

**TOWN OF ESSEX
DEVELOPMENT REVIEW BOARD
MEETING MINUTES
AUGUST 7, 2025**

FULL MEETING RECORDING CAN BE VIEWED AT:

<https://www.youtube.com/watch?v=sRd1rOw29cU&list=PL6J-DqAq2zEMJgai7p2exGadu3SRosNS3&index=3&pp=iAQB0gcJCcYJAYcqIYzv>

DEVELOPMENT REVIEW BOARD (DRB) PRESENT IN ROOM: Ian Carroll, Chair; Sharon Zukowski, Vice-Chair; Stephanie Bixby, Clerk; Dustin Brusco; Nick Martin; and Hubert Norton.

DRB MEMBER VIA ZOOM: Trefor Williams.

DRB ABSENT: None.

OTHERS PRESENT IN ROOM: Sharon Kelley, Zoning Administrator; Kent Johnson Planner; Brian Currier, P.E.; David Shenk; Nick Ovitt; Justin & Jon Lang; Ray Ely; Natalee Braun; David Skopin; Lois Whitmore; and Paula Duke.

OTHERS VIRTUALLY: Lois Whitmore; Ryan Smith; John Morris; Jon Z; John Morris; Ken Signorello; Nancy Pratt; Jack; Peter Thomas; Sara; Anne Miller and John H. Craig.

AGENDA ITEM 1: CALL TO ORDER: Ian Carroll, Chair, called the meeting to order at 6:30 p.m. He asked Staff and the DRB Members introduce themselves.

AGENDA ITEM 2: AGENDA ADDITIONS/CHANGES: DRB Member Martin Moved and Vice-Chair Zukowski Seconded a Motion to move Agenda Item 5 after Agenda Item 6 (applications to be heard). The Motion passed 7-0.

AGENDA ITEM 3: APPROVE AGENDA: DRB Member Martin Moved and Vice-Chair Zukowski Seconded a Motion to approve the agenda. The MOTION passed 7-0.

AGENDA ITEM 4: PUBLIC TO BE HEARD: David Skopin, 11 Skyline Drive, thanks the four DRB members who voted to deny the Amazon application and said, "It took great courage". He read a quote that that staff made regarding the denial of the application. He asked for the name of the Amazon spokesperson and what that person said. Chairman Carroll informed the audience that staff works with all applicants/developers. He noted that Planner Johnson worked with the applicant and helped them through the process. Skopin stated that you have to adhere to the laws and the DRB is responsible for its decisions, if challenged. Chairman Carroll stated that the DRB has to rule on the regulations and the application before the DRB. Skopin asked about repercussions if the DRB broke the laws. Chairman Carroll stated the application would bring a case to Environmental Court and confirmed that the DRB is not involved with a Court case.

Cheryl Van Epps, 8 Rustic Drive, Essex, VT, stated that she attended a Housing meeting and wanted to pass along information that they will be working on a housing needs assessment

and asked the DRB if they are interested in being involved with the project.

Anne Miller, 60 Sydney Drive, stated that she was concerned about a remark from a DRB member wherein this person stated, "They were tired hearing about traffic". She reported from a lay person's perspective those are projects that may or may not be relevant. Chairman Carroll stated that staff will follow-up on this comment. Board Member Bruso stated that he made the comment and was talking about traffic in an Industrial zoning district, and the point was traffic is weighed on the use that comes in the door for review.

AGENDA ITEM 5: Business Items: (This item was moved to come after Item #6)

AGENDA ITEM 6: PUBLIC HEARING:

A. Continued From 2/6/24-Preliminary Plan – Pinewood Manor, Inc. is proposing a Planned Unit Development-Residential (PUD-R) located at 18 & 30 Timberlane Drive (Parcel ID 2-84-001-000 & 2-085-001-001) in the Medium Density Residential (R2) District, consisting of 10 single family homes on individual lots. Single family lots are accessed via 20' wide shared private drives.

Kent Johnson, Planner, spoke on this application and made the following points:

- The main change in this application is that the applicant started out proposing 32 residential units and is now proposing 10 units.
- They strived to reduce impact on the steep slopes; however, they will require a waiver. He reported that on 5.3-acres, 2.9-acres (or 55%) would impact steep slopes. He noted there were other issues that could be worked out, but the main issue is the waiver.

DRB Member Bixby asked for clarification on whether the waiver for the slopes were between 15%-20% or over 20%.

Bryan Currier, P.E., O'Leary & Burke Civil Associates, and Brian Marcotte, Landowner, represented the application and spoke on the following points:

- He thanked the DRB for the site visit held the same day.
- He reminded the DRB of the original submittal of the development of this site as being a 32-unit residential development, with a 900' cul-de-sac. He reported the (then Planning Commission) was not crazy about the application and they withdrew and resubmitted multiple reiterations, including removal of the road.
- They proposed 2 clusters, each cluster with 4 units, with 2 of the units sharing a drive on Timberlane Circle.
- He walked the DRB through the start of the Pinewood Development, starting at Section A and now being at Section I.
- He spoke on the infrastructure pieces throughout the process, with current development being in the water and sewer core, power, and gas, which is where the Town Plan "says to develop".

- He spoke on slopes, noting that 2.9-acres does include some 15-20 present slopes and only 1-acre has 20% slopes. He noted the regulations say 20% slopes is “discouraged”.
- He spoke about development of Timberlane Drive and reported that the vast majority of those slopes were man-made.

Board Member Martin asked the engineer if safety measures were considered on the curved areas of the driveways. Carrier replied that they could place boulders on the sections where warranted.

Board Member Martin asked about the remaining open space of the land. Carrier reminded the DRB that the application was a Planned Unit Development and the first of its kind for Pinewood Manor. He reported that of the remaining 117-acres, only 7.5 is proposed as an open space lot. Carrier asked the DRB for its input on the proposed open space lot, however noted that the Town Plan requires some public trails on same. He described that access to the open space would not come from the driveways as it should be kept off private infrastructure (reminding the DRB that a public road is no longer proposed.)

Brian Marcotte suggested that maybe what has been privately owned can be dedicated to the Town to be enjoyed by all.

Carrier stated that a traffic study was done in 2021 for 48-units and did not feel it was necessary for 10-units.

Board Member Bixby inquired about erosion control measures if a waiver was granted for slopes over 20%. She referenced Public Works memo discussing previous erosions issues. Carrier stated those issues were in Section h and of a different scale than the current application. He informed the DRB that today’s rules only allow 5-acres of disturbance before moving into another section. He stated this was a significant change from 2002. Carrier noted that if there were violations there would be fines and enforcement. He noted that they will be hydro-seeding and using riprap. Also, Hamlin Engineers did a 3rd party review on erosion.

Board Member Zukowski has the same concerns as other DRB Members. She asked why they used the 2021 traffic study; concerns of Fire Department getting to the sites; hydroseeding; and placement of trees. Carrier described the driveway gradings as common roadway standards and will adjust trees as the Tree Warden requests.

Board Member Norton asked who would be monitoring the seeding and questioned the watering process. Carrier replied that there was an “infinite amount of water with the hydrant.”

Board Member Norton stated that it was always a great mystery to see how the steep slopes were calculated. Carrier described the yellow and green slope colors shown on the map. Carrier stated that there will always be some areas that have 20% slopes and the discussion continued on slopes. A discussion ensued on the Town’s right-of-way and Norton questioned if the right-of-way reverts to Pinewood. Carrier stated that a minor boundary adjustment may be needed, however this may be a moot point.

Board Member Bruso asked how much acreage was 21% or above. Carrier

135 estimated 2.04 of 2.09 acres were 20% or above. However, he pointed out that
136 these were manmade slopes.

137 Board Member Martin asked if the applicant intended to continue with future
138 phases. Currier replied that the remaining phases “have a full-blown stream”
139 through the lands.

140 Chairman Carroll asked about the slope on the driveway versus the envelopes.
141 Currier stated that he would need to look at the plat as every lot has dimensions.

142 David Skopin stated that each lot is ½ acre. Currier stated the size of the lots are
143 misleading due to the proposed building envelopes.

144 David Skopin stated that if everything was taken off the land, then built, he had the
145 impression that they would sneak in a path. He continued, “He hates to bring up
146 something that pisses people off, however we are not facing the same weather.”

147 Cheryl Van Epps, Rustic Drive, Essex, VT, asked if all the stormwaters would
148 remain private. Currier replied that the State Stormwater Discharge has annual fees
149 and inspections. Van Epps understands the Home Act and asked about the price
150 for affordability. She stated that as a homeowner, she sees a high frequency of roof
151 replacements, while noting that her roof lasted 10 years. She stated that driveways
152 are frequently resealed or repaved, and landscaping and/or pruning costs
153 thousands of dollars. Chairman Carroll stated those issues are not in the DRB
154 purview. Other comments she mentioned included soil erosion, they are not able to
155 keep a top layer of soil and it all becomes sand; the bike path lacks vegetation on
156 steep slopes; and stated that living in Pinewood come with high maintenance and
157 was concerned about costs to the town.

158 Sara Peak, asked about lots 9 & 10 and how they would be positioned compared to
159 how the current lots are situated. She was concerned about the lot with steep
160 slopes to the River and questioned how a house could go into that location.

161 Ryan Smith, 34 Stonebrook Circle, Essex, recognized the efforts Marcotte has put
162 into the project and Pinewood. He felt Marcotte has learned lessons from the past
163 and has been doing right by Pinewood residents for many years and has made
164 many sacrifices. He stated that not everyone was going to be happy but this
165 reduced lot application is a good compromise. He noted the previous applications
166 proposed affordable housing and felt it was not needed with such a reduction of
167 proposed units.

168 Lois Whitmore, 178 Old Stage Road, Essex, VT, asked about the housing
169 assessment needs report and questioned if it was just as unfair for wealthier owners
170 and lessening the landscaping. She stated the luxury does not match the needs.

171 The DRB had a brief discussion on the elements of a PUD. DRB Member Zukowski
172 did not see clustering. DRB Member Norton felt the layout showed they were trying
173 to optimize the type of existing lands and optimize the build on the areas that are
174 the smoothest. He noted the roadway is an intrusion into the 20% slopes, however if
175 controls are in place, it will work. He tends to support a waiver and see the
176 application as a reasonable use of the property.

177 DRB Members Williams & Bixby supported the waiver. Bixby stated the applicants
178 did a phenomenal job to create housing, noting that a small portion of property

would be impacted. Board Member Martin acknowledged that they scaled back the application “tremendously”. Chairman Carroll stated the initial plans versus the current plans are better addressed. He has the same concerns on the location of house 10 and feels the steep slopes were mitigated. Board Member Bruso was in support of the revised application.

Board Member Bruso Moved and Vice-Chair Zukowski Seconded a Motion to continue the application to the October 16, 2025 hearing date. The Motion passed 7-0. The Public Hearing remains open.

B. Site Plan and Master Plan Amendment - Rick Bove is proposing the construction of Buildings G, G1 and H at the Essex Town Center located at 3 & 10 Commonwealth Ave (Parcel ID 2-091-001-301 & 2-091-001-701) and 10 Carmichael Street (Parcel ID 2-091-001-010) in the Mixed Used Development-Commercial (MXD-C) and Business-Design Control Overlay (B-DC) Districts. The completion of Carmichael Street as well as the initial work on the Town Green are also proposed. Buildings G and G1 will be comprised of 11 one-bedroom units and 4 two-bedroom units each. Building H will be comprised of 21 one-bedroom units, 9 two-bedroom units and 7,600 square feet of commercial space on the first floor.

Kent Johnson, Planner, reported that the application was “almost identical to the previously denied application” and much was carried over from that application. He spoke on the following points:

- Changes were made due to updated Regulations, Town Plan, ETC/Next Plan, B-DC District.
- The larger concern has been the outstanding violations on the site however they are now cured.
- His conclusions and main concerns are the same as the previous application such as streetscape, ETC(Next Plan), and Business Design Control standards.
- He was expecting a higher pedestrian environment as that is an important part of the Town’s focus to the Town Center area – to provide a real identity to the town. The Town is holding to a “really good design” regarding streetscapes.
- There is concern with the proposed residential street level development, with issues with parking cars, headlights going directly into the residential units on the first floor and suggesting curtains would need to be kept closed which would create dead street space. Concerns remain present with the latest application.
- The Town Common is not being fully developed, with grass, street trees and a bench, noting this is not how the open space lot was envisioned. It was meant to be an integral part of the town and not just a green area.
- The underground parking was removed. The applicant’s citing that there was an abundance of parking. However he suggested looking at a visual sea of surface

221 parking.

- 222 • The proposed sidewalks were too narrow and the proposal did not show a
223 vibrancy streetscape, rather “dead space.”

224

225 Board Member Williams asked about a Master Plan and where the application goes
226 from this point.

227 Board Member Martin asked if the focus was on Goal 1(c) or something else. Johnson
228 replied that the issue was a carry-over from the last review.

229 Board Member Norton asked if they could add another story as the State allows for
230 same. Katherine Sonnick stated that they could add another story and go over the 40’
231 height limitation if affordable housing were included in the proposal.

232 Vice-Chair Zukowski asked about exceptions or restrictions regarding water. Currier
233 replied that they were not planning to utilize Act 47.

234 Board Member Brusco noted that the ETC|NEXT Plan considers a modifiable height.

235 Brian Currier, P.E., O’Leary-Burke Civil Associates, Jess of Scott & Partners and Rick
236 Bove represented the application. Currier stated the staff report was from 4 years ago
237 and had a specific intention. Currier noted the violations have been cured. He noted the
238 biggest change was the removal of the underground parking and believed the project
239 was over parked by 40 spaces. This project would require a full connection to
240 Carmichael Street in its entirety and also connects to Commonwealth Avenue.

241 Currier asked the ZBA for clarity on the direction they wanted to go with this parcel of
242 land. He believed the ETC|NEXT Master Plan wants 2-5 story buildings. He noted a
243 more robust streetscape would require a waiver from the Regulations. He corrected that
244 they were asking for an 8-foot height waiver, while noting that this would also affect the
245 traffic study, parking, block density (no more than 12 units per block). The discussions
246 continued regarding the elements of the site plan review, height, parking, landscaping,
247 snow removal, etc.

248 The architect (Jess) spoke on the aesthetics of the building, which included a height
249 waiver, gables/roof lines, entrances, modern aesthetics.

250 The DRB discussed if the underground parking were kept, it would allow for more
251 greenspace and wider sidewalks.

252

253 **DRB Member Martin Moved and Vice-Chair Zukowski Seconded a Motion to**
254 **Continue the Public Hearing to October 16, 2025. The Motion passed 6-1 (Brusco**
255 **voted no.)**

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257 **AGENDA ITEM 5: Business Items: Board Member Brusco Moved and Board**
258 **Member Bixby Seconded a Motion to Move the business items to the next**
259 **meeting. The MOTION passed 7-0.**

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261 **AGENDA ITEM 7: OTHER BUSINESS: None.**

262 **AGENDA ITEM 8: APPROVAL OF MINUTES:** Tabled.

263 **AGENDA ITEM 9: EXECUTIVE AND/OR DELIBERATIVE SESSION:** None.

264 **AGENDA ITEM 10: READING FILE:** None.

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266 The meeting adjourned at 10:35 p.m.

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DEVELOPMENT REVIEW BOARD

By:

Ian Carroll, Chair

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