes all comments. He suggested the applicant propose traffic calming on Saybrook Road. He agreed that the lots seem small, but if they are affordable, it was a good idea.

Commissioner Lavigne had the same concerns but her biggest concern is traffic. She asked who would be responsible to add the second access – even if it were an emergency access.

Vice-Chair Knox said, "Ditto to all." He noted that this proposal is triple what should be and he needs more information to get him to the next step.

Chairman Bruso made the following points of concern:

- Run off, erosion, and water pressure are normal to discuss at preliminary review;
- Conceptually struggling making side setbacks smaller and asked why not show duplexes.
- He noted that the PC would not go lower than 1/5 of an acre and would not issue a waiver for same.
- He doesn't believe the emergency access is sufficient.
- He noted Route 15 is the highest traveled roadway and does not want to decrease safety and make the matter worse.
- He would not approve the sketch as proposed. He suggested continuing the application, however, the decision is up all 7 Commissioners to move it forward.

Vice Chair Knox Moved and Commissioner Carroll Seconded a Motion to continue the application until the applicant comes up with a new plan. The MOTION passed 7-0. The Public hearing remains open.

AGENDA ITEM 6b: Continued from May 9, 2024, Sketch Plan – Eurowest Retail Partners, LTD is requesting a review of a proposed 170 residential units, comprised in 4 buildings at "The Essex Experience". The property is located at 21 Essex Way, Parcel ID 2092001001, located in the Mixed Use Development - Planned Unit Development (MXD-PUD) District. Chairman Bruso noted the Public Hearing remains open from the last hearing.

Kent Johnson, Planner reported that after the Staff Report was completed and distributed, the applicant reduced the project to three (3) buildings, thereby making this staff report outdated. Johnson stated that the application will need to be continued.

Johnson referred to Lines 103-109 of the Staff Report (regarding the building and roadway/access layout). He requested information on the functioning and continuity of other plans. He requested that the show how/where truck will make deliveries; and he needs more information on pedestrian and road systems.

Regarding Line 115, Johnson was not sure about the shared parking HOA and questioned if users were up to speed with the proposal.

Johnson stated the main point is paring and questions if it was adequate. He felt the parking today was adequate, noting that there are only 900 spaces on-site today. He felt more study was needed. He noted the report submitted does not take into account special events impacts on the property. Johnson noted that there is a significant water and sewer increase is proposed with this application. He reported that Public Works is in the process of a study on the impacts and hopes for more information late fall/winter.

Commissioner Bixby finds the current parking requirements flawed in general. She has rarely seen every spot full. She is curious as to how old the current parking calculations are and questioned if parking is being over estimated, noting that 2 buildings will provide underground parking. Commissioner Williams also suggested asking about ITE.

Bryan Currier and Shawn Cunningham of O'Leary-Burke Civil Associates and Peter Edelmann represented the application.

Currier made the following comments:

- He thanked the PC for conducting the site visit prior to the hearing.
- He noted the biggest change was that they removed Building A due to staff concerns on parking, however they will reserve the building for future review.
- The 3 proposed buildings in the back of the parcel are generally using the same footprint. Building D is proposed with 93 surface parking spaces due to the elevation requirements.
- He showed on the plan where the sidewalks would connect to all 3 buildings.
- He discussed truck turning radius for deliveries to Hannafords.
- He showed how the connecting road to HDI's properties will continue to connect, however will have a slight bend to the road.
- He discussed the views from Mt. Mansfield, noting that the abutting lot has a 3-story building with a pitch roof. The proposed buildings will have a flat roof and will be the same height as the abutting lot. They will be asking for a height waiver.
- He noted a green roof is being considered and in the hands of a future architect.
- He noted a small area behind Building 4 to have asphalt removed and make a small pocket green space for residents. He noted other greenspace areas owned by the applicant throughout the parcel and some nearby abutting greenspace areas.

Chairman Bruso hoped that they plan to use design standards associated with the ETC|Next Plan. Bruso noted that if sketch were approved, the PC would be considering a height waiver and a potential parking waiver at the next level of review, however sketch approval does imply that the PC would consider waivers.

A brief discussion took place on parking counts and parking study manuals used for same. Peter Edelmann stated that he has been on the premises for 30 years and has never had a problem with parking.

Alternate Commissioner Bixby was fine with the application and feels the area is under utilized for parking. She is comfortable with the Sketch application.

Chairman Bruso agrees but repeats that the next round will include waivers and reminds the applicant to address what a waiver brings to the Town. It needs to be justified and have something in return to the Community. Bruso liked the rendering looking from the movie theatre to Route 15.

David Skopin, 11 Skyline Dr., Essex, Vermont, encourages the PC to require less parking than more parking. He believes this will promote “folks to use other forms of transportation, especially those who live close.”

Commissioner Lavigne Moved and Vice Chair Knox Seconded a Motion to Close the Public Hearing. The Motion passed 7-0.

The PC had a brief discussion on circulation of truck traffic in relation to Buildings B & D. Johnson stated that he will make sure it fits, including the Hannaford lot, and will look at location of trash containers, along with other points of discussion at the site plan and the meeting.

Vice Chair Knox Moved and Commissioner Schumacher Moved to approve the Sketch application of less than 170 units, comprising of 3 buildings and changes as discussed with Staff, for property located at 21 Essex Way. The Motion passed 7-0.

AGENDA ITEM 7: ENERGY COMMITTEE PRESENTATION:

David Skopin was present to let the PC know that the Energy Committee is ready to give the PC a helping hand. He noted that the Committee promised to give the PC help and now they are ready. He asked the PC what they would like them to do going forward. They were happy to do anything that they can do to make betterment for the climate. He will send in a link to Ted Talk, which he finds very informative. He believes that parking spaces are a thing of the past and now it is biking and walking that is at the forefront. Chairman Bruso advised them to look at the Regulations and/or start their own initiative; and to do this more rapidly. Bruso suggested that they review applications and provide feedback if they feel it could be a benefit. Katherine Sonnick mentioned that he may want to reach out to Chittenden County Regional Planning Commission (CCRPC) as they offer help.

AGENDA ITEM 8: UNDERSTANDING ZONING AMENDMENT PROCESS TO ACCOMODATE WOMEN'S CORRECTIONAL AND RE-ENTRY FACILTIY: Katherine Sonnick reiterates that the same process for any request for an amendment to the Zoning or Subdivision regulations are the same and will be no different for the State Women’s Facility. Sonnick walked through the amendment process.

AGENDA ITEM 9: APPROVAL OF 8/22/2024 MINUTES: Approved.

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

AGENDA ITEM 10: READING FILE: LETTER FROM VERMONT GAS SYSTEMS:

An informational letter was sent to the PC regarding a related Addison Natural Gas Project pipeline that passes through the community.

The meeting adjourned at 9:01 p.m.

PLANNING COMMISSION

By:

Dustin R. Brusio, Chair