

**TOWN OF ESSEX
DEVELOPMENT REVIEW BOARD
MINUTES
FEBRUARY 6, 2025**

Note: This meeting was held on Zoom and at 81 Main St Conference Room, Essex, VT.

DEVELOPMENT REVIEW BOARD (DRB) PRESENT IN ROOM: Ian Carroll, Chair; Sharon Zukowski, Vice-Chair; Hubert Norton; Nick Martin; Dustin Bruso; and Trefor Williams.

DRB ABSENT: Stephanie Bixby, Clerk.

OTHERS PRESENT IN ROOM: Katherine Sonnick, Community Development Director; Kent Johnson, Planner; Bryan Currier; Brian Marcotte; Peter Hess; Jill Vespa; Natalee Braun; David Skopin; Lillian Davis; Maegan Beckage and Community T.V.

OTHERS VIRTUALLY: Sharon Kelley, Zoning Administrator; Ken Signorello; David Rous; Jon Winer; Peter Thomas; Gina-Halpin Barrett; Lorraine Zaloom; Mukesh Kumar; Essex Retorter; Debbie (unknown); Justin Tuthill; Sara (unknown); and TD (unknown). It is noted that some of these individuals only remained for a brief period of time.)

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

AGENDA ITEM 2. ADDITIONS/ CHANGES: None.

AGENDA ITEM 3: APPROVE AGENDA: DRB Member Bruso Moved and DRB Member Norton Seconded the Motion to approve the agenda as warned. Motion passed 6-0.

AGENDA ITEM 4: PUBLIC TO BE HEARD: Gina Halpin Barrett, Center Road, Essex, VT, wanted to “give her two cents” regarding the last DRB hearing. She questioned if the Thompson Drive property was located in the Resource Preservation District-Industrial (RPD-I) zone as the posting stated that the property was located in the Industrial (I1) zone. Barrett stated that she was disappointed to see the 50’ waiver to clear buffer was granted to the applicant. Barrett noted that the applicant stated that most of the 50’ buffer was scrub and that trees have fallen on cars. She asked that the applicant provide proof of these occurrences. She was not in favor of losing trees and noted the area was an animal corridor. She read the objectives of the RPD-I zone and informed the DRB to stick to the regulations.

AGENDA ITEM 5: PUBLIC HEARING - PRELIMINARY PLAN Pinewood Holdings, LLC, c/o Brian Marcotte, proposed a 32-Unit Planned Unit Development-Residential (PUD-R), consisting of 17 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 Carroll provided the oath to the public and to those attending via Zoom. Board Member Norton called for a point of order as he only observed one raised hand sign from the

Approved 3/6/2025

people attending online. Chairman Carroll reported that the attendees need to take the oath should they plan on providing comments on this application. He provided the oath to several other public attendees prior to receiving their comments.

Kent Johnson, Planner, stated that the preliminary application was heard by the Planning Commission and was continued to a meeting in December. However, due the time constraints, the applicant withdrew the PC preliminary application and resubmitted the same application to the DRB. As such, the staff report now reflects a DRB review. Johnson stated that the proposed Findings in the staff report were the same that were presented to the PC in 2024, however some conditions were amended. He provided the DRB with a brief summary of the application, noting that the design concept remained the same and even though the applicant made a number of efforts to address the steep slope issues, he believes that the application still fails to meet the original steep slope requirements (which does not allow for development on slopes greater than 20%.) As such, he continues to recommend denial of this application. Johnson concluded that in addition to the preliminary plan, the applicant also wanted to show the DRB a conceptual plan for the DRB for comparison.

Bryan Currier and Brian Marcotte presented the application. Currier provided a 'Pinewood' overview for the DRB members and made the following points:

- Pinewood started development with Section A in the 1970's, and they were now on Section I.
- He noted the location of Section I was between Section H, which is the loop road, and consists of 115-acres.
- They are now proposing a 36-unit Planned Unit Development (PUD), consisting of 17 single-family homes and 15 footprint duplex units, with an 87-acre open space lot.
- He pointed out that the State of Vermont passed Act 47, wherein the state was trying to bring more housing stock in the State due to the housing shortage.
- They were required to obtain a geotechnical engineer report, which came back with no issues.
- Prior to waiting for a final conditions for the project, they submitted and received State approval for a 90/20 permit for erosion control, which the state approved as "moderate".
- Both Public Works and a third party (Hamlin Engineering) reviewed the application and both signed off of all of their concerns regarding erosion control.
- In the winter of 2024, they did not get the support they were expecting even though they provided all the homework and adhered to Town requirements that were put upon the application.
- They elected to withdraw the application in December, 2024, and present before the DRB.
- They presented a concept plan and described it as showing the public road being eliminated and proposed 8 triplex units and 2 single-family dwellings.
- He noted that a PUD allows for 4-dwelling units on one driveway.
- He described how the concept plan further reduced the steep slopes as the lots were shifted forward from the current location.
- He noted that the Regulations don't define or offer guidance on what a 20% slope is,

noting it could be a roadside slope.

- He stated the biggest change is the removal of the public road.
- He stated the DRB has two avenues to consider a 10-unit PUD or a 32-unit PUD.

Chairman Carroll asked the DRB for their thoughts.

Board Member Bruso liked the new proposed layout and suggested continuing the application to allow staff to revise the preliminary report to reflect the suggested changes. A brief discussion took place to determine if a new application should be submitted and the current application would be put aside until a decision was made on the new proposal. The DRB felt that the current application could be amended, and there was not need to start over at sketch review.

Katherine Sonnick stated that the applicant could put the current application on hold and then come in with a conceptual plan.

Sharon Zukowski stated that the new proposal still impacts the 20% slopes. She also pointed out that that 21% is the tipping point for erosion and the area not only has steep slopes over 20%, it also has very silty loamy soil which is prone to erosion.

Bryan Currier stated that they did not expect an approval tonight, and its mission was to get feedback from the DRB. He noted that if there are still concerns with the impact of the steep slopes, then they are still considering a Court appeal.

Board Members Bruso and Norton agreed that the PC/DRB reviewed this parcel several times and supports the applicant coming back as a continued Preliminary application as a sketch review is taking a step backwards.

Board Member Norton asked what the basis was to arrive at 20% slope maximum as he finds the 20% interesting perimeters and finds it to be "loosy-goosy".

Board Member Williams noted that the soil report indicates it is fine, but he was not so sure as he was not sure if that accounted for bad weather events.

Currier stated that there is vagueness to 20%, noting that the PW Specifications design slopes for 1 on 2 or 1 on 3. He noted you can design for those requirements but not a 20% slope.

Currier repeated that a lot of homework was given to the applicant, including licensed professionals, and they are dropping the number of units to 10.

Board Member Bruso stated that even with the 32-unit proposal, the greatest concern was the public road as the slopes were uphill and downhill. With the concept plan, it takes the public road out of the equation.

Chairman Carroll brought the discussion of the application back to the table. Currier stated that the DRB has a waiver request and the DRB has an avenue to look at the full picture.

Chairman Carroll asked if there were other issues on the application to discuss. Kent stated that the big issue was slopes however it was hard for him to comment on what was now in front of him.

Board Member Martin stated that it sounds like a reformed application, with new information. It would be helpful to get the new information before them in the report.

Brian Marcotte stated that they have not addressed some other issues until they get passed the issue at hand (slopes). He felt this discussion was a benefit for all present. He noted that this project would be adding to the Grand List. He informed the DRB that they presented the minimal number of units that they can and they have done everything to minimize the project, and called out that the Board has seen a lot of dedication to meet all the requests made upon them.

Board Member Norton referred to Line 699 and noted that it suggests that there could be other measures that are acceptable. Currier stated that was a bone of contention as plans "were chucked full of measures" such as flattest parts, rip rap, erosion control matting, and "a slew of things to mitigate." Norton asked if the applicant felt there could be something more. Currier replied that Public Works knows what will be effective and reminded the DRB that Public Works signed off on the 32-unit proposal. Norton asked about state approval. Currier stated that they already approved the erosion control measures proposed and there was no push back. Currier reminded the DRB that they were required to do a Geotechnical engineering review, which was another measure. Norton asked staff what they would consider acceptable. Currier stated that he loves the question as things are not looked at from a birds eye view. He repeated that this is a 115-acre lot to which 2-acres is being proposed to be impacted. Norton stated that the lack of a definition is a problem and the DRB is going to need to decide.

Natalie Braun, Pinewood resident, stated that dismantling of environmental change at the government level makes it imperative to do what can be done at the municipal level, which is mitigation. She believes the ultimatum is climate change and any concerns of run-off, bio-diversity, lost of habitat, she would like to know. She implores the DRB to consider to 1) build in resilience; 2) maximize the soil through forest and grasslands; and 3) relentless preservation.

Megan Beckage made the following points:

- She was hiking and saw the meeting posting;
- She stated that she believes her head has been in the clouds and she didn't realize how prevalent the discussion has been and that the proposal has been going on for the last 5 years;
- She grew up in Pinewood and spent a lot of time playing on the property as it was a big part of her childhood. She felt it was important for future children to be able to grow up and play on the land. She is concerned with habitat loss, animals that she has not seen since she grew up.
- There is a housing crisis but does not believe 10 units is worth the habitat loss.
- The noise, air pollution and traffic will also drive out the wildlife.

David Rous, Valleyview Drive, opposes the project for two reasons:

1. Due to the increase in car traffic and that the neighborhood is full of kids, and dog-walkers.
2. The wildlife area is not a huge space and even though the proposal saves some of the wooded space, it is not enough.

He concluded by stating "Overall, this proposal doesn't benefit the people who live in the neighborhood."

Lorraine Zaloom, asked about losing the bus route in this area. She noted the existing infrastructure was put in years ago, slopes are steep, and the taxpayer does not want to pay to fix the problems. She doesn't feel the project adds up for the good of the public.

Mukesh, appreciates the patience from the client, PC, and DRB. He is sensitive to the steep slopes; the project is close to an active stream that goes to the river; steep topography adds to the problem when flooding occurs. Agrees that the 20% steep slope guidelines be firmed up so that it is clear to everybody.

Ken Signorello, he was confused as the discussion is different than what was shown in the meeting packet. This makes it difficult for him as he is on the Conservation & Trails Committee and this plan was not reviewed with them. He noted it is a challenge for him to comment and wants an opportunity to bring the new proposal presented to the Committee.

David Skopin was concerned with steep slopes and due to this issue, the application should not be approved. He referred to Section 5.6 of Zoning Regulations which discusses that the topography is to minimize changes to the topography and vegetation. He noted that development on steep slopes is discouraged on slopes that are 15% or greater. He stated that he witnessed the last development in Pinewood and believes that development radically transformed the area. He discussed the destruction of an ecosystem, stored carbon release, and loss of trees and vegetation. He believes approving this application goes against the regulations. He acknowledged the need for housing, but stated affordable housing was needed. He said, "We do not need more expensive houses." He asked if the DRB has walked the site and recommended that they do this before the next meeting. He stated the DRB needs to approve sensible development.

Jon Winer, 30 Wildwood Drive, Essex VT, was in favor of the development and acknowledged the housing crisis. He felt it was too easy to say, "Not in my backyard." He stated that Essex is already dense and felt the project fits into the model. He noted that the property he lives on did not exist, and the applicant was made to mitigate the slopes that were much greater than 20%.

Peter Hess, 6 Timberlane Drive, Essex, VT, was in favor of the development and stated that Essex needs housing during this time with the housing crisis. He stated that the proposals were in consequential in the big picture. He has lived in Pinewood since 2013 and stated that Mr. Marcotte was trying to do well by owners and seemed to have made many concessions. He noted he used to hunt the land and confirmed that there was still a lot of wildlife in the area. Regarding climate change, he had no doubt that certain parts of the country have bigger storms the stated the reality was that the pendulum can swing either

way. He does not see Essex as being net zero for development and should reconsider steep slopes in the future. He noted that a lot of smart people, such as a bio-engineer, public works, engineers, and others are fine with the plans. He finds it unbelievable that the owner has taken the public road out and reduced the units and finds this as a serious show to making concessions. He believes a waiver fits with the proposal, and the project is needed in Essex and the State. He asked the DRB to proceed fast and approve the project.

Board Member Norton stated that the 20% slopes "is a tricky thing." He is not sure that the DRB can all agree on the interpretation as it is not clear in the regulations. He is not sure the driveway should be held up or for staff to not approve the application. He suggested a continuance – not a sketch review. He requested updated plans for DRB review. He noted that the waiver was in the regulations to handle unusual circumstances. Board Member Bruso said, "Ditto." Board Member Martin said, "Agreed", present a new plan and short and sweet information about the proposed changes.

Board Member Zukowski agrees that the applicant should provide comments on the reason for the waiver but also stated that something "major" should be given back to the town. She agrees the 20% slope regulation is not clear, but it is in the regulations.

Board Member Bruso Moved and Board Member Williams Seconded a Motion to continue the Preliminary application to the next available meeting after the new materials have been submitted and to schedule a site visit prior to the meeting. Board Member Norton called "Point of Order" and asked for DRB Member Bruso's clarification.

The MOTION passed 7-0.

AGENDA ITEM 6: APPROVE JANUARY 16, 2025 MINUTES:

DRB Member Bruso Moved and DRB Member Williams Seconded a Motion to continue the minutes to the next meeting.

The Motion passed 6-0.

AGENDA ITEM 8: OTHER BUSINESS: Sonnick informed the DRB that there are several applications in the door for DRB review and a second March meeting has been added to the schedule.

The meeting adjourned at 8:20 p.m.

DEVELOPMENT REVIEW BOARD

By: _____

Ian Carroll, Chair

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